PRISON POPULATION REALIGNMENT: THE COUNTY-STATE RELATIONSHIP

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California's Correctional System
State Responsibilities

- Operate 33 prisons
- Supervise approximately 133,000 inmates and 63,000 parolees

County Responsibilities

- Sheriffs supervise approximately 77,000 inmates
- Probation supervises approximately 275,000 offenders
- Other public safety functions
  - Prosecution and public defender
California’s Historical Challenges
Historical Challenges

- Overcrowded prisons and jails
- High recidivism rates
- Federal court oversight
- Growth of the State’s corrections budget
- Reliance on incarceration over rehabilitation
Overcrowded Prisons

CDCR Total Adult Institutions/Camps Population and Design Bed Capacity
1976 - 2007

1976-1986 data as of June 30; 1987-2011 data as of Dec. 31; 2012 data as of Sept. 30
Data Sources: DAU Historical Trends Report (76-86); California Prisoners and Parolees Report (87-99); DAU Monthly Report of Population (00-10).
Overcrowded Prisons
High Recidivism Rates
HIGH RECIDIVISM RATES

- Within three years, almost two-thirds of CDCR parolees returned to prison (45% were for parole violations).

Three-Year Recidivism Rates by FY

California’s recidivism rates have been historically higher than other states because:

— By law, California put almost all inmates on parole
— Over-reliance on the revocation process to address criminal behavior
# Comparison of Recidivism in Larger U.S. States

## Return-to-Custody Rate, Including Violations

<table>
<thead>
<tr>
<th>State</th>
<th>Rate</th>
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</thead>
<tbody>
<tr>
<td>FL</td>
<td>40%</td>
</tr>
<tr>
<td>IL</td>
<td>44%</td>
</tr>
<tr>
<td>NY</td>
<td>63%</td>
</tr>
<tr>
<td>NC</td>
<td>53%</td>
</tr>
<tr>
<td>TX</td>
<td>38%</td>
</tr>
<tr>
<td>CA</td>
<td>69%</td>
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## Return-to-Custody Rate for New Crimes Only

<table>
<thead>
<tr>
<th>State</th>
<th>Rate</th>
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</thead>
<tbody>
<tr>
<td>FL</td>
<td>32%</td>
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<tr>
<td>IL</td>
<td>40%</td>
</tr>
<tr>
<td>NY</td>
<td>49%</td>
</tr>
<tr>
<td>NC</td>
<td>45%</td>
</tr>
<tr>
<td>TX</td>
<td>31%</td>
</tr>
<tr>
<td>CA</td>
<td>37%</td>
</tr>
</tbody>
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Federal Court Oversight
COURT OVERSIGHT

Inmates with Disabilities
- Armstrong (1994)

Inmates with Developmental Disabilities
- Clark (1996)

Medical Care
- Plata (2001)

Mental Health Care
- Coleman (1991)

Dental Care
- Perez (2005)

Use of Force and Employee Discipline
- Madrid (1995)

Parole Due Process
- Valdivia (1996)

Juvenile Justice System

Juvenile Parole Violations
Growth of California’s Corrections Budget
Growth in Budget

Expenditures

FY 05/06: $7,977,202,000
FY 06/07: $9,139,447,000
FY 07/08: $9,864,301,000
FY 08/09: $10,579,658,000
California’s prisons were under much pressure to reform
Early Reforms
2006-2010
INITIAL EFFORTS TO REDUCE OVERCROWDING

**Emergency Proclamation (2006)**
- Former Governor Schwarzenegger ordered CDCR to immediately transfer California inmates to out-of-state facilities.

**Implementation of Program Reforms (2007-08)**
- Risk-and-needs assessment
  - COMPAS 2007 and CSRA 2008
  - Other evidence-based practices

- Determines an appropriate and proportionate response to a violation based on the parolee’s risk level and the severity of the offense
EARLY LEGISLATIVE EFFORTS TO REDUCE OVERCROWDING

- Created Financial Incentives for Counties to Reduce Probation Revocations (SB 678)
- Adjusted Property Crime Thresholds
- Established Non-Revocable Parole
- Parole Reentry Courts
- Milestone Completion Credits
- Alternative Custody Program
- Medical Parole
EARLY REFORMS:
Still Not Enough
U.S. Supreme Court affirmed order by three-judge panel for California to reduce its prison population

California’s fiscal crisis required major reductions
2011 Public Safety Realignment Act

Public Safety Realignment
State & Counties setting a new course, together.

The Future of California Corrections
A blueprint to save billions of dollars, end federal court oversight and improve the prison system

CSAC
2011 PUBLIC SAFETY REALIGNMENT

- Enacted on October 1, 2011
- Lower-level offenders serve their sentences locally
- Offenders convicted of violent, sex-related, or other serious offenses continue to serve sentences in prison
- Certain offenders released from state prison supervised by local county probation instead of state parole agents
- Parole violators can no longer be returned to state prison
WHAT REALIGNMENT DOES

County Responsibilities

- Local custody for non-violent, non-serious, non-sex offenders
- Local post-release community supervision
- Enhanced local custody and supervision tools, such as alternative custody; home detention for low-level offenders; and local jail credits
- Responsibility for parole violators
  - County jail for detention time
  - Local courts for revocation
Who is Sentenced to State Prison?

Offender who has a prior or current serious or violent felony

Offender who is required to register as a sex offender

Certain excluded crimes

Examples of Excluded Crimes:
- Felony physical abuse of an elder or dependent
- Assault on a peace officer
- Bribing a legislator
State Parole Supervision

Whether offender will be subject to state parole supervision is determined by the offender’s commitment offense.

Commitment Offenses with State Parole Supervision

- Current serious or violent felony
- Third-strike conviction
- Mentally disordered offender (MDO)
- High-risk sex offender
WHAT REALIGNMENT DOES

Locally focused planning and implementation process

- Multijurisdictional Community Corrections Partnership develops and recommends implementation plan to Board of Supervisors

- Emphasis on local innovation and flexibility
  - Focus on local challenges and crime trends; not “one-size-fits-all”
Monthly Institution Population
October 2008 – September 2012

Public Safety Realignment
Changes Enabled by Realignment
POST-REALIGNMENT

County Level

- Reliance on evidence-based practices; data-driven decision making
  - Risk/needs assessment
- Multidisciplinary approach to managing individual offenders
- Alternative programming and split sentences
- Sparking conversations about regional partnerships

State Level

- Reduction in CDCR’s Budget and prison population
- Improved prison operations
  - Focus on most serious offenders
  - Rebuilding rehabilitative programming
  - Improved classification system
GOALS OFREALIGNMENT

Evidence-based practices

- IMPROVED PUBLIC SAFETY OUTCOMES
- SUCCESSFUL REINTEGRATION
- IMPROVED SUPERVISION STRATEGIES
- ENHANCED SECURITY CAPACITY

Community Corrections

Alternatives to incarceration

Reduced RECIDIVISM
The Long Road to Reform is Starting to Pay Off
Thank You

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