

## Looking Past the Hype: 10 Questions Everyone Should Ask About California's Realignment

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### Realignment's Hopes and Fears

- Proponents say it saves money, relieves prison crowding, and increases public safety through "evidence-based" rehabilitation
  - By 2014, ~100,000 offenders will have been diverted from prison to jail or probation, costing \$2B
- Critics claim it threatens public safety
  - Counties ill equipped to handle dangerous felons
  - Jails releasing inmates due to crowding
  - Money insufficient and not guaranteed
- Everyone agrees it is massive experiment with state and national implications

## Who is Right? We're Talking Past Each Other, Facts Scarce

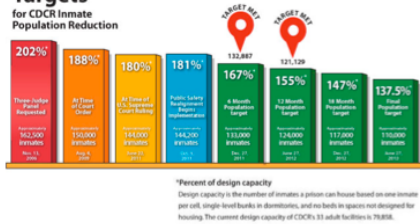
- Why?
  - No statewide evaluation funded
  - Realignment allows huge discretion among counties, and counties face different realities
  - Powerful stakeholders all have “skin in the game”
    - Each seeing things from their own perspective
    - Attacks likely get worse as funding shrinks

## Top 10 Questions We Should Be Asking (and Answering)

1. Have **prison populations** been reduced and medical care improved?
2. Impact on **victim safety** and **victim rights**?
3. Will more **offenders** participate in evidence-based treatment programs, and will their recidivism be reduced?
4. Will there be **equitable sentencing & treatment** across counties?
5. Impact on **jails**? Crowding, staff, conditions, pre-trial, litigation
6. Impact on **police, prosecution, defense, judges**?
7. Impact on **probation** and **parole**?
8. Impact on **crime rates** and community life?
9. How much will it **cost**, who pays?
10. Have we increased the **total number of people under criminal justice supervision**?

**Q1: Have prison populations been reduced and prison medical care improved sufficiently to bring CA prison medical care up to Constitutional level?**

**Court-Ordered Targets for CDR Inmate Population Reduction**



**Courts to hand inmate care back to California**

BY DON THOMPSON/ ASSOCIATED PRESS  
Posted: 10/26/2012 01:01:28 AM PDT

SACRAMENTO – The federal courts will begin handing responsibility for inmate health care back to California corrections officials today, the first step in ending a 7-year-old receivership that has cost the state billions of dollars to improve prison medical conditions.

The Department of Corrections and Rehabilitation will assume responsibility for hiring employees and preparing to open a \$1 billion prison medical complex in Stockton, 50 miles south of Sacramento. The state also is taking charge of 2,200 guards who are responsible for transporting inmates to medical appointments.

If the transition goes well, the court-appointed overseer, J. Clark Kelo, predicted his control of inmate medical care could end in about a year. A federal judge is likely to appoint a special master to monitor the state's compliance at least into 2014.

**Q2: Does Realignment reduce victim protection and participation in court proceedings as guaranteed in California's Constitution and the CA Victim's Bill of Rights?**

**Victimization:**

- Early release may increase risk?
- Or, better programs decrease risk?

**16 Basic Rights Threatened?**

- Be notified at all court proceedings (and be heard);
- Told status of inmate;
- Request special conditions of parole;
- Receive restitution;
- Reasonably confer with prosecutor and be notified of any proceeding involving bail, a plea, post-conviction release decision, etc.

Q3: Will more offenders participate in evidence-based treatment programs, and will those programs reduce their recidivism rates?

## How to Invest in Evidence-Based Treatment?

CDCR & UCI developed  
*California Program Assessment Process (CPAP)*

- Rating tool determines whether programs are *likely* to reduce recidivism
  - Training manual and results of CDCR programs at UCI Center for Evidence-Based Corrections
- Using CPAP helps counties identify EB programs

CPAP ASSESSMENT OF CDCR RECIDIVISM-REDUCTION PROGRAMS

Figure 4: CPAP Effective Interventions Scale Summary, Parole/Community Programs

	CBC	CLLC	DRC	FOTEP	ICDTP	PEP	PRC	PSAP	RMSC	STAR
Assesses risk and targets high-risk	∞	Δ	∞	Δ	Δ	Δ	Δ	Δ	Δ	Δ
Assesses criminogenic needs and delivers services accordingly	*	*	*	Δ	*	Δ	Δ	*	Δ	*
Theoretical model clearly articulated	*	*	*	*	*	*	*	*	*	*
Has program manual and/or curriculum	*	*	*	*	*	*	*	*	*	*
Uses cognitive-behavioral or social learning methods	*	Δ	*	*	*	Δ	*	*	*	*
Enhances intrinsic motivation	*	Δ	*	*	*	Δ	Δ	*	*	*
Continuities with other programs and community support networks	*	*	*	*	*	∞	*	*	*	∞
Program dosage varies by risk level	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ
Responsive to learning style, motivation and culture of offenders	*	*	*	*	*	Δ	*	*	*	*
Uses positive reinforcement	*	*	*	*	*	Δ	*	*	*	*
Staff has degrees	Δ	*	*	Δ	*	Δ	Δ	*	*	Δ
Staff has experience working with offenders	?	Δ	*	*	*	*	Δ	*	*	*
Staff recruitment and retention strategy	*	*	*	Δ	*	Δ	*	*	*	*
New staff training	*	*	*	*	*	Δ	*	*	*	Δ
Program director qualifications	*	*	∞	*	*	∞	*	*	∞	∞
Program data collected and analyzed	∞	*	∞	*	*	∞	∞	∞	∞	∞

Legend: \* Meets criteria    ∞ Partially meets criteria    Δ Does not meet criteria  
n/a Not applicable    ? Insufficient information

Q4: Has Realignment increased disparities in sentencing and treatment based on race, sex, class, geographical region, etc.?

