



Short Stays in Prison

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INTRODUCTION

The California prison system is designed to house and provide rehabilitative services to people sentenced to prison for felony offenses. Although most people in prison are serving multi-year sentences, 39.6% of people released during the past ten years spent one year or less in prison custody. The proportion of people released after these short stays (of one year or less) increased from about one-third of all releases in 2014 to about one-half in 2023.

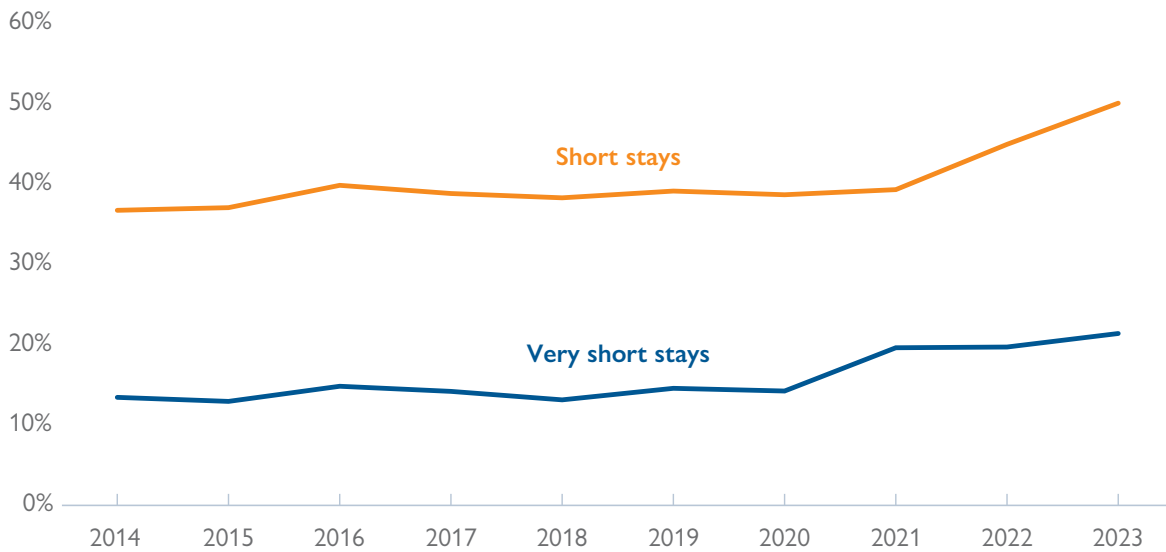
In 2020 and 2023, the Committee on Revision of the Penal Code recommended that short prison stays of one year or less be served in county jails. This recommendation was designed to build on California's Public Safety Realignment Act from 2011 that required people convicted of less serious felony offenses to serve their sentence in county jail instead of prison. The Legislature has not yet adopted this recommendation, but given the State's focus on reducing prison system costs while maintaining public safety, it remains a policy option.

In this fact sheet, we explore how the number and share of people released after short stays has changed over time in California. We also explore the demographic, offense, sentencing, and county characteristics of people who have short stays in prison. To do so, we draw on data from the California Department of Corrections and Rehabilitation (CDCR) for the years 2014 through 2023.

