

## Understanding the Basics of Public Safety Realignment

### Realignment Update

While the content of this whitepaper accurately reflects the basic elements of California's public safety realignment, since it was written new legislative and legal issues have arisen that may impact California's criminal justice system. Faced with continued prison overcrowding and federal court action to release more prisoners by December 2013, the governor and legislative leaders reached agreement on compromise legislation (SB 105 — Steinberg; Chapter 310, Statutes of 2013) in early September 2013 that increases in- and out-of-state capacity.

Additionally — if the state is granted additional flexibility by the federal court on meeting specified population levels — the measure would further invest in programs to reduce recidivism. And SB 105 sets up a process and timeline to develop longer-term solutions to ensure sustainable state and local systems that produce better offender outcomes and requires the state Department of Finance to report to the Legislature by April 1, 2014, on long-term solutions to managing the prison population. A summary of the compromise is included in the Sept. 16, 2013, CSAC Legislative Bulletin found at <http://bulletin.counties.org/>

Readers interested in learning more about current and future changes to realignment are encouraged to review the additional resources included in this whitepaper.

### Special Thanks to the Rosenberg Foundation

Thanks to the generous support from the Rosenberg Foundation, the Institute for Local Government offers resources to learn more about realignment at [www.ca-ilg.org/public-safety-realignment](http://www.ca-ilg.org/public-safety-realignment).

Two years ago California embarked on a course that some call the most sweeping change in the state's public safety system in decades. In the face of state prison overcrowding, court-ordered reductions of the prison population and state budget constraints, California took action to shift responsibility for lower-level offenders from the state to counties. About 30,000 offenders are now being supervised in the community by county probation departments rather than California Department of Corrections and Rehabilitation parole officers. In addition, new non-violent offenders are being sentenced to county jail, not state prison.

This "realignment," as it is called, is the result of Governor Jerry Brown signing AB 109 (Chapter 15, Statutes of 2011) into law. Under realignment, state prisons will house the most serious offenders while county jails will house lower-level felons. Proponents of realignment believe that counties can do a better job of managing lower-level felons more cost effectively than the state, thus resulting in increased rehabilitation and lower recidivism rates.

Under the agreement reached in negotiations between Gov. Brown and the California State Association of Counties (CSAC) as well as other local public safety groups, counties are guaranteed funding — about \$1 billion annually — to support the shift of responsibility. A portion of state sales tax dedicated to realignment now enjoys constitutional protections since voters approved Proposition 30 in 2012. Counties have broad discretion over how to spend realignment money. They can use it to increase jail capacity, implement

drug and alcohol rehabilitation programs, and expand probation services, mental health services and/or employment assistance or a combination of these— whatever they determine best fits the county's plans and needs.

State budget augmentations also provided about \$24.5 million in fiscal year (FY) 2012–13 and about \$27 million in FY 2013–14 to cities to support increased police services that may help mitigate the

impact of the increased numbers of offenders in the community. The California Police Chiefs Association and the Brown Administration negotiated and agreed on the allocation formula. Disbursements go to one designated municipal fiduciary in each county (such as a city police department). The allocation of these funds is collectively agreed on by the police departments in each county. The fiduciary distributes the money to individual police departments, a task force geared to monitoring offenders, or another agreed-upon agency.

## Realignment Basics

**Who is covered?** Realignment covers three classes of offenders.

1. Specified non-violent, non-sexual and non-serious offenders — with no prior convictions of these types of offenses — who are convicted of a felony now serve their sentences in county jails rather than in state prison.
2. With certain exceptions, offenders serving state prison terms for non-violent, non-sexual and non-serious crimes are released to county probation supervision rather than state parole, regardless of prior criminal history. Exceptions include “third strikers” and those classified either as a high-risk sex offender or a mentally disordered offender; state parole agents continue to supervise these offenders in the community.
3. Technical parole violators who before realignment would have returned to state prison now instead — with very limited exceptions — serve periods of detention following revocation of parole in county jail rather than in state prison.

