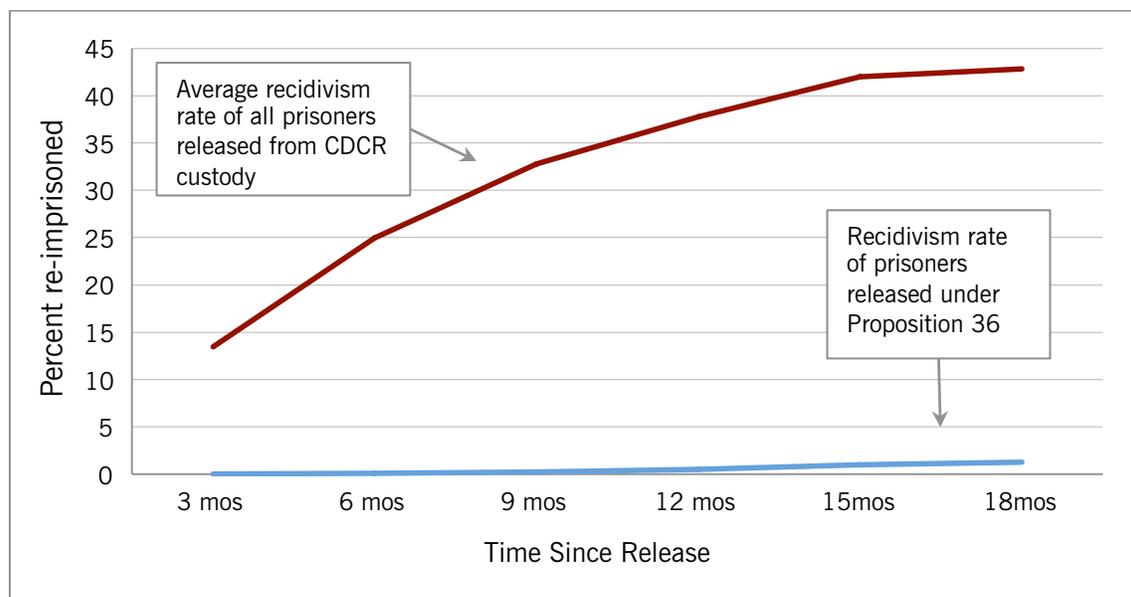


# Proposition 36 Progress Report: Over 1,500 Prisoners Released Historically Low Recidivism Rate

April 2014

Since the enactment of the Three Strikes Reform Act (“Proposition 36”) by California voters in November 2012, a total of 1,613 inmates sentenced to life in prison for non-violent crimes under California’s Three Strikes law have been released from custody, according to California Department of Corrections and Rehabilitation data (“CDCR”).\*

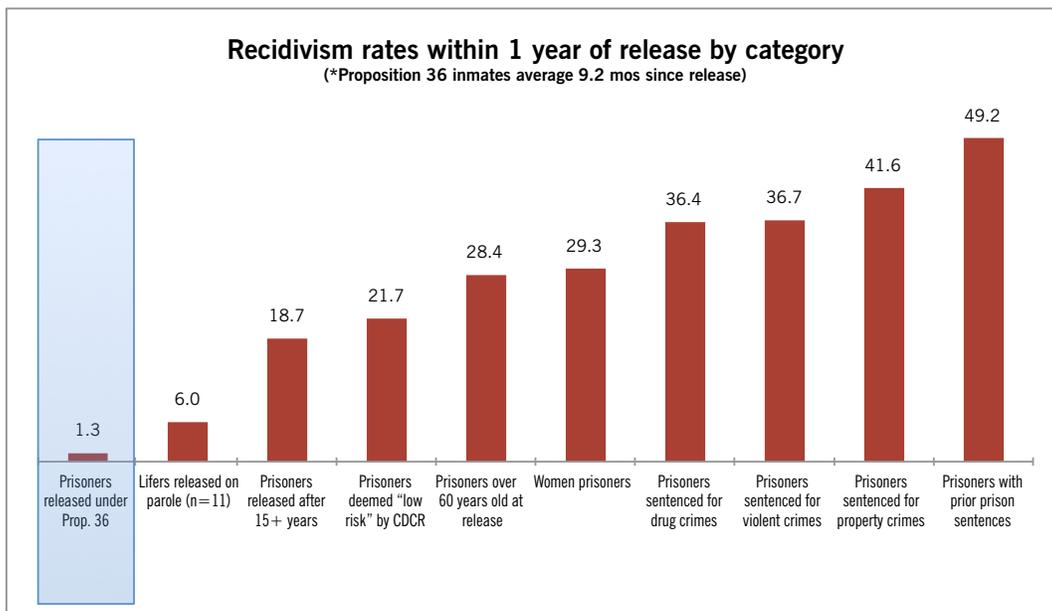


The CDCR data shows that the recidivism rate of prisoners released under Proposition 36 is 1.3 percent. By comparison, the recidivism rate of all other inmates released from prison over the same period of time is over 30 percent.

Proposition 36 was one of the first criminal reform laws in United States history (and certainly the first voter initiative) to authorize the release of current prisoners.

