

SMART

ON SAFETY AND JUSTICE

A Research and Talking Points Guide



CALIFORNIANS
FOR **SAFETY** AND **JUSTICE**

SAFEANDJUST.ORG



Our prison system is so badly broken. If [it were] a business, it would have gone bankrupt a long time ago. What gets measured gets done. The problem is [the corrections system doesn't] have publicly stated, clear goals. We can't continue to address symptoms. We have to fix root causes.

PETER WEBER, FORMER EXECUTIVE AT A FORTUNE 500 COMPANY, FRESNO

HOW THIS GUIDE CAN HELP YOU

This guide shares striking statistics and public opinion findings (from surveys of California voters) to help you to talk about criminal justice issues in ways that accurately convey the problems and solutions — and speaks to what Californians want. We also provide some answers to common questions (and misconceptions) about Realignment.

CALIFORNIA'S CRIMINAL JUSTICE LANDSCAPE IS CHANGING DRAMATICALLY.

Public Safety Realignment (AB 109) — the 2011 law that shifts responsibility of people convicted of non-serious, non-sex, non-violent offenses from state prison and parole to county jails and probation — has significantly reduced the number of people going to state prison and increased attention to local public safety systems.

This change is an important opportunity to have an honest conversation about what it takes to protect and improve safety in our communities.

Unfortunately, for too long conversations about crime and justice have been driven by more hyperbole than facts. Understanding crime and how to prevent it by creating safe communities are complicated matters — much more complex than the simple “tough” or “soft on crime” rhetoric.

Californians deserve an honest, informed discussion about what is happening and where to go from here. How we have this conversation is critical. Crime and safety can be, understandably, highly charged topics. Families and communities affected by crime want justice, and they want to prevent future crime, support victims and to hold those responsible accountable.

In addressing these issues, Californians don't need — or want — polarized debates or hysteria. With ongoing budget pressures at the state and local level, Californians are ready to prioritize smart justice policies that increase safety and reduce costs at the same time. Now is the time to make sure our safety and justice investments are the best use of public resources and to focus on what works to prevent cycles of crime.

By focusing on the facts and meeting Californians where they are at, we have an opportunity to breakthrough old rhetoric and engage in a forward-thinking conversation. We can then begin to revamp our justice system based on what works and invest savings into prevention, education and health as the cornerstones of a true safety agenda.

CRIME RATES: WHERE DO WE STAND?

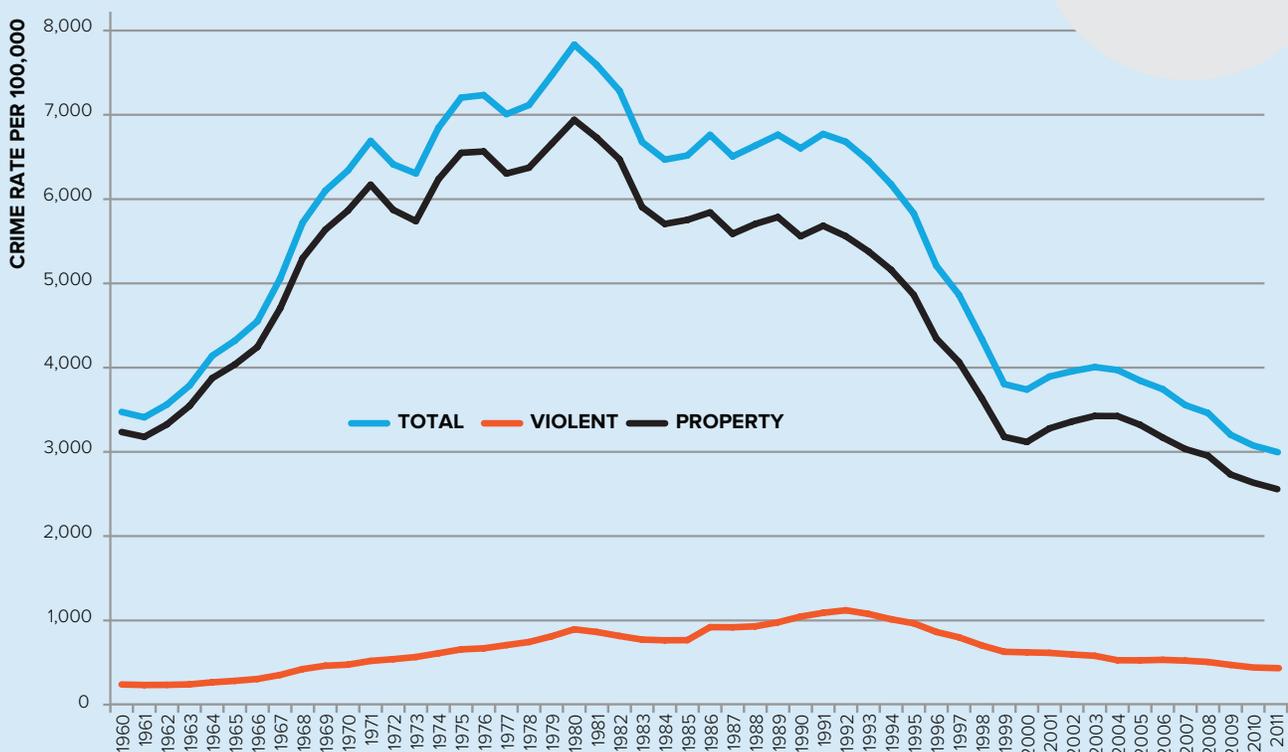
In some areas of California, the local news is reporting recent increases in certain crime rates, such as drug offenses and property crimes. Statewide research has not yet verified reasons for any fluctuations or presented a statewide picture. That said, research on overall crime rates in California shows that they have been at their lowest since 1960 for the past few years.¹ (Low crime rates in California are part of a national downward trend.)

