Chief Probation Officers of California
CPOC ISSUE BRIEF
REALIGNMENT PERSPECTIVE
A First Look at Statewide Data Trends and Impacts
Volume I Issue I

Public Safety Realignment – What is it?

California enacted historic criminal justice system changes to respond to a variety of factors present in 2011: a significant U.S. Supreme Court decision which could have led to arbitrary early release of tens of thousands of prison inmates; years of state and local government budget deficits; and an unacceptably high recidivism rate for criminal offenders. The plan resulted in what is commonly called "Public Safety Realignment," enacted through California Assembly bills AB 109 and AB 117. As a result, in the first six months of Realignment, over 38,000 individuals who would have been the responsibility of the State prior to these changes were instead being supervised and housed by local county probation and sheriff departments.

Instead of serving their parole time on state parole jurisdiction, 23,000 are now under the supervision of local probation departments as "Post Release Community Supervision" (PRCS) offenders. These individuals are eligible for local supervision if their most recent conviction was a non-violent, non-serious, and non-sexual offense. It is important to note that while the PRCS population may not have a recent conviction of a serious, violent or sex offense many are still assessed as high risk. These offenders could also have a sex offense in their criminal history and be placed on PRCS as long as they are not currently assessed as a high risk sex offender. While probation departments are equipped to handle this population, they often fall into a high need and higher level of supervision.

In addition to those being supervised by probation as a PRCS, an additional 15,000 offenders are serving their sentences in local jails, rather than state prison, under the new Penal Code section 1170(h). Many of these offenders will eventually serve a portion of their local time under the supervision of the probation department, on "Mandatory Supervision" (MS). It is clear that Realignment is dramatically changing criminal justice in California with the state prison population under 140,000 for the first time since 1996, and the state parole supervision population is under 70,000. The key question moving forward -- how are communities responding to the populations that are no longer under the state responsibility and must be addressed locally?

Every community has the flexibility to develop their local Realignment plan, and collect their data in a manner that addresses local priorities and needs. In order to best measure, plan, and manage this historic

Future Editions of Realignment Perspectives

- *A Closer Look at Split Sentences*
- *Regional Perspectives on PRCS Supervision*
- *PRCS Offender Outcomes*

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change, the Chief Probation Officers of California (CPOC) agreed to collect data from all 58 counties. It is with recognition of the significance of this change that all counties agreed to collect common information, to ensure statewide understanding of Realignment impacts, and inform further policy decisions. This brief is the first of a series that will analyze trends and outcomes as Realignment progresses.

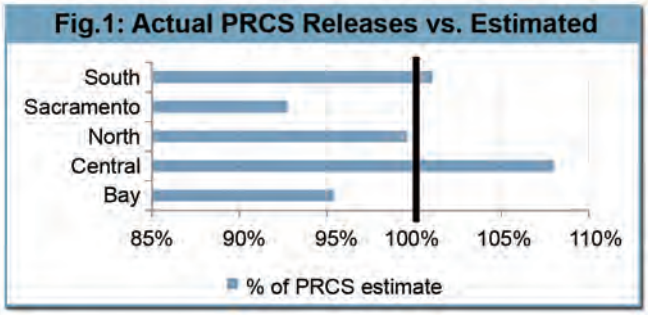
Realignment and Probation's Role

The expansion of local control and resources provides counties with an opportunity to improve offender outcomes. In addition to saving lives and preventing future victims, lowering criminal recidivism saves taxpayer dollars, by reducing societal costs of crime, and costly attempts to address criminality. To respond to this significant change, localities have created collaborative decision making bodies known as Community Corrections Partnerships (CCPs), chaired by the county Probation Chief. These bodies bring together county and other agencies to develop local fiscal and strategic policies, based on local realities. CCPs assist jurisdictions by ensuring that justice agencies work together in the creation of county plans, and by supporting the delivery of practices that have been scientifically shown to reduce risk, and improve outcomes.[1]

Post Release Community Supervision (PRCS)
is provided by local Probation Departments. Eligible offenders who would have previously been under parole supervision will now be supervised by Probation. PRCS can last for up to 3 years, but can end earlier if the offender does not violate terms of supervision resulting in a return to custody.

