

DECARCERATION IN CALIFORNIA: HOW A PLURALITY OF
POLITICAL AGENTS ARE CHANGING CRIMINAL
JUSTICE IN THE GOLDEN STATE

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By
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CERTIFICATION OF APPROVAL

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Date

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ABSTRACT

My role in this study was to assist with the data collection and interpretation of that data in order to assess whether or not California is decarcerating. The research will attempt to gain insight on whether specific California Propositions (47 and 64) have successfully and responsibly decreased the mass incarceration crisis within California while still maintaining public safety. The research study focused on the research question, “Considering that all of California’s major political entities are participating in the current process of decarceration, to what extent are their efforts leading California from mass incarceration to an increase in decarceration of the criminal population in the Golden State?” Information was gathered from five Northern California Superior Courts and five Southern California Superior Courts through telephone calls and by making connections with staff members at those specific courts. Questions were asked regarding the total amount of felony and misdemeanor convictions per county in the year of 2014 and 2018. I was able to gain significant experience collecting data from community members and employees of the Superior Court. I was also able to be a part of a research study that may result in a published article from Assistant Professor Wilson. The information gathered will assist Professor Wilson with completing a published article that will educate the community and political entities (i.e. the courts, the elected legislative, and the executive) regarding decarceration in California.

CHAPTER I

INTRODUCTION TO THE STUDY

This study examined the incarceration rates of ten different counties in California pre and post Proposition 47 and Proposition 64. It also addressed the amount of felony and misdemeanor arrests versus convictions in 2014 compared to 2018. Counties were chosen at random from Northern and Southern California with similar population numbers. Counties with close proximity were also avoided (i.e. Merced and Stanislaus County). Also, the year 2014 was chosen to represent data prior to Prop 47 and 64 passing and 2018 as post Prop 47 and 64 data.

The purpose of this research project is to conduct and review previous research regarding decarceration strategies, specifically in California, and what specific factors and more specifically, political entities, (i.e. the courts, the elected legislative, or the executive) are responsible for causing decarceration in California. My role in this study was to assist with the data collection and interpretation of that data in order to assess whether or not California is decarcerating. My culminating experience will be fulfilled after successfully completing my project and allowing me to complete my graduation requirements.

This study's secondary purpose was to ensure that extensive research was completed in order to provide enough data to produce a published article. It was imperative to extend that research beyond what was available online to actually reaching out to the community for specific data. By contacting Superior Courts in each county we were examining, my colleague and I were able to gain important statistics regarding misdemeanor and felony convictions in those counties.

Research Question

The research study focused on the thesis, “Considering that all of California’s major political entities are participating in the current process of decarceration, to what extent are their efforts leading California from mass incarceration to an increase in decarceration of the criminal population in the Golden State?”

Experience

As a graduate student I participated in the study to fulfill my culminating experience requirement for graduation. I was able to build connections within the community by making phone calls to five different Superior Courts in order to obtain stats for felony and misdemeanor convictions. I worked under the instruction of Assistant Professor Wilson and Professor Gerstenfeld. It was to my advantage having participated in this research study because I gained experience in locating data that extended beyond what could be found on the internet. This is the first experience that I have had locating data from business professionals in the community.

My role was to locate the amount of misdemeanor and felony convictions of the following five Northern California Courts: Sacramento, Plumas, Stanislaus, Alameda, and San Francisco. I also was able to locate the arrests made in ten counties that were being examined and they are as follows: Sacramento, Plumas, Stanislaus, Alameda, San Francisco, Fresno, Los Angeles, San Diego, Santa Barbara and Riverside. This study will assist the community in having a better understanding of California’s criminal justice system and provide an insight on the present shift from incarceration to decarceration. Data from 2014 and 2018 will be presented in order to show specific amounts of residents in each county that are being arrested

compared to how many are receiving felony and misdemeanor convictions. The current populations were also provided in order to show a comparison between the total number of residents and those that were convicted felons. Along with the information above, I was also able to locate the amount of residents in all ten counties that were on felony and misdemeanor probation.

Data were collected in the form of actual stats being obtained from each court representative that my colleague and I spoke with. I was not given the specific title of any court representative that I spoke with except for Stanislaus; they put me in contact with their Business Analyst. The total amount of felony and misdemeanor convictions in the year of 2014 and the year of 2018 was collected. These specific years were chosen due to the fact that they represent a time frame prior to Prop 47 and 64 being passed and the later year of 2018 represented a time frame in which we can see the possible effect of the legislation being passed. This was my first research study and data collection. Dr. Wilson explained specific information that he was looking for in order to produce a published paper. He also explained the necessary steps that would need to be taken in order to gather that specific data.

