



# Public Safety Realignment in Twelve California Counties

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## Preface

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Beginning with the Uniform Determinate Sentencing Act of 1976 (Senate Bill [SB] 42) and exacerbated by the three-strikes law in 1994 (Assembly Bill [AB] 971), California’s prison population had grown to more than 170,000 by 2006, causing Governor Arnold Schwarzenegger to issue a state of emergency. Following decades of litigation among inmates, prison guards, and state officials, in May 2011, the U.S. Supreme Court affirmed the ruling of a federal three-judge panel that imposed a cap on California’s prison population and ordered the state to reduce its prison population to 137.5 percent of “design capacity” within two years (*Brown v. Plata*, 2011).

In response to the 2011 Supreme Court decision, California adopted two measures, AB 109 and AB 117, collectively known as *realignment*. These measures shift responsibility for certain low-level offenders, parole violators, and parolees, previously the state’s responsibility, to California counties. To qualify for county jurisdiction under realignment, an offense must be “non-violent, non-serious, and non-sex” (colloquially referred to as the *non-non-nons*). Realignment gives the counties a great deal of flexibility in how they treat these offenders and allows them to choose alternatives to custody for realignment offenders. AB 109 and AB 117 also provide funding to the counties to carry out these new responsibilities. Realignment took effect on October 1, 2011.

This report presents the subsequent experiences of 12 California counties in implementing realignment, utilizing data from each county’s annual report, as well as data available from the California Department of Corrections and Rehabilitation (CDCR) and the Chief Probation Officers of California (CPOC). In addition, we conducted in-person and phone interviews with chief probation officers or their representatives and with representatives from the sheriff’s department in each county, utilizing a structured protocol to determine the actual strategies each of the counties has used to implement realignment, including their successes and remaining challenges.

The Rosenberg Foundation sponsored the research reported here. This report should be of interest to researchers, policymakers, and practitioners interested in the California’s criminal justice realignment. Related publications include the following:

- Julie Gerlinger and Susan Turner, *California’s Public Safety Realignment: Correctional Policy Based on Stakes Rather Than Risk*, Irvine, Calif.: Center for Evidence-Based Corrections, University of California, Irvine, working paper, revised December 2013
- Susan Turner and Julie Gerlinger, “Risk Assessment and Realignment,” *Santa Clara Law Review*, Vol. 53, No. 4, June 2, 2014, pp. 1039–1050.

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This program is part of RAND Justice, Infrastructure, and Environment, a division of the RAND Corporation dedicated to improving policy and decisionmaking in a wide range of policy domains, including civil and criminal justice, infrastructure protection and homeland security, transportation and energy policy, and environmental and natural resource policy.

Questions or comments about this report should be sent to the project leader, Terry Fain (Terry\_Fain@rand.org). For more information about the Safety and Justice Program, see <http://www.rand.org/safety-justice> or contact the director at [sj@rand.org](mailto:sj@rand.org).

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## Summary

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### Introduction

Following decades of litigation among inmates, prison guards, and state officials, in May 2011, the U.S. Supreme Court affirmed the ruling of a three-judge panel that imposed a cap on California's prison population and ordered the state to reduce its prison population to 137.5 percent of "design capacity" within two years. The primary basis for the court ruling was that the overcrowded prison system violated inmates' constitutional right to adequate health care.

In response to the 2011 Supreme Court decision, California adopted two measures, Assembly Bill (AB) 109 and AB 117, collectively known as *realignment*. These measures shift responsibility for certain low-level offenders, parole violators, and parolees, previously the state's responsibility, to California counties. Realignment gives counties a great deal of flexibility in how they treat these offenders and allows them to choose alternatives to custody for realignment offenders.

### Key Issues Related to Implementation of Realignment

As time has passed since realignment began in October 2011, several studies have evaluated various aspects of the planning and implementation of realignment. This study focused on the flexibility that the state granted counties in implementing realignment. In particular, we wanted to determine whether counties essentially continued and expanded what they were already doing in county corrections or whether they used realignment as an opportunity to change from "business as usual."

### Study Design

Our basic goal in this study was to assess realignment's impact on several aspects of California corrections, including whether counties have made fundamental changes or simply expanded business as usual. We selected a range of counties that reflect high and low levels of prior use of incarceration at the state level, high and low levels of service provision, and a range of plans for adding jail capacity. Our study counties were Alameda, Fresno, Kern, Los Angeles, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, Santa Clara, and Stanislaus.

We employed multiple methodologies for the proposed project, including interviews with sheriff's department and probation officials; gathering of media reports; analysis of county plans and other, more-recent documentation; and analysis of available criminal justice system data on probation and jail populations.

## Findings

### Changes in Criminal Justice Populations

In the past five years, the prison population overall has fallen from a daily average of 167,276 in fiscal year (FY) 2009–2010 to 133,217 in FY 2012–2013—a reduction of 20.4 percent. Most of that reduction has occurred since realignment began in late 2011. We see decreases for each of the 12 counties in the prison admissions and standing populations. The percentage change for both prison admissions and standing population was the largest for San Francisco County (52.1 and 33.7 percent, respectively). The smallest drop in prison admissions among our 12 counties was in Fresno County, where admissions were reduced by 20.3 percent between 2009 and 2012. Riverside County saw the smallest reduction in standing prison population, with a 12.8-percent reduction.

Much of the discussion in the media about realignment has focused on its impact on the local jails. Although many jail populations had eased before realignment, California's overall jail population has increased since realignment went into effect. Between June 2011 and June 2012, California jail populations increased by about 12 percent, with 16 counties operating jails above rated capacity, compared with 11 counties the year before. However, not all counties experienced increases. San Francisco and Stanislaus have not shown increases in their sentenced populations since realignment.

Increased jail populations as a result of realignment have been cited as the cause for many early releases from jail. Not all counties, however, release inmates early from their sentences. Among our study counties, Fresno, Kern, Los Angeles, Riverside, Sacramento, San Bernardino, San Diego, and Stanislaus were using early release, and each had one or more facilities under a population cap.<sup>1</sup> Data from the California Board of State and Community Corrections shows that some of these counties, including Los Angeles, Fresno, Kern, San Diego, and Stanislaus, had been using early release and alternatives to custody before realignment in order to manage their populations. In other words, early release is not a result of realignment, although its use has accelerated since the law went into effect.

Because counties are now responsible for supervising lower-level offenders, county probation departments have had to deal with increased numbers of clients. What is apparent is the very steep climb and more-recent leveling off of the numbers of postrelease community supervision (PRCS) clients each county has received. Mandatory supervision rates have been generally climbing since realignment began.

Realignment language stresses the use of alternatives to incarceration, but has the shift to the counties meant that jail is now simply used as a substitute for prison? According to the Public Policy Institute of California, the state has not increased the rate of incarceration. A recent report estimates that, on average, for every three felons no longer going to prison, the county jail population has increased by one (Lofstrom and Raphael, 2013a). In terms of overall levels of correctional control, a report by the Public Policy Institute of California (Martin and Grattet, 2015) compared the numbers of offenders on probation or parole or in prison or jail before and after realignment. Their analyses show overall decreases in the numbers of offenders

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<sup>1</sup> Population caps are court-ordered population limits assigned to a jail facility whose overpopulation contributes to violations of inmates' rights.

under supervision at year-end 2012 and 2013, compared with year-end totals in the four prior years (i.e., 2008 through 2011).<sup>2</sup>

### **Crime Rates**

Using data from the California Office of the Attorney General’s website, we found that both violent- and property-crime rates increased between 2011 and 2012 for the state overall. However, 2013 statewide violent-crime rates were lower than 2012 rates, and 2013 violent-crime rates were lower than those of 2011. Among the 12 counties on which we focused, Fresno and Los Angeles saw reductions in violent crime in 2012 compared to 2011, while the other ten counties had higher rates of violent crime in 2012. Among our 12 counties, only Fresno had a lower property-crime rate in 2012 than in 2011.

### **Funding for Realignment**

Taken as a whole, county budgets (not simply realignment funding<sup>3</sup>) for our 12 counties were essentially unchanged between FY 2009–2010 and FY 2013–2014. However, some individual counties saw significant changes in their total budget. Five counties increased their overall budgets, led by San Bernardino County with a 35.0-percent increase. The other seven counties saw reductions in their overall budgets that ranged from as little as 0.6 percent for San Diego County to 20.1 percent for Sacramento County.

### **County Contexts in Assembly Bill 109 Planning and Implementation**

We asked county representatives whether they felt that their plans focused mostly on rehabilitating the offender, mostly on incarceration and potential jail needs, or equally on rehabilitation and incarceration needs, including alternatives to incarceration. Many counties indicated a balanced approach, although counties that faced jail population capacity issues mentioned incarceration and jail beds as the focus. However, the issue was not as simple as building beds—many expressed the challenge as using jail beds efficiently and including more programming in the jails. In general, probation representatives were somewhat more likely to say the county plans equally emphasized incarceration and rehabilitation.

When we asked about challenges, a clear message came through from many sheriff’s departments: concern about jail crowding. Jails might not have been overcrowded at the beginning of realignment (in fact, jail populations had been going down before realignment); however, counties were concerned about the numbers of locally sentenced inmates with long sentences they would have in their jails. Related to this was concern about programming for the new jail inmates in facilities that were not built historically with programming space or a focus on activities of longer-term inmates.

<sup>2</sup> A 2014 Stanford report suggests that the total number of Californians under correctional control has increased to 684,563 people at year-end 2012, contrasted with 650,279 at year-end 2010, but the rate per 100,000 has remained about the same pre- and postrealignment—due mostly to changes in the percentage on probation, which, according to the authors, increased from about 48 percent in 2010 to 61 percent by the end of 2012 (Quan, Abarbanel, and Mukamal, 2014). However, this conclusion rests heavily upon estimates of 2012 probation populations drawn from a survey conducted by the Chief Probation Officers of California. See Martin and Grattet, 2015, for more discussion of issues related to methodology.

<sup>3</sup> See the appendix for funding specific to realignment in years 2 and 3 after realignment began in October 2011. The fourth quarter of 2011 is generally considered to mark year 1.

### **Probation Departments Supervising Realigned Offenders**

Probation departments across the country have adopted the risk-need-responsivity (RNR) approach, including those in California. Senate Bill 678, approved by the governor in October 2009, provided incentive funds to counties that reduced the percentage of adult probationers sent to prison for probation violations. One can readily see the influence of the RNR model in the SB 678 approach. It comes as no surprise that probation departments generally applied concepts used before realignment for the newly realigned offenders. A realigned offender's risk played a large part in determining his or her assignment. Department consistently reported risk levels for PRCS and mandatory-supervision (MS) cases as higher than those for routine felony probationers.

Of particular note is that the vast majority of counties used realignment funding to *enhance* programs and services already in existence for education, employment, substance abuse treatment, and mental health services for realigned offenders. GED® test preparation was a frequent program for funding under education. Vocational and job readiness and skill training were among employment programs. Probation representatives noted group counseling for both substance abuse and mental health. They mentioned several forms of cognitive-behavioral programs, including Thinking for a Change and Moral Reconation Therapy.

### **Sheriff's Departments Managing Realigned Offenders**

A focus on enhancing programming in the jails was clearly present in our interview with jail officials. Jails can often enhance programming in education, substance abuse, and mental health areas. Additionally, some counties increased the use of cognitive-behavioral programming and other services targeted to successful integration, such as housing, parenting, and anger management. Unlike probation, jails did not separate realigned inmates from other inmates.

In our interviews with sheriff's department representatives, the most frequently mentioned changes to operations were enhanced programming changes—often with respect to reentry programming. These changes, as indicated earlier, are targeted to all offenders, not just those who are realigned.

We found that some counties are increasing the use of mechanisms to reduce jail population pressures as a result of the influx of realigned offenders. Jail populations can be reduced on the front end, for example, by increased use of own-recognition (OR) programs for the presentenced population. As some respondents indicated, district attorneys opposed establishing pretrial release for realignment offenders because it reduces a bargaining chip in the case process. However, sheriff's departments feel the push to make headway in developing pretrial release programs, and several counties are using or considering OR. In many overcrowded jails, early release has served as a back-end mechanism to reduce capacity for quite some time before realignment. The use continues, and Global Positioning System (GPS) monitoring is often a part of this.

## **Concluding Thoughts**

Our work can be seen as answering three major questions. The first is simply “What are counties doing?” The second is whether they are doing anything new (as AB 109 intended). The third is whether what they are doing conforms to the evidence-based practice (EBP) literature.

We find, with respect to the first question, that counties are doing things but encountering a lot of unanticipated challenges and finding that there are many unknowns about the effects of strategies. For the second question, we find that many things that are being implemented are enhancements of existing programs or policies. With respect to the third question, we find that there is evidence of movement toward RNR, although SB 678 set some of that in motion. We go into more detail below.

Realignment appears to have shifted the responsibility for, but not the total numbers of, offenders in the system (at least those under the primary forms of supervision and incarceration). Although many early concerns and media reports suggested that realignment would cause increases in crime, it appears that observed increases in crime in 2012 (notably for property offenses) have been followed by reductions in 2013 in both violent and property crimes.

Both probation and sheriff's department representatives mentioned a focus on providing services and expanding EBPs, although clearly sheriff's departments often focused on adding jail capacity. Expanding services aligns along the dimensions of what EBPs would suggest—a focus on risk assessment, programs that emphasize cognitive-behavioral approaches, and academic and career technical education. A common theme voiced by every county was the increased risk level and need profile of the realigned offenders—they required more mental and other health services, and high proportions were rated as high risk on assessment instruments.

A movement toward the delivery of services in a one-stop location was evident in both probation and sheriff's departments. Reentry units—specialized areas in the jails—are gaining momentum for inmates near the ends of their sentences in an effort to provide them with the skills, services, and connections to outside agencies. Some probation departments use the day reporting center (DRC) concept—some new, some expanded. Despite their attractiveness, the evidence base on their effectiveness is still being compiled.

The impact of SB 678 cannot be overstated in terms of getting probation departments off the ground to face the challenges of supervising thousands of new offenders at the county level. Many probation departments had been using risk assessments, focusing services on the higher-risk and higher-need offenders—using cognitive-behavioral approaches in the delivery of needed services, for example—before realignment went into effect. Although the realigned population had more-serious offenses than traditional probationers, the continued use and expansion of approaches for realigned offenders can be seen as a natural extension of efforts begun under SB 678.

Increased service provision has led to some blending of roles that have been traditionally separate. In some counties, sheriffs' activities are beginning to look more like probation services, in that they have developed programs that follow clients into the community. Probation officers are being located within reentry units in the jails. Contracting out to community-based organizations is a routine mechanism for providing enhanced treatment and services, although not enough is known about the quality of the treatment that these organizations provide.

Jail populations continue to be a major concern with realignment. Mechanisms are available to counties to increase jail capacity—namely, reducing the presentence population. Although some counties are using pretrial release mechanisms or mentioned that they were contemplating implementing them, some of our counties noted local opposition to letting out presentenced felons. We note, however, that the pressure to increase the use of OR and other alternatives to incarceration might be reduced in the near future as Proposition 47 releases and presumptive split sentences increase. Although many discussions of jails in the context of realignment concentrate on capacity and costs, we found that our interviews with sher-

iff's department representatives were much more nuanced. Many mentioned seeking funds to repair or replace aging facilities that were no longer serviceable or built to provide the programming that realigned offenders required.

Legislation did not require a statewide evaluation of the implementation or outcomes of realignment. Researchers and practitioners have been conducting a wide variety of studies and gathering data to help counties and the state understand the response to California's massive experiment. The Board of State and Community Corrections and the Public Policy Institute of California are currently collecting data from 11 counties from agencies, including the courts, sheriff's departments (jails), probation departments, and social services, in order to build a comprehensive database that can answer questions about realignment's effect on crime, recidivism, and the local criminal justice systems, as well as questions about which strategies and services appear to be the most effective and for whom.

Realignment has been described as the largest change in California's criminal justice system in 40 years. Although the state has three years of experience with the new legislation, counties are still developing strategies for dealing with the influx of realigned offenders. In addition, we are still in the process of gathering information on how counties are responding to the challenge and what impacts realignment has on offender behavior, as well as state and local government agencies.