Post Release Community Supervision Offenders

As part of the AB109 planning process, each county received estimates of the number of offenders anticipated to be placed on PRCS in their communities after serving their full prison term.



Data for the first six months demonstrates that, on a statewide basis, the estimates closely approximated the actual numbers (23,100 predicted by the state, compared to 22,500 actual releases). However, the statewide average obscures the experiences of individual counties. As shown in Figure 1, counties in California's central region received 8% more offenders than expected, while counties in the Sacramento and Bay Areas received approximately 5% fewer than expected.

A community corrections agency can only effectively supervise and case-manage offenders who are engaged with their probation officer. Once the PRCS offender is released from prison, s/he is mandated to check in at the local probation office within two business days. Seven percent of PRCS releases from state prison have had a warrant issued

for their arrest for failing to appear within the ordered timeline. Warrants are also issued for offenders who do not maintain adequate contact with their probation officer, after they have arrived in the county. Fewer than 4% of PRCS offenders were on this type of warrant status as of March 31, 2012, compared to a similar statistic for parolees monitored by the state at a rate of 14%.[2] Several variables factor into that statistic but it does demonstrate while early concerns were expressed that Realignment would lead to offenders evading probation supervision, this trend suggests those concerns have been overstated.

However, just showing up is only one part of the puzzle. Outcome measures, such as six-month and one-year terminations, and terminations after 18 months, will eventually provide information for both amount of time spent on local supervision, as well as relative levels of success. Probation departments, as their data systems permit, will be tracking and addressing recidivism of offenders under their supervision, as well as improvements in community factors that lead to success, e.g., education, housing stability, sobriety, and other criminogenic factors. These long term outcomes for communities will ultimately measure the success of Realignment as a criminal justice policy.

PC1170(h)
allows judges to impose a local prison term, or a split sentence of a local prison term followed by a mandatory term of supervision for offenders convicted of a non-serious, non-violent and non-sexual offense.

New Custody Option – Split Sentences with Mandatory Supervision

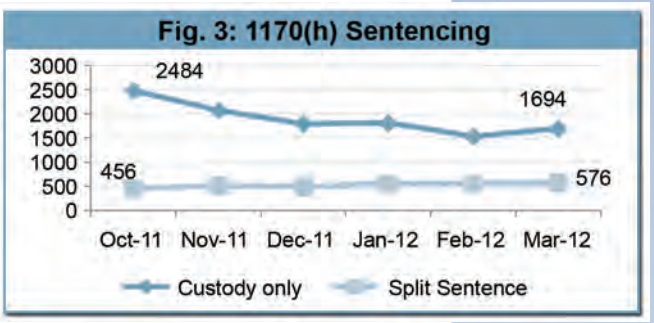
Felons ineligible for state prison under Realignment are being sentenced under Penal Code 1170(h). This sentence can be structured in several ways- with a sentence that includes the entire period served in jail; a sentence that is split between a custody term in jail followed by mandatory supervision by probation; or the entire sentence served on mandatory supervision, under probation jurisdiction. When the sentence includes a combination of custody and mandatory supervision, it is known as a "split sentence." This option allows probation officers to provide supervision and case-management services to offenders in the community as part of a re-entry plan, once the custody term has ended. When offenders are released directly from local custody without supervision, these opportunities are missed. For this reason, probation departments believe that the usage of split sentences benefits community safety under the realigned system.