Dr. Wilson was able to produce a presentation using the statistics that my colleague and I had gathered and had shared with him. He presented this information at a conference.

After this research study, I learned that it was much more difficult to get to information from certain Superior Courts than I had originally anticipated. I was unable to get a representative on the phone for San Francisco County Superior Court and was unable to get an answer from the representative I spoke with at Alameda

County Superior Court. My colleague also had a very difficult time obtaining information from Fresno, Los Angeles, San Diego, and Santa Barbara Superior Court in Southern California.

Collecting information was difficult when conducting research. There were some inconsistencies in the data that took place. An example of this is how Sacramento County Superior Court switched the way in which they recorded the data on felonies and misdemeanors in 2018. Prior to this year they had the categories of misdemeanor and felonies separated but in 2018 they combined the total numbers of felony and misdemeanor convictions into just one category. Therefore it was not possible to compare the amount of felony and misdemeanor convictions from 2014 and 2018 for Sacramento County. The only thing that can be compared in this county is the total number of felony and misdemeanor convictions combined for both of those years.

I learned how to do extensive online research in order to obtain specific arrest numbers per county. Originally I had submitted only total arrests for California to Dr. Wilson. However, after spending much more time on data collection than I have previously done in my education, I was able to actually locate arrests per county. In addition to this, I was able to locate how many residents were on felony and misdemeanor probation in each county. Additionally, my colleague and I were able to produce approximately thirty pages of data for Dr. Wilson to use for presentations and possibly a published article.

CHAPTER II
LITERATURE REVIEW

Mass Incarceration

While the issue of mass incarceration extends beyond the Golden State, it is important to assess the current and major problem our Criminal Justice system is facing in the state that we call home. According to the Prison Policy Initiative, 239,000 of California's residents are locked up behind bars in some sort of facility. The type of facility is broken down as follows: 131,000 inmates are behind bars in State Prison, 82,000 are in the local jails, 16,000 are in Federal Prison, 6,700 are in youth facilities, and 3,600 are involuntary commitment. In addition to this, the Prison Policy Initiative advises that jail growth has increased due to pre-trial policies driving the numbers up for California jails.

There have been attempts to overcome mass incarceration through the passing of written legislation; however, many of those efforts have been questioned. Political entities are involved in trying to solve this issue but to what extent are their efforts actually resulting in decarceration in the State of California?

When examining incarceration rates in past years in California it was discovered that "the decline in prison population was not matched by the increase in jail population, so the combined jail and prison incarceration rate dropped from 619 per 100,000 residents to 566. Between September 2012 and June 2014, the combined jail and prison populations have increased at a pace slightly above the overall rate of population growth in the state. The total incarceration rate has increased only

marginally, by 0.3 percent, to 568 inmates per 100,000 residents,” (Lofstrom & Raphael, 2015).

Gottlieb (2017) describes how a change in sentencing practices from 1970 led to mass incarceration. He also mentions that of all the large countries in the world, the United States has the highest rate of incarceration. Through research he adds that incarceration has effects on citizens that we would not normally consider. For example, he found that adolescents who have experienced household incarceration are more likely to have a premarital first birth especially if the incarcerated member of the household was the father or extended member of that household. Overall, his dissertation adds to research and evidence that mass incarceration has had a significantly negative impact on the criminal justice system.

Chiao (2019) mentions that commentators express a belief in the fact that mass incarceration is an injustice and that the U.S should attempt to decarcerate. Not only do authors like Chiao feel that we incarcerate too many people but they also express that mass incarceration can be viewed as a failure of social policy. It is important to recognize the heavy emphasis that policy making and legislation have on our criminal justice system.

Pettus-Davis and Epperson (2015) also advocate for decarceration and discuss how some of the most vulnerable and marginalized groups are being incarcerated at high rates. In addition to this, it is mentioned that incarcerating people is becoming increasingly expensive and that states have to turn to decarceration as public budgets are tight. In 2008, it cost over \$52 billion dollars annually to house the 2.3 million Americans that were incarcerated in jails and prisons. The authors highlight that

decarceration creates an opportunity to improve the lives of many people and can present a great opportunity for rehabilitation as well (Pettus-Davis & Epperson, 2015).

Incarceration and crime trends have led to legislation like Prop 47 and Prop 64 being questioned by California residents. Is California decarcerating or is it simply shifting inmates from the state level to the county level?