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## Abbreviations

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AB	assembly bill
BSCC	Board of State and Community Corrections
CBP	cognitive-behavioral program
CCP	Community Corrections Partnership
CDCR	California Department of Corrections and Rehabilitation
COMPAS	Correctional Offender Management Profiling for Alternative Sanctions
CPOC	Chief Probation Officers of California
DRC	day reporting center
EBP	evidence-based practice
FBI	Federal Bureau of Investigation
FY	fiscal year
GPS	Global Positioning System
MS	mandatory supervision
OR	own recognizance
PPIC	Public Policy Institute of California
PRCS	postrelease community supervision
RNR	risk-need-responsivity
SB	senate bill
STRONG	Static Risk and Offender Needs Guide



## Research Designs and Methods

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### Background

Beginning with the Uniform Determinate Sentencing Act of 1976 (Senate Bill [SB] 42) and exacerbated by the three-strikes law in 1994 (Assembly Bill [AB] 971), California's prison population had grown to more than 170,000 by 2006 (Dansky, 2008), causing Governor Arnold Schwarzenegger to declare a state of emergency (McCray, Newhall, and Snyder, 2012). Following decades of litigation among inmates, prison guards, and state officials, in May 2011, the U.S. Supreme Court affirmed the ruling of a three-judge panel that imposed a cap on California's prison population and ordered the state to reduce its prison population to 137.5 percent of "design capacity" within two years. This meant that at least 34,000 inmates would need to be released (Golaszewski, 2011). The primary basis for the court ruling was that the overcrowded prison system violated inmates' constitutional right to adequate health care (McCray, Newhall, and Snyder, 2012).

Per-inmate costs had also risen dramatically in the years before the 2011 Supreme Court ruling, driven in large part by health care costs (McCray, Newhall, and Snyder, 2012). By 2010, corrections spending, at \$8.9 billion, made up more than 10 percent of the total general fund of the state's budget (California Department of Finance, 2010). This was driven in part by a high percentage of parolees being returned to prison. By 2008, 95 percent of released offenders were placed on parole, and two-thirds of California's prison commitments were returning parolees, many of whom were returned to prison for technical violations rather than new offenses (Dansky, 2008).

Prior to the 2011 Supreme Court ruling, the state had attempted several measures to address prison overcrowding. In October 2006, Governor Schwarzenegger's declaration of emergency waived some provisions of state law, allowing the California Department of Corrections and Rehabilitation (CDCR) to contract with out-of-state correctional facilities and involuntarily transfer inmates to other prisons. The following year, the legislature authorized \$6.5 billion for the construction of additional inmate housing (Golaszewski, 2011). Neither of these measures reduced the prison population enough to comply with court orders.

In response to the 2011 Supreme Court decision, California adopted two measures, AB 109 and AB 117, collectively known as realignment. These measures shift responsibility for certain low-level offenders, parole violators, and parolees, previously the state's responsibility, to California counties. To qualify for county jurisdiction under realignment, offenses must be "non-violent, non-serious, and non-sex" (colloquially referred to as the *non-non-nons*). Realignment grants counties a great deal of flexibility in how they treat these offenders and allows them to choose alternatives to custody for realignment offenders. Options available to counties

include day reporting centers (DRCs), core-model day reporting programs for smaller counties, electronic monitoring programs, in-custody programs, residential reentry programs, and local jail credits modeled on those previously available in state prisons (CDCR, 2011c). Realignment took effect on October 1, 2011. No inmates in state prison before that date were transferred to county jails or released early. California has provided a dedicated and permanent revenue stream through state vehicle license fees and a portion of state sales tax, per trailer bills AB 118 and SB 89. Proposition 30, passed by California voters in 2012, constitutionally guaranteed funding.

Offenders subject to realignment fall into three categories:

- non-non-non offenders sentenced to county jail rather than state prison, even if their sentences are longer than one year
- offenders released from state prison on postrelease community supervision (PRCS), which replaced parole for such releasees
- parole violators, who would now be housed in county jails rather than state prison

Before realignment, all of these offenders would have been sentenced to state prison (Silbert, 2012).

For each county, an executive committee from the Community Corrections Partnership (CCP), which was previously established in Penal Code § 1230, was assigned to develop and recommend to the county board of supervisors an implementation plan for realignment. Executive committee members are

- the chief probation officer (chair)
- the chief of police
- the sheriff
- the district attorney
- the public defender
- the presiding judge of the superior court (or his or her designee)
- a representative from the county department of social services, mental health, or alcohol and substance abuse programs, as appointed by the county board of supervisors (CDCR, 2011a).

Many counties proposed initial or phased plans to be modified later in light of experience with realignment. Most counties viewed their realignment plans as works in progress to be amended as needed. Among the alternative sanctions that the counties initially proposed were DRCs, mental health courts, drug courts, domestic-violence review courts, Proposition 36 courts,<sup>1</sup> veteran's courts, reentry courts, community service, flash incarceration, state fire camp, work release, and electronic or Global Positioning System (GPS) monitoring (McCray, Newhall, and Snyder, 2012).

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<sup>1</sup> California's Proposition 36 allowed nonviolent drug offenders to obtain community-based substance abuse treatment as an alternative to incarceration (see Hser et al., 2007).

## Project Goals and Objectives

Our basic goal in this study was to assess realignment's impact on several aspects of California corrections, including whether counties have made fundamental changes or expanded business as usual. We look at changes at both the state and county levels. The areas we address include the following:

- rate of prison admissions
- prison standing populations
- jail population, both sentenced and unsentenced
- use of early releases
- use of jail only, felony probation, and split sentences
- use of PRCS and mandatory supervision
- possible effect of realignment on property- and violent-crime rates
- changes in county budgets, particularly for probation and sheriff's departments
- changes in probation and sheriff's departments' policies and procedures.

As time has passed since realignment began in October 2011, several studies have evaluated various aspects of the planning and implementation of AB 109 and AB 117 (e.g., CDCR, 2013c; McCray, Newhall, and Snyder, 2012; Petersilia, 2013). This study focused on the flexibility that counties were given in implementing realignment. In particular, we wanted to determine whether counties essentially continued and expanded what they were already doing in county corrections or whether they used realignment as an opportunity to change from business as usual to a different approach to county-level corrections. Our study focuses on

- the nature of the CCP plan and how it was implemented
- use of incarceration and alternatives to incarceration at the county level
- types of supervision used for offenders assigned to the county under realignment
- types of violations and sanctions for offenders subject to realignment.

Using these topics as a guide, our intent was to identify counties that used realignment as an opportunity to make fundamental changes in their approaches to county-level corrections and to determine the nature of the changes they made.

## Study Design

The first task for the project was to select counties for study. We consulted several sources for our site-selection information: recent work by Stanford Law School students, who coded all county plans and have displayed, based on the plans, those counties that appear to be doing more evidence-based work (McCray, Newhall, and Snyder, 2012); analysis by Santa Clara University School of Law professor W. David Ball (2012) on coverage, in which he identifies low- and high-coverage counties, with high-coverage counties defined as those that are essentially using more than their fair share of prison admission resources; and a report by the American Civil Liberties Union of California (Abarbanel et al., 2013) that provides a good understanding of the extent to which counties are focusing on increased jail space.

Using these sources, we selected a range of counties that reflect high and low levels of coverage, high and low levels of service provision, and a range of plans for adding jail capacity,

defined by the percentage of jail capacity (low, medium, or high) to be added. This gives us a range of counties along a continuum from those that are low coverage and high service provision and that dedicated few resources to expanding jail capacity, to those characterized by high coverage, low service provision, and a focus on increasing jail populations—i.e., from those that we might expect to use realignment as an opportunity for systemic changes, to those we would expect not to do so. We list the elected set of such counties in Table 1.1.

## Methods

We employed multiple methodologies for the proposed project, including interviews with sheriff's department and probation department officials; gathering of media reports; analysis of county plans and other, more-recent documentation; and analysis of available criminal justice system data on probation and jail populations. Our interviews were with sheriff's department and probation department staff on the issues related to

- involvement with the development of the original and subsequent county plans
- significant changes in management of incarcerated offenders
- custody services and treatment
- probation supervision structure
- community strategies and services
- evaluation activities.

**Table 1.1**  
Study Counties Representing a Mix of Prison Usage, Service Provision, and Added Jail Capacity

County	Coverage	Service Provision	Added Jail Capacity (%)
Alameda	Low	High	0
Fresno	High	Low	47
Kern	High	Low	19
Los Angeles	Low	Low	24
Orange	High	High	Unknown
Riverside	High	High	18
Sacramento	Low	Low	46
San Bernardino	High	Low	1
San Diego	Low	High	1
San Francisco	Low	High	1
Santa Clara	High	High	40
Stanislaus	Low	Low	21

NOTE: *Added jail capacity* refers to the percentage increase in the number of beds available in county jails.

We conducted interviews either in person or by phone, depending on the agency's preference. We sent initial emails to sheriffs and chief probation officers in the 12 counties describing the study and indicating that we had presented the project to the Chief Probation Officers of California (CPOC) and California State Sheriffs' Association for their review and support. We attached a letter of support by the California State Sheriffs' Association to the emails for the sheriffs. We sent follow-up emails or made phone calls (sometimes both) to schedule the interviews. Each agency determined who its representative would be. In some cases, the sheriff or chief probation officer participated in the interview; in other cases, we interviewed senior staff. In some counties, several members of an agency participated in an interview. Interviews generally took between 60 and 90 minutes to complete. Project staff did not audio-record the interviews; we made notes on the interview pro forma. We conducted interviews with 11 sheriff's departments and 11 probation departments.<sup>2</sup>

Chapter Two examines how the counties responded to realignment, based on publicly available data, such as county budgets and crime rates. Chapter Three presents the findings from our interviews with representatives of the probation department and sheriff's department in each of the study counties. Chapter Four summarizes our conclusions based on both objective data and the interviews.

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<sup>2</sup> Neither the Alameda County Probation Department nor the San Diego County Sheriff's Department responded to our requests for interviews.





## County Responses to Realignment

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### Changes in Criminal Justice Indicators and County Budgets

Before we discuss the activities and experiences of sheriff's and probation departments, we describe changes experienced in budget and criminal justice indicators over time. It is a natural tendency to try and relate particular changes in key outcomes, such as crime rates, to changes in policies implemented in the counties. Unfortunately, it is difficult to draw firm causal inferences when many factors are changing at the same time. However, in some instances, it is clear that changes are the result of realignment activities.

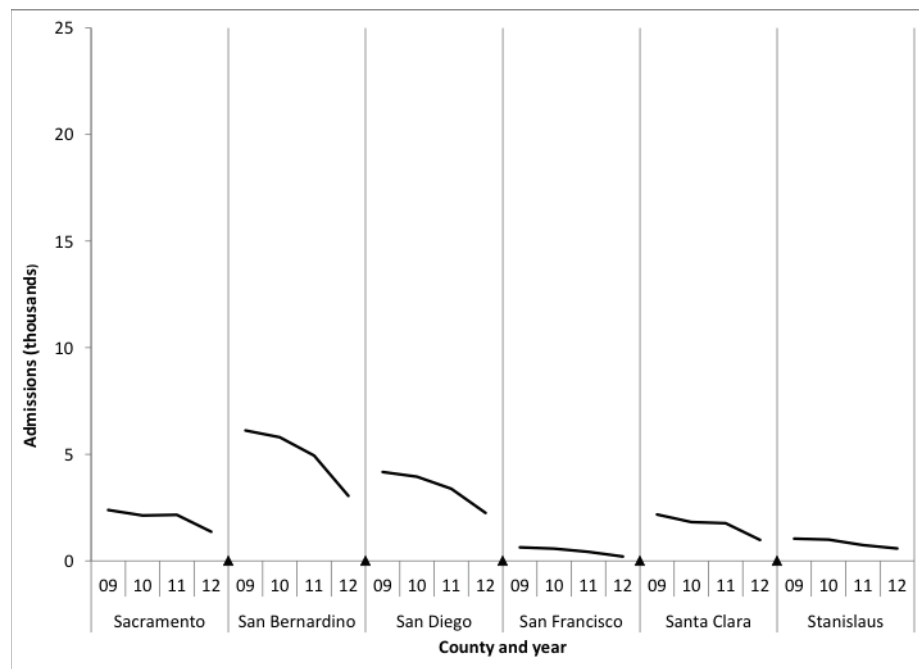
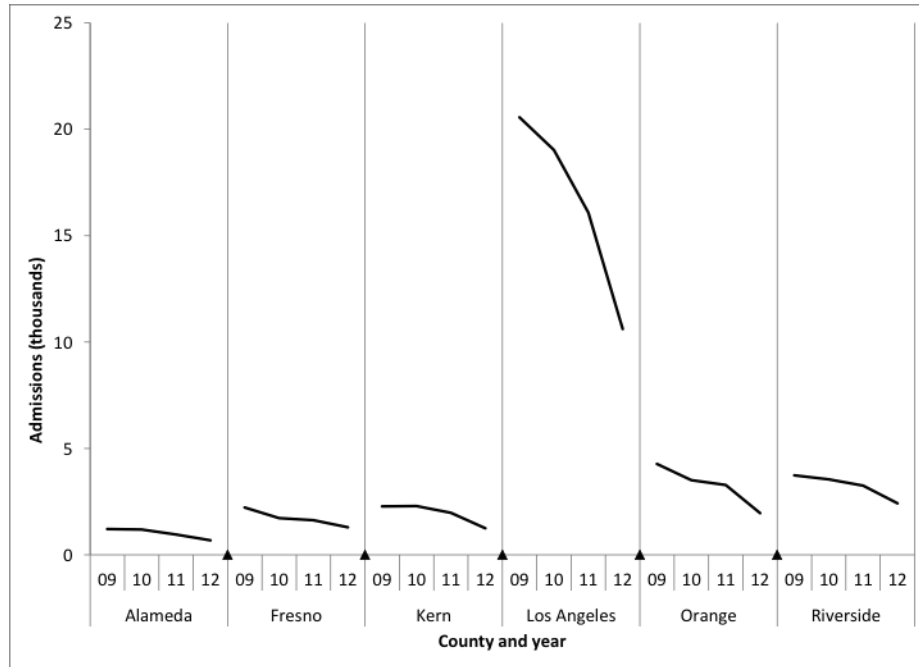
Realignment in California changes where low-level felons serve their sentences, as well as where they are supervised after release from prison. Non-non-non offenders with no prior offenses in these categories are no longer sentenced to serve their time in state prison—they serve it locally. In addition, a probation department supervises someone leaving prison for a non-non-non current offense (the offender might have these offenses in his or her background).

According to the CDCR (undated), at the state level, the prison population overall has fallen from a daily average of 167,276 in fiscal year (FY) 2009–2010 to 133,217 in FY 2012–2013—a reduction of 20.4 percent. Most of that reduction has occurred since realignment began in late 2011. In the third quarter (July–September) of 2011, immediately before the implementation of realignment, the average daily prison population was 161,350. By the fourth quarter (October–December) of 2012, the average population had decreased by 17.4 percent, to 133,285. Figures 2.1 and 2.2 show changes in the prison admission and prison populations for our 12 counties, respectively, that document clearly the intended impact on the prison populations. We see decreases for each of the 12 counties in the prison admissions and standing populations. The percentage change for both prison admissions and standing population was the largest for San Francisco County (52.1 and 33.7 percent, respectively). The smallest drop in prison admissions among our 12 counties was in Fresno County, where admissions were reduced by 20.3 percent between 2009 and 2012. Riverside County saw the smallest reduction in standing prison population, with a 12.8-percent reduction. By comparison, at the state level, the prison population was 20.4 percent lower in 2012 than in 2009 and dropped by 17.4 percent between the third quarter of 2011, just before AB 109 was implemented, and the fourth quarter of 2012. Statewide prison admissions dropped 46.6 percent from 2009 to 2012 and by 32.9 percent between 2011 and 2012.<sup>1</sup> Table 2.1 shows the percentage change in prison admissions and populations from 2009 through 2012.

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<sup>1</sup> Unlike standing prison population, data on prison admissions were available only by year, not by quarter. Data for new court commitments were available at the state level but not at the county level. To compare county and state rates, we have therefore used all prison admissions, including for parole violations, as well as new court commitments.

