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Recidivism of Felony Offenders in California



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SUMMARY

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A technical appendix to this report is available on the PPIC website.

California has undertaken numerous corrections reforms in the past decade—including public safety realignment in 2011 and Proposition 47 in 2014—in hopes of reducing the prison population, maintaining public safety, and improving persistently high recidivism rates. These reforms lowered incarceration levels, and in their aftermath, crime rates have fluctuated. Recidivism rates provide another important window into public safety and the effectiveness of correctional interventions under these policy changes.

For the first time, this report provides recidivism rates for all types of felony offenders in California—including those sentenced to prison, jail only, jail followed by probation, or probation only. Previously, statewide recidivism outcomes could only be tracked for individuals leaving prison custody. This study draws on unique data from 12 representative counties, allowing us to estimate two-year recidivism rates for felony offenders released in the four years following realignment from October 2011 to October 2015. We focus on felony offenders to provide insight into outcomes for those who have been convicted of more severe offenses.

Our analysis of recidivism relies on rearrest and reconviction rates, which are often used to capture changes in reoffending in response to a policy change. However, it is important to note that these rates may also reflect changes in the practices of criminal justice agencies. For example, if a policy change led to a shift in policing strategies, such as reduced enforcement for drug possession offenses, we may observe changes in rearrest rates even if there is no change in the underlying behavior of former offenders. We find:

- **Overall recidivism rates have declined for felony offenders.** The share of felony offenders rearrested for any offense within two years declined somewhat from 68 percent to 66 percent over the four-year period. The two-year reconviction rate for any offense dropped substantially from 41 percent to 35 percent.
- **Reductions in recidivism rates were largest for felony offenses.** The share of offenders rearrested for a felony offense decreased moderately from 56 percent to 53 percent in the four years after realignment. The felony reconviction rate dropped markedly from 30 percent to 22 percent. These reductions were concentrated in later years and may be linked to Proposition 47.
- **Rearrest rates for felony offenses increased toward the end of the period.** When we examine the last several months for which we have data, we see that 50 percent of individuals released in June 2015 were rearrested for felonies within two years, compared with 53 percent for those released in October 2015.

- **Recidivism rates fell sharply for drug offenses.** The reconviction rate for property offenses also fell, while the rearrest rate for property offenses held steady, with a slight uptick for individuals released at the end of the period. For offenses against a person—a category that includes violent offenses—there was an increase in the rearrest rate (from 19% to 20%) but no change in the reconviction rate.
- **Recidivism rates have declined for each of the four sentencing groups.** Those sentenced to prison or jail experienced large declines in rearrest and reconviction rates, when compared with those sentenced to jail followed by probation or to probation only. Individuals who received probation—with or without a jail sentence—initially experienced increases in recidivism rates under realignment but then saw decreases in later years and under Proposition 47.
- **Individuals released from prison had the highest reconviction rates.** This group also served the longest and most costly incarceration terms. This finding is consistent with previous research that has found little evidence linking more severe sanctions to lower recidivism.
- **Recidivism rates are likely to be related to multiple factors.** Offender behavior is one factor. But policy changes can also play a role in that they may affect the practices of criminal justice agents, such as police officers and district attorneys. More and better data are needed to pinpoint the relevant causes of changes in recidivism.

Additional efforts to improve our understanding of the relationships among policy, implementation, and recidivism outcomes are essential to move the state toward a more evidence-based criminal justice system. Facilitating better data connections across correctional institutions, intervention programs, and law enforcement would help further the state's goals of improving public safety, reducing costs, and ensuring equity in its correctional systems.

Introduction

Historically, California’s recidivism rates have been among the highest in the nation (Durose, Cooper, and Synder 2014). Three-fourths of individuals released from prison were rearrested, and about half were reconvicted for a new offense within three years. In addition to those who were reconvicted, others returned to prison through what has been called the “revolving door” of prison revocations, when released offenders are sent back to prison for parole violations (Fischer 2005; CDCR 2014). About two-thirds of individuals released from prison returned within three years.

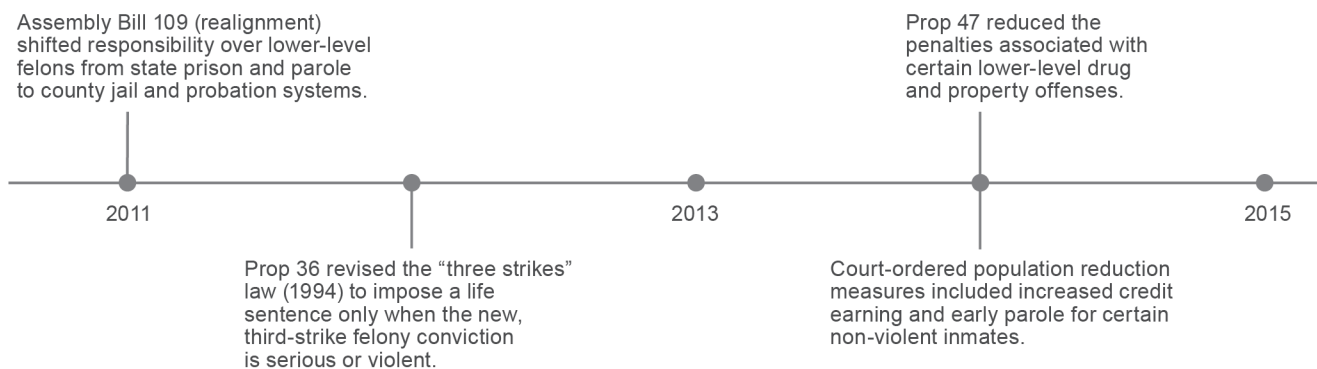
In 2011, California passed one of the most far-reaching criminal justice policy reforms in recent US history. This change, known as public safety realignment, marked a new era for corrections and rehabilitation—one that proponents hoped would lower recidivism. Realignment was undertaken in response to a Supreme Court mandate to reduce overcrowding in the state’s prisons. At the time, California faced a recessionary budget crisis, limiting its ability to build new prisons or contract out facilities to other correctional systems. Under those constraints, the state elected to shift correctional management of lower-level felony offenders from the state prison and parole system to county jail and probation systems.

New sentencing rules under realignment made non-violent, non-serious, and non-sexual offenders ineligible for prison sentences and, instead, required they be sentenced locally. In addition, by requiring that supervision violations be served in local jails for most offenders, realignment put an end to the cycle of returning people to prison for parole violations. The state’s prison population dropped by more than 27,000 in the first year of realignment (Lofstrom and Martin 2015), while the size of county jail and probation populations grew.

Numerous other reforms followed (Figure 1). Early on, in spite of reductions in the prison population under realignment and changes to California’s “three strikes” law in 2012, prisons remained overcrowded. In 2014, the state implemented court-ordered measures to address prison crowding. In addition, voters passed Proposition 47 (Prop 47) in November 2014, a ballot initiative that reduced drug possession and certain lower-level property offenses to misdemeanors. Within months, the prison population dropped below the court-mandated target. The jail population also decreased sharply, easing pressure in crowded jails and bringing the jail population close to its pre-realignment level.

FIGURE 1

California pursued numerous correctional reforms in the years following realignment



Taken together, this series of policy reforms resulted in a dramatic reduction in incarceration levels in California (Lofstrom, Bird, and Martin 2016). Between 2011 and 2015, the incarceration rate, the number of incarcerated individuals per 100,000 residents, fell by 16 percent (from 619 to 519).

These reforms have been controversial. Proponents argue that California had long been over-incarcerating and misallocating funds toward incarceration rather than treatment interventions, resulting in inequities and low cost-effectiveness within the criminal justice system. However, opponents voice public safety concerns, citing that incarceration prevents crime by removing potential offenders from society and that long sentences deter crime.

Along with crime rates, recidivism rates provide a window into the effects of these policy changes on public safety. They also offer an indicator of the effectiveness of our correctional interventions. In previous work we have examined the effects of realignment and Prop 47 on the recidivism outcomes of the specific offender populations targeted by these policy changes (Bird, Grattet, and Nguyen 2017; Bird et al. 2018). In our analysis of the first two years of realignment, we found evidence of small reductions in recidivism—particularly reconviction rates—for some groups but small increases for other groups. In our study of Prop 47, we found evidence of declines in rearrest and reconviction for those who served sentences for Prop 47 offenses. These findings help identify the effects of those specific policy reforms on the recidivism rates of certain populations, but they do not provide a broad sense of how recidivism rates are changing in the state.

This report takes a broader look at recidivism. We offer the first statewide picture of recidivism outcomes for all felony offenders—including those sentenced to prison and those sentenced locally—released in 12 counties representing 60 percent of the state population. Drawing on a new data source, we examine how recidivism rates have changed for all felony offenders released over the four years following realignment. In addition to changes over time, we investigate how recidivism outcomes compare across felony offenders who receive different types of sentences: prison, jail only, jail and probation, or probation only. We focus on felony offenders because these individuals have been convicted of more severe offenses and generally require more correctional resources than misdemeanor offenders.

This report begins by describing our unique data source, the BSCC–PPIC Multi-County Study, and how we measure recidivism outcomes. Next, we provide an overview of the demographic and criminal history characteristics of felony offenders in California, before analyzing how their recidivism outcomes have changed over time, including recidivism trends for various kinds of offenses and for different sentencing groups. We then compare recidivism outcomes and reconviction offenses across different sentencing groups, giving us a sense of not only how often individuals reoffend but also the gravity of those offenses. Finally, we discuss possible interpretations and implications of our findings.

