

Follow the Money

How California Counties Are Spending Their Public Safety Realignment Funds

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OVERVIEW

When Governor Jerry Brown signed Assembly Bill 109 in the spring of 2011, he placed California at the vanguard of a growing national movement away from mass incarceration and toward greater reliance on community-based punishments and rehabilitation programs. Prompted in part by court rulings directing California to reduce prison overcrowding, the Public Safety Realignment Act shifted responsibility for tens of thousands of non-violent, non-serious and non-sexual felons from the state to the counties. To help local governments shoulder the costs of housing and supervising this new stream of offenders, the state is providing \$4.4 billion to the counties during Realignment's initial years. A primary goal is to reduce recidivism through treatment and supervision of low-level offenders closer to home, reserving expensive prison beds for violent and chronic offenders.

The Legislature encouraged counties to invest their AB 109 allocations in community-based programs anchored in the principles of evidence-based practices. But counties retain significant discretion in their spending decisions. Some are investing heavily in alternative sanctions and treatment, while others are expanding jails,

adding sheriff's deputies, and shoring up other aspects of local law enforcement.

To illuminate the dynamics surrounding these spending choices the Stanford Criminal Justice Center analyzed the FY 2011-2012 budgets and spending plans prepared by California's 58 counties. Researchers then coded the plans and budgets to place counties along a spectrum, with enforcement orientation at one end and treatment orientation on the other. We also evaluated the counties according to six measures related to arrests, convictions, and imprisonment patterns to assign each county a "control orientation" rating—low, medium or high—to characterize their preferences for control before the passage of AB 109—allowing us to identify counties that maintained prior control orientations and those that shifted their priorities. Finally, we identified key factors that typify counties that spend more heavily on their sheriff and law enforcement and those that allocate more funds to programs and services.

In short, we found that counties electing to divert relatively more AB 109 funds to enforcement and control generally are responding to local and immediate criminal justice needs and environments, including high crime rates, a shortage of law enforcement

personnel, and a historic preference for using prison to punish drug offenders. Counties that favor a greater investment in offender treatment and services, meanwhile, are typified by strong electoral support for the Sheriff and relatively under-funded district attorney and probation departments. Most counties took a neutral approach to their spending allocations, and did not fall into any of our factor clusters, and seem to be evaluating their proximate and long-term needs.

A BOLD CORRECTIONAL EXPERIMENT

Under Realignment, California is overhauling its management of adult offenders more dramatically than at any time in history. If Realignment delivers on its promise, California will serve as a model for other states to follow as they seek to reduce recidivism, reserve prison for society's most dangerous offenders, and thereby save tax dollars for use on other pressing public needs. If not, Realignment will merely shift crowding problems to local jails, saddle cash-strapped counties with costs they can ill afford, subject communities to a potential increase in crime, and fail to demonstrate that sanctions other than incarceration can work for certain offenders on a large scale. Whether Realignment fulfills the potential its architects envision won't be known for years. In the meantime, policymakers should carefully monitor the counties' unique experiences with this titanic policy shift to protect public safety and keep reforms on track.

To enhance such oversight, the Stanford

Criminal Justice Center set out to isolate specific factors and conditions that influence each county's spending choices under Realignment. Using social science concepts and methods, researchers compiled data to address three general topics:

- How are counties spending their AB 109 money? Specifically, which counties elect to spend relatively more on treatment programs and services, and which spend relatively more on surveillance and law enforcement? Can the spending patterns be categorized?
- Which counties that emphasized treatment and services before Realignment continue to prioritize these approaches? Which counties that emphasized control and surveillance before Realignment continue to emphasize these priorities? Which counties have shifted their priorities in response to Realignment?
- What factors explain county spending patterns?

DEVELOPING A 'CONTROL ORIENTATION' INDEX

As a starting point, Stanford acquired each county's 2011-2012 AB 109 Community Corrections Partnership plan and budget. After reading and coding the plans, we categorized them according to those that were more focused on punishment, surveillance, and incarceration, and those more focused on treatment and services. As part of the coding, we determined the "depth" with which each plan discussed using AB 109 funds for enforcement or control-oriented objectives and, alternatively,

programming and treatment objectives. We then coded the actual budgets to determine allocations to two key spending categories:¹

- Sheriff and local Law Enforcement
- Programs and Services, comprised of budget subcategories covering offender housing, programs and services, health services, and workforce development

Using that information, we created a “control orientation index” that arrays counties on a spectrum, with those that emphasize surveillance and custody in their spending on one end and those emphasizing programs and services on the other. To determine which

counties continue to emphasize prior control orientations and which shift their priorities, we developed a measure to indicate counties’ pre-AB 109 control orientations by rating each county as “low,” “medium” or “high” on the following measures:

- Percent of arrested felons convicted, 2009
- Percent of arrested felons incarcerated (prison, jail), 2009
- Percent of convicted felons incarcerated (prison, jail), 2009
- Imprisonments for violent offenses per 1,000 violent felony arrests, 2010

TABLE 1: PRE- AND POST- REALIGNMENT COUNTY “CONTROL” ORIENTATION

| | Post-AB 109 Spending Plans (Control Orientation Index) | | |
|---------------------------------------|--|-----------------------------------|---------------------------------|
| Pre-AB 109 Control Orientation | <i>Low control orientation</i> | <i>Medium control orientation</i> | <i>High control orientation</i> |

| | | | |
|-----------------------------------|---|--|--|
| <i>Low control orientation</i> | Nevada, San Francisco, Plumas, Santa Cruz, Alameda, Mono, Humboldt, Mendocino, Modoc, Sonoma (10) | Del Norte, Sierra, San Diego (3) | Alpine, Contra Costa, Marin, Calaveras, Imperial (5) |
| <i>Medium control orientation</i> | Fresno, Mariposa, San Joaquin, Ventura (4) | Los Angeles, Napa, Solano, El Dorado, Inyo, Yuba, Lake, Merced, Sacramento (9) | Glenn, Orange, Stanislaus, Colusa, Placer, San Luis Obispo, San Benito (7) |
| <i>High control orientation</i> | Monterey, Santa Barbara, San Mateo, Shasta, Santa Clara (5) | Tuolumne, Sutter, Trinity, Madera, Amador, Lassen, Riverside, Tehama, Yolo (9) | Kings, San Bernardino, Siskiyou, Tulare, Butte, Kern (6) |

- Imprisonments for property offenses per 1,000 property felony arrests, 2010
- Imprisonments for drug offenses per 1,000 drug felony arrests, 2010

IDENTIFYING THE COUNTIES' CORRECTIONAL TRAJECTORIES

After calculating ratings on these six measures, we used the plurality of ratings (three or more) to assign each county an overall low, medium, or high pre-AB 109 control orientation score. We then created a “before and after” table (see Table 1) indicating which counties retained prior control orientations and which shifted their priorities. The findings suggest there is no clear correlation between pre-AB 109 control orientation and the control orientation of AB 109 spending plans. Some counties (25) have maintained their pre-AB 109 orientations while others demonstrate a shift.

At this initial stage of analysis, we could characterize the five counties that fall into the box designated pre-AB 109 “high control” and post-AB 109 “low control” as the poster counties for Realignment (highlighted in red in Table 1). These counties (Monterey, Santa Barbara, San Mateo, Shasta, and Santa Clara Counties) had adopted a more punitive approach pre-AB 109 (defined basically as sentencing a higher proportion of convicted felons to incarceration), but their AB 109 spending plans emphasized relatively more treatment. Fresno, Mariposa, San Joaquin, and Ventura Counties also showed movement towards funding treatment. But five other

counties moved toward enforcement (highlighted in blue in Table 1). These counties scored lower in their pre-AB 109 preferences for custody, but their AB 109 spending plans emphasized relatively more enforcement and control. There may be rational reasons for their choices (e.g., rising crime rates combined with police layoffs, overcrowded jails). Explaining *why* counties might have made the AB 109 funding choices they did is the subject of the more rigorous analysis discussed below. It also bears mentioning that for almost half of the counties (25), their pre-AB 109 control orientations “matched” the control orientations identified in their AB 109 spending plans.

DYNAMICS THAT SHAPE SPENDING CHOICES

While measuring and categorizing county AB 109 spending patterns is useful, explaining *why* counties are investing more heavily in one category over another may contribute more to the ongoing evaluation of Realignment in California. Our aim here was to identify factors that predict greater spending on two key spending units calculated from county AB 109 spending plan budgets: *Sheriff and Law Enforcement* and *Programs and Services*. Drawing on existing social science literature, we identified key factors and conditions that shape decision-making at the local level. These factors are related to local political environments, such as electoral conservatism/liberalism and electoral support for key criminal justice officials; a county’s economic health; and local criminal justice needs, such as crime rates, law enforcement

staffing levels, and jail overcrowding.

To test the relationships between counties' AB 109 spending and these potential associated factors, we conducted a series of bivariate correlation analyses.