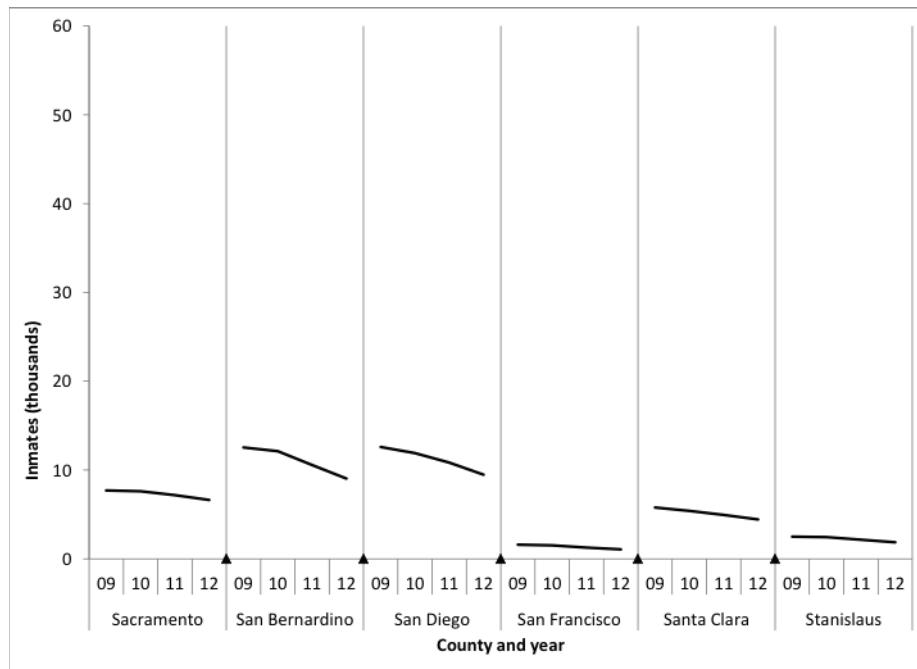
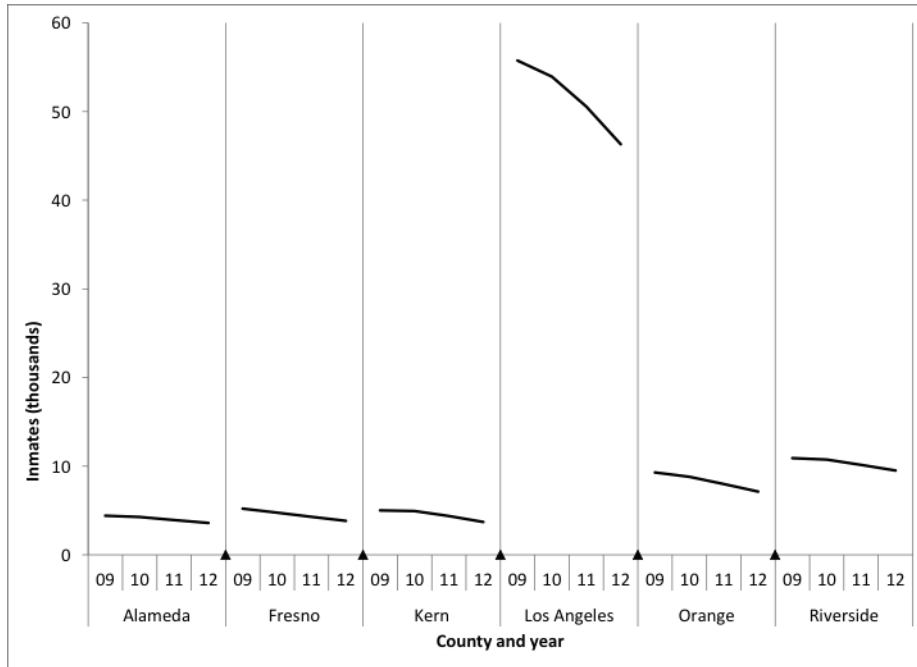
**Figure 2.1**  
**Prison Admissions, 2009–2012**



SOURCE: CDCR, 2013a.

NOTE: In this figure, 09 refers to calendar year 2009, 10 to calendar year 2010, and so on.

**Figure 2.2**  
**Prison Populations, December 31, 2009–2012**



SOURCES: CDCR, 2010, 2011b, 2012, 2013b.

NOTE: In this figure, 09 refers to calendar year 2009, 10 to calendar year 2010, and so on.

**Table 2.1**  
**Changes in Prison Admissions and Populations, 2009–2012, by County**

County	Admissions			Population		
	2009	2012	Change (%)	2009	2012	Change (%)
Alameda	1,213	685	-43.53	4,414	3,599	-18.46
Fresno	2,228	1,295	-41.88	5,220	3,840	-26.44
Kern	2,278	1,251	-45.08	5,018	3,702	-26.23
Los Angeles	20,560	10,615	-48.37	55,752	46,328	-16.90
Orange	4,276	1,961	-54.14	9,296	7,135	-23.25
Riverside	3,741	2,420	-35.31	10,904	9,506	-12.82
Sacramento	2,383	1,366	-42.68	7,691	6,637	-13.70
San Bernardino	6,115	3,049	-50.14	12,539	9,030	-27.98
San Diego	4,170	2,247	-46.12	12,590	9,479	-24.71
San Francisco	632	201	-68.20	1,597	1,059	-33.69
Santa Clara	2,173	982	-54.81	5,779	4,441	-23.15
Stanislaus	1,038	576	-44.51	2,494	1,856	-25.58

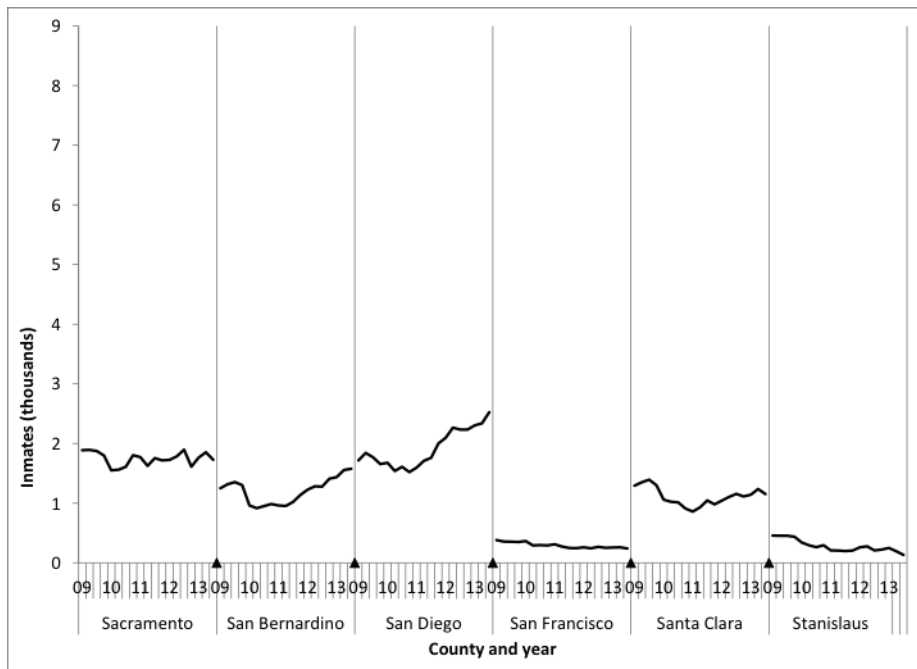
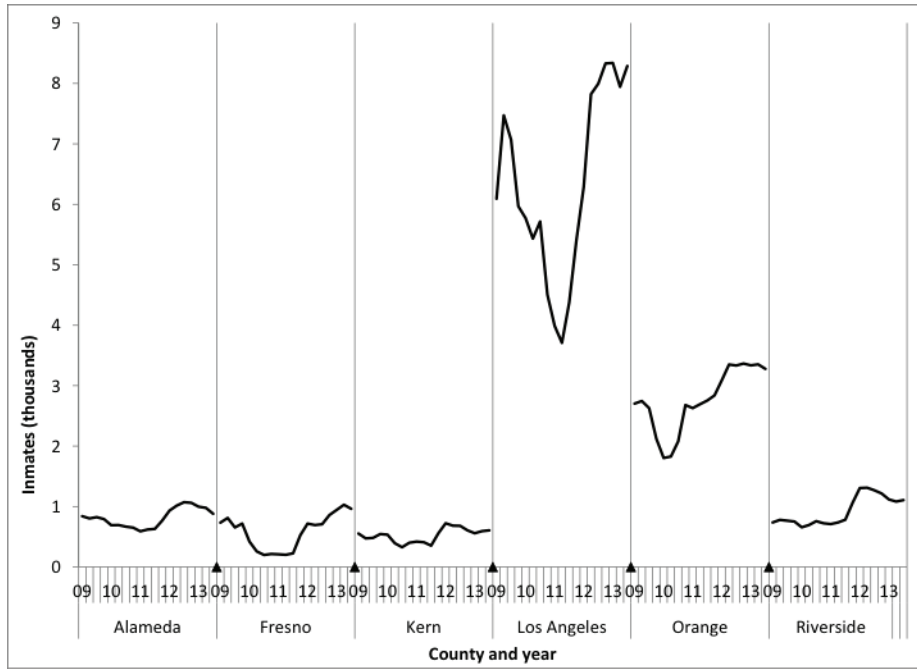
## Jail Population

Much of the discussion in the media about realignment has focused on its impact on the local jails. Although many jail populations had eased before realignment (see Figures 2.3 and 2.4), California’s overall jail population has increased since realignment went into effect. Between June 2011 and June 2012, California jails increased by about 12 percent, with 16 counties operating jails above rated capacity, compared with 11 the year before (Lofstrom and Raphael, 2013a). As Figure 2.3 shows, however, not all counties experienced increases. San Francisco and Stanislaus do not show increases in their sentenced populations after realignment. What is interesting is that the presentenced populations also show increases after realignment, suggesting this group as a potential target for mechanisms for reducing jail populations. Specifically, the presentenced populations might be candidates for new or enhanced prerelease programs, such as GPS monitoring. We return to the issue of pretrial release program interest later in our report.

Increased jail populations as a result of realignment have been cited as the cause for many early releases from jail. A recent *Los Angeles Times* article notes that, “Across California, more than 13,500 inmates are being released early each month to relieve crowding in local jails—a 34% increase over the last three years,” with Los Angeles County often releasing male inmates after they have served as little as 10 percent of their sentences (St. John, 2014). Not all counties, however, release inmates early from their sentences. Figure 2.5 shows the early releases for our 12 study counties.

Among our study counties, Fresno, Kern, Los Angeles, Riverside, Sacramento, San Bernardino, San Diego, and Stanislaus were using early release, and each had one or more facilities under a population cap. A population cap is a court-ordered population limit imposed on

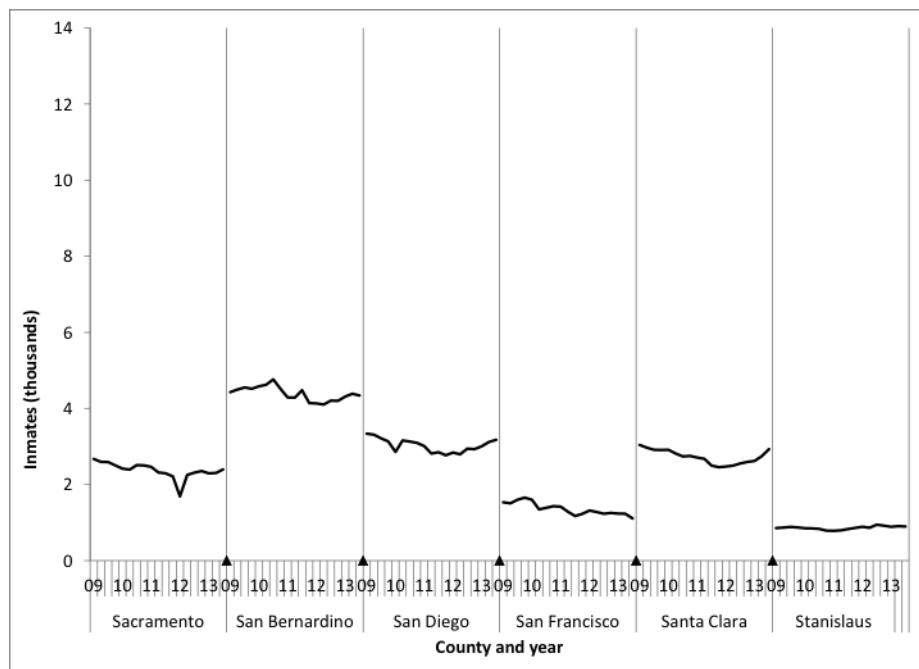
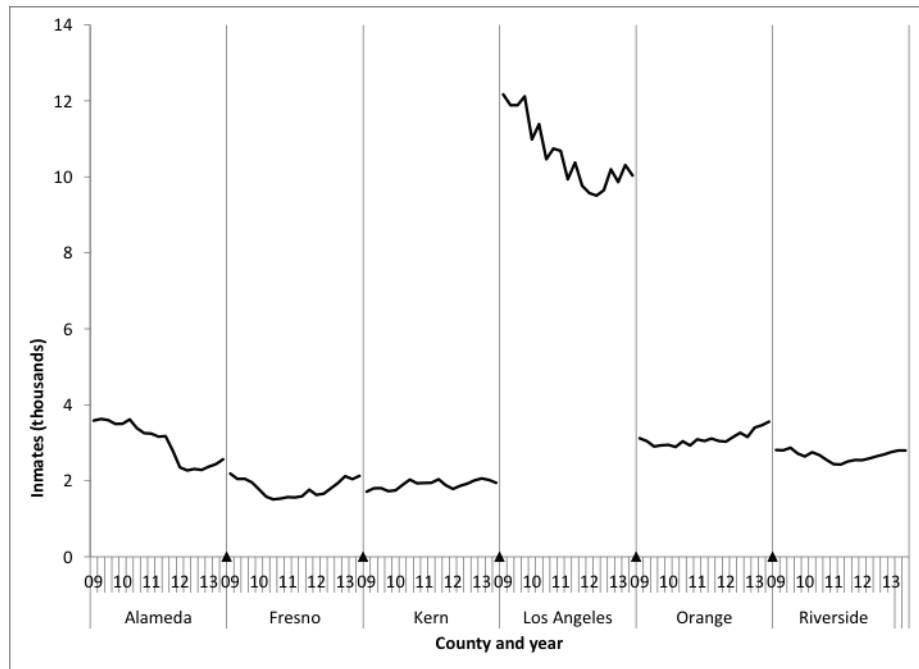
**Figure 2.3**  
**Sentenced Jail Populations, 2009–2013**



SOURCES: Corrections Standards Authority, 2009a, 2009b, 2009c, 2009d, 2010a, 2010b, 2010c, 2010d, 2011a, 2011b, 2011c, 2011d, 2012a, 2012b; Board of State and Community Corrections (BSCC), 2012, 2013a, 2013b, 2013c, 2014a, 2014c.

NOTE: In this figure, 09 refers to calendar year 2009, 10 to calendar year 2010, and so on.

**Figure 2.4**  
**Unsentenced Jail Populations, 2009–2013**



SOURCES: Corrections Standards Authority, 2009a, 2009b, 2009c, 2009d, 2010a, 2010b, 2010c, 2010d, 2011a, 2011b, 2011c, 2011d, 2012a, 2012b; BSCC, 2012, 2013a, 2013b, 2013c, 2014a, 2014c.

NOTE: In this figure, *09* refers to calendar year 2009, *10* to calendar year 2010, and so on.

a jail facility whose overpopulation contributes to violation of inmates' rights. It is one of the most common remedies to reduce crowding. Jails in many California counties have been under court-ordered jail population caps for decades (see Lawrence, 2014, for more discussion of jail population caps in California).

Data from the BSCC show that some of these counties, including Fresno, Kern, Los Angeles, San Diego, and Stanislaus, had been using early release and alternatives to custody before realignment in order to manage their populations. In other words, adoption of early release is not a result of realignment, although its use has accelerated after the law went into effect. We discuss later how caps have affected sheriff's departments' choices of approaches to realignment.

### **Additional Probation Supervision Clients**

Because counties are now responsible for supervising the lower-level offenders released from prison and those offenders released from a sentence under Section 1170(h) of the California Penal Code with a term of mandatory supervision, county probation departments have had to deal with increased numbers of clients. Figure 2.6 shows the numbers of PRCS and mandatory supervision (MS) clients for our study counties from the fourth quarter of 2011, when realignment began, through the third quarter of 2013, the end of the data available at the time of this research. What is apparent is the very steep climb and more-recent leveling off of the numbers of PRCS clients each county has received. MS rates have been generally climbing since realignment began.