KEY FINDINGS

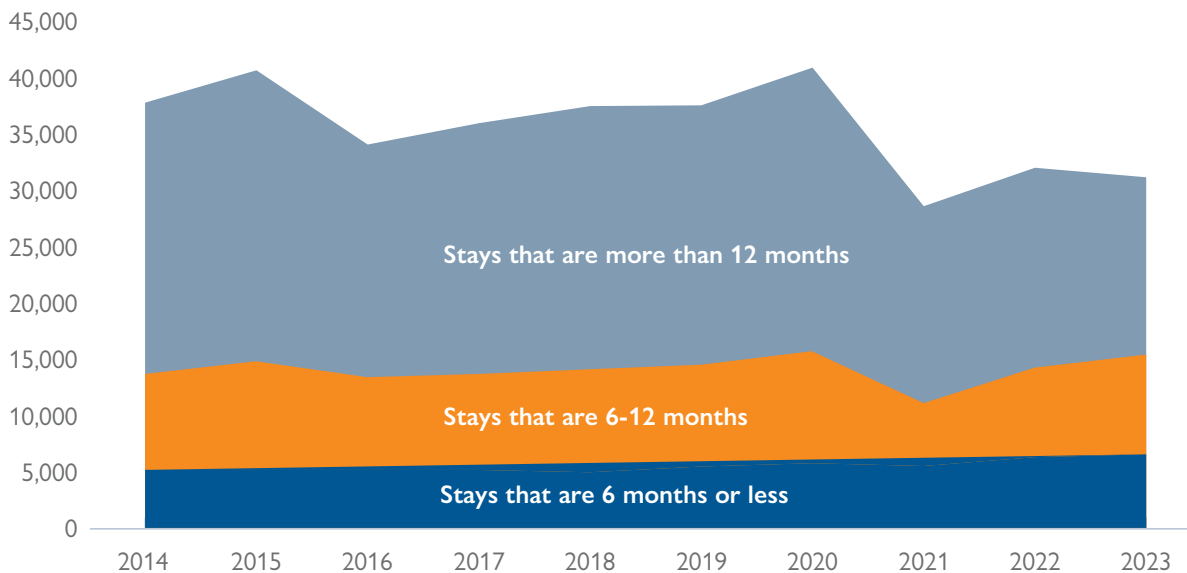
Short stays have increased as a share of all releases since 2014. Over the past decade, 39.6% of all people released from prison had stays of one year or less. However, the proportion of those with short stays increased over this period from 36.3% of all releases in 2014 to 49.5% of all releases in 2023 (Figure 1). During this period, 15.4% of people released had very short stays of six months or less. The share of people released with very short stays also increased, from 13.4% in 2014 to 21.2% in 2023.

FIGURE 1. Share of people released from prison with short and very short stays over time



This increase in short stays was concentrated in the period following the COVID-19 pandemic. During the first year of the pandemic, people may have spent more time in jail before they were convicted, sentenced, and transferred to prison. This was due to delays in court processing and suspensions of prison transfers. In addition, public health releases to reduce the spread of COVID-19 may have also led to shorter stays in prison.¹ The share of people released from short stays continued to increase in 2022 and 2023. It remains to be seen whether this trend will continue in 2024.

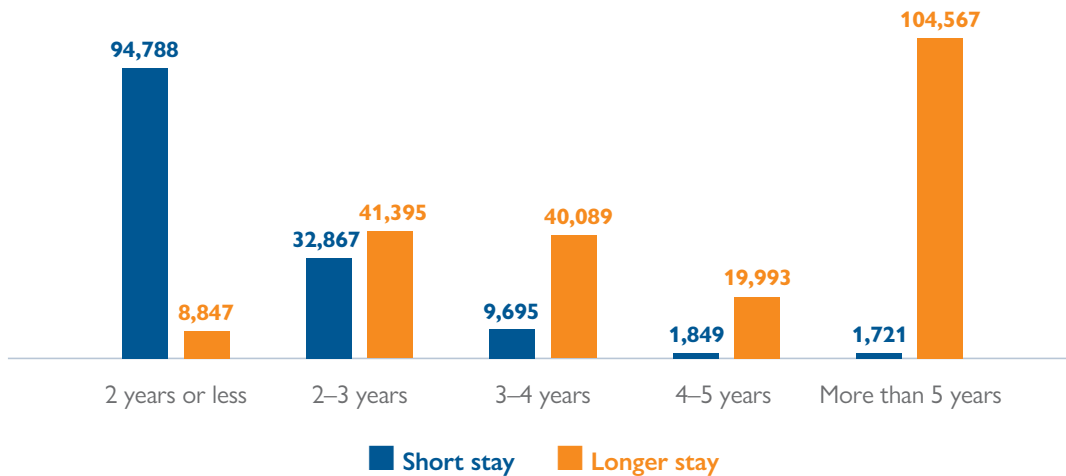
FIGURE 2. Number of people released from prison by length of stay and year



Over the past decade, a total of 140,920 people have been released after spending one year or less in prison, or an average of about 14,000 people per year (Figure 2). Among this group, 54,760 people spent six months or less in prison, or an average of about 5,500 per year. Between 2014 and 2023, the overall size of the population released from prison decreased, while the number of people released after short stays increased. Due to these trends, the share of the release population with short stays increased markedly over the past decade.

People with short stays in prison are likely to have been admitted with short sentences. Figure 3 shows the distribution of sentence length in months for people released between 2014 and 2023. Among those admitted with sentences of two years or less, 94,788 (91.5%) had short stays in prison custody. Among those with sentences of two-to-three years, 32,867 (44.3%) had short stays. It is less common for people with sentences longer than three years to have short prison stays.