Through March 31, 2012, more than 15,000 offenders were sentenced under PC1170(h) (See Fig. 2). Offenders being sentenced to local custody/mandatory supervision rather than state prison/parole are causing an immediate impact on local resources, with jails feeling this most acutely in the first six months. However, as 1170(h) offenders whose sentence was split

Fig. 2: Total 1170(h) Sentences, by Month

begin to exit custody and start mandatory supervision, they will also start taxing probation resources. The impact is not consistent across the state, due to the uneven use of split sentences made by courts, as well as the length and number of offenders serving custody terms. Even more so than with PRCS numbers, variables that are predictive of offenders receiving 1170(h) sentences are complex, and are still being assessed.

Statewide, the number of split sentences ordered per month has stayed relatively constant over the first six months of Realignment. However, as the monthly number of 1170(h) sentences overall has declined, the percent that are receiving split sentences has risen from 15% in October 2011, to 24% in March 2012.



As of March 31, 20% of offenders given a split sentence have finished their custody time and are currently being supervised by probation departments on mandatory supervision. In the coming year, the number of offenders supervised by probation under mandatory supervision will continue to rise, as offenders receiving split sentences finish their custody terms. It will be crucial to assess whether actual 1170(h) sentences and the average daily population are continuing to trend above projections, to ensure local jurisdictions have the appropriate resources to make Realignment successful.

Impacts on Traditional Felony Probation Sentences

Probation supervises adult criminal offenders within local communities, using a balance of supervision techniques involving offender accountability, enforcement, and rehabilitation, to protect public safety, and reduce recidivism. By focusing on approaches that are evidence based, probation is able to identify the risk of reoffending, provide supervision intensity and interventions that effectively reduce recidivism, hold offenders accountable, and reduce the movement of offenders in and out of very costly incarceration options.

Probation has been the most commonly used sanction within the criminal justice system prior to Realignment, with roughly 70% of convictions including probation as part of the sentence.[3] That reliance makes probation a unique and critical partner in the justice system. The actions of local agencies, particularly in the area of probation, effect state-level public safety programs.

During the first six months of Realignment, the monthly amount of felony probation grants has declined by 20%. This may reflect

changes occurring in the wake of the new sentencing options; however, prior to October, there had already been a trend of decreasing felony probation grants. It is expected that Realignment will have an impact on regular felony grants of probation, but it is too early to draw conclusions. The first six months of Realignment has already seen some decline in total 1170(h) sentencing, and the relationship between 1170(h) sentencing and traditional probation will be an area for further study. As with other parts of Realignment, there is great variability when looking at this from a regional and county-by-county perspective.

In 2009, Senate Bill 678 supported probation departments' use of evidence based practices to achieve greater success with their offenders. To the extent fewer probationers fail and are sentenced to state prison, the state achieves significant savings. The act mandated the state share between 40-45% of the savings with counties who were successful at reducing the rate at which they revoke probationers to state prisons. After the first year of implementation in 2010, probation departments reduced their revocations to state prison by 23%, from baseline years of 2006-2008. Fifty county probation departments used Senate Bill 678 funds to invest in practices that reduce recidivism, such as risk-needs assessment, and the targeted lowering of caseload ratios for high risk offenders.[4] These efforts allowed probation departments to create foundational pieces that prepared them as they were presented with the challenges of Realignment. Building on these strategies from this program, and broadening the lessons to the greater county's efforts through its CCP (as envisioned by Realignment legislation) could lead to similar success with the newly realigned population. This could generate county general fund savings when local programs are successful in reducing recidivism and preventing excessive increases in jail population.

What's Next?

The $375 million allocated to Realignment in year one will be followed by an allocation of $842 million in year two. Protecting this funding on an ongoing basis is imperative to ensure that strategies planned by CCPs can be implemented, and allowed to bear fruit. Each county has established a Community Corrections Partnership of key criminal justice, health, human service, and education leaders to work as a collaborative group to put actions to strategies. In addition, probation departments across the state have imposed upon themselves a statewide data collection effort. As more data is gathered we will be able to analyze how probation strategies will benefit local communities and the state, by working to ensure public safety and improve offender outcomes, in a cost effective way.