Counties also differed in the extent to which they used straight jail sentences,<sup>2</sup> in which an offender is released to the community upon completion of a jail term with no postrelease supervision provided (jail only); traditional felony probation; and split sentences, which include periods of MS. Figure 2.7 shows the number of jail-only, felony-probation, and split sentences for the 12 study counties.

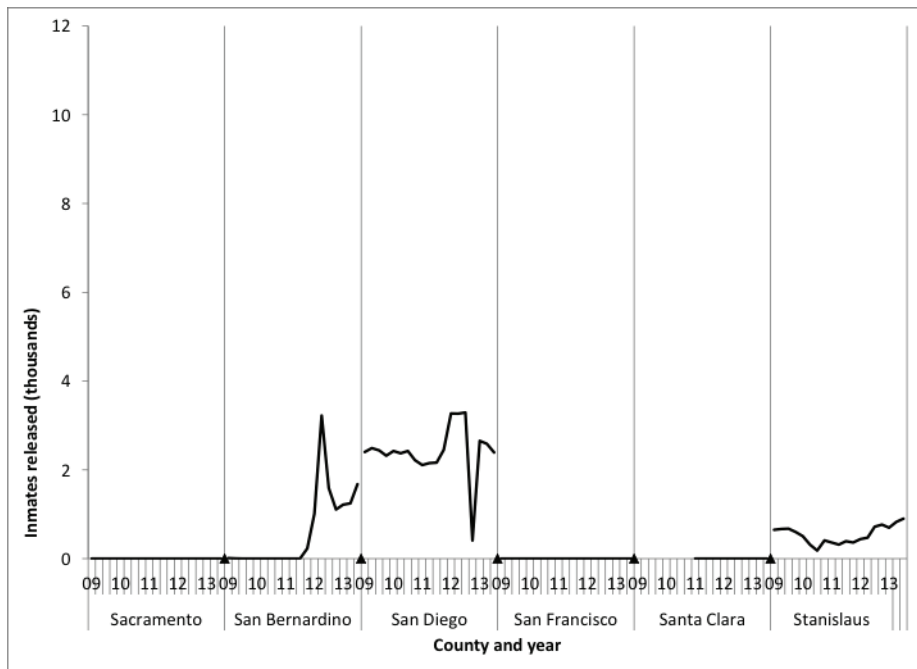
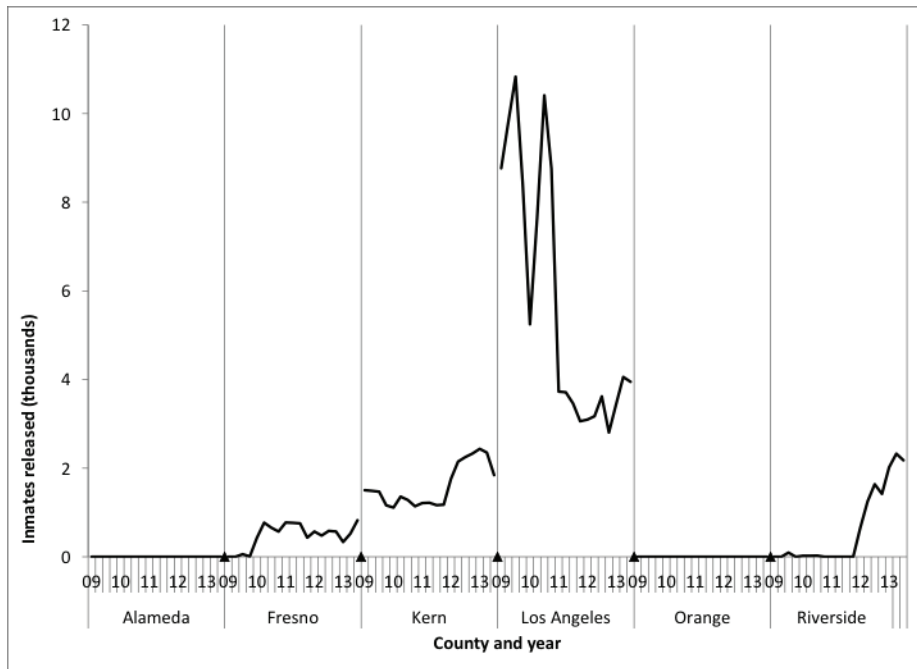
Table 2.2 shows the percentage of all sentences in each county that were for jail only or were split.

Figure 2.7 shows that, overall, counties showed a decrease in the use of felony probation after realignment went into effect, but many counties have increased its use more recently. However, a felony-probation sentence remains the most frequently assigned sanction of the three in each county. As Table 2.2 shows, Los Angeles County used split sentences at a very low rate, as did Alameda County. At the other end of the spectrum, Stanislaus and Riverside Counties utilized split sentences much more often than jail only.

There does not appear to be a relationship between the use of either jail-only or split sentences and whether a county was under a population cap. One might think that a county would use more split sentences if jail space were constrained. For example, Los Angeles and Alameda Counties (both with caps) had the lowest rates of split sentences. However, Stanislaus County, with jail capacity constraints, was the highest user of split sentences, with more than 86 percent. There has been much discussion about the differential use of split sentences across

<sup>2</sup> Counties run jails; the state runs prisons. Prisons are for felons only. *Straight jail* means that the offender serves time at the local (jail) level rather than in prison. Realignment allows offenders to serve time for minor felonies in jail rather than in prison.

**Figure 2.5**  
**Early Releases, 2009–2013**



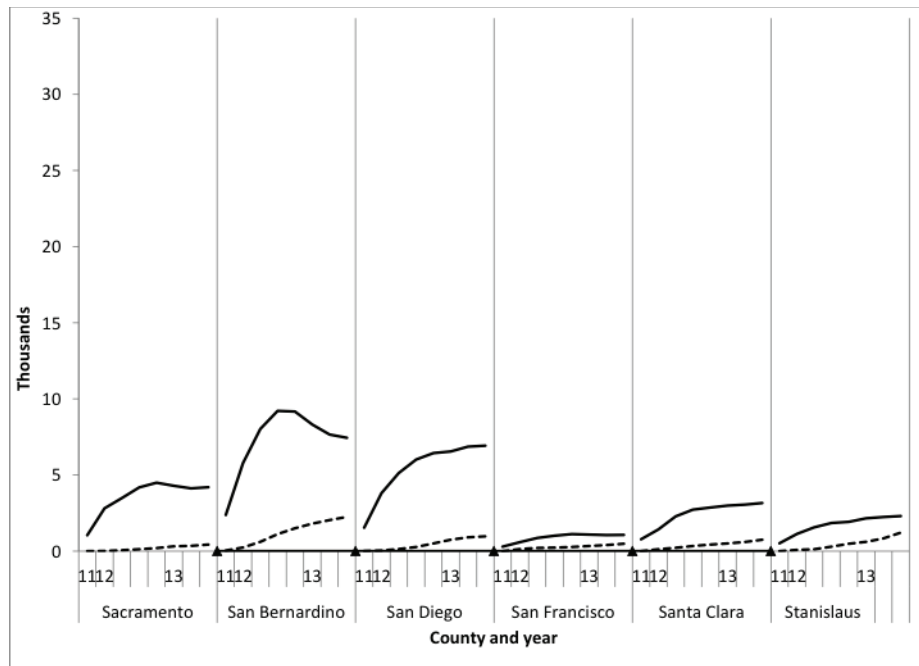
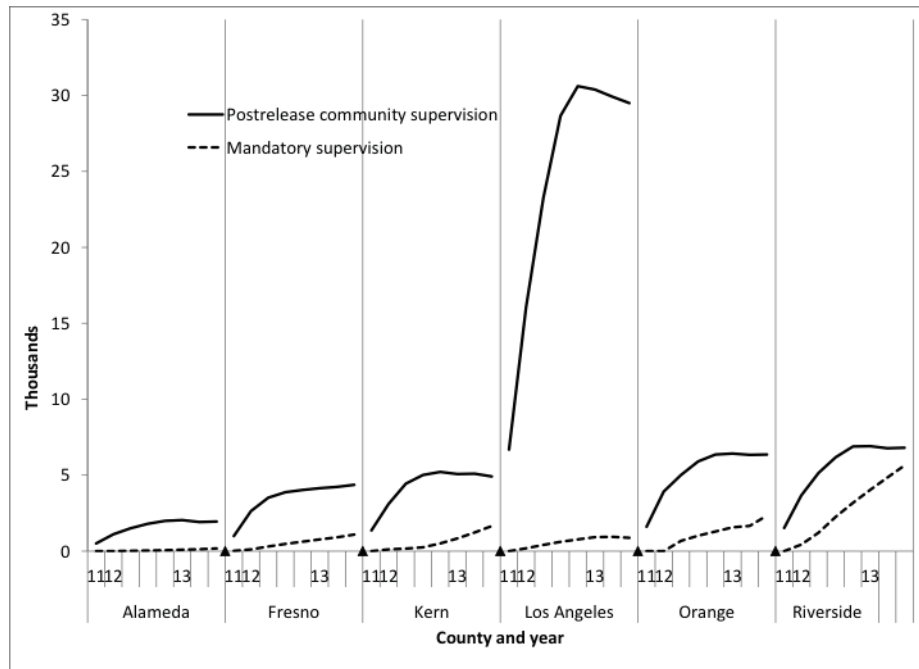
SOURCE: BSCC, 2015.

NOTE: In this figure, 09 refers to calendar year 2009, 10 to calendar year 2010, and so on.

the state—CPOC has published statistics on different counties—which might reflect local justice system attitudes. The use of split sentences also does not appear to be related to whether a county is low or high coverage (that is, whether it has historically tended to heavily use prison



**Figure 2.6**  
**Active Postrelease Community Supervision and Mandatory Supervision, Fourth Quarter 2011 Through Third Quarter 2013**

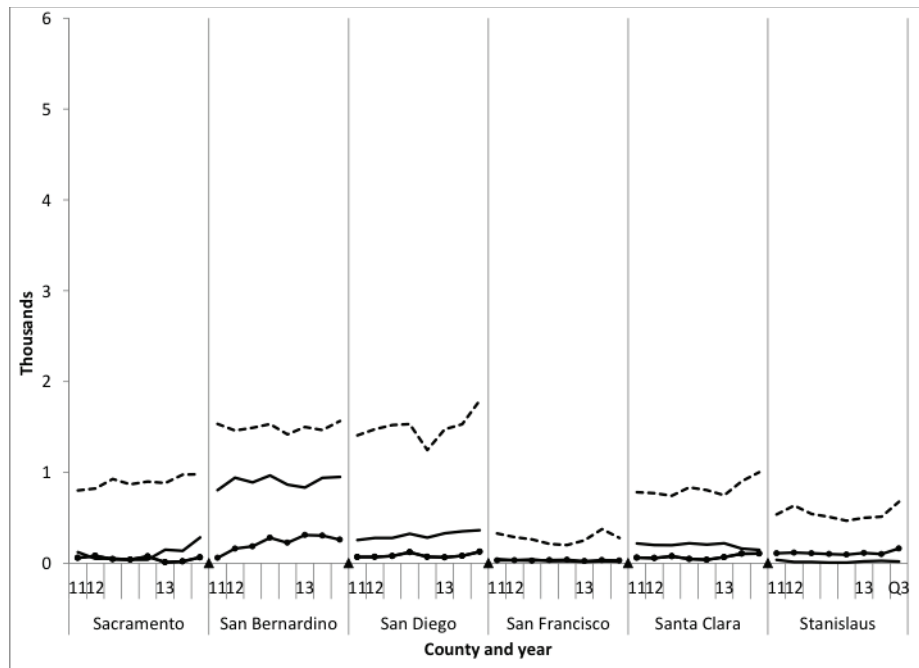
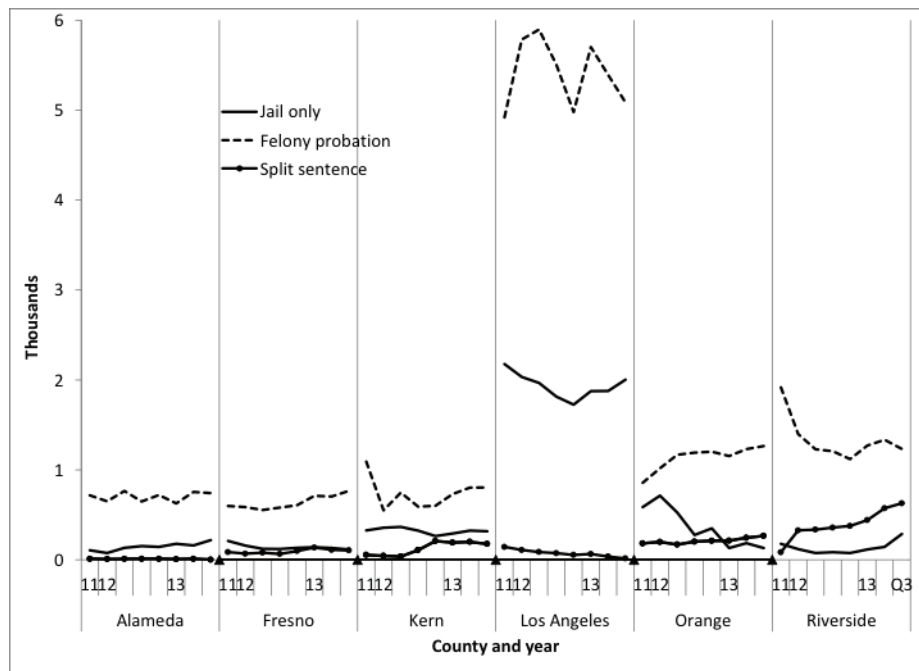


SOURCE: CPOC, 2015.

NOTE: In this figure, 11 refers to calendar year 2011, 12 to calendar year 2012, and so on.

sentences). We see some of the highest and lowest levels of use of jail-only sentences in counties classified historically as high coverage.

**Figure 2.7**  
**Jail-Only, Felony-Probation, and Split Sentences, Fourth Quarter 2011 Through Third Quarter 2013**



SOURCE: CPOC, 2015.

NOTE: In this figure, 11 refers to calendar year 2011, 12 to calendar year 2012, and so on.

We expect the numbers of splits to increase soon. As of January 1, 2015, AB 1468 requires a presumption of split sentencing for realigned offenders.

**Table 2.2**  
**Percentage of All Sentences That Were for Jail**  
**Only or Were Split, Fourth Quarter 2011 Through**  
**Third Quarter 2013**

County	Jail Only	Split Sentence
Alameda	94.3	5.7
Fresno	60.2	39.8
Kern	71.6	28.4
Los Angeles	96.4	3.6
Orange	63.2	36.8
Riverside	25.7	74.3
Sacramento	68.9	31.1
San Bernardino	80.1	19.9
San Diego	78.4	21.6
San Francisco	47.8	52.2
Santa Clara	73.9	26.1
Stanislaus	13.6	86.4

In terms of the relative numbers of PRCS and MS sentences, counties have larger numbers of offenders on PRCS than offenders serving split sentences. Split sentences are increasing and most likely will continue to increase as a result of AB 1468. The number of PRCS offenders is declining, as expected, because fewer low-level offenders are going to prison and being subsequently released to PRCS. Figure 2.6 shows the changes in the numbers of PRCS and MS offenders in our study counties from the beginning of realignment through the third quarter of 2013.

## Overall Level of Correctional Control in California

Another major question about realignment is whether it has merely shifted the locus for people under correctional control in California. Realignment language stressed the use of alternatives to incarceration, but has the shift to the counties meant that jail is now simply used as a substitute for prison? According to the Public Policy Institute of California (PPIC), the state has not increased the rate of incarceration. A recent report estimates that, on average, for every three felons no longer going to prison, the county jail population has increased by one (Lofstrom and Raphael, 2013b). In terms of overall levels of correctional control, a report by PPIC (Martin and Grattet, 2015) compared the numbers of offenders on probation or parole or in prison or jail before and after realignment. The analyses in that report show overall decreases in the numbers of offenders under supervision at year-end 2012 and 2013 compared with year-end totals in the four prior years (i.e., 2008 through 2011).<sup>3</sup>

<sup>3</sup> A 2014 Stanford report suggests that the total number of Californians under correctional control has increased to 684,563 people at year-end 2012, contrasted with 650,279 at year-end 2010, but the rate per 100,000 has remained about

## Crime Rates

One of the continuing controversies since realignment was implemented was whether it led to increases in the crime rates. Since realignment began, media reports have pointed to increased rates, particularly in property offenses, although not all agreed with this assessment.