Determinate sentencing replaced Indeterminate sentencing in 1977 specifically to reduce discretion and disparities

Q5: Will Realignment increase jail populations, crowding and force early releases?

What are the impacts of longer jail stays on staff, medical services, costs, programs & security?

Will we bring the prison lawsuits to the jail system?

Q6: How and in what ways will law enforcement, prosecutorial discretion, plea bargaining, sentencing, and court processing change?

-System Hydraulics? When you compress discretion at one decision point in the system, it'll pop up at another point

-What impact for CJS workload?

Q7: How will probation and parole change, given that their workload may change and their populations "harden"?

Agency culture? Arming? Technology?

What services will be increased and decreased?

How will key actors communicate as they triage decisions?

**Q8: What impact on crime rates? Nearly impossible to measure**

Crime could rise as more offenders are on the streets, or decline as more offenders are in programs

- Impacts are likely to be county-specific

**U.S. Crime rates changing:**

- Victim reports: 2011 violent crime up 20% after 20 year decline
- Crime reported to police (UCR): 2011 violent crime down 4%, continuing trend

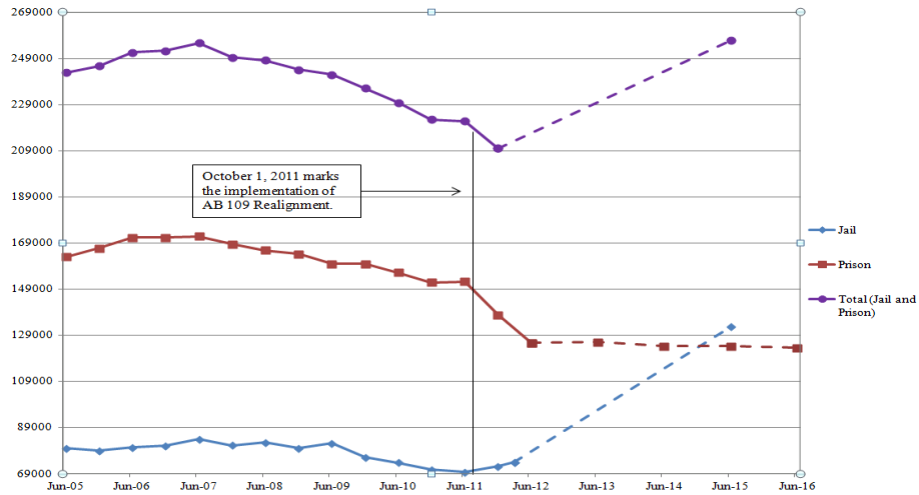
**Q9: How much is Realignment costing?  
How is the money being spent?**

**When one considers county plus state costs, are we better off?**

Cost accounting should include CJS and the burden shifted to other social service agencies, such as Health and Human Services, particularly for the mentally ill

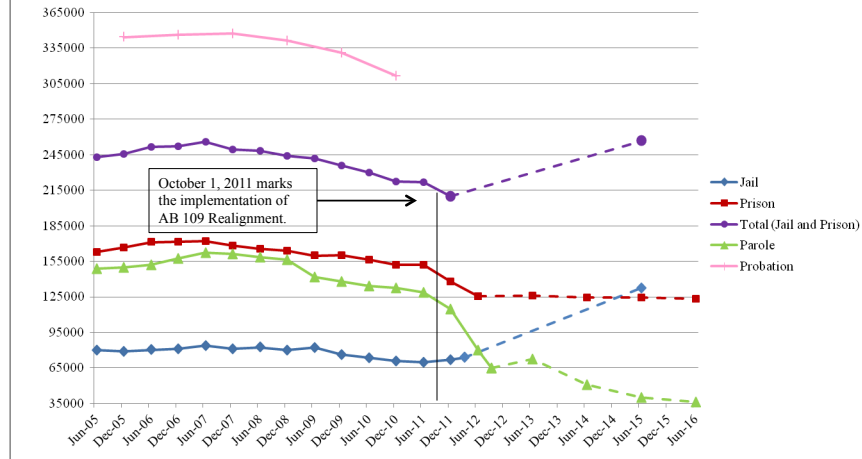
## Q10: Are more people incarcerated post-realignment? Just switching addresses?

Recent Trends and Projections in Jail and Prison Population, 2005-2016



## Total Adults Under Correctional Control?

Recent Trends in Jail, Prison, Probation and Parole Population, 2005-2016





## CA Researchers Studying Some of These Issues

- ✓✓✓ 1. Prison populations
- ✓ 2. Victim issues
- ✓ 3. Offender programs and recidivism, and ⊙ offender experiences
- ✓ 4. Disparities across counties
- ✓✓ 5. Jails
- ✓ 6. Police, prosecution, defense, judges
- ✓✓ 7. Probation and ✓ parole
- ✓✓ 8. Crime rates and ⊙ community life
- ✓✓ 9. State Cost and ⊙ county cost
- ✓ 10. State Correctional Control Rates

## CJ Policy is fickle business, most of us have been here before

Without good answers, we will be right back where we started from a decade from now;

Partnerships, good data, and patience needed...ultimately the people in this room are key