BSCC–PPIC Multi-County Study

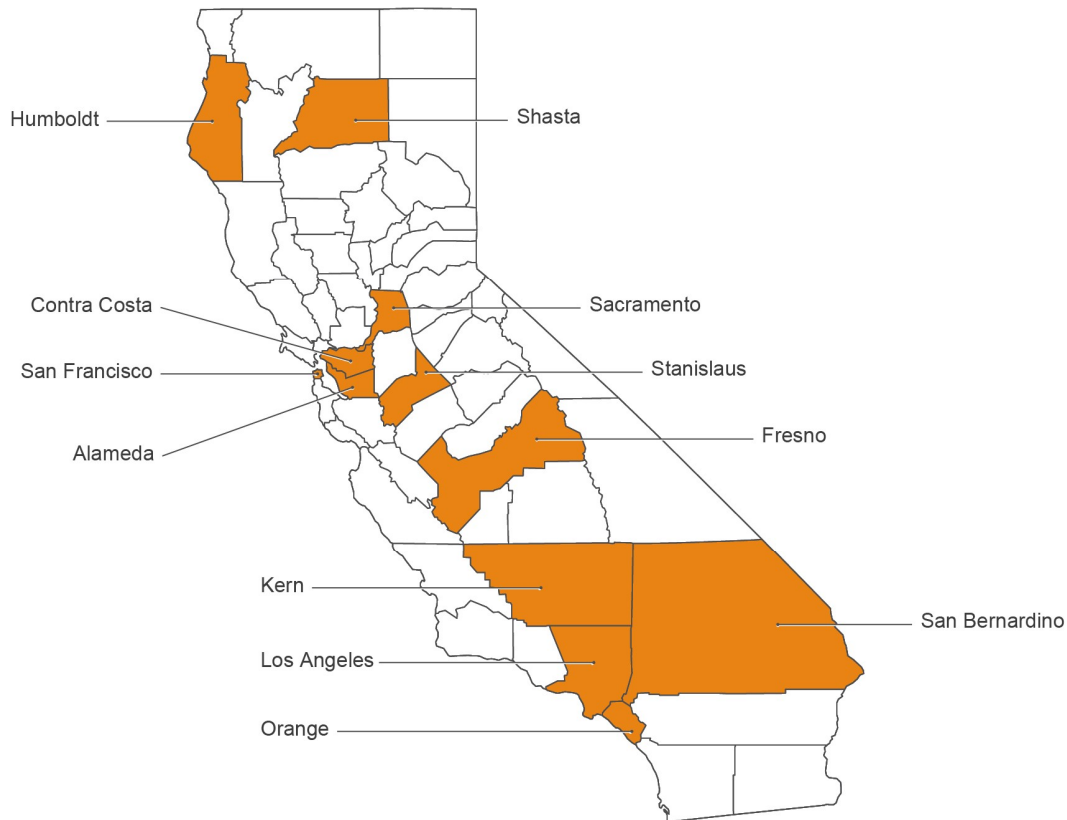
The BSCC–PPIC Multi-County Study (MCS) is a collaborative effort between PPIC and the California Board of State and Community Corrections (BSCC). The MCS was established in the wake of public safety realignment with the goal of bringing together the data needed to rigorously evaluate the statewide effects of this policy reform and identify the most effective recidivism-reduction interventions at the local level.

To achieve these goals, the MCS project team identified a group of counties to represent the state. These counties agreed to participate in the project, allowing us to bring together data capturing individuals moving through local

jail and probation systems in the wake of realignment. Figure 2 shows the 12 MCS counties: Alameda, Contra Costa, Humboldt, Fresno, Kern, Los Angeles, Orange, Sacramento, San Bernardino, San Francisco, Shasta, and Stanislaus.

FIGURE 2

The BSCC–PPIC Multi-County Study includes 12 participating counties



SOURCE: BSCC–PPIC Multi-County Study.

NOTE: These were the only 12 counties approached by the MCS team. No counties were approached and declined to participate.

Taken together, the MCS counties comprise about 60 percent of the state population. These counties were chosen to broadly reflect the demographic, economic, and geographic characteristics of the state. [Table A1 in Technical Appendix A](#) summarizes the characteristics of the MCS counties relative to the California statewide population. While quite similar overall, the MCS counties as a group are more urban and have a higher share of African Americans, Asian Americans, and Latinos. In addition, poverty and unemployment rates are slightly higher among the MCS counties.

The California Department of Justice (DOJ) and the California Department of Corrections and Rehabilitation (CDCR) also provide essential data to fill out the state-local picture. The MCS county data offer information about individual characteristics as well as custody and supervision at the local level, while the state data offer additional information on individual characteristics, custody spells in prison, criminal history, and statewide recidivism outcomes. The MCS data used in this study includes individuals released from prison or jail during the four years following realignment, from October 2011 through October 2015, and follows their recidivism outcomes for two years post-release.

Prior to the creation of the MCS, there was no available data source to allow the state to estimate recidivism outcomes for individuals sentenced locally. Recidivism estimates for the full felony population in California had been based on the outcomes of the population sentenced to and released from prison. This study fills a gap by estimating the recidivism rates of the full population of felony offenders released in the 12 MCS counties during the four years following realignment.

Measuring Recidivism

Recidivism—defined here as reoffending after being convicted and sentenced for an offense—is important for the criminal justice system because it indicates the effectiveness of our correctional interventions at improving public safety. However, recidivism is notoriously hard to measure because we do not have perfect information about reoffending behavior. Instead, we typically rely on indicators of recidivism, such as rates of rearrest, reconviction, and return to custody.

Prior to realignment, CDCR relied on the three-year return-to-prison rate as its primary recidivism metric. This rate was calculated as the percentage of offenders released from prison that returned—due to either a parole violation or a new conviction—within three years. In the decade leading up to realignment, nearly two-thirds of individuals released from prison returned within three years (CDCR 2014). In contrast, this rate was much lower in other large states: 43 percent in New York, 36 percent in Texas, and 25 percent in Florida (New York DOCCS 2017; Texas Legislative Budget Board 2017; Florida DOC 2018).

Due to recent reforms, it is now difficult to compare California’s recidivism rates to those of other states. Because realignment sharply altered which offenders would be sentenced to prison and effectively dismantled the system of returning offenders to prison for supervision violations, the rate of return to prison ceased to be a useful metric for assessing recidivism outcomes for individuals leaving prison.

Following realignment, CDCR adopted the three-year reconviction rate—the share of individuals reconvicted of a new offense within three years of release from prison custody—as its primary measure of recidivism. CDCR reports the three-year reconviction rate was 54 percent for individuals released from prison during the first year of realignment and fell to 46 percent for individuals released during the third year of realignment, the most recent group for which data are available (CDCR 2018). However, reconviction rates reported by CDCR are not adjusted for changes over time in the characteristics of individuals released from prison. Given new sentencing rules under realignment, we would expect the underlying characteristics of this population to vary over time.

This study relies on rearrest and reconviction rates to measure recidivism in the post-realignment period for all felony offenders. The MCS rearrest and reconviction data currently extend through October 2017. Therefore, we report two-year rates, allowing us to compare recidivism outcomes for four full years of individuals released after realignment. For example, for individuals released during the first month of realignment in October 2011, we track recidivism outcomes through September 2013, prior to the implementation of Prop 47. In comparison, for those released in October 2013, we track outcomes through September 2015, meaning this group spends about half of their two-year “recidivism window” in the pre-Prop 47 period and about half in the post-Prop 47 period. The most recent group of individuals included in this study were released in October 2015 and followed through September 2017. This study is not designed to test the causal effects of any one policy change on recidivism, but rather, to take a broad look at how recidivism patterns have changed over time for felony offenders.

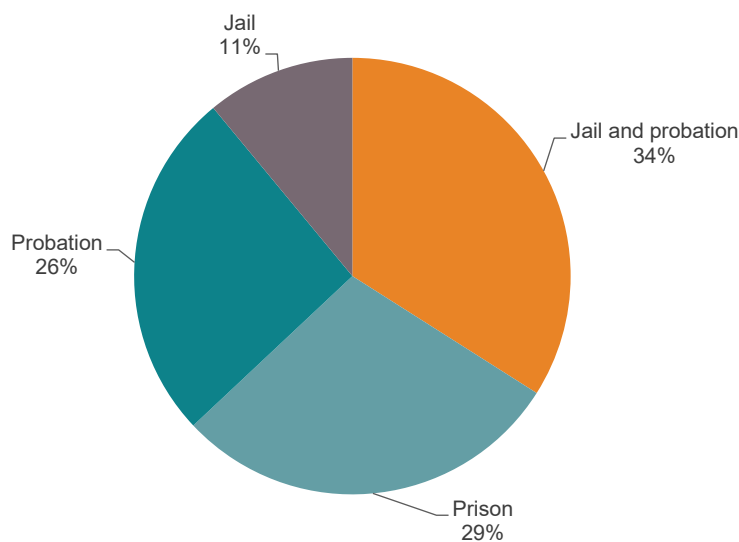
Finally, it is important to note that rearrest and reconviction rates are imperfect measures of recidivism. Changes in rearrest and reconviction rates over time and across sentencing groups—for example, those sentenced to prison versus those sentenced to probation—can reflect differences in individual reoffending behavior but may also reflect variation in criminal justice system responses to that behavior (see Bird et al. 2018). Differences in recidivism rates may also reflect variation in the underlying characteristics of offender populations. As noted below, our analysis adjusts for differences in many demographic and criminal history characteristics of the underlying population over time and across sentencing groups. However, there are some population characteristics that we may be unable to observe in our data. In addition, we are unable to separate out the role that changing law enforcement and prosecutorial decision making may have on recidivism rates.

Overview of Felony Offenders

In MCS counties, more than 300,000 felony offenders were released to the community between October 2011 and October 2015. Among these, as shown in Figure 3, one-third (34%) were released from a sentence of jail followed by probation. The remaining two-thirds were released from sentences of prison (29%), probation only (26%), and jail only (11%).