Males, 2014, noted an uptick in both violent and property crime in 2012 compared with 2011, a trend also reported by Lofstrom and Raphael, 2013b, although the latter analysis found no effect on violent crime after controlling for changes in the jail incarceration rate, broad county-specific trends, and overall statewide trends. Using data from the California attorney general's website (California Department of Justice, undated), we found that both violent- and property-crime rates increased between 2011 and 2012 for the state overall. However, 2013 statewide violent-crime rates were lower than 2012 rates, and 2013 violent-crime rates were lower than those of 2011. Among the 12 counties on which we focused, Fresno and Los Angeles saw reductions in violent crime in 2012 compared to 2011, while the other ten counties had higher rates of violent crime in 2012. Among our 12 counties, only Fresno had a lower property-crime rate in 2012 than in 2011.

We note that the national crime rates over the same period have followed a similar trend as in California for violent crime, but not for property crime. As reported by the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting Program, violent-crime rates increased by 0.7 percent in the United States between 2011 and 2012 (FBI, 2013b), while the property-crime rate decreased by 0.9 percent in 2012, compared to 2011 (FBI, 2013a). The preliminary Uniform Crime Reporting report for the first half of 2013 indicates a 5.4-percent decline in the first six months of 2012 in both violent and property crime (FBI, 2013c).

In California, violent crimes have been steadily decreasing since 2007, with the exception of 2012, when there was an increase over 2011. However, in 2013, there were fewer violent crimes than in 2011, continuing the overall downward trend. Property crimes also decreased steadily from 2003 through 2011, then rose in 2012. In 2013, there were fewer property crimes than in 2012, but still more than in any year since 2008 (California Department of Justice, undated). Both the violent- and property-crime rates per 100,000 population were lower in 2013 than in 2012 (Harris, 2014).

Figure 2.8 presents the crime rates for the 12 counties.

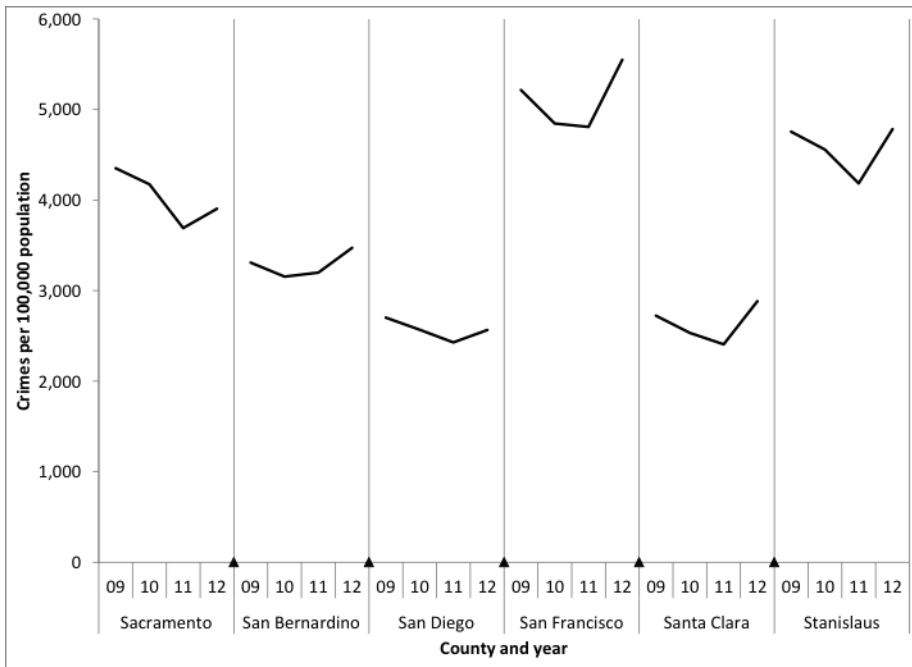
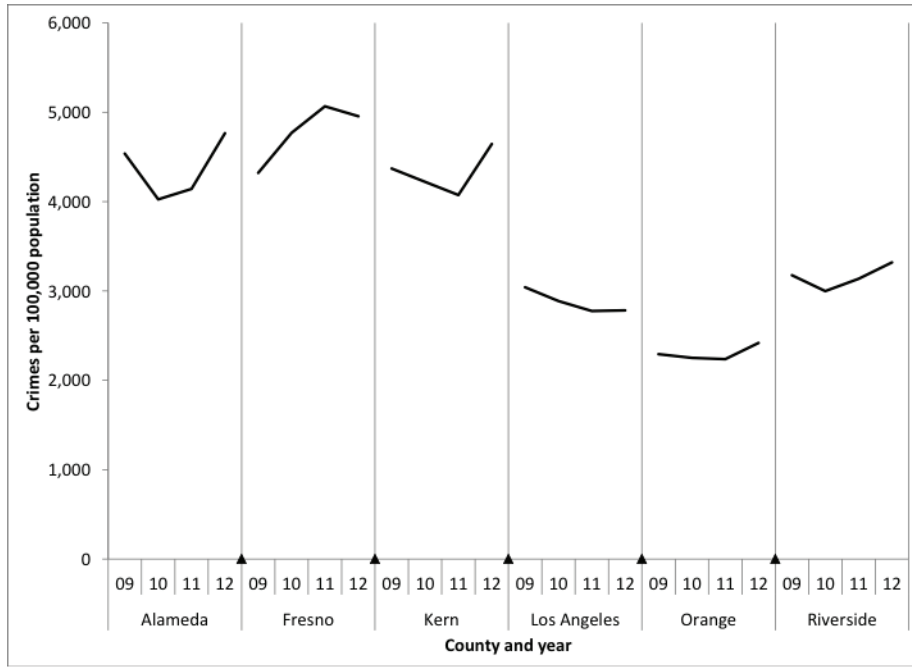
## Funding for Realignment

The Realignment Allocation Committee developed funding formulas for county allocations, initially basing them on the county's projected full roll-out realignment population (weighted at 60 percent); the county's adult population, ages 18 to 64 (weighted at 30 percent); and the county's performance under the implementation of SB 678 (weighted at 10 percent). The only exception was Los Angeles County, to which the Realignment Allocation Committee allocated an enhanced level of funding (Bird and Hayes, 2013). Table 2.3 shows the initial total allocation for each of our 12 study counties.

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the same pre- and postrealignment—due mostly to changes in the percentage on probation, which, according to the authors, increased from about 48 percent in 2010 to 61 percent by the end of 2012 (Quan, Abarbanel, and Mukamal, 2014). However, this conclusion rests heavily upon estimates of 2012 probation populations drawn from a survey conducted by CPOC. See Martin and Grattet, 2015, for more discussion of issues related to methodology.

**Figure 2.8**  
**Crime Rates, All Crimes, 2009–2012**



SOURCES: U.S. Census Bureau, 2015 (population; numbers for 2009 and 2011 are interpolated, assuming a constant rate of growth); California Department of Justice, undated (crimes).  
 NOTE: In this figure, 09 refers to calendar year 2009, 10 to calendar year 2010, and so on.

**Table 2.3**  
**First-Year Realignment**  
**Allocations for 12 Counties, in**  
**Dollars**

County	Allocation
Alameda	10,402,192
Fresno	9,978,832
Kern	12,186,968
Los Angeles	124,735,264
Orange	25,734,096
Riverside	23,516,944
Sacramento	14,738,496
San Bernardino	28,729,368
San Diego	27,977,120
San Francisco	5,787,176
Santa Clara	14,103,456
Stanislaus	6,800,280
Total	304,690,192

SOURCE: Bird and Hayes, 2013,  
 pp. 11–12.

NOTE: This table gives the total  
 realignment allocation for each  
 county, which is the sum of funding  
 for programmatic, revocation,  
 start-up, and CCP planning (see Bird  
 and Hayes, pp. 11–12).

For the second year's allocations, counties were allowed to choose the model among these four that gave them the maximum amount (Bird and Hayes, 2013):<sup>4</sup>

- twice the first year's allocation
- the formula for the first year's allocation applied to updated population and SB 678 data
- the county's projected realignment population
- the county's adult population.

The appendix shows how counties would fare in years 2 and 3 under each of the four models.

In practice, the counties that based their allocations on the total adult population saw the largest percentage increases in the second year (see Bird and Hayes, 2013, pp. 14–16). Allocations for the third year gave each county the same proportion of the total funds allocated for realignment as in the second year (Bird and Hayes, 2013).

Reports on realignment focused on how counties' realignment plans proposed to spend county resources. There was a good deal of variation in the original plan for how each county

<sup>4</sup> As in the first year's allocation, Los Angeles County continued to receive an enhanced level of funding in the second year.

would deal with realignment and in the actual methods they used once they received their allocation. Among the strategies proposed were electronic monitoring, flash incarceration, work release, DRCs, specialty courts, vocational training and support, parenting classes, evidence-based programming, risk assessment, increased jail space, increased use of probation, increased levels of law enforcement staffing, mental health and substance abuse treatment, and specialized housing (Abarbanel et al., 2013). Most counties utilized only a limited number of these proposed strategies (Hopper, Dooley-Sammuli, and Evans, 2012).

The combination of strategies described in the counties' plans for implementing realignment can be grouped into two main approaches: increased numbers of programs and services, and increased use of surveillance and custody. Of the 12 counties' plans that we studied, Alameda, Fresno, Kern, Los Angeles, Riverside, San Diego, San Francisco, and Santa Clara plans placed more emphasis on providing programs and services. Of these, Santa Clara County made the most use of programs and services. By contrast, Orange, San Bernardino, and Stanislaus Counties placed more emphasis on the surveillance and custody strategies, while Sacramento County balanced the two approaches about equally (Abarbanel et al., 2013). In fact, a recent report by PPIC examined recidivism rates in the context of whether county plans were reentry services-focused and found reductions in recidivism for those counties that were (Bird and Grattet, 2014).

To our knowledge, none of the analyses focused on changes in the *actual* total budgets to counties, specifically for probation and sheriff activities. In Figures 2.9, 2.10, and 2.11, we show (1) total county budgets, (2) probation department budgets, and (3) sheriff's department budgets from FY 2009–2010 through FY 2013–2014.<sup>5</sup> Increases in budgets for probation and sheriff's departments since the beginning of realignment could reflect an influx of money from the state to these departments in order to carry out their mandates under realignment.

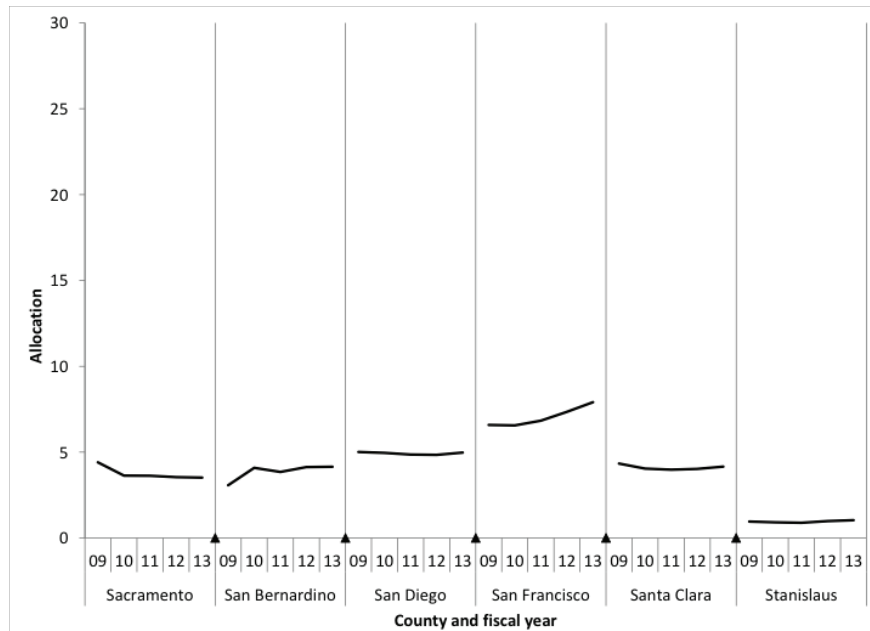
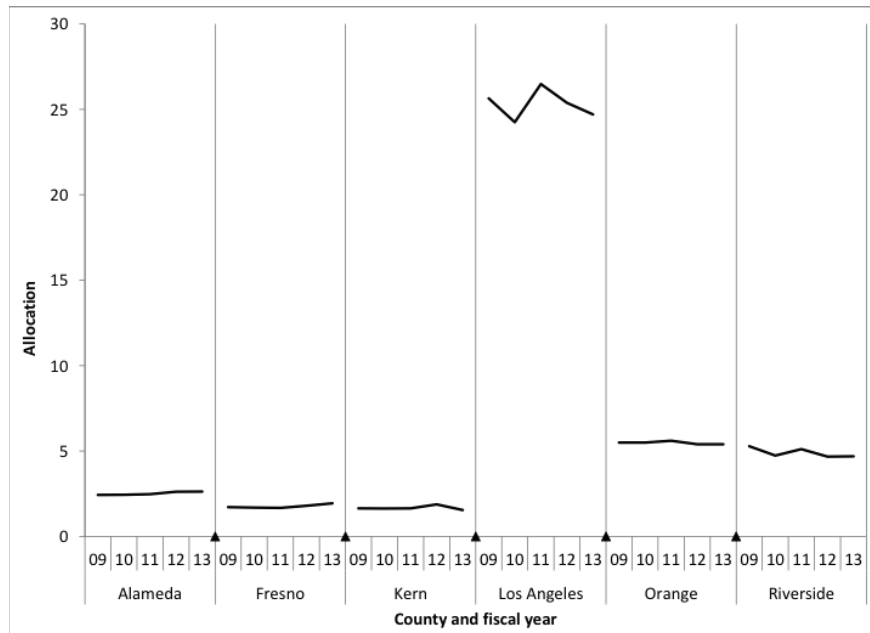
Taken as a whole, county budgets for our 12 counties were essentially unchanged between FY 2009–2010 and FY 2013–2014. However, individual counties saw significant changes in their overall budgets. Five counties increased their overall budgets, led by San Bernardino County with a 35.0-percent increase. The other seven counties saw reductions in their overall budgets that ranged from as little as 0.6 percent for San Diego County to 20.1 percent for Sacramento County. The combination of increases and decreases effectively canceled each other out when looking at the 12 counties as an aggregate.

In contrast to the overall county budgets, probation budgets increased in all 12 counties between FY 2009–2010 and FY 2013–2014, virtually doubling in Stanislaus County. Taken as a whole, probation budgets increased 20.7 percent for the 12 counties. Most of the increase occurred beginning in FY 2010–2011, coinciding with the period after realignment began. Santa Clara County, which, as we noted above, placed most of its emphasis on programs and services rather than on surveillance and custody, had the smallest increase in its probation department budget at only 4.0 percent.

Budgets for sheriff's departments followed much the same pattern as those for probation departments, with every study county except Santa Clara increasing its sheriff's department budget between FY 2009–2010 and FY 2013–2014. Again mirroring the pattern for probation department budgets, most of the increases began in FY 2010–2011 and continued to climb thereafter. Increases since 2011 are expected. Presumably, much of the increase in

<sup>5</sup> Most of the budgets for FY 2013–2014 were preliminary estimates, subject to changes once a final budget was adopted. These are not restricted to realignment funds only.