Why the low rates? Some experts cite improved policing tactics over the decades along with better coordination between law enforcement agencies. Demographics also are a major reason, considering the size and aging of the Baby Boomer generation.

Despite popular misconceptions, there is also a growing body of evidence that increased incarceration and longer sentences are not the primary causes of lower crime rates.² Jurisdictions that have experienced lowering incarceration rates saw the same drop in crime as jurisdictions with increasing incarceration rates.³

In some instances, even lower crime rates were experienced in the jurisdictions with lower incarceration. Researchers have also found that prison environments themselves can contribute to crime later on: One study found that people exiting prison had higher rates of reoffending than those given probation for similar crimes.⁴

CALIFORNIA CRIME RATES 1960-2011



the **ROOT CAUSES** of crime

Californians agree that a more cost effective path forward would be an emphasis on prevention. The causes of crime are knowable. If we effectively address them, we can prevent future victimization and save billions in years to come.

- By age 18, children who **did not have access to early childhood education** are 70 percent more likely to commit violent crimes.⁵ By age 27, they are **five times** more likely to be chronic lawbreakers.⁶
- Children repeatedly exposed to household or community violence can **experience long-term learning and health problems**.⁷
- More than 50,000 California **foster youth do not receive mental health services** they need – in some counties, only half receive needed treatment.⁸
- Almost 70 percent of children in state and local juvenile justice systems have a **mental health disorder**.⁹

To have safe neighborhoods, you have to have the honest conversation about what's really happening. There are so many people with issues that can't be addressed from a law enforcement standpoint, whether it's mental illness or addiction. There is a small segment responsible for real violent crime — those people we need to arrest — but the majority of people need help.

LT. LERONNE ARMSTRONG, CALIFORNIA POLICE OFFICER

WHAT CALIFORNIANS THINK:

THE JUSTICE SYSTEM IS

NOT MEASURING UP

Local and state policymakers face yet another year of tough budgetary decisions, while also working to protect and improve public safety in their communities. The best way to improve safety and reduce costs will be to take a hard look at where we stand. Most Californians think the current justice system is broken.

Here are some reasons why Californians are concerned about how the current justice system is (not) measuring up:

IT'S
INEFFECTIVE

Prison is a revolving door for two out of three – According to an October 2012 report by the California Department of Corrections and Rehabilitation, 65 percent of people exiting state prison returned within three years.¹⁰

Six out of 10 detainees in jail are awaiting trial – In local county jails, an average of 62 percent of the population have not yet been convicted of a crime – they are awaiting trial. In many instances, a judge has already set bail and authorized release. But if the person cannot afford bail, the person languishes for weeks or months at a time.¹¹

IT'S
OVERCROWDED

Unconstitutional – In 2011, the U.S. Supreme Court ruled that California's prisons were overcrowded and must reduce its prison population by 34,000 within two years (which would still be at 137.5 percent capacity).

One death per week – Prior to Realignment, California prisons were so overcrowded that one prisoner was dying unnecessarily because of medical neglect every five to six days.¹²

What better way to prevent crime and prevent people from going to prison than by educating them?

KYNDAL HARGROW, EARLY CHILDHOOD EDUCATOR, LOS ANGELES

The key to safety in California is for people without options to have them, and they get those options through strong education. The priorities have reversed. We need to seriously look as a society at putting education as our top priority and locking people up much lower on the list.