**Sentencing.** The courts have flexibility in how sentences are structured. For example, some offenders may be sentenced to five years in the county jail or may be sentenced to three years in jail and two years on mandatory supervision in the community. This new feature is called a “split” sentence.

**Community Corrections Partnership Plans.** Each county must develop a Community Corrections Partnership Plan that lays out how the county will provide services and how the funding will be allocated among county departments. The Community Corrections Partnership develops the plan, and its executive committee votes on the plan. The executive committee comprises the county chief probation officer, sheriff, district attorney, public defender, presiding judge (or designee), a city police chief and one member appointed by the board of supervisors who is the department head of either county social services, or mental health or alcohol and drug programs. Community Corrections Partnership meetings are subject to the Brown Act and therefore are open to the public. The county board of supervisors receives the Community Corrections Partnership Plan and, unless rejected by a supermajority, subsequently makes the necessary funding allocations.

**Post-release Supervision and Assistance.** Lower-level felons released to county supervision from state prison have a new status called “post-release community supervision.” Under another feature of realignment, county probation departments also supervise the mandatory supervision population — felons ineligible for prison under realignment who are given a split sentence composed of a term in jail followed by a period of mandatory supervision in the community. Services provided for these offenders (sometimes as part of a re-entry plan) vary among counties and may include drug and alcohol treatment, housing assistance, educational programs, employment assistance and other services to help them re-

enter society. Nearly all counties use evidence-based risk assessments to identify appropriate types of treatment and levels of supervision for offenders.

## The Role of Cities in Realignment

The realignment legislation primarily addressed county responsibilities, with one specific role for cities. The law requires that each county Community Corrections Partnership include one police chief. However, the involvement of cities in realignment varies from county to county. For example, many counties also collaborate with other police chiefs (beyond the one chief who serves on the Community Corrections Partnership), building on existing relationships and networks. Some counties provide additional funds to support local police efforts. They also may include police chiefs as part of the post-release supervision efforts, monitoring released offenders, sharing data, participating in compliance teams and in probation and post-release re-entry planning. The process of implementing realignment has also revealed the need for closer communication and collaboration between county probation and city police departments.

## Different Counties, Different Approaches

The basics of realignment remain constant throughout California's 58 counties, yet individual communities' experiences with realignment vary — like almost everything else related to California counties and cities — depending on local conditions and circumstances unique to the community. A look at how different counties are responding to the challenges of realignment provides a snapshot of current experiences.

Yolo County Supervisor and former CSAC President Mike McGowan summed it up succinctly: “Recognizing that a ‘one size fits all’ approach will not be successful, each county has the flexibility and authority to design programs and services to manage these offenders in a way that makes the most sense locally. Most counties are relying on a mix of custody, supervision and treatment options.”

For example:

- Glenn County expanded an existing effort, the Community Re-Entry Work (CREW) program, which is a collaboration of several county departments that teach job skills, provide training and help offenders get back on their feet after release.
- Among other strategies, San Bernardino County established a day reporting center, a one-stop place where offenders can check in with their probation officer and access a wide variety of services that can be tailored to help them stay out of jail. San Bernardino County also hired more probation officers, expanded evidence-based programs that keep people out of jail and is working more closely with local law enforcement.
- San Joaquin County's probation department works together with other county departments and community-based organizations to provide eligible inmates with housing assistance, job placement, drug treatment and other services.
- Before realignment took effect, Contra Costa County began working with stakeholders, including nonprofit organizations and the faith-based community, to develop a strategy to identify resources for helping released offenders successfully re-enter the community.

## Realignment: A Shift in Thinking

When Santa Cruz County's Chief Probation Officer Scott MacDonald described his county's Warrant Reduction Advocacy Project (WRAP), which began in 2005 when the county faced severe jail overcrowding, he said, "The program concept is very simple, but it represents a shift in thinking. We need to step back and ask, 'Did this old way of doing business really make sense? Did it really produce the best public safety? Is it really the best use of our resources?' On all accounts, the answer was no. WRAP is better public safety, it saves dollars and it's the type of common-sense program we need to be implementing in this new environment." MacDonald's description also reflects, in general terms, realignment's goals.