Proposition 47

With the passing of Proposition 47 in November 4, 2014, certain crimes that were once considered felonies have been reduced to misdemeanors. This legislation resulted in criminals that were once sent to a prison facility being placed in county jails and being released on probation instead of parole. Through the passing of Proposition 47 there has been an influx of inmates in county jails, and inmates who once overcrowded prisons, now fill county jails (Aviram, 2016).

Feinberg (2019) explained that offenders with Super Strikes (any serious or violent felony punishable by life imprisonment or death) and those that have been convicted of a sex crime that requires an individual to register as a sex offender pursuant to PC 290(c) do not qualify for Proposition 47. However, juveniles are eligible for Prop 47, as well as those charged with receiving stolen property under \$950, receiving a stolen vehicle under \$950, and theft with a prior. Other offenses that are eligible to be reduced from a felony to a misdemeanor are Penal Code 666 – Petty Theft with a Prior and Health and Safety Code 11350(a) HS - Possession of a Controlled Substance, 11357 HS – Possession of Marijuana, and 11377 HS – Possession of Methamphetamine. The following offenses may be eligible depending

on the facts of the case: Penal Code 459 - Burglary (if the offense was committed during regular business hours and property less than \$950), as well as Penal Code 470–476 PC - Forgery, 496 PC –Receiving Stolen Property, 503-506 PC – Embezzlement (if the value is less than \$950) (Feinberg, 2019).

Mooney, Giannella, Glymour, Neilands, Morris, Tulskey, and Sudhinaraset (2018) found that after the passing of Proposition 47 there was a decline in the total drug arrest rates and specifically among racial groups, falling by 51,985 among whites, 15,028 among blacks, and 50,113 among Latinos. Mooney et al. (2018) also found that there were 127,000 felony drug charges filed in 2014 in California. From 2011-2016 their research determined that a total of 1,001,502 drug arrests were made in the fifty eight counties in California. They emphasize that many policy makers have attempted to reduce the rates of incarceration through passing legislation that decreases the penalties for drug offenses (Mooney et al., 2018).

Woods (2016) discusses how the passing of legislation like Prop 47 is in reaction to a major occurring issue in our criminal justice system and that specific issue in this case is overcrowding in prisons and mass incarceration. Woods (2016) points out that Prop 47 has resulted in unintended problems occurring in the criminal justice system, such as within California’s Drug Court Diversion Program, by reducing its ability to rehabilitate offenders who would have once been entered into the program. This is due to the fact that after Prop 47 was passed, the legal incentive for offenders to seek treatment and attend drug court was eliminated. Prior to Prop 47 passing, offenders with drug related offenses could complete a drug diversion

program in lieu of a lengthy sentence, but Prop 47 has reduced those harsh penalties for certain drug crimes (Woods, 2016).

Woods (2016) also emphasizes that Prop 47 has several primary goals and one of those goals is to exclude offenders convicted of rape, murder and child molestation from the benefits of Prop 47 while also allocating 25% of funding saved from decreasing incarceration to the State Department of Education. The breakdown of remaining funding is 10% to be allocated to crime victims and 65% for mental health. Additionally, other goals of Prop 47 would be to reduce non-violent and non-serious crimes from felonies to misdemeanors and authorize resentencing for those offenders currently serving time for committing crimes that fall under Prop 47. Prop 47 was estimated to save \$150 million to \$250 million annually in state correctional facility dollars (Woods, 2016).

Proposition 64

Proposition 64 is The Control, Regulate and Tax Adult Use of Marijuana Act and it allows legal possession of marijuana for individuals twenty one years of age and older. In addition it allows individuals twenty one and older to legally grow specified amounts of marijuana (Munk, 2018).

Proposition 64 was passed in California in November 2016 in order to legalize cannabis. Vitiello (2019) mentions that Prop 64 stems from a long history of racial discrimination and points out that drug usage is consistent across racial groups and arrests among minority groups are higher than the arrests of white offenders. The author argues that support for Proposition 64 was in part due to the desire of

California voters and legislatures to change that historical pattern by legalizing marijuana (Vitiello, 2019).

Holmes (2019) discusses Proposition 64 and mentions that with the passing of this legislation that a minor drug offense will no longer be accompanied by harsh criminal penalties. The author also describes Prop 64 as “a winning campaign by capitalizing on the New Jim Crow consciousness that had exposed the unjust nature of American drug laws” (Holmes, 2019, p. 2). Proposition 64 was California’s effort to legalize cannabis, but Holmes (2019) points out that Prop 64 has placed the power in the hands of local government to regulate marijuana through a land use system and, due to zoning regulations, dispensaries will be placed in poor neighborhoods. She suggests that Prop 64 has inadvertently targeted minority groups (Holmes, 2019).