FIGURE 3

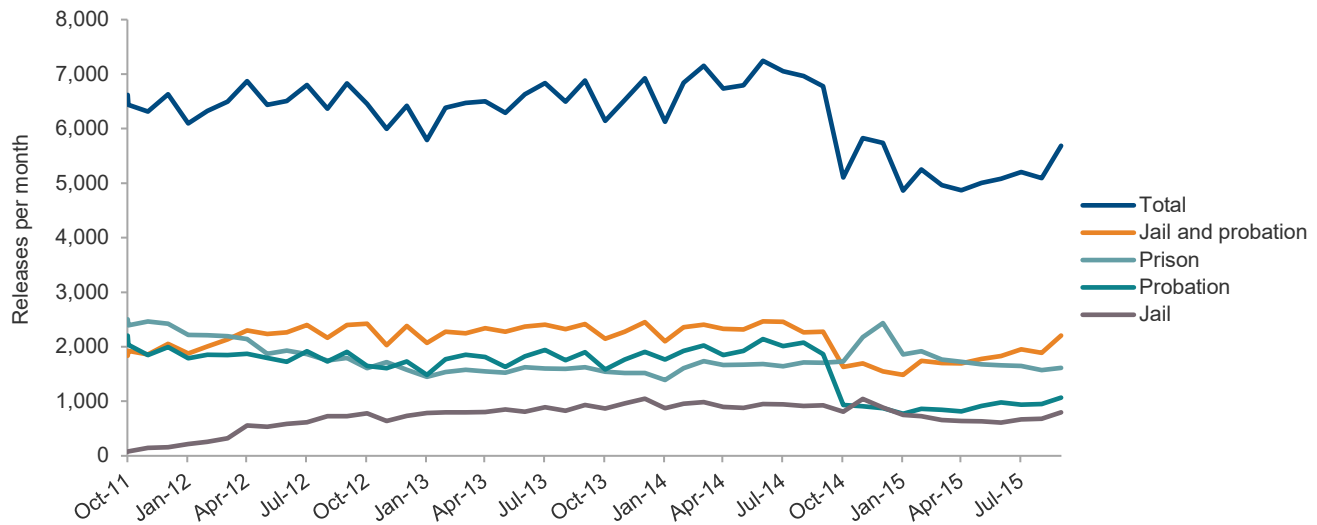
The plurality of felony offenders served sentences of jail followed by probation



SOURCE: Author calculations based on data from the BSCC–PPIC Multi-County Study (MCS).

Figure 4 shows monthly releases for felony offenders within MCS counties over the four-year period. Total releases for all felony offenders were fairly steady for the first three years. Then in the fourth year, following the implementation of Prop 47, total releases declined dramatically.

FIGURE 4
Monthly releases of felony offenders declined sharply after Proposition 47



SOURCE: Author calculations based on data from the BSCC–PPIC Multi-County Study (MCS).

Releases varied across the different sentencing groups. In the first three years, structural changes in sentencing under realignment and revisions to the “three strikes” law led to fewer people entering prison and, therefore, fewer people being released from prison over time. In addition, jail-only sentences—sometimes referred to as “straight” sentences—were initiated under realignment, so we see the population of individuals released from these sentences grow after the policy change.¹

Prop 47 had mixed effects on releases for different sentencing groups. Individuals in prison or jail custody at the time of passage were able to petition for sentence reductions, resulting in an immediate increase in the number of prison and jail releases. However, at the same time, because of Prop 47 fewer individuals were sentenced to felonies for drug possession or lower-level property offenses. Since the pool of those receiving felony sentences shrank, we also expect to see fewer releases after the reform. This effect may be delayed in the case of prison or jail sentences due to time spent in custody prior to release, but should be immediate for those sentenced to probation. Indeed, directly following Prop 47, we do see declines for those released from a sentence of jail followed by probation and even sharper declines for those sentenced to probation only.

¹ Although “split sentencing”—a jail sentence followed by probation supervision—was a new option under realignment for a specific group of felony offenders, the practice of sentencing individuals to jail followed by a period of probation existed prior to realignment as well.

Demographics and Criminal History

The MCS data include a rich set of demographic and criminal history characteristics. Table 1 on the next page shows the following patterns among felony offenders:

- The average age was 34, more than four in five were male, and the majority were nonwhite.
- African Americans were dramatically overrepresented, making up 25 percent of felony offenders but only 8 percent of the population in MCS counties.
- The average age individuals were first convicted of an offense was 24.
- The majority had no prior serious or violent offenses. But their criminal histories reflect high levels of past involvement with the criminal justice system, with an average of 15 prior arrests and 6 prior convictions.
- The plurality (34%) served sentences for drug offenses, while more than a quarter (27%) served sentences for property offenses. A fifth (20%) served sentences for crimes against a person, which includes violent and non-violent offenses such as harassment and stalking. Other offenses include weapons possession and DUIs (driving under the influence).

Characteristics over Time and across Sentencing Groups

In this report, we conduct two analyses of recidivism rates, tracking them over time and comparing them across sentencing groups. In our first analysis, we adjust for changes in the composition of the four sentencing groups over the four-year period. This is important because we see evidence suggesting reforms led to the prioritization of felony correctional resources for more serious offenders. Compared to felony offenders released during the first year of realignment, those released later were slightly older, more likely to be male, and less likely to be white. Individuals released in later years also had a greater number of prior arrests and convictions, and they were more likely to have served sentences for crimes against a person and much less likely to have served sentences for drug offenses, which is to be expected given reductions in felony sentencing for drug offenses under Prop 47. See [technical appendix Table A2](#) for more details.

In our analysis comparing recidivism rates across sentencing groups, we adjust for differences over time and in the composition of these four groups. As shown in Table 1, we see evidence that demographic and criminal history characteristics vary across sentencing groups:

- Demographically, individuals sentenced to prison were more likely to be male and African American, compared with individuals sentenced locally.
- Individuals sentenced to prison also had more serious criminal history risk factors along several dimensions, including a lower average age at first conviction and a greater average number of prior serious or violent offenses.
- Individuals sentenced to jail had the highest average frequency of past arrests and convictions, which are indicators of the likelihood of recidivism.
- A third of individuals sentenced to prison were there for an offense against a person, significantly more than for the other three sentencing groups. Less than half of the prison group served sentences for property or drug offenses, compared with more than three-fourths of those sentenced to probation only, two-thirds of those sentenced to jail only, and more than half of those sentenced to jail followed by probation.

These findings suggest that though these four sentencing groups may have different levels of risk for any type of recidivism, individuals sentenced to prison are likely to have a higher risk of recidivism for serious or violent offenses.

TABLE 1

Based on criminal history, people sentenced to prison likely have a higher risk of recidivism for serious or violent offenses

Characteristics	All felony offenders	Prison	Jail	Jail and Probation	Probation
Demographics					
Age	34.0	33.9	35.6	33.3	34.2
Male	83.9%	92.5%	84.0%	80.7%	78.5%
African American	25.1%	29.5%	20.2%	25.0%	22.4%
Asian/Pacific Islander	2.1%	1.0%	1.8%	2.8%	2.3%
American Indian/Alaskan Native	0.5%	0.6%	0.4%	0.4%	0.4%
Latino	40.5%	42.8%	44.6%	39.3%	37.7%
White	28.9%	22.0%	31.1%	29.7%	34.4%
Other race	3.0%	4.0%	1.9%	2.8%	2.7%
Criminal history					
Age at first conviction	24.1	22.7	23.5	24.9	24.7
Prior serious convictions	0.2	0.3	0.1	0.1	0.1
Prior violent convictions	0.1	0.3	0.0	0.1	0.0
Total prior arrests	15.3	16.5	21.0	13.2	14.4
Total prior felony arrests	8.9	10.0	12.0	7.5	8.3
Total prior convictions	5.6	5.9	8.0	4.7	5.3
Total prior felony convictions	3.0	3.3	4.3	2.4	2.8
Offense type					
Person	19.6%	33.0%	3.1%	19.8%	12.0%
Property	27.0%	23.7%	39.5%	29.8%	21.6%
Drug	33.5%	20.3%	32.2%	29.4%	54.2%
Other	19.8%	22.9%	25.2%	21.0%	12.2%

SOURCE: Author calculations based on data from the BSCC–PPIC Multi-County Study (MCS).

Recidivism over Time

In this section, we examine recidivism outcomes for felony offenders released to the community during the four years following realignment, from October 2011 through October 2015. Overall rates include rearrests or reconvictions for a new felony *or* misdemeanor offense, while felony rates include only rearrests or reconvictions for a new felony offense. The felony rates provide insight into the severity of reoffending.

We begin with an analysis of recidivism trends for the full felony population, including trends for different kinds of offenses. We then examine recidivism trends separately for those who received different sentences. Our analysis adjusts for changes in demographic and criminal history characteristics over time (see [technical appendix Table A2](#)). We examine the sentencing groups separately because it is possible there are characteristics that we are not able to observe in our data that affect both the type of sentence individuals receive and their likelihood of recidivism. In other words, the population sentenced to prison may be different from the population sentenced to probation in ways we can observe and in ways we are not able to observe in the data. For example, we are not

able to observe whether individuals are assessed as gang-affiliated in our data, and this kind of affiliation could influence both the sentence received and the likelihood of recidivism.

There are five key takeaways from this analysis:

- First, recidivism rates have declined for each of the four sentencing groups over the years following realignment and Prop 47.
- Second, recidivism rates have declined most for drug and property offenses, which have been the focus of recent reforms. Recidivism rates have increased slightly for crimes against a person—a category that includes violent offenses and non-violent offenses such as harassment and stalking—and other offenses such as DUIs and weapons possession.
- Third, the size and pattern of these declines varied in important ways across sentencing groups. Those sentenced to prison or jail experienced more consistent declines in recidivism over the four-year period, when compared with those sentenced to jail and probation or to probation only. The latter groups initially experienced increases in recidivism rates under the early years of realignment; their recidivism rates then decreased in the later years of realignment and as we moved into the post-Prop 47 period, suggesting those decreases may be linked—at least in part—to that reform.
- Fourth, declines in felony recidivism rates appear more closely linked to the adoption of Prop 47 than were overall rates.
- Finally, there is some evidence of an increase in felony rearrest rates for offenders released at the end of the period for which we have data.