The results show that counties allocate more to their *Sheriff and Law Enforcement* spending units when:

- Law enforcement expenditures are higher relative to other counties.
- Sheriff expenditures are higher relative to other counties.
- The imprisonment rate for drug felonies is higher.
- The serious (Part I) crime rate is higher.
- The county has a relatively high number of full-time law enforcement personnel.
- The county has recently gained a relatively large number of law enforcement personnel.
- The concentration of high-risk parolees is lower.
- The drug offense arrest rate is lower.

Counties tend to allocate more to their *Programs and Services* spending units when:

- The sheriff has received more electoral support.
- The black unemployment rate is higher.
- District attorney expenditures are lower.
- Probation expenditures are lower.

TAKING A DEEPER LOOK: LOCAL CRIME AND JUSTICE NEEDS DRIVE ENFORCEMENT EMPHASIS

We then used these potential explanatory factors to guide a series of more advanced analyses of Realignment spending using a Qualitative Comparative Analysis (QCA). QCA applies Boolean algebraic principles to determine how different factors combine and interact to explain outcomes of interest, such as governmental spending decisions. With Realignment, our analysis suggests that:

- *Sheriff and Law Enforcement* spending is generally a product of and response to local immediate needs (crime conditions and dedication to and need for additional law enforcement) and preference for punishment.
- *Programs and Services* spending fundamentally revolves around electoral confidence in the Sheriff.

Counties that tend to spend the largest proportion of their Realignment funds on the *Sheriff and Law Enforcement* spending unit can be grouped around four clusters of overlapping characteristics (see Figure 1). First, there are counties where the number of law enforcement personnel and spending on law enforcement are relatively low. These counties (led by Butte, El Dorado, Kings, Nevada, and San Benito Counties) tend to rate below average on number of full-time law enforcement personnel per resident and law enforcement expenditures per resident (see cluster 1 in Figure 1). They have not invested

heavily in law enforcement compared to other counties and appear to be using AB 109 funds to do so. This dynamic is most pronounced in the cluster of counties with low rates of drug arrests but high preference for prison in drug cases; in other words, these counties are not overwhelmed by drug crime but treat these offenses harshly. The counties that best fit this characterization are Butte, Placer, Riverside, and San Benito Counties (see cluster 2 in Figure 1).

Our analysis also identified two other clusters of counties that tend to invest proportionally more AB 109 funds in the *Sheriff*

and *Law Enforcement* category – those that can be described as control-oriented, high-crime counties. One category of counties—cluster 3 in Figure 1—shares the characteristics of clusters 1 and 2 in having a low drug arrest rate and a relatively low number of law enforcement personnel, but suffer from a high serious crime rate. These counties include Sutter, Riverside, Sacramento, San Benito, San Joaquin, and Solano Counties. And as described in Figure 1 as cluster 4, the other set of counties feature historically large numbers of law enforcement personnel, a high arrest rate for drug crimes, and a relative preference for prison as a

FIGURE 1: FACTORS EXPLAINING AB 109 COUNTY SPENDING ON SHERIFF AND LAW ENFORCEMENT



response to such offenses. They emphasize enforcement in their AB 109 budgets because of local crime and preferences for punishment, rather than lack of law enforcement resources. The counties that best fit this characterization are Kern, Los Angeles, Tehama, Tulare, Yolo, and Yuba County. Los Angeles County’s experience may help explain the spending trend in these counties. In the first year after passage of AB 109, Los Angeles County Sheriff Lee Baca reported that the jail population grew from 15,463 inmates to 18,952 inmates—with 5,806 inmates sentenced under AB 109. Drug crimes accounted for 40 percent of all AB 109 sentences, suggesting that counties preferring to incarcerate for drug crimes will experience more strain on jail space than counties that do not prosecute drug offenses so aggressively. Therefore, the decision to allocate relatively large amounts of AB 109 funds to *the Sheriff and Law Enforcement* category appears to be a

response to local and immediate criminal justice needs, as well as a continuation of past spending preferences and correctional practices.

When all these factors are taken together, the counties spending the most proportionately on the *Sheriff and Law Enforcement* category appear to be making sensible choices about their Realignment spending. They either lack law enforcement personnel and/or are experiencing serious crime problems and have historic preferences for punishing drug offenders seriously. As their criminal justice leaders brace for the potential consequences and responsibilities Realignment places on them, they may foresee crime increases that would require them to build up their enforcement and control capacities. Indeed, interviews indicate that these counties are expecting (or already

FIGURE 2: FACTORS EXPLAINING AB 109 COUNTY SPENDING ON PROGRAMS AND SERVICES



experiencing) increases in drug and property crime as a result of Realignment. As Los Angeles Police Department Chief Charlie Beck recently observed, “If local law enforcement doesn’t step up to fill these gaps, then we will be called upon to use resources in other ways in response to crime. It’s much better to be in front of it than behind it.”¹ Our analysis suggests these counties are trying to get in front of it with their first-year AB 109 funding choices.