Decarceration

Pettus-Davis and Epperson (2015) discuss the benefits of decarceration and argue that it is necessary to reverse mass incarceration. They advocate that decarceration is the humane way to rehabilitate the offender and is a step in the right direction when it comes to eliminating racial disparities in the criminal justice system. They advise that there is an effective way to begin the process of decarceration, “Smart decarceration will be proactive, transdisciplinary, and empirically driven. Effective decarceration will be occurring when (1) the incarcerated population in U.S. jails and prisons is substantially decreased; (2) existing racial and economic disparities in the criminal justice system are redressed; and (3) public safety and public health are maximized” (Pettus-Davis & Epperson, 2015, p. 4).

Hoskins (2019) discusses the topic of decarceration and advises that although we may be currently decarcerating, offenders are still experiencing the collateral consequences of their convictions. Collateral consequences represent punishment that extends beyond incarceration. For example, having a criminal record will punish an individual beyond incarceration by disqualifying them for certain jobs after they are released from custody.

It is also important to mention that although people may be getting released from a facility; incarceration extends beyond being locked up. Many offenders are still a part of the criminal justice system by being placed on probation or parole. Hoskins (2019) gives an example of a felon named Rob and what he experiences post-release incarceration and explains that even though he was released early into community supervision he still faced consequences for his crime.

Hoskins (2019) provides a lot of insight in his book that can lead one to consider the argument that decarceration may be a political tactic that still finds a way to punish the criminal after time has been served or early release has been granted, but allows political entities to appear to be making a positive change within the CJ system.

Haynes (2018) discusses the Formerly Incarcerated Reenter Society Transformed Safely Transitioning Every Person Act, or the FIRST STEP Act. This article breaks down political support for this bipartisan bill and mentions that both Republican and Democratic Party members support this bill. Haynes advises that the bill is an initiative of Jared Kushner and is supported by President Trump. The bill can potentially result in the release of over 4,000 inmates in the Federal Bureau of

Prisons. This piece of legislation can advance the current efforts being made to decarcerate the Golden State.

The First Step Act will show prisoners that we care about them and emphasize rehabilitation over incarceration. In addition to this, passing this legislation is a positive step toward bipartisan efforts in the criminal justice system. In its effort to decarcerate, the First Step Act also allows for inmates to earn more “time credits” which would allow inmates to be released earlier (Haynes, 2018).

Eisenberg (2016) discusses that the incentives behind mass incarceration for private sectors and their desire for profit may affect our initiative to decarcerate. The private prison industry has been under scrutiny for “warehousing human beings for profit” (Eisenberg, pg.13). Their efforts and attempts to lobby for funds that support private prisons have Eisenberg concerned about the most recent efforts of the United States to decarcerate and reform the criminal justice system.

Eisenberg (2016) highlights that for three consecutive years, beginning in 2010, the prison population decreased. The author credits California’s Realignment Act for reducing the amount of prisoners in the system by 50 percent and points out that legislation by single states can impact mass incarceration drastically. However, it is mentioned that according to the Sentencing Project that it will take until 2101 to return to the incarceration rate that was present before 1980.

Zimring, Hawkins, Gordon, & Kamin (2001) examined the “Three Strikes Law” and discuss how it is used as a method of crime control. The authors mention that it is a tactic that portrays that the ‘bite is louder than the bark.’ Many authors mention sentencing and the change in our incarceration rates after the “tough on

crime era.” Sentencing schemes like the “Three Strikes Law” are said to have increased incarceration rates and keep inmates in prison much longer. This article provides an insight on how past legislation like the “Three Strikes Law” has impacted the substantial growth in incarceration rates. While past legislation has contributed to the increase in incarceration, legislation like Prop 47 and 64 do the opposite.

Gottschalk (2015) also discusses the impact of legislation by arguing that lower-level drug crimes are not what a majority of people are being incarcerated for. Therefore, she implies that legislation that attempts to restructure drug crimes will fail to transform the carceral state as it does not envision a long term solution to the problem of mass incarceration.

While certain legislation may only mask the problem of incarceration, some legislation can enhance the movement toward decarceration in California. Furthermore, major political entities, the courts, the elected legislative, and the executive can affect whether or not the movement toward decarceration will be effective.

CHAPTER III

METHODOLOGY

The purpose of this research project is to conduct and review previous research regarding decarceration strategies, specifically in California, and what specific factors and more specifically, political entities, (i.e. the courts, the elected legislative, the executive, or the demos) are responsible for causing decarceration in California. The information that was collected took approximately four months to receive through the internet and by reaching out to the community for data.

