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 to 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/need assessment, and the targeted lowering of caseload ratios for high risk offenders. These efforts allowed probation departments to create foundational pieces that prepared them as they presented with the challenges of Realignment. Building on these strategies from this program, and expanding their efforts 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 plan, and collect their data in a manner that addresses local priorities locally?

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CPOC Issue Brief 5 July 2012

1 http://www.oag.ca.gov/sites/all/files/pdfs/cjsc/prof10/table6.pdf?
2 http://www.cpoc.org/php/state algorithms/dashboard/index/dashboard.swf
4 http://www.cpoc.org/php/state algorithms/dashboard/index/dashboard.swf
5 http://www.courts.ca.gov/documents/38789-1Year-1Report-FINAL.pdf
7 http://www.cpoc.org/php/state algorithms/dashboard/index/dashboard.swf

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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 unacceptable 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. These individuals are subject to local supervision if their most recent conviction was a non-violent, non-serious, and non-sexual offense. It is important to note that the newly realigned 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 assessed as high risk. These offenders are now under the supervision of local probation departments as a result of California Public Safety Realignment – What is it?
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.

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 and mandatory supervision; 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 options provide Probation with timely information on the behavior and progress of offenders, which can help inform the success of Realignment as a criminal justice policy.

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 taxpayers billions of dollars, by reducing societal costs of crime, and costly attempts to address criminality. By responding 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 community 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

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 prison term.

Data for the first six months demonstrates that, on a statewide basis, the actual number of offenders released on PRCS was 8% fewer than expected. 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. Changes in the number of PRCS offenders vary widely, with increases in counties in the San Francisco and Los Angeles areas, and declines in counties in the northern part of the state, due to the uneven use of split sentences made by courts, as well as the length of certain sentences.

The number of offenders serving custody terms under Realignment has been assessed. Even more so than with PRCS numbers, variables that are predictive of offenders receiving 1170(h) sentences are complex, and are still being assessed.

Post Release Community Supervision (PRCS) Offenders

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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 taxpayers billions of dollars, by reducing societal costs of crime, and costly attempts to address crime. To respond to this significant change, counties 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 devise 1, counties in California’s policies and strategies, 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 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 prison term. Data for the first six months demonstrates that, on a statewide basis, the number of offenders transferred out of very costly incarceration options, with roughly 70% of convictions hold offenders accountable, and reduce the movement of offenders in the current year, the number of 1170(h) sentences overall has fallen most acutely in the first six months. However, as of March 31, 2012, compared to a similar statistic for parolees monitored with their probation officer, after they have arrived in the county. Fewer than 5% of offenders were identified as low-risk, or had no supervision needs, under parole jurisdiction. When the offender does not maintain adequate contact with their probation officer, after they have arrived in the county. Fewer than 5% of offenders have been 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.

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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, or “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

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Future Editions of Realignment Perspectives

• A Closer Look at Split Sentences Regional Perspectives on Probation Supervision • PRCS Offender Outcomes