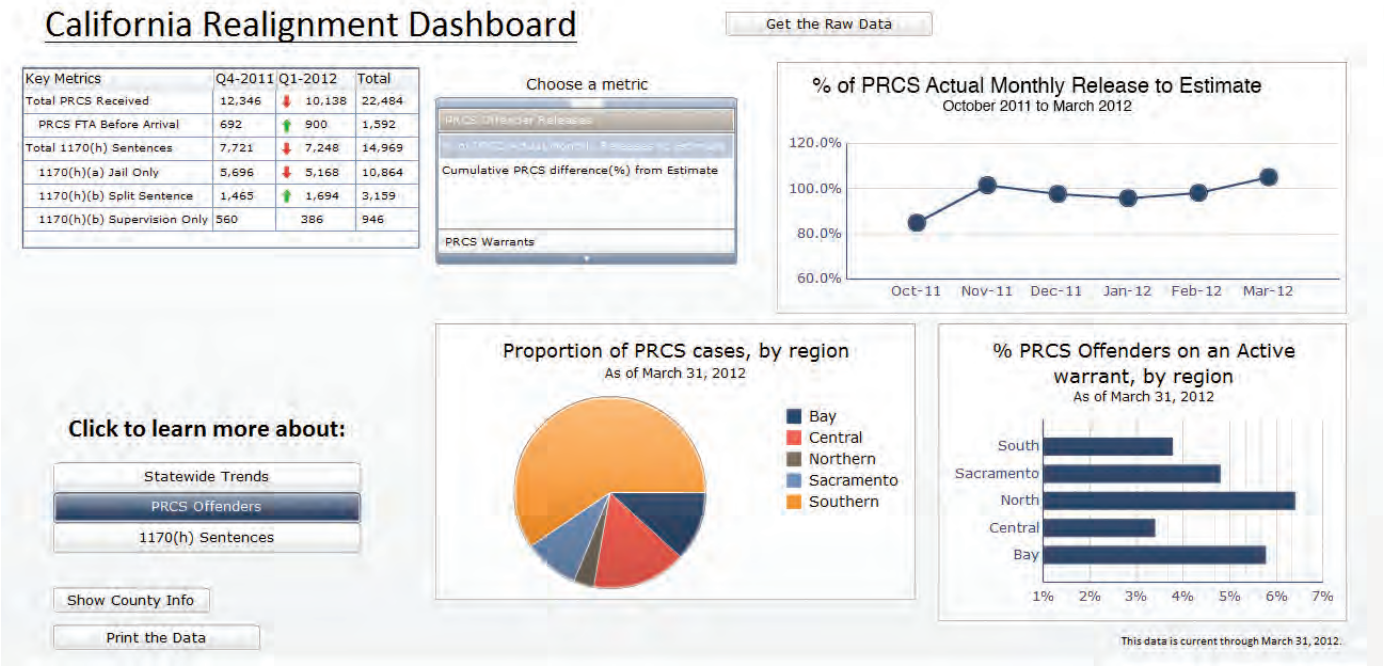
[1] County Re-alignment plans can be found at http://cpoc.org/php/realign/countyplans.php.

[2] http://www.cdcr.ca.gov/COMPSTAT/docs/DAPO/COMPSTAT_DAPO_Statistical_Report_04_12.pdf

[3] http://oag.ca.gov/sites/all/files/pdfs/cjsc/prof10/table6.pdf?

[4] http://www.courts.ca.gov/documents/SB678-Year-1-Report-FINAL.pdf

To interact with the statewide data from this report in a dashboard:
http://www.cpoc.org/php/realign/dashboardinfo/dashboard.swf



To obtain the county level data: http://www.bscc.ca.gov/resources

For questions about this report,
please contact Cpoc@cpoc.org,
or visit our website at
http://cpoc.org/php/realign/ab109home.php

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