A combination of phone calls and emails to the Superior Courts of California was the data collection technique that was utilized in determining the difference between felony and misdemeanor convictions in each county for the years of 2014 and 2018. On October 29, 2019, I made five phone calls to each Northern California Superior Court and they are as follows: Sacramento, Plumas, Stanislaus, Alameda, and San Francisco.

I made contact with Stanislaus County Superior Court and Sacramento County Superior Court on this day. Stanislaus requested my phone number and stated that their analyst would give me a call back. On this same day, I received a phone call from Business Analyst Jessica Herrera and she requested my email information in order to get back to me with the information that I had requested. Sacramento provided me with the information over the phone on that same day. I was not able to contact Plumas, Alameda, or San Francisco on this day.

On October 30, 2019, I attempted to contact Plumas, Alameda and San Francisco. I was able to leave a voicemail at the Plumas County Superior Court and

received a call back shortly thereafter from a court representative. I was provided with both felony and misdemeanor dispositions from the year of 2014 and 2018 as requested. On this same day, I also received an email from Jessica Herrera with the information that was requested. I was not able to contact San Francisco but I was able to contact Alameda County Superior Court. However, the representative on the phone informed me that he was unaware of how to retrieve the information I was looking for and couldn't help me. He did not provide me with his name or title.

Prior to making phone calls to obtain data from each Superior Court of California that we were looking into, my colleague and I had spent months gathering data and giving that information to Dr. Wilson. We created a prospectus for the project and submitted it to Dr. Wilson upon the start of the semester. After the prospectus was submitted and approved, we immediately began completing extensive online research in order to produce enough material that could be used to provide data for a published article by Dr. Wilson.

Sampling

The purpose of this study was to determine what factors are responsible for causing decarceration in California. My role in the study was to collect data from ten counties in California. After completing my part in this study, I will have fulfilled my culminating experience. The study selected ten counties in California of which five were from Northern California and five were from Southern California. Counties were chosen at random from Northern and Southern California with similar populations. Counties with close proximity were also avoided, i.e. Merced and Stanislaus County. The population for this study was residents from the following ten

counties: Sacramento, Plumas, Stanislaus, Alameda, San Francisco, Fresno, Los Angeles, San Diego, Santa Barbara and Riverside.

Measurement and Key Variables

The research study focuses on the thesis, “Considering that all of California’s major political entities are participating in the current process of decarceration, to what extent are their efforts leading California from mass incarceration to an increase in decarceration of the criminal population in the Golden State?”

Variables being researched and assessed were felony and misdemeanor conviction rates among ten different counties in California. This was analyzed by comparing whether or not there was an increase in felony and misdemeanor convictions in 2018 compared to 2014 prior to Prop 47 and 64 passing.

We also examined the amount of felony and misdemeanor arrests per county from the years of 2009 through 2018 to determine whether or not there was an increase of arrests being made before Prop 47 and 64 passed compared to after the legislation passed. These numbers were also compared to conviction rates from each county.

We were able to locate and examine California incarceration rates and break down those numbers to show percentages of inmates incarcerated in state prisons, federal prisons or county jails. We were also able to compare the incarceration rates between jail and prison.

Lastly, we were able to view the amount of residents from each county that were placed on either the felony or misdemeanor probation caseload.

These statistics show that although individuals may not be incarcerated in a facility such as jail or prison, they are still under criminal justice supervision and a part of the current criminal justice system in California.

CHAPTER IV

DATA ANALYSIS

A combination of online research and individual contact with Superior Court representatives was the data collection method used for this study. Quantitative data was used to provide a comparison between the number of persons that were convicted of felony and misdemeanors in 2014 and 2018. The unit of analysis was misdemeanor and felony conviction rates in the years of 2014 and 2018. The sample population consisted of residents from the following ten counties: Sacramento, Plumas, Stanislaus, Alameda, San Francisco, Fresno, Los Angeles, San Diego, Santa Barbara and Riverside. My role in the research study was to contact Superior Court Representatives from the five Northern Counties in California in order to obtain statistics on felony and misdemeanor convictions.

The purpose of this research project is to conduct and review previous research regarding decarceration strategies, specifically in California, and what specific factors and more specifically, political entities, (i.e. the courts, the elected legislative, and the executive) are responsible for causing decarceration in California. In addition, data were collected in an attempt to answer our research question, “Considering that all of California’s major political entities are participating in the current process of decarceration, to what extent are their efforts leading California from mass incarceration to an increase in decarceration of the criminal population in the Golden State?”