We explore these findings further in our discussion.

Tracking Changes in Recidivism Rates for Felony Offenders

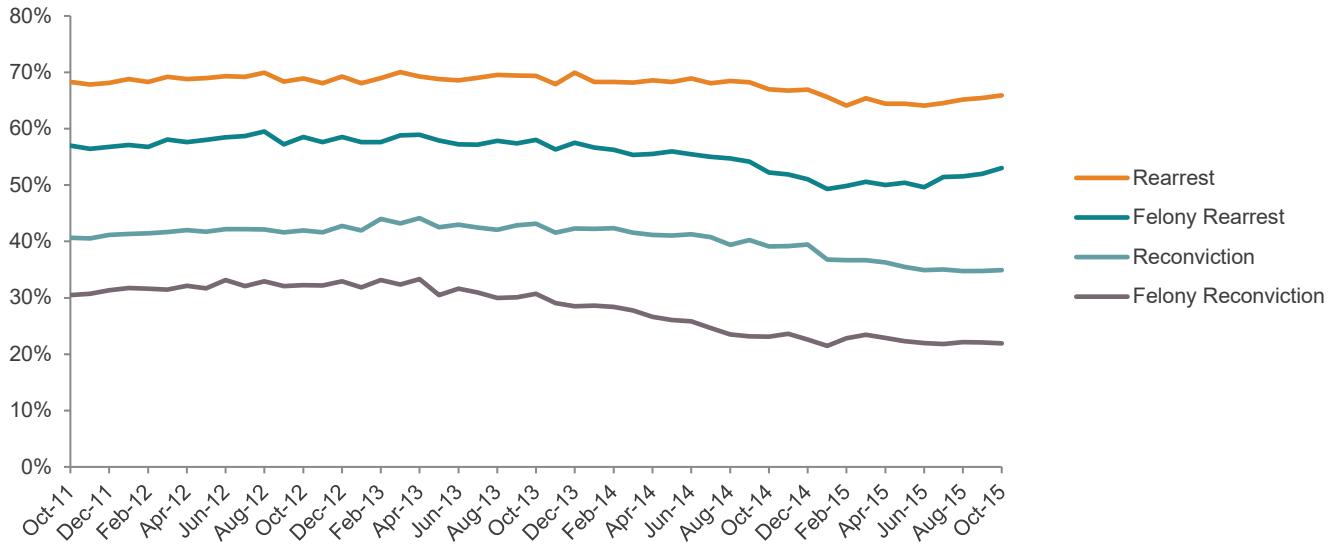
Figure 5 shows recidivism rates for all individuals who were released from felony sentences in the four years after realignment. The overall rearrest rate for felony offenders declined from 68 percent to 66 percent when comparing those released in October 2011 and October 2015, or a reduction of 2 percentage points in the overall rearrest rate. This difference over time represents what we would characterize as a small change—a 3 percent decline—in the rearrest rate. Because some types of recidivism are more prevalent than others, a similar percentage point decline in two different measures of recidivism should not necessarily be interpreted in the same manner. For example, the overall rearrest rate is higher than the felony rearrest rate. Therefore, a similar percentage point decline in these two rates would actually reflect a more substantive change for felony rearrest rates relative to the baseline rate. Both measures—percentage point change and percent change—can be used to describe changes in recidivism rates. However, to account for differences in prevalence, our analysis of change over time in recidivism rates will emphasize the percent change rather than percentage point change.

The felony rearrest rate also decreased over the four-year period, by about 5 percent (from 56% to 53%). When we examine month-to-month changes, we see rearrest rates did not begin to decline until 2014, at which point the drop in felony rearrest rates outpaced the drop in overall rearrest rates. Beginning in June 2015, however, both overall and felony rearrest rates began to increase. The two-year rearrest rate increased from 64 percent to 66 percent for individuals released between June and October 2015, the last month for which we have release data. The felony rearrest rate also increased from 50 percent to 53 percent, suggesting an upward trend at the end of this period.

Reconviction rates increased slightly over the first two years of realignment, before beginning a steady decline in October 2013. Over the full four-year period, the overall reconviction rate for felony offenders declined by 15 percent (from 41% to 35%) and the felony reconviction rate declined by 27 percent (from 30% to 22%).

FIGURE 5

For all felony offenders, recidivism rates were lower four years after realignment



SOURCE: Author calculations based on data from the BSCC–PPIC Multi County Study (MCS).

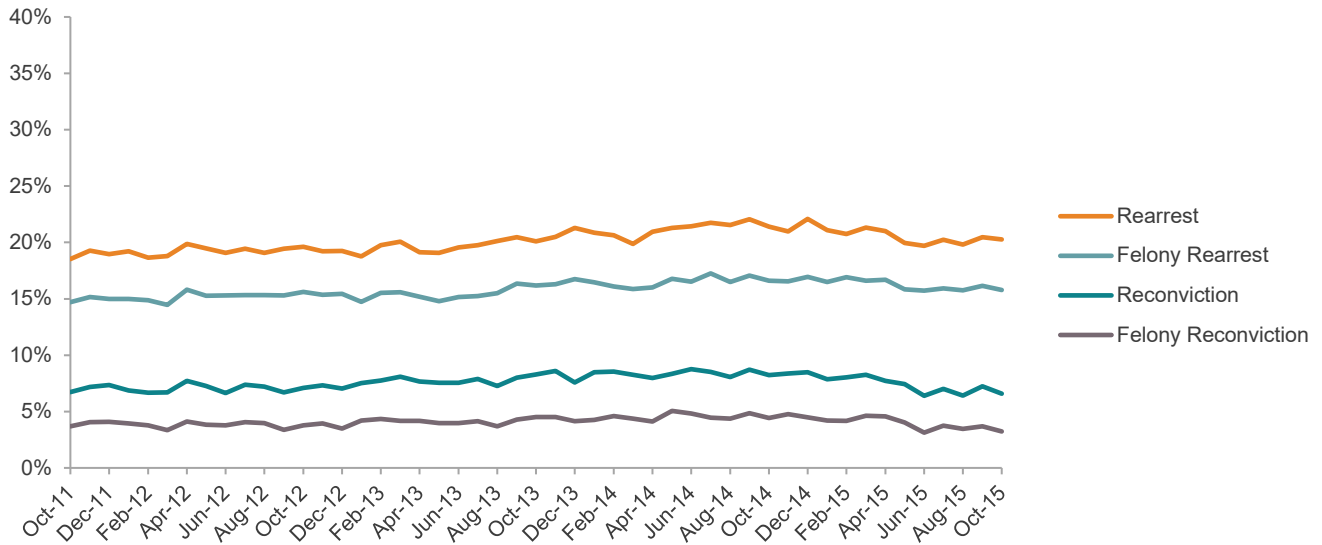
NOTE: Two-year recidivism rates are adjusted for changes over time in the composition of the population.

Recent policy reforms, including realignment and Prop 47, have changed sentencing rules for drug and property offenders. Here we examine changes in recidivism rates for felony offenders by offense type, including recidivism rates for offenses against a person, property offenses, drug offenses, and other offenses.

Figure 6 shows that rearrest and reconviction rates for offenses against a person initially increased during the early years of realignment, but then decreased somewhat in later years and under Prop 47. The overall rearrest rate for offenses against persons increased by 5 percent (from 19% in October 2011 to 20% in October 2015). The felony rearrest rate also rose by 7 percent (from 15% to 16%). These increases in rearrest rates for offenses against persons are concerning, as they may reflect a rise in offending due to reductions in incarceration. However, overall reconviction rates for offenses against persons remained at the same level for individuals released in October 2015 as for those released in October 2011. Felony reconviction rates declined slightly over the period.

FIGURE 6

Rearrest rates for offenses against a person increased slightly over the period



SOURCE: Author calculations based on data from the BSCC–PPIC Multi County Study (MCS).

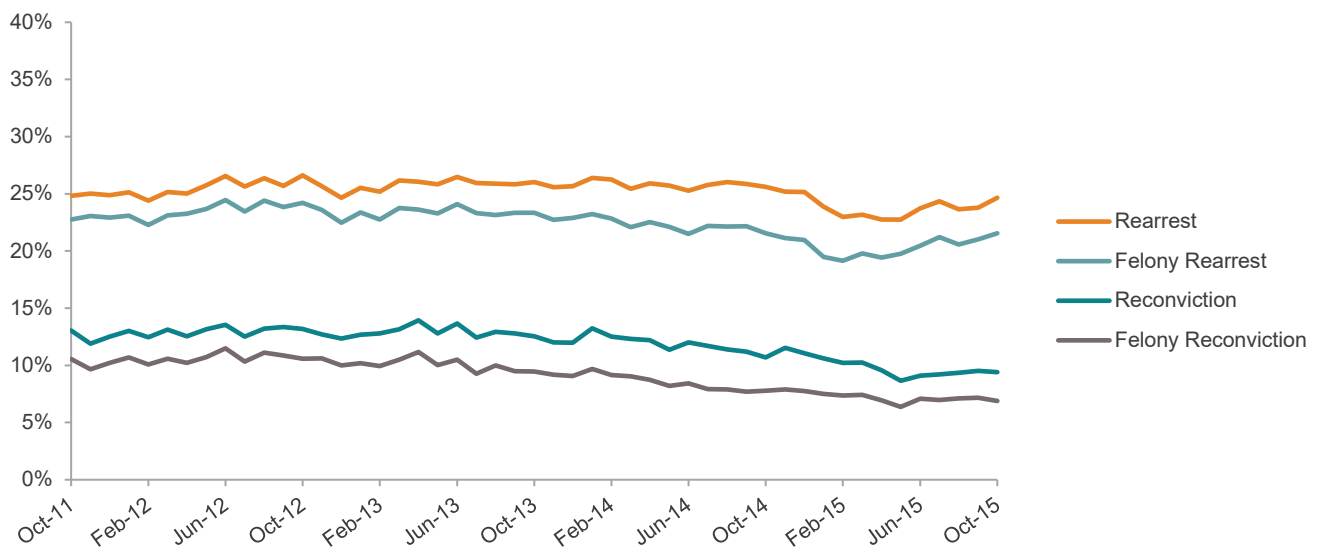
NOTE: Two-year recidivism rates are adjusted for changes over time in the composition of the population.

