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COVID-19 and Incarceration: A California Overview

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During the first year of the COVID-19 pandemic, the California prison population dropped to its lowest level in 30 years and stayed at this level throughout 2021. This decrease was larger than the decrease seen after the implementation of California’s most significant policy aimed at reducing the prison population, Public Safety Realignment (AB 109). Similarly, California’s jail population declined by 17% in the year after COVID-19.

FIGURE 1: Annual imprisonment rate per 100,000 from 1925 to 2022



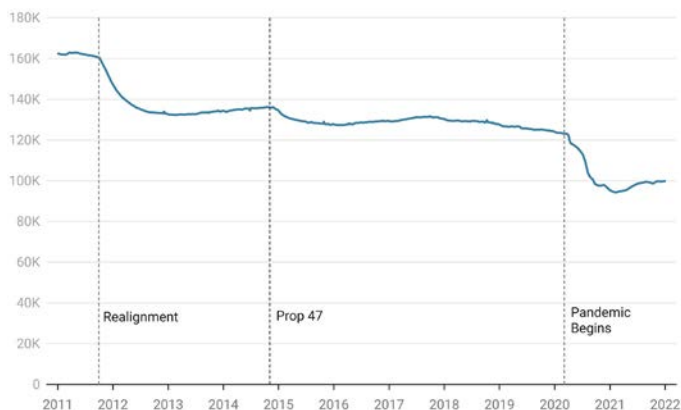
Source: CA Dept. of Finance, CA Dept of Corrections and Rehabilitation, Bureau of Justice (BJS) Statistics Historical Report and BJS Look Up Tool

In response to the COVID-19 pandemic, state and local policymakers issued public health directives to reduce the number of people incarcerated in prisons and jails.

After these directives were enacted, the state imprisonment rate dropped to its lowest level in 30 years (Figure 1). This 23% decrease was larger than the 17% decrease after Public Safety Realignment in 2011, or the 5% decrease after Proposition 47 was enacted in 2014.

The prison population decline coinciding with COVID-19 began to plateau by July 2021, and the population has stayed around 99,000 since then (Figure 2).

FIGURE 2: Weekly CDCR Population from 2011 to 2022



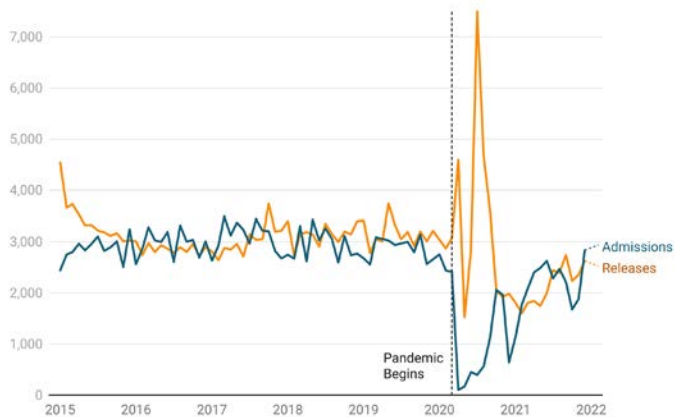
Source: CA Dept of Corrections and Rehabilitation

Correctional Reforms

Public Safety Realignment (October 2011) specified that people convicted of certain non-serious, nonviolent, non-sexual felonies would serve their sentence in county jail instead of state prison.

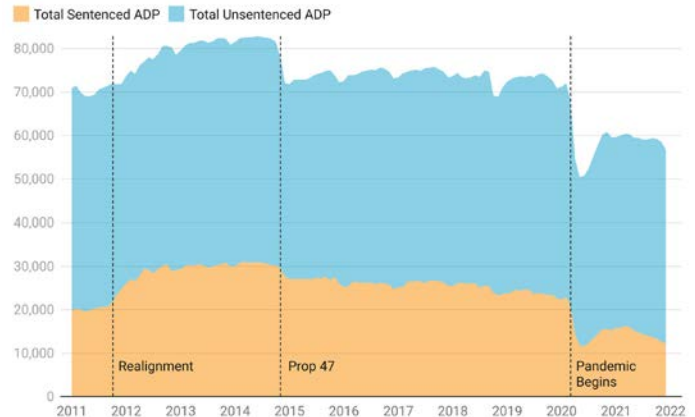
Proposition 47 (November 2014) reclassified certain property and drug offenses to misdemeanors from felonies or wobblers (a wobbler is an offense that may be charged as either a misdemeanor or a felony at the prosecutor’s discretion).