FIGURE 3. Number of people with short stays and longer stays by sentence length, 2014 - 2023



People released from short stays spend an average of about seven months in prison custody. People released after short stays were sentenced to an average of 27 months, served an average of 13.3 months in prison and jail, and on average spent 6.8 of those months in CDCR custody (Table 1). These short prison stays are due to a combination of factors. First, people with short stays have typically been sentenced to lower-level felonies that carry shorter sentences (see Figure 3). Second, sentences for these types of offenses (lower-level felonies) also allow for higher good time credit earning rates while in prison, which allows people with good conduct to reduce the time they are required to serve at a faster rate.² Third, people with short stays typically serve a larger share of their total sentence in jail prior to transfer to prison than people with longer stays. Largely due to these three factors, people released after a short stay have served about 25% of their sentence in prison, on average. In comparison, among all releases over this period, people served about 60% of their sentences in prison, on average.

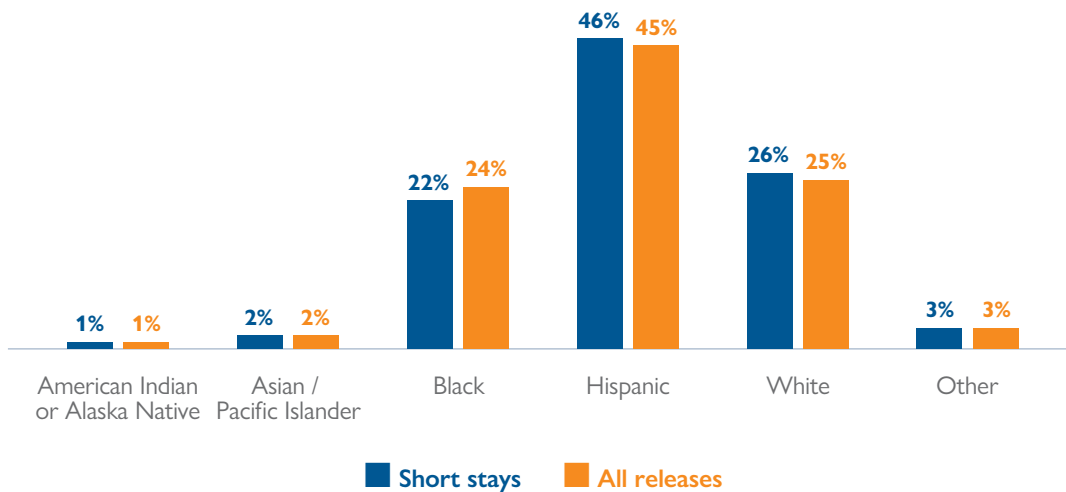
TABLE 1. Average sentence, time served, and length of stay for people released from prison, 2014 - 2023

CONTROLLING OFFENSE	PEOPLE RELEASED AFTER SHORT STAYS				ALL PEOPLE RELEASED				% OF ALL RELEASES WITH SHORT STAYS
	# OF PEOPLE	AVERAGE SENTENCE (MONTHS)	AVERAGE TIME SERVED (MONTHS)	AVERAGE PRISON STAY (MONTHS)	# OF PEOPLE	AVERAGE SENTENCE (MONTHS)	AVERAGE TIME SERVED (MONTHS)	AVERAGE PRISON STAY (MONTHS)	
Arson	1,806	26.2	13.4	5.6	3,194	48.0	29.0	20.8	56.5
Assault	42,490	29.2	14.4	7.0	99,166	61.5	41.0	33.2	42.8
Burglary	13,052	28.2	13.8	7.1	34,744	63.9	38.9	32.1	37.6
DUI	6,045	24.5	11.5	6.6	10,260	38.2	21.9	16.9	58.9
Drug Offenses	13,359	28.9	13.0	7.2	35,215	56.0	32.0	26.3	37.9
Escape	562	21.6	11.1	6.4	877	34.8	21.9	17.3	64.1
Forgery/Fraud	2,113	28.2	13.0	7.0	4,813	46.8	24.6	18.9	43.9
Grand Theft	2,614	25.6	12.3	6.8	5,231	42.4	24.1	18.3	50.0
Kidnapping	99	36.0	22.8	6.8	2,331	142.0	148.0	136.3	4.2
Lewd Act w/Child	768	31.1	19.5	6.9	10,400	110.9	85.2	76.2	7.4
Manslaughter	114	62.5	43.2	6.5	4,534	159.6	137.2	114.2	2.5
Murder 1st	N/A	N/A	N/A	N/A	2,942	343.3	356.2	343.2	N/A
Murder 2nd	<10	-	-	-	3,612	227.9	309.1	296.1	-
Other Offenses	11,133	25.9	12.9	6.1	19,624	44.5	25.5	18.6	56.7
Other Property Offenses	2,262	25.0	12.5	6.4	4,028	36.7	21.1	15.4	56.2
Other Sex Offenses	5,789	24.3	12.6	6.4	11,847	51.8	32.6	26.4	48.9
Petty Theft w/Prior	825	27.0	11.0	7.1	1,877	44.4	31.5	27.5	44.0
Rape	152	38.1	22.5	7.1	2,315	172.0	118.6	108.1	6.6
Receiving Stolen Goods	2,246	26.0	12.4	6.9	4,622	38.8	23.5	18.3	48.6
Robbery	4,687	27.1	18.1	7.4	38,250	90.5	74.3	65.2	12.3
Vehicle Theft	6,526	27.6	13.2	7.1	14,743	43.3	24.3	18.9	44.3
Vehicular Manslaughter	298	44.2	19.1	7.6	1,840	103.8	57.4	48.0	16.2
Weapons Offenses	23,978	22.8	11.1	6.6	39,346	34.7	20.1	15.5	60.9
All Offenses	140,918	27.0	13.3	6.8	355,811	65.5	46.8	39.6	39.6