Figure 7 shows two-year recidivism rates for property offenses among individuals released over the four years following realignment. Over the full period, there was no change in the overall rearrest rate for property offenses and a slight decline of 4 percent in the felony rearrest rate (from 23% to 22%). However, rearrest rates for property offenses fluctuated, initially increasing slightly in the early years of realignment, and then decreasing in later years and under Prop 47. Notably, we see evidence of an increase in the rearrest rate for individuals released during the final six months of the period, which may reflect a rise in this type of reoffending.

Reconviction rates for property offenses followed a similar pattern, holding fairly steadily during the early years of realignment and then declining in the later years. There is also evidence of an uptick in the reconviction rate for property offenses toward the end of the period.

FIGURE 7

Reconvictions for property offenses declined substantially, while rearrests ticked up at the end of the period



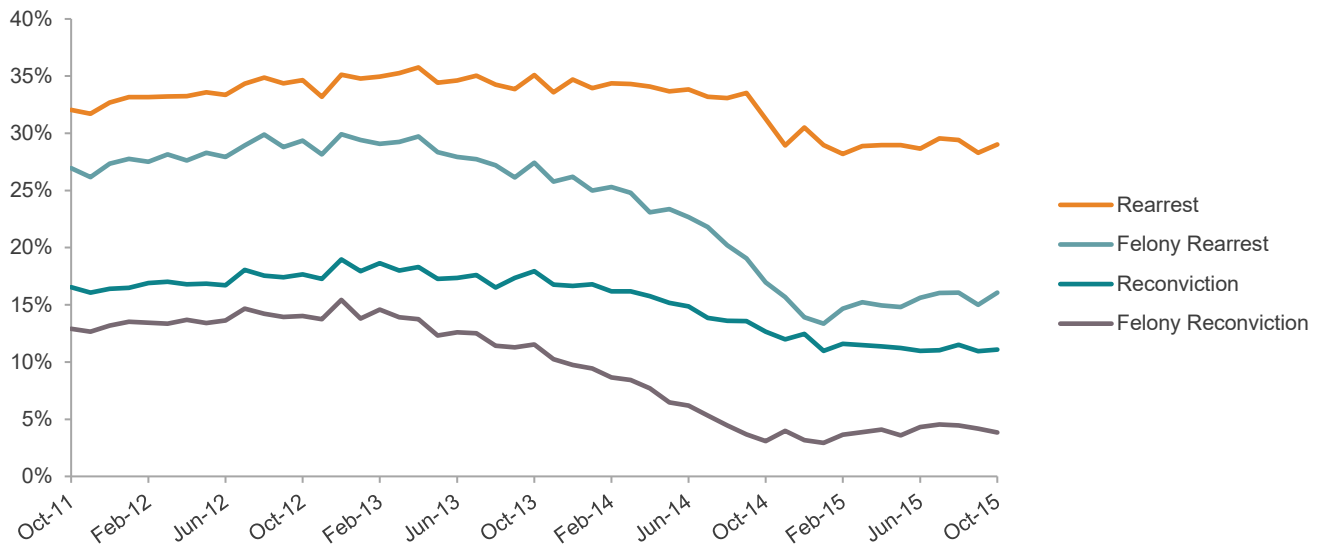
SOURCE: Author calculations based on data from the BSCC–PPIC Multi County Study (MCS).

NOTE: Two-year recidivism rates are adjusted for changes over time in the composition of the population.

Figure 8 shows two-year recidivism rates for drug offenses have substantially declined over the four years after realignment. Over the full period, the overall rearrest rate declined by 9 percent (from 32% to 29%), while the felony rearrest rate for drug offenses declined by 44 percent (from 27% to 16%). The overall rearrest rate initially rose from 32 percent for individuals released in October 2011 to 35 percent for those released two years later in October 2013. However, in the later years of realignment and under Prop 47, the rearrest rate for drug offenses declined and stood at 29 percent for individuals released in October 2015. The felony rearrest rate for drug offenses followed a similar pattern as the overall rate, but with much larger declines during the later years of realignment and under Prop 47.

Reconvictions for drug offenses also declined substantially over the period. The overall reconviction rate declined by 35 percent (from 17% in October 2011 to 11% in October 2015), while the felony reconviction rate declined sharply by 69 percent (from 13% to 4%). The overall and felony reconviction rates initially increased somewhat following realignment, but then declined sharply during the later years of realignment and under Prop 47. In the case of felony rearrests and reconvictions, Prop 47 established that most drug possession cases would be charged as misdemeanors. As a result, we would expect felony recidivism rates for drug offenses to decline. However, the magnitude of the decline in recidivism for drug offenses suggests criminal justice agencies may have also deprioritized drug offending relative to other types of more serious offending during this period.

FIGURE 8
Rearrests and reconvictions for drug offenses declined sharply

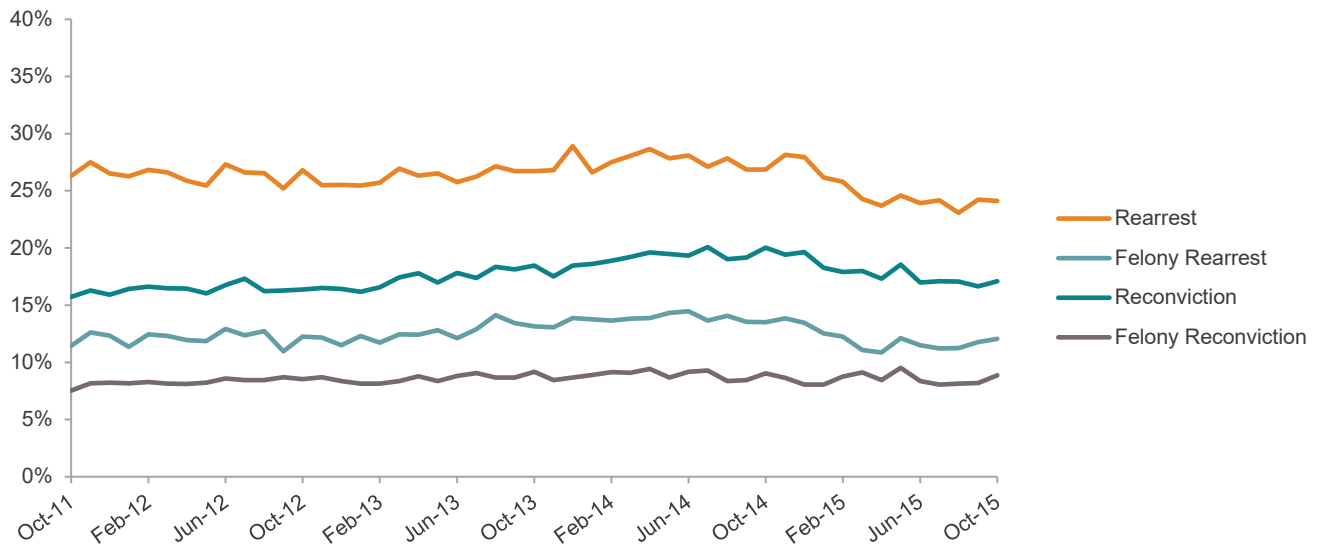


SOURCE: Author calculations based on data from the BSCC–PPIC Multi County Study (MCS).
NOTE: Two-year recidivism rates are adjusted for changes over time in the composition of the population.

Figure 9 shows two-year recidivism rates for other offenses (such as DUIs and possession of a weapon) that do not fall into the person, property, or drug categories. For individuals released during the four years following realignment, the overall rearrest rate for other offenses declined by 8 percent (from 26% in October 2011 to 24% in October 2015). However, the felony rearrest rate increased slightly by 9 percent (from 11% to 12%) over the same period. The overall reconviction rate increased by 6 percent (from 16% to 17%) and the felony reconviction rate increased by 13 percent (from 8% to 9%). Although these increases are fairly small, in each case we see an uptick in rates for individuals released at the end of the period.

FIGURE 9

Recidivism rates for other offenses increased slightly over the period



SOURCE: Author calculations based on data from the BSCC–PPIC Multi County Study (MCS).

NOTE: Two-year recidivism rates are adjusted for changes over time in the composition of the population.

Tracking Changes in Recidivism Rates by Sentencing Group

In the previous section, we present recidivism rates for the full felony offender population released during the first four years of realignment. It is essential to have an overall picture of recidivism for felony offenders in the state. However, it is also important to understand how the recidivism rates of different sentencing groups—those sentenced to prison, jail only, jail and probation, or probation only—have changed over time. Here we examine changes in overall and felony rearrest and reconviction rates by sentencing group, adjusting for changes over time in the characteristics of the individuals in these groups.