Data were gathered from ten California Counties in regards to Prop 47 and Prop 64. We collected the conviction rates prior to the legislation passing (2014) and

after the legislation had been passed (2018) so that we can see the possible effects from it.

The data were then reviewed to see whether felony and misdemeanor convictions have increased or decreased since the legislation was passed. I was personally able to make contact with three of the five Northern California Counties I was attempting to reach.

Information provided by Business Analyst, Jessica Herrera, informs us that in Stanislaus County during the fiscal year of 2014/15, there were 11,891 misdemeanor case filings and 4,207 convictions. In 2014/15, there were 4,972 felony case filings and 3,345 convictions. In the fiscal year of 2017/18, there were 11,485 misdemeanor case filings and 6,049 convictions. In 2017/18, there were 3,596 felony case filings and 2,965 convictions (see Table 1).

A representative at the Plumas County Superior Court provided the following amount of dispositions in that county during the year of 2014 and 2018. In 2014, there were 193 felony dispositions and 542 misdemeanor dispositions. In 2018, there were 90 felony dispositions and 541 misdemeanor dispositions (see Table 1).

A representative from Sacramento County Superior Court provided the amount of felony and misdemeanor convictions for the year of 2014, but I was informed that their system changed in 2018 and felony and misdemeanor convictions were now being combined and totaled into one category. Therefore, the felony convictions for 2014 were at 8,476 while the misdemeanor convictions were at 9,412. In 2018, the total amount of felony and misdemeanor convictions was 24,957 (see Table 1).

Table 1

Felony and Misdemeanor Convictions for Fiscal Years 2013-2014 and 2017-2018

County	<u>Felony</u>	<u>Felony</u>	<u>Misdemeanor</u>	<u>Misdemeanor</u>
	2014-2015	2017-2018	2014-2015	2017-2018
Stanislaus	3,345	2,965	4,207	6,049
Plumas	193	90	542	541
Sacramento	8,476		9,412	

When comparing the number of arrests to the number of convictions per each county Open Justice discovered in the five Southern Counties that Los Angeles County had 109,136 felony arrests and 181,597 misdemeanor arrests in 2014 compared to 73,463 felony arrests and 172,389 misdemeanor arrests in 2018. San Diego County had 31,406 felony arrests and 59,527 misdemeanor arrests in 2014 compared to 21,845 felony arrests and 62,416 misdemeanor arrests in 2018. Fresno County had 21,156 felony arrests and 26,018 misdemeanor arrests in 2014 compared to 9,960 felony arrests and 28,736 misdemeanor arrests in 2018. Santa Barbara County had 4,331 felony arrests and 19,655 misdemeanor arrests in 2014 compared to 3,466 felony arrests and 14,866 misdemeanor arrests in 2019. Riverside County had 22,690 felony arrests and 37,677 misdemeanor arrests in 2014 compared to 13,893 felony arrests and 31,557 misdemeanor arrests in 2018 (see Table 2).

In the five Northern Counties it was discovered by Open Justice that San Francisco County had 7,953 felony arrests and 10,352 misdemeanor arrests in 2014 compared to 7,499 felony arrests and 7,937 misdemeanor arrests in 2019. Stanislaus County had 10,396 felony arrests and 11,778 misdemeanor arrests in 2014 compared

to 6,467 felony arrests and 14,008 misdemeanor arrests in 2018. Alameda County had 14,539 felony arrests and 29,556 misdemeanor arrests in 2014 compared to 11,037 felony arrests and 28,305 misdemeanor arrests in 2018. Plumas County had 254 felony arrests and 588 misdemeanor arrests in 2014 compared to 205 felony arrests and 683 misdemeanor arrests in 2018. Sacramento County had 19,052 felony arrests and 24,457 misdemeanor arrests in 2014 compared to 13,895 felony arrests and 23,366 misdemeanor arrests in 2018 (see Table 2).

Table 2

Felony and Misdemeanor Arrests for Years 2014 and 2018

County	<u>Felony</u>	<u>Felony</u>	<u>Misdemeanor</u>	<u>Misdemeanor</u>
	2014	2018	2014	2018
Los Angeles	109,136	73,463	181,597	172,389
San Diego	31,406	21,485	59,527	62,416
Fresno	21,156	9,960	26,018	28,736
Santa Barbara	4,331	3,466	19,655	14,866
Riverside	22,690	13,893	37,677	31,557
San Francisco	7,953	7,499	10,352	7,937
Stanislaus	10,396	6,467	11,778	14,008
Alameda	14,539	11,037	29,556	28,305
Plumas	254	205	588	683
Sacramento	19,052	13,895	24,457	23,366

