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?

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
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 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?

Total Adults Under Correctional Control?
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