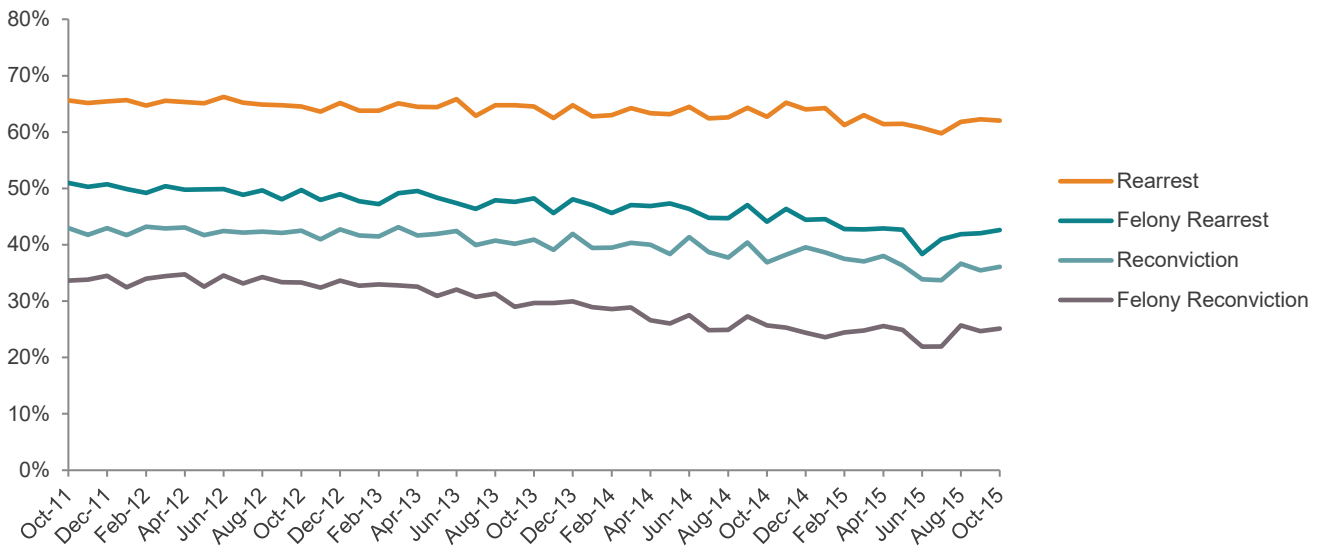
For individuals released from prison, Figure 10 shows two-year rearrest rates declined 6 percent (from 66% to 62%) from October 2011 to October 2015.² The felony rearrest rate dropped more dramatically, by 17 percent (from 51% to 43%).

The overall reconviction rate fell steadily by 16 percent (from 43% to 36%), and the felony reconviction rate decreased even more, by 26 percent (from 34% to 25%). Trends in rearrest and reconviction rates for this group are quite similar: recidivism rates dropped overall, but reconviction rates declined more than rearrest rates and felony rates declined more dramatically than overall rates. These changes are likely linked, in part, to substantial reductions in felony reconvictions under Prop 47.

² Note that these findings are based on a measure of overall arrests that does not include flash incarceration. However, these results—steady declines in rearrest over the period—hold even when we include flash incarceration in the measure of rearrest. In addition, the data show most individuals who receive a flash incarceration are eventually rearrested and, therefore, the rearrest rates presented here are consistent with rates that include flash incarceration.

FIGURE 10

For felony offenders sentenced to prison, reductions in felony reconviction rates outpaced other declines



SOURCE: Author calculations based on data from the BSCC–PPIC Multi County Study (MCS).

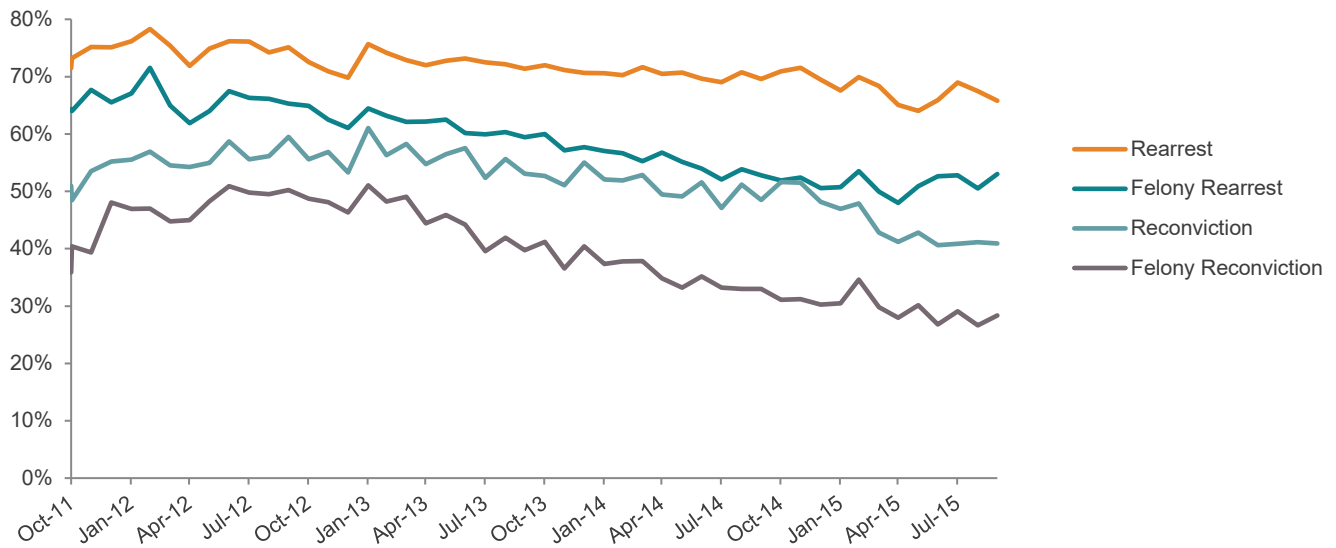
NOTE: Two-year recidivism rates are adjusted for changes over time in the composition of the population.

For individuals sentenced to jail only, Figure 11 shows the overall rearrest rate declined by 7 percent (from 71% to 66%) and the felony rearrest rate fell by 17 percent (from 64% to 53%) over the first four years of realignment. Rearrest rates fluctuated during the first year after realignment, which is likely attributable to changes in the composition of this group over time rather than broader changes in recidivism for those sentenced to jail. Since jail-only sentences were a new option under realignment and jail-only sentences for felony offenses should be one year or more, those released early in the realignment period had relatively short sentences. Therefore, those released during the first year of realignment are not representative of the jail-only group and we focus our conclusions on the overall change during the period.

Reconviction rates follow a similar pattern as rearrests over the four-year period. The overall reconviction rate declined by 20 percent (from 51% to 41%), and the felony reconviction rate declined by 22 percent (from 36% to 28%).

FIGURE 11

For felony offenders sentenced to jail only, recidivism rates declined steadily in the later years of realignment



SOURCE: Author calculations based on data from the BSCC–PPIC Multi County Study (MCS)

NOTE: Two-year recidivism rates are adjusted for changes over time in the composition of the population.

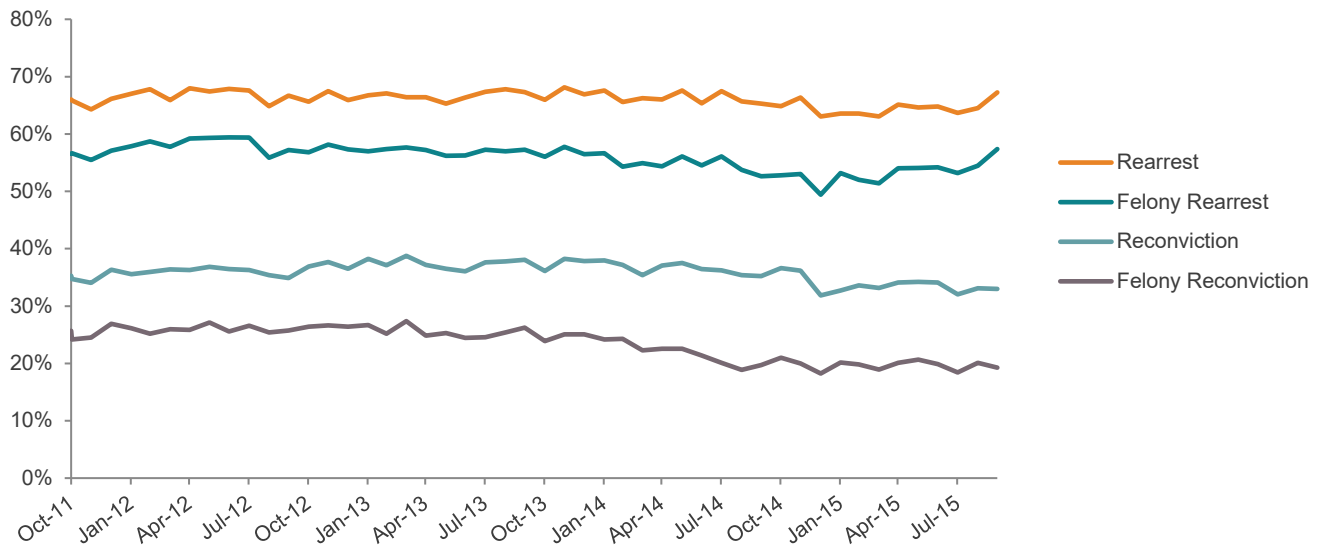
Thus far, these findings reflect large declines in recidivism rates for individuals released from prison or jail. However, these groups combined represent only 40 percent of the total felony population in this study. Those who received a sentence of jail followed by probation are the largest group, representing one-third of offenders. For this group, Figure 12 shows small declines in rearrest rates and substantial declines in reconviction rates over the four-year period following realignment.

The overall rearrest rate for those sentenced to jail followed by probation increased slightly from 66 percent in October 2011 to a high of 68 percent in December 2013, before ending at 67 percent in October 2015. The felony rearrest rate was 57 percent at the beginning and end of the four-year period, but there was substantial movement in between—the rate hit a low of 49 percent in January 2015 and the most recent data suggest an upward trend.

Reconviction rates for those sentenced to jail followed by probation increased somewhat in the early years of realignment. However, reconviction rates declined in 2014 and 2015, and there is no evidence of an increase in reconviction rates during the final months for which we have data. The overall reconviction rate declined by 6 percent (from 35% to 33%) and the felony reconviction rate declined by 27 percent (from 26% to 19%) between October 2011 and October 2015.