Note. Adapted from "Arrests," by Open Justice (n.d). Retrieved from <https://openjustice.doj.ca.gov/exploration/crime-statistics/arrests>

We were also able to examine and compare how many residents in each of the ten counties were on a probation caseload for a felony or misdemeanor offense. In the five Southern Counties, Open Justice discovered that in 2014 Los Angeles County had a total of 55,265 people on their probation caseload with 55,162 being felony offenses and 103 with misdemeanor offenses compared to 2018 where the total number of people on a probation caseload was 37,089 with 36,682 being felony offenses and 407 being misdemeanor offenses. San Diego County had a total of 12,438 of residents on a probation caseload in 2014 with 11,819 being felony offenses and 619 being misdemeanor offenses compared to 2018 with a total of 9,630 on a probation caseload with 8,870 being felony offenses and 760 being misdemeanor offenses. Fresno County had a total of 7,903 of residents on a probation caseload in 2014 with 5,923 being felony offenses and 1,980 being misdemeanor offenses compared to 2018 with a total of 8,987 on a probation caseload with 4,709 being felony offenses and 4,278 being misdemeanor offenses. Santa Barbara County had a total of 4,313 of residents on a probation caseload in 2014 with 2,603 being felony offenses and 1,710 being misdemeanor offenses compared to 2018 with a total of 3,220 on a probation caseload with 2,125 being felony offenses and 1,095 being misdemeanor offenses. Riverside County had a total of 12,348 of residents on a probation caseload in 2014 with 11,453 being felony offenses and 895 being misdemeanor offenses compared to 2018 with a total of 8,932 on a probation caseload with 8,305 being felony offenses and 627 being misdemeanor offenses (see Table 3).

In the five Northern Counties, Open Justice discovered that San Francisco County had a total of 4,603 of residents on a probation caseload in 2014 with 3,368

being felony offenses and 1,235 being misdemeanor offenses compared to 2018 with a total of 2,864 on a probation caseload with 2,030 being felony offenses and 834 being misdemeanor offenses. Stanislaus County had a total of 5,334 of residents on a probation caseload in 2014 with 4,929 being felony offenses and 405 being misdemeanor offenses compared to 2018 with a total of 4,281 on a probation caseload with 3,348 being felony offenses and 933 being misdemeanor offenses. Alameda County had a total of 9,843 of residents on a probation caseload in 2014 with 9,680 being felony offenses and 163 being misdemeanor offenses compared to 2018 with a total of 5,987 on a probation caseload with 5,823 being felony offenses and 164 being misdemeanor offenses. Plumas County had a total of 266 of residents on a probation caseload in 2014 with 142 being felony offenses and 124 being misdemeanor offenses compared to 2018 with a total of 178 on a probation caseload with 70 being felony offenses and 108 being misdemeanor offenses. Sacramento County had a total of 36,696 of residents on a probation caseload in 2014 with 36,696 being felony offenses and 0 being misdemeanor offenses compared to 2018 with a total of 18,494 on a probation caseload with 14,590 being felony offenses and 3,904 being misdemeanor offenses (see Table 3).

Table 3

Probation Caseload for Felony and Misdemeanor Convictions for Years 2014 and 2018

County	<u>Felony</u>	<u>Felony</u>	<u>Misdemeanor</u>	<u>Misdemeanor</u>
	2014	2018	2014	2018
Los Angeles	55,162	36,682	103	407
San Diego	11,819	8,870	619	760
Fresno	5,923	4,709	1,980	4,278
Santa Barbara	2,603	2,125	1,710	1,095
Riverside	11,453	8,305	895	627
San Francisco	3,368	2,030	10,352	7,937
Stanislaus	10,396	6,467	1,235	834
Alameda	9,680	5,823	163	164
Plumas	142	70	124	108
Sacramento	36,696	14,590	0	3,904

Note. Adapted from "Adult Probation Caseload and Actions," by Open Justice (n.d). Retrieved from <https://openjustice.doj.ca.gov/exploration/crime-statistics/adult-probation-caseload-actions>

Political entities can gain from this research by using the information to assess whether or not the written legislation has accomplished its intended purpose. Prop 47 was a reactive measure taken by those political entities in hopes of overcoming mass incarceration. Like Prop 47, Prop 64 is keeping individuals out of jail by eliminating incarceration for minor drug offenses. Given the numbers from the statistics above, it can be determined that due to legislation like Prop 47 and 64, California is indeed

decarcerating. The statistics support this claim because we can see a reduction in arrests and grants of probation from 2014 to 2018.

