

# Kubrin: Prison shift raises crucial, unresolved questions

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California's corrections system is in crisis. After decades of growth, California's prison population peaked at 173,000, despite the fact that state prisons were designed to hold a maximum of 79,858 prisoners. Such overcrowding led the U.S. Supreme Court to intervene in 2011, ordering the state to take immediate steps to reduce its prison population. The decision in *Brown v Plata* was the result of 20 years of litigation in which the lower federal court found that "the convergence of tough-on-crime policies and an unwillingness to expend the necessary funds to support the population growth has brought California's prisons to the breaking point." The *Plata* decision requires the California Department of Corrections and Rehabilitation to reduce the state prison population by 33,000.



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In response, the state enacted AB 109, "Public Safety Realignment," considered the largest prison downsizing experiment in U.S. history. Realignment delegates to California's 58 counties responsibility for supervising non-violent, non-serious, and non-sex-registerable offenders. Sentences are served in county jails instead of state prison, and individuals released from state prison are no longer on "parole" but on local "post-release community supervision." Realignment also authorized counties to use home detention with electronic monitoring, day reporting centers, work release and other community supervision programs as alternatives to incarceration. Implementation of Realignment began in October 2011.

Realignment is producing drastic changes. In line with expectations, the state prison population is declining and the flow of new admissions into state prisons is drying up. A Center on Juvenile and Criminal Justice report showed new state prison commitments have declined to levels not seen

since the 1980s, when California had 7 million fewer residents. These trends are not uniform across counties; 28 reported larger-than-average declines in prison commitments and 18 of these, including Orange County, showed declines of at least 50 percent. Such differences likely reflect variations in counties' implementation plans. Some might add more bed space in jails, others might place more individuals on probation, and still others might provide more rehabilitative services to parolees. And some might alter charging and sentencing practices in ways designed to avoid supervisory responsibilities.

This historic shift evokes a series of critical -- and as yet unanswered -- questions. Some are immediate and practical: Will allocated funds cover realigned offenders' housing costs? How many state inmates will be housed in county lockups? What will happen when bed space is no longer available? Others speak to the high stakes involved in a significant policy change: Is Realignment merely shifting a legal and humanitarian disaster from the state to its 58 counties? Will thousands of inmates spend less time behind bars or under supervision as counties cope with the influx of offenders? Will Realignment make communities safer? What is the impact on criminal justice practitioners? Will Realignment save the state dollars? Will other states follow California's lead?

Problematically, Realignment legislation does not include funding for evaluation, and there is no plan for comprehensive research into how counties will address Realignment and what impact it will have on crime and recidivism. Researchers -- myself included -- in the Department of Criminology, Law and Society at UC Irvine are applying for funding of our own to conduct such research, both in Orange County and state-wide.

Scientific research and evaluation of this kind is crucial for determining the viability of prison downsizing more broadly in the United States. Other states facing prison overcrowding are watching closely to see if large-scale

prison downsizing in California will compromise public safety, or whether they too can look to Realignment as a solution. While speculation on Realignment's impact abounds, rigorous, high-quality research has yet to be done, and we lack the knowledge needed to make evidenced-based decisions about criminal justice systems operations.

Charis Kubrin is an associate professor of criminology, law and society in the School of Social Ecology. Her research focuses on neighborhoods, race, and violence as central to social disorganization theory. A related line of research examines the intersection of music, culture and social identity. More of her research may be found at [socialecology.uci.edu/faculty/ckubrin](http://socialecology.uci.edu/faculty/ckubrin)