In the midst of protracted prison overcrowding litigation, and nationwide concern over mass incarceration, the drafters of Proposition 36 and over 69 percent of California voters believed that non-violent offenders sentenced to life under the old Three Strikes law had been punished enough and could be released from prison without endangering public safety. The recidivism data released by the CDCR demonstrates the efficacy of the reform.

\*This report uses the same definition of “recidivism” used by state agencies, which is: a prisoner released from CDCR custody and then re-incarcerated in a CDCR prison for a new crime. Data in this report was obtained either directly from the CDCR or from the CDCR’s 2013 *Outcome Evaluation Report*.

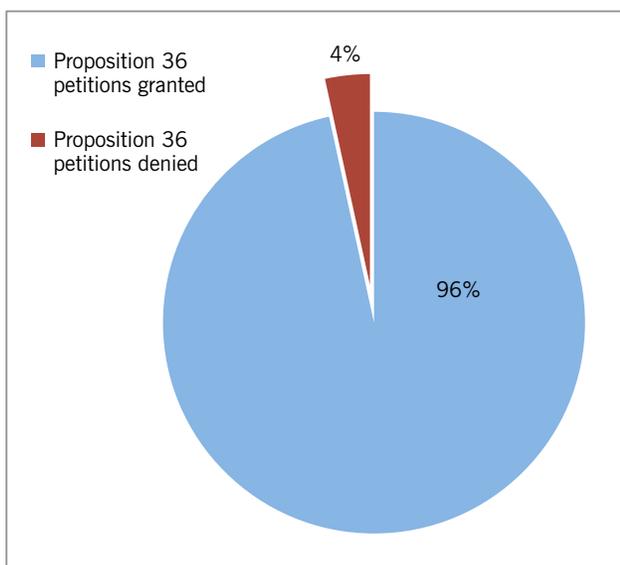


Prisoners released under Proposition 36 have been out of custody for an average of 9.2 months. Traditionally, the highest risk for recidivism is within the first 90 days of a prisoner’s release. According to the CDCR, over 75 percent of recidivists in California commit their new crime within 1 year of release.

Those released pursuant to Proposition 36 have a better recidivism rate than comparable cohorts of prisoners released from CDCR custody.

In order to be released under Proposition 36, eligible prisoners must petition the Superior Court that issued the original sentence. The Superior Court is authorized to resentence and release the prisoner unless doing so would pose “an unreasonable risk of danger to public safety.” (See Cal. Penal Code Sec. 1170.126.)

To date, 96 percent of petitions filed and adjudicated under Proposition 36 have been granted. In other words, the vast majority of Superior Courts reviewing old Three Strikes cases have reversed their original



*A beneficiary of Proposition 36 recently released and reunited with his family. Photo courtesy of Loteria Films.*

Ten largest counties	Eligible Prop. 36 petitioners	Percentage of cases processed	Approx. number of pending cases
Los Angeles	1,033	37%	651
San Bernardino	293	95%	15
San Diego	243	75%	60
Riverside	183	77%	42
Kern	175	51%	86
Orange	152	64%	55
Sacramento	150	96%	6
Santa Clara	149	83%	25
Fresno	55	91%	5
Stanislaus	50	86%	7

sentence and agreed that releasing the inmate would not constitute an unreasonable threat of danger to public safety. The recidivism rate of these released prisoners proves these judges right.

Statewide, approximately half of all prisoners eligible for release under Proposition 36 have had their cases adjudicated through the court system. With the largest number of cases eligible for review under Proposition 36, Los Angeles significantly lags behind all other major counties with only 37% of their cases processed. (Excluding Los Angeles County, 69 percent of Proposition 36 cases have been adjudicated statewide.) Approximately 1,500 additional cases are pending review under Proposition 36 statewide.

Proposition 36 has already saved California over \$30 million dollars in prison costs and has freed up valuable prison space for more dangerous criminals. If current trends continue, Proposition 36 will save taxpayers over \$750 million over the next 10 years.

We attribute the success of Proposition 36 and low recidivism rate to several factors, including the hard work and rehabilitation of the individuals released and returned to their families and communities. In addition, several organizations and institutions have played a special role in assuring the safe reentry of prisoners released under Proposition 36, including:

- The California Department of Corrections and Rehabilitation, which in January 2014 opened many parole services and residential reentry programs to prisoners released under Proposition 36.

- Amity Foundation, which leads a coalition of private non-profit service providers in Los Angeles—the Los Angeles Regional Reentry Partnership (“LARRP”)—that provide residential treatment and support to prisoners released under Proposition 36. (Supported by Californians for Safety and Justice.)
- Anti-Recidivism Coalition Ride Home Program, which provides free transportation for inmates released under Proposition 36 from the prisons where they are released to reentry programs throughout the state.
- Public defenders throughout California, who provide legal representation in court and are the primary conduit between their clients, their clients’ families and other support outside of prison.

In light of the success of Proposition 36 to date, state and local agencies should redouble efforts to fund and support effective reentry programs that reduce recidivism. Prisoners released under Proposition 36 are frequently freed without notice to family or attorneys, sometimes without even adequate clothing, and often without the support of traditional institutions like parole and probation. They are succeeding with the support of an informal group of programs that deserve additional funding. More resources are especially needed to support mentally and physically ill prisoners released from custody.