Furthermore, the research and data suggests that California is not only making a solid effort to decarcerate, but they are beginning to successfully do so. The First Step Act that was signed by President Donald Trump supports the fact that California is going in the right direction when it comes to decarceration. In addition, research from Eisenberg (2016) highlights that for three consecutive years, beginning in 2010, that the prison population has decreased. The author attributes California's Realignment Act for reducing the amount of prisoners in the system by 50 percent and points out that legislation by single States can impact mass incarceration drastically.

This could indicate that the era of mass incarceration is ending and supports the hypothesis that through legislation such as Prop 64 and Prop 47 California's political entities have shifted the state's criminal justice system to reflect a decrease in mass incarceration and an increase of California criminals being decarcerated .

Research also suggests that legislation like Prop 64 represents "the will of the people" and reflects that the people want to see decarceration occur. Vitello (2019), argues that support for Proposition 64 was in part due to the desire of California voters and legislatures to change a historical pattern of mass incarceration by legalizing marijuana.

Ethical Considerations

The study did not use live participants for research purposes. Therefore, I did not have to consult with or obtain approval from the IRB or include any type of

informed consent to conduct research for this study. Research information was obtained through online databases and through contact with representatives from Superior Courts in California. When obtaining information from the representatives it was explained that the information gathered was for research purposes and for the completion of a Graduate level Culminating Experience Project for the California State University, Stanislaus.

Policy Implications

This is not a completed project because our role was to provide research that was to be used for Professor Wilson's future work. What information we found can possibly produce a published article and has already assisted Dr. Wilson with a presentation at a conference. However, the information that we have provided to him and placed in this paper can inform the public of important issues we are currently facing in our criminal justice system. In addition, political entities along with all of those involved with California's criminal justice system can also gain from the research from this project. Political entities can analyze the felony and misdemeanor conviction rates and then have the ability to assess whether or not this legislation has achieved some of those desired outcomes.

CHAPTER V

CONCLUSION AND LIMITATIONS

The purpose of this study was to examine whether or not the State of California is in fact, decarcerating. My purpose in this study was to fulfill my cumulative experience requirement. My role in the study was to conduct extensive online research and to contact five Northern County Superior Courts in order to compare both felony and misdemeanor arrests between the year of 2014 and 2018. The online data collection took approximately four months to complete while the phone calls to the Superior Courts took about a week to gather and receive the data.

Online literature review was used to conduct and review previous research regarding decarceration strategies, specifically in California, and what specific factors and more specifically, political entities, (i.e. the courts, the elected legislative, or the executive) are responsible for causing decarceration in California. Making phone calls to each Superior Court was a form of quantitative data collection technique because our goal was to obtain specific statistical data regarding felony and misdemeanor convictions. Specifically, we were comparing the total number of felony and misdemeanor convictions in the year of 2014 and 2018.

Limitations

The major limitation to the study was the difficulty in acquiring the data we needed from the Superior Courts of California. I was only able to obtain data from three out of the five courts that I attempted to gather information from. I spoke with a representative at Alameda Superior Court and he advised that he did not know how to obtain the information that I was looking for. When trying to contact San Francisco

Superior Court I was only able to get an automated system and was unable to speak with a representative.

My colleague attempted to obtain information from five Superior Courts as well but was also only given limited information. When calling the San Diego Superior Court, there was only an automated system with no option to speak to a representative. My colleague was informed by Fresno County Superior Court that there is no direct line in order to obtain that information. The only way to possibly receive any information would be to visit the Fresno County Superior Court located on the fourth floor of 1100 Van Ness Ave. Fresno, CA 95724. When attempting to contact Los Angeles Superior Court, she was informed by operator that the information would not be able to be obtained over the phone, if at all, and to try by email. She also had to send an email to the Riverside Superior Court.

To a certain extent it felt like there was some difficulty obtaining information from the courts due to unwillingness from some of the representatives to take part in and contribute to our research. The fact that some of the representatives were more than happy to assist with providing the information informs me that the information should be readily available. In addition, statistics like we were requesting to collect should be easily located by the general public in order to broaden knowledge regarding our criminal justice system. The fact that it was so difficult for graduate level researchers to obtain the information is troublesome.

Another limitation to the study was the inability to obtain certain statistics online. I was able to locate the number of arrests per county and how many residents were on felony and misdemeanor probation, but I was not able to find data on

conviction rates for felony and misdemeanors by county. My colleague was not able to locate this information either. We were able to gather crime statistics for the State of California but were unable to break it down by county with the online information located. This made it difficult to determine whether lower incarceration rates were due to Prop 47 and 64 or due to other factors such as decreased crime rates.

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