**Figure 2.9**  
**Total County Budgets, FY 2009–2010 Through FY 2013–2014, in Billions of Dollars**

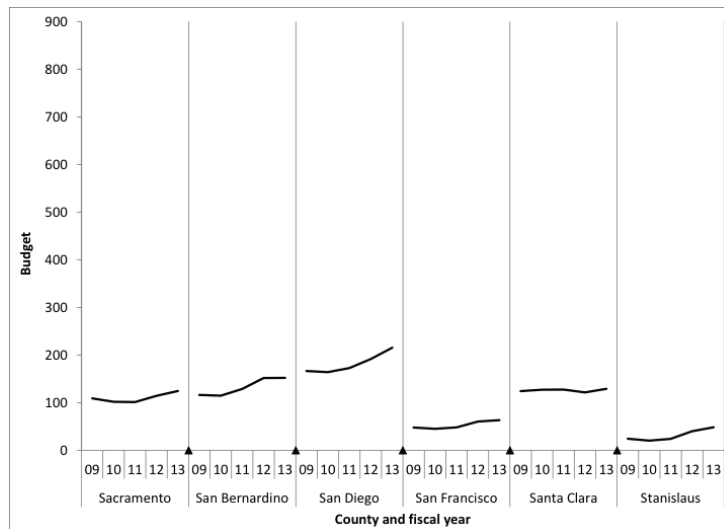
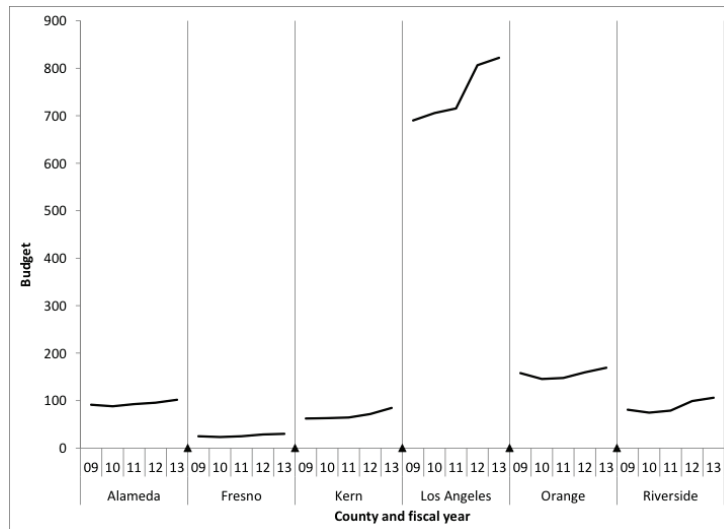


SOURCES: County of Alameda, 2010, 2011, 2012, 2013, 2014; County of Fresno, 2011a, 2011b, 2012, 2013, 2014; County of Kern, 2010, 2011, 2012, 2014a, 2014b; County of Los Angeles, 2010, 2011, 2012, 2013, 2014; County of Orange, 2010, 2011, 2012, 2014a, 2014b; County of Riverside, 2010, 2011, 2012, 2013, 2014; County of Sacramento, 2010, 2011, 2012a, 2012b, 2013; County of San Bernardino, 2010, 2011, 2012, 2013, 2014; County of San Diego, 2010, 2011, 2012, 2013, 2014; City and County of San Francisco, 2011a, 2011b, 2013a, 2013b, 2014; County of Santa Clara, 2010, 2012, 2013, 2014; Stanislaus County, 2009, 2010, 2011, 2012, 2013.

NOTE: In this figure, 09 refers to FY 2009–2010, 10 to FY 2010–2011, and so on.



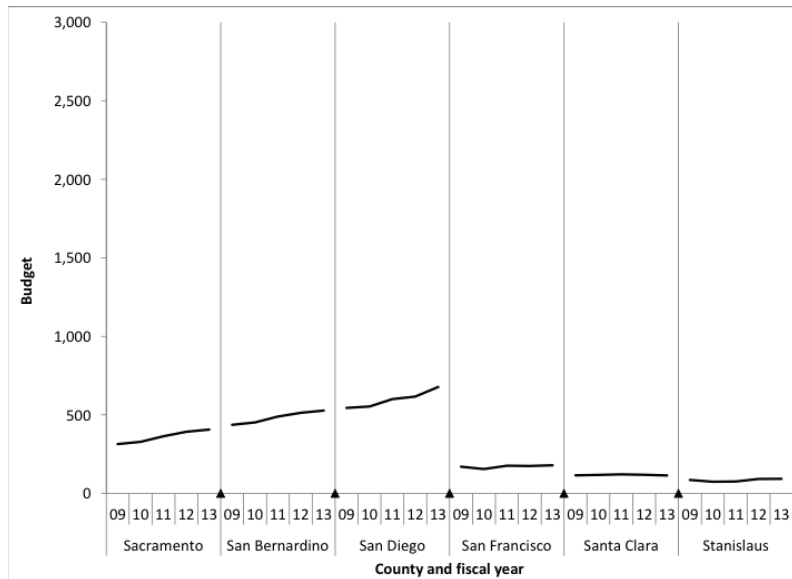
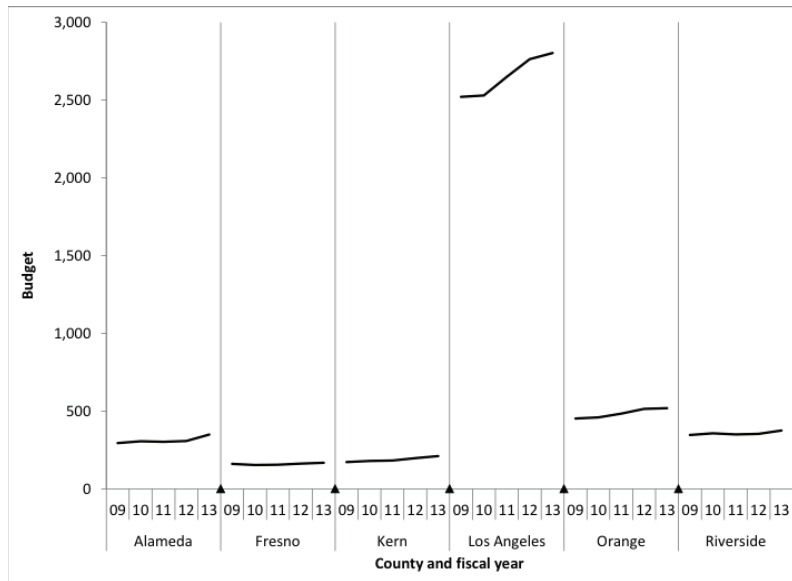
**Figure 2.10**  
**County Budgets for Probation Departments, FY 2009–2010**  
**Through FY 2013–2014, in Millions of Dollars**



SOURCES: Alameda County Probation Department, 2010, 2011, 2012, 2013, 2014; Fresno County Probation Department, 2011, 2012, 2013, 2014, 2015; Kern County Probation Department, 2011, 2012, 2013, 2014, 2015; Los Angeles County Probation Department, 2010, 2011a, 2012, 2013, 2014; Orange County Probation Department, 2010, 2011, 2012, 2013, 2014; Riverside County Probation Department, 2010, 2011, 2012, 2013a, 2013b; Sacramento County Probation Department, 2010, 2011, 2012, 2013, 2014; San Bernardino County Probation Department, 2010, 2011, 2012, 2013, 2014; San Diego County Probation Department, 2010, 2011, 2012, 2013, 2014; San Francisco Adult Probation Department, 2010, 2011, 2012, 2013, 2014; San Francisco Juvenile Probation Department, 2010, 2011, 2012, 2013, 2014, 2015; Santa Clara County Probation Department, 2010, 2011, 2012, 2013, 2014; Stanislaus County Probation Department, 2010, 2011, 2012, 2013, 2014.

NOTE: In this figure, 09 refers to FY 2009–2010, 10 to FY 2010–2011, and so on.

**Figure 2.11**  
**County Budgets for Sheriff’s Departments, FY 2009–2010 Through**  
**FY 2013–2014, in Millions of Dollars**



SOURCES: County of Alameda, 2010, 2011, 2012, 2013, 2014; Fresno County Sheriff’s Department, 2010, 2011, 2012, 2013, 2014; Kern County Sheriff’s Department, 2010, 2011, 2012, 2013, 2014; Los Angeles County Sheriff’s Department, 2010, 2011, 2012, 2013a, 2014; Orange County Sheriff-Coroner Department, 2010, 2011, 2013, 2014; Orange County Sheriff’s Office, 2012; Riverside County Sheriff’s Department, 2010, 2011, 2012, 2013, 2014; County of Sacramento, 2010, 2011, 2012a, 2013, 2014; San Bernardino County Sheriff’s Department, 2010, 2011, 2012, 2013, 2014, 2015; San Diego County Sheriff’s Department, 2010, 2011, 2012, 2013, 2014, 2015; City and County of San Francisco, 2011a, 2011b, 2013a, 2013b, 2014; County of Santa Clara, 2010, 2012, 2013, 2014; Stanislaus County, 2009, 2010, 2011, 2012, 2013.

NOTE: In this figure, 09 refers to FY 2009–2010, 10 to FY 2010–2011, and so on.

probation and sheriff's departments' budgets was due to state money given to counties in support of realignment. Total statewide funding for realignment in year 1 was \$399.9 million and increased to \$865 million in year 2 and to \$1.2 billion in year 3 (July 2013–June 2014). The 12 counties together increased their budgets for sheriff's departments by 14.4 percent between FY 2009–2010 and FY 2013–2014, led by Sacramento with a 29.5-percent increase.

In terms of dollars rather than percentage, the biggest changes occurred in Los Angeles County, whose overall budget made up an average of 38.2 percent of the total for the 12 study counties in any given fiscal year. Even so, Los Angeles County's changes in budget between FY 2009–2010 and FY 2013–2014 were relatively mild, with a 3.6-percent reduction in total budget, and increases of 19.1 percent for the probation department and 11.2 percent for the sheriff's department. Following the same general pattern as in most study counties, budget increases for Los Angeles County's probation and sheriff's departments were primarily concentrated in FY 2010–2011 and afterward because it was these two agencies that received support from the state for implementing realignment.



## Findings from the Probation and Sheriff’s Department Interviews

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This chapter presents the findings from the interviews with probation and sheriff’s departments. We draw out themes based on the questions asked, as well as responses received from our respondents. Tables 3.1 and 3.2 summarize several aspects of the realignment experience, primarily gathered from interviews, but also based on reviews of county documentation of realignment progress provided to us either during our interviews or from our search of publicly available online documentation on countywide progress on realignment.<sup>1</sup>

### County Contexts in Assembly Bill 109 Planning and Implementation

As outlined in the AB 109 legislation, counties were to use CCPs made up of key county agencies, with the probation chief as the head of each group in the development of its plans. Our interviews generally reflected the fact that the probation department was the lead agency, but generally as the organization that helped compile and organize the work of other agencies. A common model was for each agency to prepare its plan and the CCP to compile the plans for review by all county agencies. The county boards of supervisors played a larger role in some counties than in others, with Los Angeles representing a county in which the board was described as taking control, especially for funding decisions. The great consensus was that the process was very collaborative, although many acknowledged that probation departments and sheriff’s departments had larger roles than other agencies. Comments from a few counties suggested that one of the reasons for collaboration might have been the feeling that the county agencies were “in it together” against the state. In several instances, realignment built on the collaborative relationships that had been established earlier; in others, realignment brought new members to the table. However, not all counties described their prerealignment experiences as collaborative. Several mentioned that “silos” had prevented collaboration in the past but that realignment effectively reduced these barriers.

Realignment was an opportunity for counties to advance the use of evidence-based alternatives to incarceration. We asked county representatives whether they felt that their plans focused mostly on rehabilitating the offender, mostly on incarceration and potential jail needs, or equally on rehabilitation and incarceration needs, including alternatives to incarceration. Many counties indicated a balanced approach, although counties that faced jail population capacity issues mentioned incarceration and jail beds as the focus. However, the issue was

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<sup>1</sup> We reviewed county plans, but, because the plans were often just that—plans—we did not rely exclusively on them for how realignment actually was implemented in the counties.

not as simple as building beds—many expressed the challenge as using jail beds efficiently and including more programming in the jails. In general, probation representatives were somewhat more likely to say the county plans placed an equal emphasis on incarceration and rehabilitation.

What is interesting from the interviews is that they do not always reveal the same rating of “surveillance versus programs and services” as others have documented for our study counties. For example, Abarbanel et al., 2013, ranked Stanislaus as being more focused on surveillance. Although sheriff’s department representatives indicated that jail beds were of primary importance due to capacity issues, the probation department’s representative indicated a balanced approach for his agency. In Santa Clara, the county that Abarbanel et al., 2013, rated as highest for programs and services, the sheriff’s department representative indicated that the approach was not one way or the other. The probation department’s representative stated that it was complicated to address the issue of rehabilitative services versus a focus on incarceration; the goal was not to increase jail beds but rather to get programming into the jails.

Counties described their strengths in developing their plans. Mirroring comments earlier, many counties pointed to good collaborations already existing in their counties prior to realignment. In particular, they cited SB 678, which incentivized counties to reduce the numbers of probation revocations sent to prison, as building good relationships between agencies before realignment. Sacramento already had a reentry council with collaborating agencies. Orange County pointed to its Orange County Criminal Justice Coordinating Council, which meets once each month with various county agency representatives.<sup>2</sup> Some also noted as a strength having skilled and experienced staff chosen to assist with the plans and county workgroups.

When we asked about challenges, a clear message came through from many sheriff’s departments: concern about jail crowding. Jails might not have been overcrowded at the beginning of realignment (in fact, jail populations had been going down before realignment); however, counties were concerned about the numbers of locally sentenced inmates with long sentences they would have in their jails. Related to this was concern about programming for the new jail inmates in facilities that were not built historically with programming space or a focus on activities for longer-term inmates. Interviewees noted money as an issue for some counties, either because it was viewed as insufficient or because of issues related to allocations between local agencies (e.g., concerns expressed by local law enforcement in the first year in which no monies were allocated to police departments). They also noted county freezes on hiring to be challenges. In several counties, departments could not hire needed staff because of ongoing county freezes on hiring. Petersilia, 2013, 2014, also mentioned early challenges in hiring. “Staffing” was also rated as the top-priority area in county responses to the BSCC realignment survey for FY 2011–2012 through FY 2013–2014 (BSCC, 2014b).

We asked how the CCP and realignment affected interagency relationships. By far, the most frequent response was that they maintained existing collaborative relationships or improved the level of cooperation and collaboration. Communication lines have opened up, although, in some instances, personalities at one or more key agencies in a county could affect how and how much. Several counties expressed their satisfaction with closer collaboration with public defender’s offices; at the same time, several indicated that district attorney’s offices were still cautious about alternatives and concerned about public safety. One probation interviewee

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<sup>2</sup> This is not to say that other counties did not have reentry councils. For example, Alameda, San Diego, San Francisco, and Santa Clara have reentry councils.

stated that each county is trying to get funding from the state, so the fight is “not within counties, but a fight across counties.”

### **Most-Significant Changes as a Result of Realignment**

We asked representatives from both probation and sheriff's departments what the most-significant changes were as a result of realignment. Among probation department staff, the majority indicated that the most-significant changes were related to providing services to clients. Realignment has provided probation departments with the funds to provide services that were lacking in the past. Often, counties pointed to the creation or expansion of DRCs, a form of “one-stop shopping” for offenders to receive services, and sometimes to be used as a form of sanction. As we discuss later, expansion and adoption of DRCs seems to have been one of the most-frequent mechanisms to enhance the delivery of drug and alcohol treatment, educational and vocational services, behavioral health (including mental health) services, and cognitive-behavioral programming. Interestingly, respondents also pointed to the use of risk-assessment tools as significant for realignment, although many also pointed out that they had begun the use of risk- and need-assessment tools under SB 678.

Responses by sheriff's department representatives were much more varied and reflected not only issues related to programming but also issues related to inmates' expectations for jail settings. For example, San Bernardino and Alameda representatives noted that it is a challenge to work with inmates who had expectations about services and amenities they get in prison (e.g., televisions, contact, and conjugal visits). Several indicated that the jails have become “hardened” with the increase of inmates who had historically been sentenced to prison, specifically noting an increase in violence, criminal sophistication, appeals, and medical and mental health care needs. Reflecting a focus on services, approximately two-thirds of sheriff's department respondents commented on a change in culture toward service provision. All respondents noted adding or expanding services as significant changes. As the sheriff's representative from Stanislaus commented, “You need to take the challenge of reentry and find solutions. Take the resources you have and leverage for success.”