Notes: Time served reflects time spent in prison as well as credit for time spent in jail and various additional credits. Among those convicted of first degree murder, there were no people who were released after short stays. Among those convicted of second degree murder who had short stays, due to the very small cell size, the observations are excluded from this table due and indicated with <10 and hyphen.

The share of people with short stays varies somewhat across demographic subgroups. Black people are underrepresented among those with short stays relative to their share of the overall population of people released, while White and Hispanic people are slightly more likely to have short stays (Figure 4). In terms of other demographics, people released after short stays are almost two years younger on average (35.8 years old compared to 37.5 years old), and more likely to be female (8.6% compared to 7%).

FIGURE 4. Percent of people with short stays by race compared to all releases 2014 - 2023



Note: Other includes people CDCR identifies as having a different race/ethnicity from those included here, as well as those for whom race/ethnicity is unknown. Racial categories are reported by CDCR and do not necessarily represent the self-identification of the people within the data.

The share of releases that had short stays in prison custody vary by county. At the low end, only 16.4% of people released from prison to Siskiyou County had short stays in prison compared to 53.3% of people released to Plumas County (Table 2).³ At the median, 38.2% of people released to Santa Clara County had prison stays of one year or less. Among the 39 counties to which at least 1,000 people were released between 2014 and 2023, Shasta (26.2%), San Francisco (26.5%), and Yolo (27.5%) had the lowest share of people with short stays. The counties with the highest share were San Bernardino (52.4%), Fresno (48.5%), and San Mateo (47.2%). Variation across counties is likely due to a number of factors, including differences in the types of convictions in those counties, the length of sentences imposed for those convictions, the length of time people spend in jail prior to transfer to prison, and the choice to sentence people to prison instead of probation for prison-eligible felony offenses.

TABLE 2. Short stays by county for people released from prison between 2014 - 2023