POLITICAL DYNAMICS DRIVE TREATMENT EMPHASIS

Counties that choose to spend proportionally more of their AB 109 dollars on the *Programs and Services* spending unit appear driven by political dynamics. The key factor in these counties (led by Alameda, Humboldt, Lake, Lassen, Shasta, and Sonoma Counties) is high electoral support for the sheriff. Lake County, for example, ranked 1st among counties in the proportion of AB 109 funds dedicated to *Programs and Services* and tied for 1st in the percentage of electoral support its sheriff received in the 2010 election. When sheriffs enjoy high public confidence, they may feel liberated to pursue treatment programs that are in line with the intended goals of Realignment, and less inclined to focus on enforcement, surveillance, and punishment. Our analysis also found higher investment in *Programs and Services* in counties relative to other counties where high electoral support for the sheriff combines with either a high black unemployment rate (see cluster 1 in Figure 2) or lower district attorney and probation spending (see cluster 2 in

Figure 2). In the cluster 2 counties (Alameda, Shasta, Tehama Counties) public faith in the sheriff combines with a de-emphasis on prosecution, and perhaps a perceived need for more treatment programming because local probation (a critical avenue to treatment) has been underfunded. Realignment represents a significant increase in probation responsibility, given the large number of offenders transferred from state parole to local probation caseloads. And because Realignment is causing a crunch in jail space in many counties, probation is increasingly being used as a sanction. Thus, counties where probation departments have been underfunded might be expected to spend proportionally more on *Programs and Services* to compensate.

A FINAL WORD

California’s 58 counties are remarkably distinctive, and each has its own set of needs and constraints. Because of the discretion county officials were given over their AB 109 funds, we expected these unique needs and constraints to influence spending decisions, and they do. Above all, this analysis demonstrates that the political and institutional environment at the local level will invariably influence how counties carry out Realignment, the most ambitious correctional system makeover in a generation. AB 109 has already changed local offender populations and criminal justice practices. As they adjust to the new realities of Realignment, counties should evaluate these changes and pay heed to shifting dynamics that affect their ability to manage offenders safely and in programs that can produce results.

Moving forward, it is not enough to simply categorize counties' AB 109 funding choices (e.g., programs vs. jails) without paying close attention to the different political, crime, and economic realities counties face. Counties confronted far different challenges regarding the number, risk level, and mental health needs of realigned offenders. Some of the counties receiving the highest risk and highest need offenders are exactly the same counties that are the most service- and treatment-deficient. Any analysis of AB 109 spending choices must consider these contextual features and recognize that not all counties began at the same starting line. Our more detailed analysis reveals that counties are investing in a wide range of custody and rehabilitation options, and those discretionary choices are often tied rationally to these local conditions. It may be disappointing to some who hoped for an immediate across-the-board shift to rehabilitation but it is also important to recall that AB 109 was designed to empower county governments to do what is in the best interest of their citizens. Over time, county investment should grow local rehabilitation capacity and foster innovation. County-level best practices and information

sharing among counties should lead to a long term infusion of positive programming for California, but such dramatic changes will take time and commitment to staying the course.

For a more in depth discussion of this topic, please see "Responding to California Realignment: Examining County Variation in AB 109 Spending Plans" by Jeffrey Lin and Joan Petersilia at <http://www.law.stanford.edu/sites/default/files/child-page/443444/doc/slspublic/Lin%20Money%20Final%20Report%20no%20cppt.pdf>

Endnotes

¹ Programs and services funded within sheriff and local law enforcement agencies were attributed to the Programs and Services category.

² Chief Charlie Beck comments at Little Hoover Commission hearing on Realignment, September 26, 2013. At <http://www.scpr.org/news/2013/09/26/39511/la-law-enforcement-tells-state-watchdog-the-strugg/>

The **Stanford Criminal Justice Center** (SCJC), led by faculty co-directors Joan Petersilia and Robert Weisberg and executive director Debbie Mukamal, serves as a research and policy institute on matters related to the criminal justice system. The SCJC is presently undertaking a number of research projects aimed at better understanding the implementation and effect of California's Public Safety Realignment legislation. For more information about our current and past projects, please visit our website: <http://law.stanford.edu/criminal-justice-center>.