FIGURE 3: Prison admissions and releases from 2015 to 2022



Source: CA Dept of Corrections and Rehabilitation (data are not publicly available)

FIGURE 4: Jail average daily population from 2011 to 2022



Source: California Jail Profile Survey

Overall declines in the prison population were primarily driven by an increase in releases and a decline in admissions (Figure 3). There were also 260 deaths (due to COVID-19) reported by the California Department of Corrections and Rehabilitation (CDCR) in 2020, which increased the prison death rate from 32 to 43 per 10,000. In March 2020, CDCR announced a plan to prioritize release of people incarcerated for nonviolent offenses who had 60 days or less to serve on their sentence. These actions contributed to a 50% increase in releases between March and April of 2020. Releases increased again in July 2020 after CDCR announced an additional series of expedited releases for eligible people with 180 days or less remaining on their sentence.

Admissions to prison between March and April 2020 decreased by nearly 96%, a trend likely explained by the suspension of intake from jails, delays in case processing due to court emergency measures, and criminal legal system slow-downs following shelter-in-place orders. However, by the end of 2021, with most COVID-19 protections removed, prison admissions had returned to pre-pandemic levels, while releases were slightly lower than pre-pandemic levels.

For jails, there was a 17% decrease in the average daily jail population one year after California's announcement of the COVID-19 state of emergency in March 2020 (Figure 4). This decrease was twice as large as the jail population decrease following the passage of Proposition 47 (8%). Declines in the jail population following COVID-19 may also be due to changes in crime rates and arrest rates, or county public health orders and judicial orders, such as \$0 bail for certain low-level offenses, to limit the population in order to enable social distancing. The jail population began to climb again in mid-2020, but by the end of 2021, the population still remained below pre-pandemic levels. While the prison population declines due to Public Safety Realignment and the COVID-19 measures were similar, dynamics in county jails differed. The jail population increased following Public Safety Realignment - due to the shift in the state prison population to local facilities - while the jail population has experienced a sustained decrease following the start of the COVID-19 pandemic.

Over the past 30 years, California has made multiple efforts to reduce the number of people incarcerated in California, but the pandemic and policies enacted in response to it resulted in even larger decreases in prison and jail populations than recent reforms. These drops in the population helped California close the Deuel Vocational Institution in Tracy in September 2021, with additional prisons and yards scheduled for deactivation.

DATA SOURCES

For Figure 2, the California Department of Corrections and Rehabilitation (CDCR) population includes all people in institution/camps, in-state contract beds, department state hospitals, and community rehabilitative pre-release programs (CRPP) supervision (this includes alternative custody programs, reentry programs, and medical parole). For Figure 3, the CDCR population includes the in-custody population and those temporarily released to court/hospital. For Figure 4, the Jail Profile Survey population includes all people in local and county jails, which does not include court holding or other temporary holding facilities.

Data note: the time periods of data for the population, admission, and release changes differ across sources. Prison population is reported weekly and annually, prison admissions and releases are presented by month, and jail average daily population is by month. For each calculated change, the difference is calculated between the time period (month or week) prior to the change (COVID-19 or AB 109) and the year after the change, unless otherwise specified.

ABOUT THIS RESEARCH

This research stems from a [partnership](#) between the California Policy Lab at the University of California and the Committee on Revision of the Penal Code, a state agency that studies and makes recommendations to improve California's criminal legal system.

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