### **Probation Departments' Supervision of Realigned Offenders**

Probation departments often define caseload structure by the nature of the offender's crime (e.g., sex offender, gang, domestic violence, driving under the influence) and, more recently, offender risk to recidivate. The use of risk in supervision has become commonplace in the past 20 years as an integral part of effective interventions. Scholars from Canada who developed a theory of rehabilitation based on the social psychology of intervention (Andrews, Zinger, et al., 1990; Andrews and Bonta, 2006) have spearheaded the movement toward identifying effective principles of intervention. According to the theory, programs should target those at high risk of recidivism; programs should target dynamic risk factors—or offender needs—that are related to recidivism that can be changed; and treatment should be behavioral in nature, employing cognitive-behavioral and social learning techniques that are tailored to the offender's learning style, strengths, and motivation (Bonta and Andrews, 2007). Seven major dynamic risk fac-

tors associated with recidivism (criminal history is an additional risk factor, but it is considered “static”) are

- antisocial personality pattern
- procriminal attitudes
- social supports for crime
- substance abuse
- family and marital relationships
- school and work
- prosocial recreational activities (Bonta and Andrews, 2007, p. 6).

Probation departments across the country, including those in California, have adopted the risk-need-responsivity (RNR) approach. SB 678, which the governor approved in October 2009, provided incentive funds to counties that reduced the percentage of adult probationers sent to prison for probation failures. Funds allocated under SB 678 were to be spent on evidence-based community corrections practices, including risk and need assessments, intermediate sanctions, and evidence-based programs, such as drug and alcohol treatment, mental health treatment, anger management, cognitive-behavioral programs (CBPs), and job training and employment services. One can readily see the RNR model’s influence in the SB 678 approach. In fact, counties mentioned the great influence SB 678 had in their approaches to realignment. For example, the Los Angeles stakeholders indicated that SB 678 provided them the opportunity to engage with evidence-based practices (EBPs). Riverside mentioned that it was a great precursor in terms of providing incentives for good outcomes; Santa Clara mentioned that SB 678 helped build the foundation for the department’s response to realignment.

How are counties managing the newly realigned offenders? To gather insights into changes made for new offenders whom probation departments handle, we asked several questions about changes in supervision specific to the realigned population. It comes as no surprise that they generally applied concepts used before realignment for the newly realigned offenders. Risk of the realigned offender played large in offender assignments. Counties used different risk-assessment tools, ranging from Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) (Assessments.com, 2008), to the Static Risk and Offender Needs Guide (STRONG), to a modified version of the Wisconsin risk and need tool developed more than 30 years ago (Wisconsin Division of Corrections, 1976). Interviewees consistently reported risk level for PRCS and MS cases as higher than for routine felony probationers. For example, in Kern County, 20 percent of routine probationers are classified as high risk, contrasted with 70 percent of MS and PRCS cases. In San Francisco, 96 percent of the PRCS cases are high risk. In some cases, however, the realignment populations are overridden to high risk simply because they were either PRCS or MS cases.

In some counties, caseloads for MS cases (after the jail portion of the split sentence) and PRCS cases are kept separate from those of routine felony offenders. In others, they are combined. For example, in Santa Clara and Los Angeles Counties, PRCS and MS cases are on the same caseloads as routine felony probationers. With routine felony probationers, the offender’s risk level drives caseload size. Departments often place high-risk offenders on small caseloads that can range from 20 to 50 offenders per probation officer to 500 or more on banked probation caseloads for lower-level offenders, which entail minimal supervision. Because of offender risk levels or local policies, departments most often place realigned offenders on small caseloads



as well. For example, high-risk MS and PRCS offenders are placed on caseloads of 30 offenders to one probation officer in Santa Clara and 35 offenders to one probation officer in Sacramento. In San Diego, PRCS offenders are placed in caseloads of 40 to one; MS are on caseloads of 30 to one. Generally, departments do not place realigned offenders on specialized caseloads (e.g., driving under the influence, sex offender), although Kern County, for example, has several specialized units for PRCS offenders.

Many probation departments had armed probation officers before realignment, but several counties indicated that they have increased the numbers of armed officers to deal with realignment offenders. For example, the chief probation officer in Los Angeles County, Jerry Powers, reported, "It is a natural response to an ever increasing number of higher threat individuals and the operations that go along with supervising them" (Villacorte, 2013). Following best practices or EBPs, probation departments often indicate that they include formal case plans that the offender signs and revisit them periodically, although some are still in the process of formalizing the case-management aspect of risk-assessment tools.

Collectively, our 12 counties received more than \$270 million in year 1 in realignment funds. What kinds of programs and services did they provide with this funding? Table 3.1 presents our assessment of whether they added services in a variety of areas, enhanced them (for example, applying a program to a different population or increasing the number of slots available), or continued them as before realignment. We chose the areas of education, employment, substance abuse, mental health, and CBPs to reflect the need areas identified in the RNR literature discussed earlier. We also included other areas that county plans or interviewees frequently mentioned.

Of particular note is that the vast majority of counties used realignment funding to *enhance* programs or services already in existence for education, employment, substance abuse, and mental health services for realigned offenders. GED test preparation was a frequent program for funding under education. Vocational and job readiness and skill training were among employment programs. Probation representatives noted group counseling for both substance abuse and mental health. They mentioned several forms of CBPs, including Thinking for a Change and Moral Reconation Therapy. One might expect that counties classified as low on services might show more addition of *new* services than those classified as high. Our findings suggest that the enhancement of existing services and addition of new services are the rule in all counties we studied. We did not have available the numbers of offenders served by program, so those might show differences. However, the overall pattern suggests that all counties took advantage of realignment funds to provide more services to offenders.

In our conversations with representatives, we often heard comments regarding high levels of housing needs for the realigned population. Many counties chose to add or enhance services for these offenders, using contracts with community organizations. Parenting and anger-management programs were also enhanced in most counties.

Perhaps the most interesting aspect of the service delivery viewed across all counties was the use of DRCs. These types of centers serve as one-stop shopping for offenders. The concept has been around for decades and widely used across the country. In fact, the CDCR utilizes DRCs as part of its community and reentry services. They are designed as comprehensive service-delivery programs, providing services that include individual and group counseling, substance abuse education, anger management, domestic-violence prevention, cognitive and life skill training, parenting and family reunification, community service, education and GED preparation, budgeting and money management, job readiness, and job search and referral

**Table 3.1  
Changes in Probation Department Service Areas**

County	Education	Employment	Substance Abuse	Mental Health	CBP	Risk Assessment	Other Programs				
							Housing Assistance	Parenting	Anger Management	Motivational Interviewing	DRC
Alameda	Enhanced	Enhanced	Enhanced	Enhanced		Enhanced	Enhanced or new				Planning
Fresno	Continued	Enhanced	Enhanced	Enhanced	Enhanced	Continued	Enhanced	Continued	Continued	Continued	Enhanced
Kern	Continued	Enhanced	Enhanced	Enhanced	Enhanced	Continued	New	Continued	Enhanced	Continued	Enhanced
Los Angeles	Enhanced	Enhanced	Enhanced	Enhanced	Enhanced	Continued	Enhanced	Continued	Enhanced	Enhanced	No program
Orange	Enhanced	Enhanced	Enhanced	Enhanced	Enhanced	Continued	Enhanced	Enhanced or new	Enhanced or new	Enhanced or new	New
Riverside	New		Enhanced	Enhanced	New	Continued	Enhanced or new				New
Sacramento	Enhanced	New	Enhanced	Enhanced	New	Continued	Continued	Enhanced	New	Enhanced	Enhanced
San Bernardino	Enhanced	Enhanced	Enhanced	Enhanced	Enhanced	Continued	Enhanced	Enhanced		Enhanced	Enhanced
San Diego		Enhanced	Enhanced	Enhanced	New	Continued	New		Continued	Enhanced	No program
San Francisco	Enhanced	Enhanced	Enhanced		Enhanced	Enhanced	Enhanced	Enhanced	Enhanced	Enhanced	New
Santa Clara	Enhanced	Enhanced	Enhanced	Enhanced	Enhanced	New	Enhanced				New
Stanislaus	Enhanced	Continued	Enhanced	Enhanced	Enhanced	New	Enhanced	New	Enhanced	Continued	Enhanced

NOTE: The Alameda County Probation Department did not respond to our requests for an interview. A blank indicates that we could not determine whether a program or service was added, enhanced, or continued.

services. Counties often had DRCs before realignment, but some chose this delivery method as most appropriate for realigned offenders, who often present, as mentioned earlier, with substantial treatment needs. In fact, many of the enhanced services noted in Table 3.1 were delivered in enhanced or newly created DRCs.

As noted earlier, SB 678 had served as a catalyst for many counties to adopt RNR practices, including the use of risk- and need-assessment instruments. Also shown in Table 3.1 is that all counties are using risk-assessment instruments. Most had been using them before realignment, but several counties adopted new tools right around the time of the legislation. Although we do not show this in Table 3.1, several counties, including Fresno, Orange, Riverside, and San Bernardino, forged new partnerships with law enforcement for compliance checks and other supervision monitoring. Counties were also formalizing sanctions with the use of a response grid to violations. Alameda, Fresno, Kern, Los Angeles, San Bernardino, San Diego, and Santa Clara were either developing or using such tools. In assessing recommendations for a violation, these tools often consider the nature of the violation, as well as the offender risk level. Sanctions can include a warning, treatment, referral to a DRC, incarceration, or revocation of probation. The Parole Violation Decision Making Instrument was such a tool that the CDCR launched in 2008 in an attempt to standardize and potentially reduce the use of revocations as a response to parole violations (see Turner, Braithwaite, et al., 2012; Murphy and Turner, 2009).

At the conclusion of the interview, we asked county representatives to summarize their perceptions of the greatest successes and challenges with respect to realigned offenders. Echoing some of the themes documented earlier, probation representatives commented on their ability to provide services that they had not previously been able to provide to clients under their supervision. Many again commented on the newly forged or strengthened collaborations with other county and service agencies to provide such services, or the use of the DRC model to provide the one-stop shopping for offenders. They also mentioned the use of a risk-assessment tool to assist in matching offenders to needed services.

When asking about major challenges, we received a wide variety of responses. Several counties indicated that, although they had received funds to provide needed services, they needed more money. Interestingly enough, several counties indicated they had difficulties in hiring needed staff because of funding freezes or difficulties in finding qualified applicants. And even though we asked this question of probation officials, several in counties with jail population caps mentioned that jail capacity remained an issue in their counties.

### **Sheriff's Departments' Management of Realigned Offenders**

Although many observers might not be aware, jails have historically provided education, substance abuse treatment, and other self-help services to inmates. Unfortunately, the numbers served have often been low. Thus, in the context of realignment, we might find that jails, like probation departments, have enhanced delivery in these areas. Table 3.2 presents our assessment of how sheriff's departments changed key services after realignment.

A focus on enhancing programming in the jails was clearly present in our interviews with jail officials. Jails could often enhance programming in education, substance abuse treatment, and mental health areas. Additionally, some counties increased the use of cognitive-behavioral programming and other services targeted to successful integration, such as housing, parenting,

**Table 3.2**  
**Changes in Sheriff's Department Service Areas**

County	Education	Employment	Substance Abuse	Mental Health	CBP	Risk Assessment	Other Programs				
							Housing Assistance	Parenting	Anger Management	Motivational Interviewing	Reentry Units
Alameda	Continued	Enhanced	Enhanced		No program	Planning	Enhanced	Continued	Continued	No program	New
Fresno	Continued	Enhanced	Continued	Continued	New		Enhanced	Enhanced	Enhanced	Enhanced	
Kern	Enhanced	Enhanced	Enhanced	Enhanced	No program	Enhanced	Enhanced	Enhanced	Enhanced		
Los Angeles	Enhanced	Enhanced	Enhanced		Enhanced	New		Enhanced			Planning
Orange	Enhanced	Enhanced	Enhanced	Enhanced	Enhanced	Continued	Enhanced	Enhanced	Enhanced		New
Riverside	Enhanced	Planning	Continued	Enhanced	No program		Continued				New
Sacramento	Enhanced	Enhanced	Enhanced	Continued	New	Continued	Enhanced	Enhanced	Enhanced	No program	Continued
San Bernardino	Enhanced	Enhanced	New	Enhanced	Continued		Refer	Continued	Continued		
San Diego											
San Francisco	Continued	Continued	Enhanced	Enhanced			Enhanced	Enhanced			New
Santa Clara	Continued	Enhanced	Continued	Enhanced	Enhanced		Planning	Enhanced	Enhanced	Enhanced	
Stanislaus	Enhanced	Continued	Enhanced	Enhanced	Enhanced			Enhanced	Enhanced		

NOTE: The San Diego County Sheriff's Department did not respond to our requests for an interview. A blank indicates that we could not determine whether a program or service was added, enhanced, or continued.

and anger management. Unlike probation, jails did not separate realigned inmates from other inmates. Classification systems at jail entry are used to place inmates into different security and need (e.g., mental health beds) areas. Respondents often indicated that AB 109 inmates and others were treated the same. Enhanced programming, therefore, benefited inmates regardless of their status. At the same time, departments have been adopting and experimenting with the use of additional risk-assessment and need-assessment instruments, including COMPAS and the STRONG, to deliver services to those who most need them. At the time of our interview, San Bernardino had selected COMPAS for use, but the system was not yet in use.

In our interviews with sheriff's department representatives, the most frequently mentioned changes to operations enhanced programming changes—often with respect to reentry programming. These changes, as indicated earlier, target all offenders, not just those who have been realigned. Other changes made included revamping old programs and classification systems.

For example, San Francisco's reentry pod, which opened in February 2013, provides services and community connections to inmates who are soon to be released. State prison inmates who are within 90 to 120 days of the ends of their sentences before being released to PRCS or on split sentences are housed in the 56-bed facility. Programming services include education, parenting classes, substance abuse treatment, cognitive-behavioral classes, restorative justice programs, case management, and connection to services outside. This program is linked with the San Francisco Adult and Juvenile Probation Departments' one-stop service center. With such a model, inmates receive services during the critical transition period after release and reestablishing themselves in the community.

The Los Angeles County Sheriff's Department highlighted its Education-Based Incarceration initiative. This program views education as the framework for successful community reentry. Wrap-around educational programs addressing individual needs and a strong reentry component that reinforces education, employment, housing assistance, and drug treatment are seen as key.

The inmate program unit coordinates the academic programs (including adult basic education and GED classes); career technical programs (including art education, automobile body repair and detailing, building maintenance, and computer operations); jail enterprises (including a print shop, wood shop, and sewing shop); and behavior-modification courses taught by trained community volunteers and others. Other programs are wrap-around educational and therapeutic courses that offer personal change in a collaboration with faith-based organizations, teaching respect and tolerance, gender-responsive rehabilitation, parent programming, and drug treatment, among others. When offenders are nearing release, they participate in activities in a community transition unit that links inmates with community service providers in employment services, substance abuse counseling, domestic-violence counseling, housing, transportation, life skills, and job readiness services. At the time of our interviews, the Community Re-Entry Resource Center was still under development. This one-stop center is designed to house a range of service providers, including the department of motor vehicles, department of social services, emergency homeless accommodations, housing and urban development, and department of health and department of mental health service stations (Los Angeles County Sheriff's Department, 2013b). The program will serve approximately 4,000 of the approximately 19,000 inmates housed in Los Angeles County jails on any given day (Los Angeles County Sheriff's Department, 2013b; Austin et al., 2013).

We found that some counties are increasing the use of mechanisms to reduce jail population pressures as a result of the influx of realigned offenders. Jail populations can be reduced on the front end, for example, by increased use of own-recognition (OR) programs for the presentenced population. And given that the majority of inmates in California jails are presentenced (as our figures presented earlier show), this population would seem to be a target for alternatives. As some respondents indicated, district attorneys opposed establishing pretrial release for realignment offenders because it reduces the value of a bargaining chip in the case process. However, the push to make headway in developing pretrial-release programs is being felt, and several counties are using or considering OR programs.

In many overcrowded jails, early release has served as a back-end mechanism to reduce capacity for quite some time before realignment. The use of early release continues, and GPS monitoring is often a part of this. Los Angeles piloted an alternative-to-jail program with 40 GPS-monitored female offenders in treatment. The program started in jail and continued in the community, and the county is considering expanding it to include male inmates. Eligibility criteria for GPS monitoring can also be changed to increase the number of participants. In San Francisco, the period for consideration of history of violent offenses was reduced to the most-recent five years for electronic monitoring and home detention. However, in San Francisco and several other counties, alternatives, such as GPS monitoring, are for lower-level offenders, often misdemeanors. San Francisco does not use incarceration alternatives for straight 1170(h) offenders.