FIGURE 12

For felony offenders sentenced to jail followed by probation, reconviction rates declined more than rearrest rates



SOURCE: Author calculations based on data from the BSCC–PPIC Multi County Study (MCS)

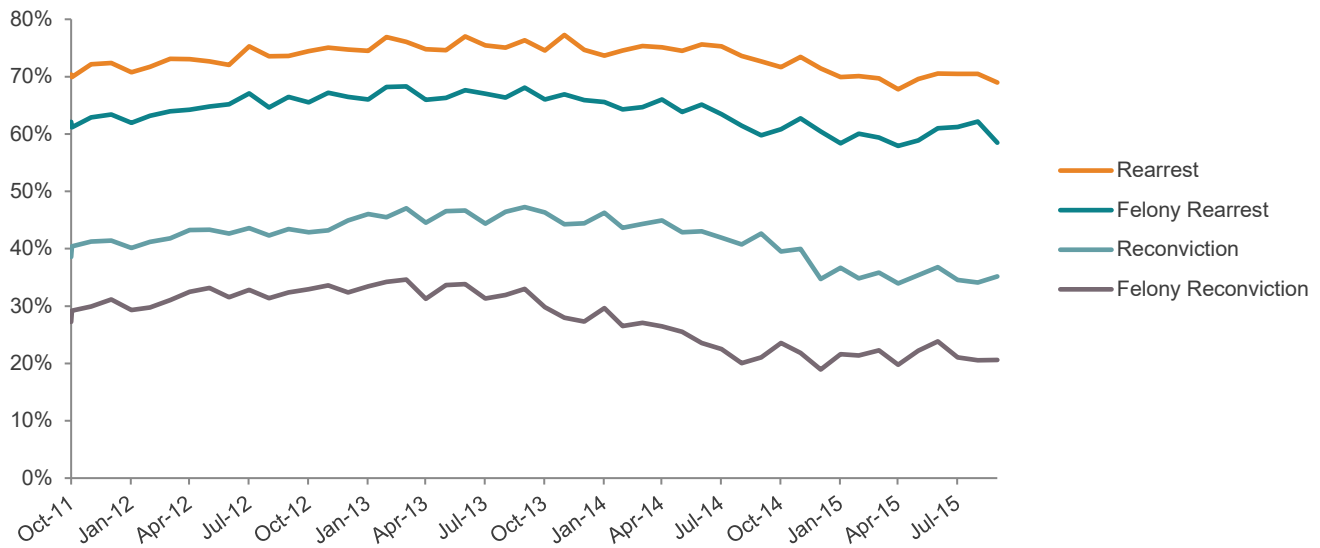
NOTE: Two-year recidivism rates are adjusted for changes over time in the composition of the population.

For individuals sentenced to probation only, Figure 13 shows decreases in recidivism rates over the four-year period following realignment. However, this group experienced substantial increases in recidivism early in the realignment period, followed by slight reductions in rearrests and sizeable reductions in reconvictions later on. The overall two-year rearrest rate declined only 1 percent over the four-year period. It increased from 70 percent in October 2011 to 76 percent in October 2013, before declining to 69 percent in October 2015. The felony rearrest rate declined by 6 percent over the four years, going from 62 percent in October 2011 to a high of 68 percent in October 2013, then back down to 58 percent in October 2015. While rearrest rates declined over the full period, we see evidence of an increase in two-year rearrest rates at the end of the period, beginning with individuals released in August 2015 and continuing through October 2015, the last month for which we have release data.

Reconviction rates show a similar pattern, but with stronger declines by the end of the period. The overall reconviction rate fell by 10 percent over the four-year period. It increased from 39 percent in October 2011 to 47 percent in October 2013 before declining substantially to 35 percent. Meanwhile, the felony reconviction rate decreased 21 percent over the four-year period, rising from 27 percent in October 2011 to 33 percent in October 2013, then dropping to 21 percent in October 2015.

FIGURE 13

For felony offenders sentenced to probation only, recidivism rates increased under realignment before declining



SOURCE: Author calculations based on data from BSCC–PPIC Multi County Study (MCS)

NOTE: Two-year recidivism rates are adjusted for changes over time in the composition of the population.

Recidivism across Sentencing Groups

In an effort to better understand the relationship between the type of correctional sanction received and recidivism outcomes, we investigate how recidivism rates differ across sentencing groups for all individuals over the four-year period. In this analysis, we adjust for differences in both the composition of the felony offender population over time and across sentencing groups (see [technical appendix Table A2 and Table 1](#)). We use a regression model that includes the demographic and criminal history characteristics summarized in Table 1, as well as controls for the month and county of release. However, we characterize the findings as descriptive because of the potential role unobserved factors play in driving differences in recidivism rates across sentencing groups. The full regression results can be found in [technical appendix Table A3](#).

Taken together, our findings tell us those sentenced to jail and those sentenced to prison were the least likely to be rearrested within two years. However, those sentenced to prison were more likely to be reconvicted in comparison to all of the locally sentenced groups.

When we look at the offenses for which individuals were reconvicted, we find those released from prison were equally likely to be reconvicted of violent offenses such as homicide and rape, compared with those sentenced to jail only. For other violent offenses, such as assaults and robberies, the prison and jail groups also had similar reconviction rates. For property offenses such as burglary, theft, and motor vehicle theft, individuals sentenced to jail had the highest reconviction rates of the four sentencing groups. Meanwhile, for drug offenses, those sentenced to probation had the highest reconviction rates. However, since individuals sentenced locally represent a much larger share of the felony population than those sentenced to prison, the majority of reconvictions—regardless of offense type—were committed by individuals who had been sentenced locally.

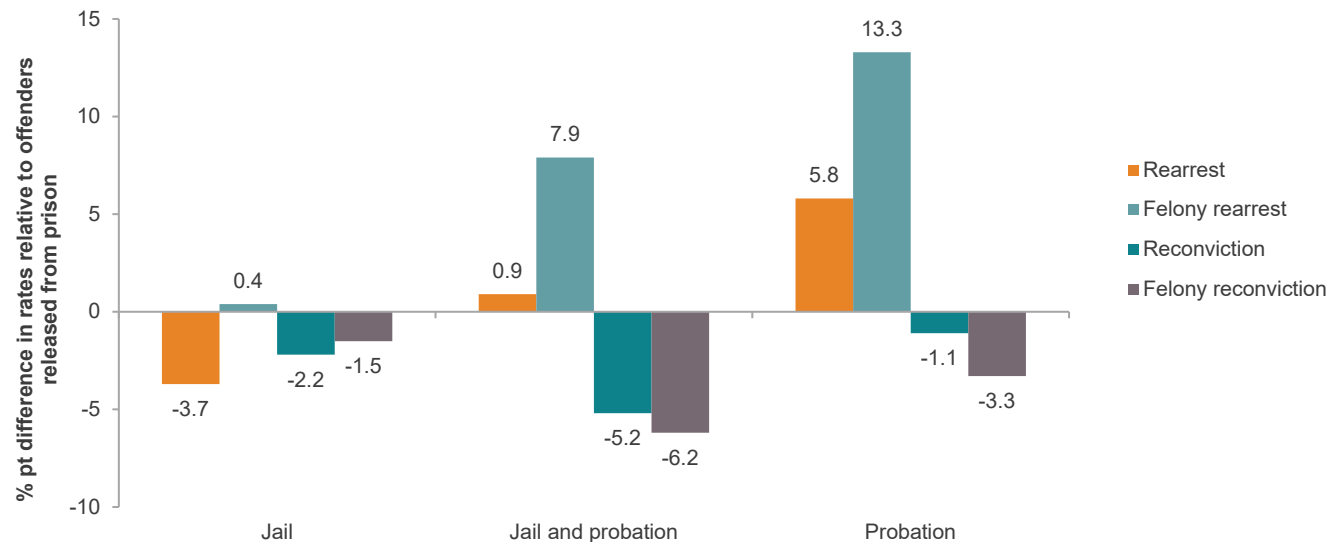
Comparing Recidivism Rates

Figure 14 shows individuals sentenced to jail had better recidivism outcomes than those sentenced to prison. Compared to overall rearrest rates for individuals released from prison, the overall rearrest rate of felony offenders released from jail was 4 percentage points lower. The overall reconviction rate was 2 percentage points lower and the felony reconviction rate was 1 percentage point lower, compared to those released from prison. Note that in contrast to the above analysis, which highlighted percent change to examine recidivism rates over time, here we use percentage point differences to examine recidivism rates across populations.

Individuals sentenced to jail and probation or to probation only had higher rearrest rates but lower reconviction rates than those sentenced to prison. The overall rearrest rate for those sentenced to jail followed by probation was 1 percentage point higher and the felony rearrest rate was 8 percentage points higher than those released from prison. However, the overall reconviction rate was 5 percentage points lower and the felony reconviction rate was 6 percentage points lower. Recidivism rates for the probation group follow a similar pattern, but with substantially higher rearrest rates. The overall rearrest rate 6 percentage points higher and the felony rearrest rate 13 percentage points higher than for the group released from prison. The overall reconviction rate was 1 percentage point lower and the felony reconviction rate was 3 percentage points lower for the probation group.

FIGURE 14

Individuals released from prison had higher reconviction rates than individuals sentenced locally



SOURCE: Author calculations based on data from BSCC–PPIC Multi County Study (MCS)

NOTE: Two-year recidivism rates are adjusted for changes over time in the composition of the population and across sentencing groups. The estimate of a 0.4 higher felony rearrest rate for individuals sentenced to jail (relative to those sentenced to prison) is not significant.

Overall, those sentenced to jail and those sentenced to prison were the least likely to be rearrested within two years. In assessing these differences in recidivism outcomes across sentencing groups, it is important to consider that rearrest rates reflect a different stage in the criminal justice process than reconviction rates. Law enforcement officers—including police, probation, and parole officers—play important roles in the decision to arrest, while prosecutors govern the decision to charge and pursue a conviction. Individuals under supervision are subject to greater surveillance by law enforcement than those—such as the jail-only sentencing group—that are not under

supervision, resulting in a higher likelihood of being arrested given misconduct.³ Therefore, it is not surprising to find those groups that are under supervision have higher rates of rearrest. Past research has also demonstrated that the intensity of supervision varies and affects the degree to which probationers and parolees are monitored and penalized for non-compliant or criminal behavior (Petersilia and Turner 1993; Grattet, Lin, and Petersilia 2011).