## How is Realignment Working?

It is still too early to draw definitive conclusions about how realignment is working. Nearly everyone involved agrees that more data are needed to evaluate the impacts over the long term. Most also agree that its impact varies among counties. Two key indicators will be recidivism and crime rates.

In some counties, jail overcrowding from realignment is a serious concern as a result of pre-existing capacity constraints and an influx of new offenders. In other counties, this is not a problem. The impact on crime rates is also a concern. Crime has increased in some counties after realignment, but not in others. Key to assessing the realignment-crime rate relationship is the contribution of other factors, such as substance abuse and the economy.

Writing in *The County Voice* in May 2013, CSAC Executive Director Matt Cate observed, "Before realignment was even considered, almost 70 percent of the people who finished their terms in state prison committed new crimes or violated parole and ended up back behind bars. It was clear to everyone involved that the old system was broken and was not very effective in reducing crime or victimization. Since the inception of realignment, the supervision and rehabilitation programs in some counties have already lowered recidivism rates to less than 40 percent. While we need more programmatic experience to draw conclusions about overall performance, these early signs are quite promising."

## Cities and Future Realignment Policy

Although realignment primarily affects counties and how they deal with offenders, cities are significantly impacted as well and have a strong interest in realignment implementation and policy. Issues of continuing interest to cities include:

- Additional funding to support front-line city public safety efforts;
- Broader and guaranteed involvement in county Community Corrections Partnerships, including increased representation;
- Re-examination of the criteria for the second class of offenders who are released to county supervision so that the individual's complete criminal history is considered, not just the most recent offense;

- More city police department notification about pending release of offenders from state prison and county jails into local county supervision;
- Improvements in how real-time data and information about offenders are shared between counties and police departments statewide. This could include, for example, electronic data sharing of offender information among state, county and local law enforcement entities, allowing more rapid transmission of criminal history and risk assessment information among agencies; and
- Improved availability of facilities, including city jails, for short-term (three to 10 days) incarceration of offenders who violate the terms of their probation.

## **New Opportunities for Collaboration**

Realignment offers opportunities for cross-program collaboration, as well as collaboration among cities, the county, schools and nonprofits. In many counties, public safety and criminal justice departments are working more closely with public, private and nonprofit organizations to provide re-entry and other supportive services to released offenders. Through collaboration and partnerships, released offenders receive drug rehabilitation, education, vocation and literacy services, depending on the county. Realignment is also providing an impetus for local law enforcement to increase regional coordination. For example, some counties have police-probation teams that monitor and directly work with the offender population.

## **Collaborating Locally to Keep Youth from Becoming Juvenile Offenders**

Realignment minimally impacted the juvenile justice system. A universal observation regarding juveniles is that diversion is better than incarceration. Thus, a key piece of the overall criminal justice system is finding ways to keep young people from being drawn into the system — in short, helping them stay out of trouble. The following examples offer highlights of a variety of youth-related efforts at the local level. Most involve collaboration among cities, schools, county departments and local nonprofits.

The Fontana Leadership Intervention Program (FLIP) is a partnership of the Fontana Police Department, Fontana School Police and the Fontana Unified School District. The 16-week program offers at-risk teenagers an opportunity to experience a unique educational environment designed to positively impact the rest of their lives.

Arcadia has several ongoing programs designed to prevent youth from entering the criminal justice system. These include programs at its library as well as through the city's Recreation Department and school resource officers at the high school. The combination of giving youth places to go and things to do after school and having a law enforcement presence on campus resulted in fewer youth crimes.

The South San Francisco Police Department has staffed a two-person school liaison program since the mid-1980s, despite budget cuts. Police department personnel make “adopt-a-school” visits, and the city partners with numerous community programs to deter youth from crime.