Counties have changed the criteria for bench warrants—for example, Orange County does not readmit offenders served bench warrants for nonviolent or non-public safety offenses. Orange County has also increased the use of “cite and release” in the field, reducing the number of bookings for misdemeanor cases. Specific to realignment, counties can have inmates sent back to the CDCR for participation in its fire-camp program. This program collaborates with agencies to provide a trained workforce for fighting fires and assistance for other emergencies, such as earthquakes and floods. Counties, however, have to pay the CDCR for inmates to participate in the program. In Los Angeles, 250 inmates participate in the fire-camp program.

In some counties that use early release, once offenders are released early, there is no supervision tail placed on them. This can mean that they are not provided services or supervision during the most challenging period for reentry into the community. One innovative way to address this is being used by Kern County. Kern County, facing population cap constraints, has instituted a virtual jail. Selected inmates participate in the work-release program, sheriff’s department parole, and the sheriff’s department’s electronic monitoring program. An inmate is eligible for the program if the inmate does not pose a risk and is a non-non-non offender. Once the inmate completes at least 10 percent of the sentence and has participated in programming in a jail, that inmate is released into the community. A case manager, with a caseload of approximately 80, coordinates services and supervision for the inmate while he or she is in the community. Programs are voluntary, and one of the concerns is that some offenders do not participate, knowing that they might be released early, and thus without the tail of the community portion of virtual jail. Kern County’s 2013–2104 CCP plan indicates that 1,170 inmates participate in these programs daily, freeing up jail beds (Community Corrections Partnership Executive Committee, 2013).

When asked about successes and what realignment funding has allowed sheriff’s departments to do, many departments mentioned enhanced programming. This was true regardless of whether the county had been classified as low or high service or whether its plans indicated

that it would spend low, moderate, or high percentages to add jail capacity. Several mentioned the importance of the reentry units, which provide many of the same benefits of DRCs in the community—the ability to provide a wide range of services in one place to meet offender needs. At the same time, a common theme was that bed space was still an issue. Many also mentioned that they needed increased programming, as well as programming space, as jails received more offenders with more-complex treatment and programming needs.





## Conclusions

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Our study of the implementation of realignment in these 12 counties focused on probation and sheriff's departments. These departments received the major share of realignment funds allocated to counties (Abarbanel et al., 2013). This is not to say that other justice and county agencies were not important (others have examined them; see, e.g., Petersilia, 2014; Ball and Weisberg, 2014). Through analysis of county plans and additional documentation, interviews with probation and sheriff's officials, data received from the BSCC, county budget reports, and crime data, we have examined how counties chose to respond to realignment in terms of their focus and efforts. Despite the extent of data examined, we must note that our analysis, by necessity for our effort to draw out themes, reduces some of the detail and individual approaches each county took. Our work can be seen as answering three major questions. The first is simply, "What are counties doing?" The second is whether they are doing anything new (as AB 109 intended). The third is whether what they are doing conforms to the EBP literature. With respect to the first question, we find that counties are doing a variety of things but that there are a lot of unanticipated challenges and unknowns about the effects of strategies. For the second question, we find that many things that are being implemented are enhancements of existing programs or policies. With respect to the third question, we find evidence of movement toward RNR, although SB 678 set some of that in motion. We go into more detail below.

The California prison population has been reduced as a result of realignment; jail populations and the numbers of offenders that probation departments supervise have increased. This is no surprise. The overall numbers of incarcerated persons has not increased (Lofstrom and Raphael, 2013a), and the total number of people under correctional control has not increased in the past several years. Thus, realignment appears to have shifted the responsibility and, at least in the early years of the implementation, reduced somewhat the total numbers of offenders in the system (at least those under the primary forms of supervision and incarceration). Although many early concerns and media reports suggested that realignment would cause increases in crime, it appears that observed increases in crime in 2012 (notably, for property offenses) have been followed by reductions in 2013 in both violent and property crimes.

Our findings suggest that probation and sheriff's departments responded to the challenge of realignment by developing or strengthening relationships among county actors. In some jurisdictions, agencies had worked together in the past; others forged new relationships. A common theme was reducing the silos that had often kept agencies from collaborating in the past. Instead, county agencies worked together in an effort to leverage change at the state level, particularly with respect to changing realignment funding allocations. Both probation and sheriff's department representatives mentioned a focus on service provision and expansion of EBPs, although clearly sheriff's agencies were often focused on adding jail capacity. The

expansion of services aligns along the dimensions of what EBPs would suggest—a focus on risk assessment, programs that emphasize cognitive–behavioral approaches, and academic and career technical education. A common theme voiced in every county was the increased risk level and need profile of the realigned offenders—they required more mental health and other health services, and high proportions were rated as high risk on assessment instruments.

## Service Delivery

A movement toward the delivery of services in a one-stop location was evident in both probation and sheriff's departments. In an effort to provide the skills, services, and outside-agency connections to inmates who are nearing the ends of their sentences, reentry units—specialized areas in the jails—are gaining momentum. San Francisco's reentry pod is a good example of this. Reentry centers have long been part of the programming in U.S. prisons (Seiter and Kadela, 2003), and the concept is beginning to be translated to the county environment as more-serious offenders begin serving longer sentences. Some probation departments use the DRC concept—some new, some expanded. The DRC has the advantage of collocating needed services and providers, although at least one county mentioned that, with offenders located all over the county, it needs more than one center. According to the BSCC, counties ranked DRCs among the top three priority areas in FY 2012–2013 and FY 2013–2014 (BSCC, 2014b). Despite their attractiveness, the evidence base on their effectiveness is still being compiled. A recently completed National Institute of Justice randomized experiment examined the relative effectiveness of a DRC and intensive parole supervision for medium- to high-risk parolees. The study found that male DRC participants were significantly more likely to be arrested and less likely to find employment during the early months of supervision. However, at longer follow-up, differences in recidivism were nonsignificant. Results for female participants were fairly similar for the DRC and intensive supervision (Boyle et al., 2011). More-recent evaluations of DRCs, however, are more promising. A recently completed quasi-experimental evaluation of a DRC in Kern County revealed that DRC program completers had lower recidivism rates than a comparison group of offenders; even those who had participated but not completed the DRC program had lower rates (Kuge, 2013). The Washington State Institute for Public Policy recently completed a meta-analysis of three DRC studies, including Boyle et al., 2011, and concluded that DRCs had a positive benefit–cost ratio of \$6.38 (Washington State Institute for Public Policy, 2015).

The impact of SB 678, approved in 2009 to provide incentive funds to counties that reduced the percentage of adult probationers sent to prison for probation violations, cannot be overstated in terms of getting probation departments off the ground to face the challenges of supervising thousands of new offenders at the county level. As the San Francisco 2012 implementation plan states,

From 2009 to 2011, San Francisco successfully decreased its commitments of felony probationers to state prison by over 40%, sending 104 fewer felony probationers to state prison on a revocation. For this remarkable success, the Adult Probation Department has received over \$2.1 million from the state to further support the implementation of evidence-based practices. The Department has dedicated 100% of these resources to services, housing, treatment, employment and related services to support people on probation through imple-

mentation of evidence-based alternatives to state prison. (Executive Committee of the Community Corrections Partnership, 2012)

In Los Angeles, the Alternative Treatment Caseload program was established with SB 678 funding. This funding enabled the department to create 76 new positions and provided an unprecedented opportunity to enhance probation supervision services for high-risk offenders (Los Angeles County Probation Department, 2011b).

The use of EBPs and alternatives to incarceration was key to SB 678 activities. Thus, many probation departments had been using risk assessments, focusing services on the higher-risk and higher-need offenders, using cognitive-behavioral approaches in the delivery of needed services, and so on before realignment went into effect. Although the realigned population has more-serious convictions than traditional probationers, the continued use and expansion of approaches for realigned offenders can be seen as a natural extension of efforts begun under SB 678.

Sheriff's departments did not have a system-wide precursor to realignment similar to SB 678 in their adoption of evidence-based approaches. However, many had begun to incorporate these strategies into their operations prior to realignment. Several of our study counties, including Orange, San Diego, and Kern Counties, have been involved in the National Institute of Corrections and Urban Institute partner project Transition from Jail to Community initiative (Willison et al., 2012). This initiative focuses on jail reentry, building system-level change through collaborative and coordinated relationships between jails and local communities.

Increased service provision has led to some blending of roles that have been traditionally separate. In some counties, sheriff's department activities are beginning to look more like probation services, in that they have developed programs that follow clients into the community. Los Angeles County notes that, "For those who are returning to their communities, it is our intention to follow them for a period of time and render assistance regarding housing, education, drug treatment, and employment" (Los Angeles County Sheriff's Department, 2013b). The virtual-jail concept in Kern County provides supervision after release. The language of many sheriffs comes closer to the language used in community corrections, with a focus on RNR and understanding that continuation of services and aftercare are important parts of the formula for a successful reentry. In her interviews with people from sheriff's departments across California, Petersilia, 2013, 2014, also noted this change to enhance probation-like functions. However, sheriff's departments can find the linkage challenging. Probation departments are reaching into the jails to assist in reentry pods.

Interviewees raised several interesting issues with respect to the increased provision of services in counties. Contracting out to community-based organizations is a routine mechanism for providing treatment and services. Service providers are often where the "rubber meets the road" in terms of providing evidence-based programming, including risk assessment that will target an offender's specific criminogenic needs. Service providers work not only in the community but also in the jails. For example, charter schools are providing education services in the San Francisco jail. Several of our interviewees mentioned that not enough is known about the quality of the treatment that these organizations provide. In addition, reliable reporting systems for documenting whether an offender who has been referred to treatment actually shows up or successfully completes treatment are often lacking.

## Local Jail Capacity

Jail populations have been a major concern with realignment. As our earlier figures show, jail populations have increased since realignment. One of the earliest reports on realignment, by the American Civil Liberties Union of California, criticized counties for their massive investments in jails, rather than proven crime-prevention programs and EBPs, including alternatives to incarceration (Hopper, Dooley-Sammuli, and Evans, 2012). In fact, the focus on jail expansion has continued with funding from several sources. Under AB 900, passed in 2007 and therefore before realignment, \$1.2 billion was available for local jail beds; SB 1022 authorized up to \$500 million for local adult criminal justice facilities. Many of our study counties have received additional funds to expand jails, including Kern, Los Angeles, Orange, Riverside, and San Bernardino, although completed facilities are years away. As a result, early releases in counties with jail caps are still continuing.

Another mechanism, however, is available to counties to increase jail capacity—namely, reducing the presentence population. In California, presentence populations are greater than sentenced populations. Although some counties are using pretrial-release mechanisms or mentioned that they were contemplating implementing them, some of our counties noted local opposition to letting out presentenced felons. We note, however, that the pressure to increase the use of OR and other alternatives to incarceration could be reduced in the near future. With the passage of Proposition 47 in November 2014, penalties for certain offenders convicted of nonserious and nonviolent property and drug crimes have been reduced. Offenders currently sentenced in state prison and jails for these offenses can apply to the court to have their felonies reduced to misdemeanors. Counties are in the process of determining how many inmates will be eligible for resentencing and potentially be released from the jails. Less than six months after implementation of Proposition 47, 2,700 prisoners have been released from the CDCR (Gutierrez, 2015). It is still too early to determine the proposition's impact on crime rates, although some observers feel that it has contributed to an increase in property crime (Gutierrez, 2015; Chang, Rubin, and Poston, 2015). The California Legislative Analyst's Office estimated that low tens of thousands of jail beds might be freed up by Proposition 47 changes (Legislative Analyst's Office, 2014). Unfortunately, data on reductions in county jail populations after the implementation of Proposition 47 are not yet available statewide.<sup>1</sup> However, media reports note that jail populations plummeted soon after implementation. For example, in early 2015, the *Los Angeles Times* reported that the jail population fell from 18,600 to 15,000. However, the population has rebounded as the use of early-release mechanisms has been reduced (Gerber, Sewell, and Chang, 2015). Other county jail populations are experiencing the same phenomenon; jail populations in Fresno, Kern, Riverside, and San Diego (in addition to Los Angeles) decreased after Proposition 47 implementation but appear to be increasing as the use of early-release mechanisms, common in counties with jail population caps, has been curtailed (Thompson, 2015).

In addition, in January 2015, the presumptive sentence for 1170(h) offenders will be split sentences. Use of split sentences should also reduce the average length of stay for realigned offenders, further reducing jail populations.

Although many discussions of jails in the context of realignment concentrate on capacity and costs, we found that our interviews with sheriff's representatives were much more nuanced.

<sup>1</sup> Data available from the BSCC are available for periods through the third quarter of 2014.

Many mentioned seeking funds to repair or replace aging facilities that were no longer serviceable or built to provide the additional programming that realigned offenders required. Sheriff's departments have begun to adopt many of the best practices of correctional interventions, including risk assessment and matching services to needs. Several mentioned that realignment was the beginning of a cultural shift in their departments toward such practices. However, it was our sense that the adoption and acceptance of these practices is more difficult in sheriff's departments than in probation agencies.

No study of realignment would be complete without a discussion of evaluation activities. Legislation did not require a statewide evaluation of the implementation or outcomes of realignment. Researchers and practitioners have been conducting a wide variety of studies and gathering data to help counties and the state understand the response to California's massive experiment. Our study counties were also involved in local county evaluations, as well as routine reporting of numbers of offenders, sentences, and jail capacity reports to county constituencies, including boards of supervisors. County websites routinely post information for county agencies related to realignment. One major effort of note is under way to provide comprehensive information on implementation and outcomes for realignment. To build a comprehensive database that can answer questions about realignment's effect on crime, recidivism, and the local criminal justice systems and about what strategies and services appear to be most effective and for whom, the BSCC and PPIC are currently collecting data from 11 counties from such agencies as the courts, sheriffs (jails), probation departments, and social services (Tafoya, Grattet, and Bird, 2014).

Realignment has been described as the largest change in California's criminal justice system in 40 years. Although the state has three years of experience with the new legislation, counties are still developing strategies for dealing with the influx of realigned offenders. In addition, we are still in the process of gathering information on how counties are responding to the challenge and what impacts realignment has on offender behavior, as well as on state and local government agencies.

## **Study Limitations**

We note several limitations with the current analysis. Our interviews took place two to three years after the implementation of realignment. Many changes were just beginning to be take place. Longer-term follow-up will be able to provide a more comprehensive analysis of system changes. Although we supplemented our interview data with archival and other documentation, our questions were perceptual in nature, reflecting individual judgments and experience. We included 12 counties in our analysis, with representation from small, large, urban, and rural settings and from different geographical regions. Thus, our findings do not necessarily generalize to the entire state of California.



## County Realignment Funding for Years 2 and 3, Based on Different Criteria

**Table A.1**  
County Realignment Funding for Years 2 and 3, in Dollars

County	Double Year 1 Base	Adjusted for Population and SB 678	Based on Realignment Population	Based on Adult Population	Estimated Allocation
Alameda	18,442,024	29,223,042	18,665,652	15,185,092	29,223,042
Fresno	17,676,736	16,532,657	17,938,453	20,784,011	20,784,011
Kern	21,668,279	15,069,531	22,655,048	22,963,131	22,963,131
Los Angeles	267,782,587	185,967,408	203,951,691	227,242,124	267,782,587
Orange	46,156,787	56,302,998	46,669,701	41,814,72	56,302,998
Riverside	42,148,945	38,950,451	43,036,418	43,183,181	43,183,181
Sacramento	26,280,557	26,286,057	26,900,420	28,075,510	28,075,510
San Bernardino	51,571,199	37,136,888	52,338,692	54,853,706	54,853,706
San Diego	50,211,396	59,134,657	51,142,654	50,105,603	59,134,657
San Francisco	10,099,676	17,078,602	10,114,008	7,867,789	17,078,602
Santa Clara	25,132,625	33,746,839	25,448,014	22,836,495	33,746,839
Stanislaus	12,021,399	9,206,787	12,183,027	12,084,736	12,183,027

SOURCE: "Recommended AB 109 Allocation Years 2 and 3," attachments 1 and 2, undated.

NOTE: The year 1 base is for programmatic allocation only, not total allocation. For more information about the four funding options, see the discussion "Funding for Realignment" in Chapter Two.





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