When we examine reconvictions, we find the locally sentenced groups were less likely to be reconvicted than those sentenced to prison. Those sentenced to a combination of jail and probation had reconviction rates that were especially low relative to those sentenced to prison. In criminology research, reconvictions are considered a measure of recidivism that has been validated by a court of law. These outcomes are particularly important, as CDCR and BSCC have moved toward reconviction as their primary measure of recidivism. As we mentioned earlier, these differences could be driven by variation in the underlying characteristics of these groups that we are not able to observe in the data available to us. However, it is also possible these differences reflect—to some degree—the relative effectiveness of each type of correctional sanction.

Comparing Reconviction Offenses

Beyond reconviction rates, it is also important to consider the severity of the reconviction offenses across the sentencing groups. Table 2 provides a window into the types of offenses that were committed by individuals who were reconvicted during the study period. Here we examine 12 offense types that are particularly salient from a public safety perspective.

We show the rate of reconviction for each offense by sentencing group—that is, the share of all individuals who received that sentence who were then reconvicted for the offense listed. The rate helps us to understand the share of that group that committed the offense. We also show the count of individuals who were reconvicted for the offense listed, which helps us to assess the overall impact of reoffending by that particular group on public safety.⁴

We see the following patterns:

- For violent offenses such as homicide and rape, those released from prison were equally likely to be reconvicted compared with those sentenced to jail. For other violent offenses, such as assaults and robberies, and also for weapons offenses, the prison and jail groups also had similar rates—both higher than rates for those whose sentences included probation.
- For property offenses such as burglary, theft, and motor vehicle theft, individuals sentenced to jail had the highest reconviction rates of the four sentencing groups. For drug offenses, those sentenced to probation had the highest reconviction rates, followed by those sentenced to jail, those sentenced to prison, and those sentenced to a combination of jail and probation.
- Individuals sentenced locally represent a larger share of the felony population than those sentenced to prison. When examining the number of individuals reconvicted for each kind of offense, we find that the majority of reconvictions—whether for violent, property, or drug offenses—were committed by individuals who had been sentenced locally.

³ After release, those sentenced to prison received either parole or probation supervision.

⁴ For example, homicide is a relatively rare reconviction offense, but even at this low rate (0.1% or less in each sentencing group) there was a total of 175 reconvictions for homicides among all sentencing groups combined within two years after offenders were released. In comparison, there was an average of 1,483 homicide convictions every two years in these 12 counties. The implication is that reconvictions of felony offenders for homicide represent a relatively small share of all homicide offending. Calculations are based on data accessed through the [California Department of Justice Crimes and Clearances Statistics](#) for the years 2011–2017 in the 12 MCS counties.

TABLE 2

Rates and counts of reconviction offenses vary across sentencing groups

Reconviction Offense	Rates				Counts			
	Prison	Jail	Jail and probation	Probation	Prison	Jail	Jail and probation	Probation
Crimes against persons								
Homicide	0.1%	0.1%	<0.1%	<0.1%	89	24	32	30
Rape	<0.1%	<0.1%	<0.1%	<0.1%	17	2	14	2
Other sex offense	0.5%	0.2%	0.4%	0.2%	471	83	437	165
Assault	3.6%	3.8%	2.6%	2.6%	3,129	1,329	2,728	2,069
Robbery	1.0%	1.0%	0.8%	0.8%	841	349	789	626
Property offenses								
Burglary	2.8%	4.4%	2.8%	3.1%	2,435	1,534	2,895	2,428
Theft	1.4%	2.7%	1.4%	1.6%	1,185	929	1,481	1,228
Motor vehicle theft	2.2%	4.5%	2.2%	2.3%	1,909	1,576	2,293	1,838
Other property offense	2.6%	4.7%	2.2%	3.4%	2,244	1,635	3,023	2,657
Drug and other offenses								
Drug offense	8.8%	12.2%	7.9%	13.4%	7,712	4,230	8,102	10,592
DUI	0.2%	0.1%	0.2%	<0.1%	162	48	161	59
Weapon offense	3.1%	3.2%	1.9%	2.2%	2,693	1,095	2,013	1,777

SOURCE: Author calculations based on data from BSCC–PPIC Multi County Study (MCS).

Discussion

A key question following the recent series of public safety reforms in California, including realignment and Prop 47, has been whether the state’s persistently high recidivism rates have improved. In previous studies, we examined the effects of specific reforms on the populations they targeted (Bird, Grattet, and Nguyen 2017; Bird et al. 2018). In this report, we take the first broad look at how recidivism rates have changed for the felony population as incarceration levels have declined substantially.

Because criminal justice data are held separately in state and county systems in California, it has historically been challenging to assess recidivism levels for locally sentenced individuals. Leading up to realignment, the state was only able to determine recidivism rates for offenders who were released from prison. For the first time in California, the BSCC–PPIC Multi-County Study allows for recidivism analyses for individuals convicted and sentenced to serve time at both state and county levels. We draw on this unique data source to assess two-year recidivism outcomes for individuals released over the four-year period following realignment in 12 counties representative of the state.

We find that rearrest and reconviction rates have declined for felony offenders released from October 2011 to October 2015. Overall, the rearrest rate declined by 3 percent and the reconviction rate declined by 15 percent for individuals released during the four-year period. The largest reduction occurred in the felony reconviction rate, which dropped by 27 percent.

Trends in recidivism rates varied across offense types. While rearrests and reconvictions for drug and property offenses declined, we find small increases in recidivism for crimes against a person (a category that includes

violent crimes and non-violent crimes such as harassment and stalking) and other offenses (such as driving under the influence and weapons possession). These small increases—particularly in crimes against persons—raise public safety concerns and highlight the importance of examining trends in the type of recidivism, in addition to overall rates.

Declines in recidivism rates were particularly strong for those sentenced to prison or jail. For some groups—those sentenced to jail followed by probation or probation only—recidivism rates initially increased during the early years following realignment and decreased later on. In spite of overall declines, we do see evidence of an increase in rearrest rates toward the end of the four-year period for all felony offenders—driven by those sentenced to jail followed by probation. Again, this finding demonstrates the need to assemble additional data so that we can continue to track recidivism rates and better understand long-term trends in these outcomes following policy reforms.

It is important to note that changes in recidivism rates may reflect changes in reoffending behavior, changes in how the criminal justice system responds to offending, or both. One possible interpretation of declines in recidivism rates later in the period is that Prop 47 played a substantial role in reducing recidivism through greater emphasis on drug treatment interventions. Another potential interpretation is that the reduction in sanctions for drug possession under Prop 47 sent a signal to law enforcement to prioritize more serious offenders, which could in turn drive reductions in rearrests for drug offenses. In an environment where incentives are changing for both felony offenders and the criminal justice systems tasked with securing public safety, it is difficult to precisely determine why recidivism rates are declining.

These findings are also consistent with the possibility that recidivism rates decreased over time as counties were able to adapt and improve their implementation of realignment. Realignment emphasized the use of evidence-based interventions at the local level, but counties had little time to prepare for those interventions. To the extent that the use of program and service interventions is getting better over time—both at the county and state levels—we would hope to see reductions in recidivism.

In addition to examining changes in recidivism over time, we also explore how recidivism outcomes differ across felony sentencing groups. We find rearrest rates were highest for those sentenced to probation and lowest for those sentenced to jail and released without any form of supervision. These findings are consistent with other research that suggests supervision can result in higher rearrest rates—even when reoffending levels are similar—due to increased monitoring of misconduct (Petersilia and Turner 1993; Grattet and Lin 2014).

When we compare reconviction outcomes across sentencing groups, we find that those sentenced to prison—the most costly correctional sanction—had the highest rates of reconviction. For the felony offenders included in this analysis, those sentenced to prison served an average of 980 days—almost three years—compared with 256 days for those sentenced to jail, and 71 days for those sentenced to a combination of jail and probation. Despite serving the fewest average days in jail, those sentenced to a combination of jail and probation had the lowest reconviction rates—with an overall reconviction rate that was 5 percentage points lower and a felony reconviction rate that was 6 percentage points lower, compared to the group sentenced to prison. These findings are consistent with previous studies that have found little evidence of a relationship between more severe sanctions and better recidivism outcomes (Cullen and Gendreau 2000; Smith, Goggin, and Gendreau 2002).

It is tempting to draw conclusions about the relative effectiveness of these different felony sentences, especially given large differences in the associated correctional costs. But there are two key concerns. First, there may be differences that are hard to observe in the underlying characteristics of individuals sentenced to prison relative to locally sentenced groups. This means that other factors unrelated to the correctional sanction could be driving

differences in recidivism rates. Second, true levels of reoffending are frustratingly hard to capture. We have imperfect information about reoffending behavior and typically rely on rearrest and reconviction rates as the best available measures of recidivism. However, these measures capture both individual offender behavior and the way our criminal justice system responds to that behavior. For example, if prosecutors are more likely to charge and pursue convictions in cases involving individuals who were released from prison, we may find higher rates of reconviction for that group even if they were not actually reoffending at a higher rate.

Nevertheless, our findings suggest that recidivism rates may have improved under recent policy changes. Despite challenges in accurately measuring reoffending behavior and precisely estimating differences in recidivism rates, enhancing our understanding of the relationship between policy change and recidivism outcomes is essential. If the state hopes to improve public safety, reduce costs, and ensure equity, it will be necessary to facilitate the linking of data to better capture the characteristics of offenders, the correctional sanctions and programmatic interventions they receive, and their reoffending behavior. These steps will help move California toward a more data-driven and evidence-based criminal justice system.

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