COUNTY	TOTAL # OF PEOPLE RELEASED	PEOPLE WITH SHORT STAYS		PEOPLE WITH VERY SHORT STAYS		COUNTY	TOTAL # OF PEOPLE RELEASED	PEOPLE WITH SHORT STAYS		PEOPLE WITH VERY SHORT STAYS	
		# OF PEOPLE	% OF RELEASE POPULATION	# OF PEOPLE	% OF RELEASE POPULATION			# OF PEOPLE	% OF RELEASE POPULATION	# OF PEOPLE	% OF RELEASE POPULATION
Alameda	6,333	2,175	34.3	1,156	18.3	Placer	2,915	1,234	42.3	467	16.0
Alpine	<10	–	–	–	–	Plumas	184	98	53.3	36	19.6
Amador	531	232	43.7	101	19	Riverside	26,914	9,706	36.1	3,258	12.1
Butte	3,421	984	28.8	271	7.9	Sacramento	15,998	5,691	35.6	2,004	12.5
Calaveras	382	191	50.0	61	16	San Benito	353	130	36.8	51	14.4
Colusa	320	157	49.1	30	9.4	San Bernardino	31,623	16,579	52.4	6,969	22.0
Contra Costa	3,681	1,250	34.0	541	14.7	San Diego	24,297	8,941	36.8	3,891	16.0
Del Norte	554	241	43.5	71	12.8	San Francisco	1,556	413	26.5	198	12.7
El Dorado	1,311	536	40.9	194	14.8	San Joaquin	8,726	3,675	42.1	1,155	13.2
Fresno	14,785	7,178	48.5	3,260	22	San Luis Obispo	2,352	994	42.3	380	16.2
Glenn	373	136	36.5	42	11.3	San Mateo	3,656	1,727	47.2	893	24.4
Humboldt	1,389	606	43.6	177	12.7	Santa Barbara	3,449	1,193	34.6	451	13.1
Imperial	1,466	635	43.3	219	14.9	Santa Clara	8,442	3,224	38.2	1,625	19.2
Inyo	183	91	49.7	38	20.8	Santa Cruz	1,327	440	33.2	138	10.4
Kern	14,473	6,285	43.4	2,249	15.5	Shasta	3,655	959	26.2	215	5.9
Kings	4,231	1,571	37.1	541	12.8	Sierra	31	12	38.7	N/A	N/A
Lake	1,255	459	36.6	116	9.2	Siskiyou	532	87	16.4	22	4.1
Lassen	497	197	39.6	72	14.5	Solano	2,826	1,248	44.2	528	18.7
Los Angeles	103,244	38,424	37.2	13,982	13.5	Sonoma	2,598	889	34.2	353	13.6
Madera	2,294	1,036	45.2	361	15.7	Stanislaus	6,488	2,739	42.2	851	13.1
Marin	648	218	33.6	90	13.9	Sutter	1,310	560	42.7	213	16.3
Mariposa	190	76	40.0	24	12.6	Tehama	1,369	448	32.7	149	10.9
Mendocino	1,300	503	38.7	201	15.5	Trinity	207	94	45.4	36	17.4
Merced	2,986	1,046	35.0	350	11.7	Tulare	5,188	1,554	30.0	533	10.3
Modoc	128	49	38.3	11	8.6	Tuolumne	853	161	18.9	33	3.9
Mono	62	23	37.1	12	19.4	Ventura	5,356	2,259	42.2	1,045	19.5
Monterey	4,507	1,588	35.2	553	12.3	Yolo	1,976	544	27.5	165	8.4
Napa	1,080	457	42.3	182	16.9	Yuba	1,661	746	44.9	254	15.3
Nevada	356	158	44.4	78	21.9						
Orange	17,983	8,071	44.9	3,856	21.4						

Note: Short stays are defined here as one year or less in prison custody. Very short stays are defined as six months or less in prison. Cells of less than 10 are suppressed.

CONCLUSION

The majority of people with short stays in prison received sentences of two years or less. Most people admitted to prison will not serve their full sentences due to good time credits, which range from one day of credit for two days served to two days of credit for one day served. In addition, some people admitted to prison have already spent substantial time in jail custody awaiting sentencing and transfer to prison. These factors — short sentences, good time credits, and credit for time spent in jail custody — are the primary drivers of short stays.

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.

ACKNOWLEDGEMENTS

Support for this research was provided by the Committee on Revision of the Penal Code. We also thank other supporters of the California Policy Lab, including the University of California Office of the President Multicampus Research Programs and Initiatives, M21PR3278, The James Irvine Foundation, and the Woven Foundation for their generous support. The views expressed are those of the authors and do not necessarily reflect the views of our funders. All errors should be attributed to the authors.

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Endnotes

- 1 For further information on changes in prison admissions and releases during the COVID-19 pandemic, see "[COVID-19 and Incarceration: A California Overview](#)".
- 2 People with non-violent offenses earn good conduct credit at a rate between 50% and 66.7% depending on their circumstances. People incarcerated for violent offenses earn credit at lower rates, typically at a rate of 33.3% for those who maintain good conduct. The California Department of Corrections and Rehabilitation guidance on good time credits can be found here: <https://www.cdcr.ca.gov/frequently-asked-questions-on-good-conduct-credits/>.
- 3 People are typically, but not always, released to the county where they received their prison sentence. Most people are released from CDCR custody to parole or Post-Release Community (PRCS) supervision.