Tracy is building on an existing relationship with San Joaquin County that began in 2008 to address

juvenile crime. The Mayor's Youth Support Network is a collaboration involving city residents, state and local agencies, community-based organizations, businesses, youth advisory commissioners, schools, parks and recreation, faith-based groups and local law enforcement. Tracy also provides annual crime prevention grants to nonprofits, focusing on youth outreach and education, substance abuse education and prevention, anti-bullying, alternative after-school and evening youth activities, and gang prevention.

Waterford partnered with a community nonprofit, Waterford Improvement Team, to support the school district's "Be the Change" workshops with students. The city also participates in a mentoring program that matches community leaders (including city officials) with at-risk youth.

Santa Ana offers a variety of programs designed for at-risk youth. These include the GRIP (Gang Reduction Intervention Program), which is a partnership of the city Police Department, the Orange County District Attorney's Office and the school district.

Due to budget cuts, Ceres has been unable to fund its own youth diversion program since 2007. However, Ceres is part of the Ceres Community Collaborative, which includes the city, school district, nonprofits and faith-based organizations, which provide services to youth and adults.

Redding provides funds for the Youth Violence Prevention Council of Shasta County and for the youth Peer Court program to divert juveniles from the criminal justice system.

Sacramento's Summer at City Hall program combines six weeks of class with internships in city departments for high-school students who have limited opportunities to find summer jobs and build their résumés.

West Sacramento provides a variety of services to its diverse youth population as a way of keeping kids out of trouble. Its Police Department partners with schools and the county probation department.

## **Public Engagement and Realignment**

Successful public safety realignment activities depend to a large extent on an informed, engaged community. This is especially critical because communities typically rank public safety as a top concern. Consequently, it is important to proactively address any incomplete information the public may have about realignment, local programs and the real or perceived impacts on the community. Local officials may want to consider these tips to improve public engagement and realignment:

- Clarify public engagement and public participation goals;
- Create appropriate public engagement activities to meet the goals, including activities to inform, educate and solicit views from diverse members of the community;
- Ensure transparency; and
- Plan public meetings that are accessible to as many people as possible. Evening meetings are generally easier to attend for people who work during the day. Weekend meetings are sometimes more convenient for working parents or people who work more than one job. Providing

accommodations for children also makes it easier for parents to participate.

## Resources to Learn More

If using a printed copy of this whitepaper, please go to [www.ca-ilg.org/RealignmentWhitepaper](http://www.ca-ilg.org/RealignmentWhitepaper) to access the links below.

### Institute for Local Government

- [Understanding Realignment](#) (Overview and links to resources)
- [Realignment Stories](#) (links to different websites and stories)
- [Re-Entry Programs](#)
- ILG Whitepaper: “[Eleven Tips to Improve Public Engagement on Realignment Issues](#)”
- ILG’s [Public Engagement Program Resources](#)

### Other Useful Resources

#### California State Association of Counties

- [2011 Criminal Justice Realignment](#)
- [California Counties Practice Smart Justice](#) (videos)
- [Criminal Justice Realignment Implementing Legislation](#)
- [The County Voice \(CSAC Blog\)](#) – use archive feature for Administration of Justice on lower right column to see posts for Realignment/AB 109.
- [Realignment Studies and Reports](#)
- [California Police Chiefs Association – Realignment Information](#)

#### League of California Cities

- *Western City Magazine*. “[Realignment: How Cities Can Maximize Existing Powers and Recover Costs to Fight Crime](#),” October 2012.
- *Western City Magazine*. “[Summer at City Hall: Partnership Focuses on Youth](#),” September 2013.

#### Other

- [Chief Probation Officers of California](#)
- [California Department of Corrections and Rehabilitation](#)
- [Little Hoover Commission](#) (reports on Public Safety)

- [California Courts. California Criminal Justice Realignment Resource Center](#)
- [Public Policy Institute of California Materials on Realignment](#)
- California Forward. [Pretrial Detention & Community Supervision Community Supervision: Best Practices and Resources for California Counties](#)