SAM DAVIS, COLLEGE INSTRUCTOR, HAYWARD

IT'S
ILL-PREPARED
TO SOLVE HEALTH
PROBLEMS

More than half suffer addiction problems — 53 percent of California prisoners reported drug abuse or dependence problems, according to a 2011 study by RAND.¹³

One out of five have mental health problems — According to the 2011 annual report from the Council on Mentally Ill Offenders (CDCR), 22 percent of prisoners require mental health attention.¹⁴

IT'S
EXPENSIVE

\$47,000+ per prisoner — Imprisoning someone for a year in California costs taxpayers more than \$47,000¹⁵ (whereas California spent only \$8,908 per K-12 student in 2010-2011).¹⁶

\$9.6 billion — Since 1981, the cost of California's prison system has increased by 1500 percent to reach \$9.6 billion.¹⁷

WE HAVE THE
WRONG
PRIORITIES

21 prisons, one university — In the past two decades, California tax dollars have built 21 prisons and just one university.¹⁸

22 times the rate of K-12 — Since 1981, the percentage of California's general fund that goes to corrections has increased 22 times more than the percentage for K-12 spending.¹⁹

WHAT CALIFORNIANS WANT: TIME *for* CHANGE

In survey after survey, Californians of all political persuasions, geographies and demographics voice their desire for new safety priorities. Specifically, voters say:

“PROP 36 WAS JUST THE START”

On November 6, 2012, **two out of three voters** in California cast a ballot for Proposition 36, which changed the state's Three Strikes law to make only serious or violent felonies eligible for a third strike.²⁰

3 OUT OF 4

of those voters said Prop 36 was good, but we still need more changes to make California's prison and criminal justice systems **“more fair, more effective, and less costly.”**²¹

“REDUCE SPENDING ON INCARCERATION”

63 percent believe we spend too much on our prisons.²²

Voters' top concerns are about the budget and education. When asked what California's most serious problems are, voters rank the budget deficit and “education/quality of our schools” near the top. Crime concerns are at the bottom of the list, likely because statewide crime rates are historically low.²³

“FOCUS ON ALTERNATIVES FOR LOW-RISK PEOPLE”

Nearly nine in 10 California voters believe that jails/prisons are overcrowded and that we should find better ways to deal with people convicted of non-violent offenses.²⁴

87 percent of voters favor drug treatment over incarceration for people convicted of drug offenses.²⁵

Nearly seven in 10 want courts to require supervised monitoring in the community – instead of jail time – for people assessed as low risk as they await trial.²⁶

Seven in 10 also favor a reduction to probation terms for low-risk people.²⁷

Three in four agree that we should make any low-risk prisoners over age 65 (who have not been sentenced to life in prison) eligible for release.²⁸

85% agree that more resources should be dedicated to

PREVENTING CRIME

rather than increased funding for prisons and jails.²⁹

“CHANGE OUR PRIORITIES – AND SPENDING”

Six in 10 voters agree that the Governor and Legislature should cut prison spending to prevent additional cuts to education, health and social services.³⁰

Seven in ten

(69 percent) believe that Public Safety Realignment has been a good idea, and that we can more efficiently and cost-effectively rehabilitate people at the local level.³¹

“REALIGNMENT IS AN OPPORTUNITY”

Seven in 10 (73 percent) also believe that counties should focus more on crime-prevention programs and alternatives to incarceration versus just 16 percent who believe counties should use new state funds to expand jail capacity.³²

87 percent believe that counties receiving public safety funding should dedicate some of those resources to crime-prevention programs, including services for mental health and substance abuse.³³



KEY TO CONNECTING WITH CALIFORNIANS

Through our research and other public opinion efforts, the following are the most effective ways to talk about criminal justice issues with Californian voters:

It's about safety: Any change to our criminal justice system must improve our public safety. Reform is about smart justice and doing what works to keep us safe.

Waste: We spend too much on our prison and justice system, especially considering the high recidivism rate.

Prevention: It's time to focus our public safety resources on what actually prevents crime, not just after the fact.

Misplaced priorities: We can't afford to sacrifice our children's education, vital health services and crime prevention programs for the sake of a bloated justice system. Shortchanging these community needs is not just wrong but actually contributes to the causes of crime.

Health solutions for health problems: Law enforcement and corrections facilities aren't equipped to solve health problems – and shouldn't be expected to. Many people in our justice system require effective treatment to overcome mental health and substance abuse problems.

Support victims: We must help people who have experienced crime get back on their feet and avoid future victimization.

Do what works: There are existing models already working in counties throughout California that are reducing the number of people imprisoned and the cost – and making us safer. Now is the time to learn from these counties to expand local and statewide savings. (See examples on pages 12-13.)

REALIGNMENT FAQ

ANSWERS TO *common questions and misconceptions*

Does Realignment let people out of state prison early?

No. There is no “early release” from state prison as part of Realignment. Realignment mandates that people convicted of certain offenses now are the responsibility of local officials, not state prisons. Local judges and sheriffs can make decisions as to how much jail time certain people will receive, versus community supervision or other sanctions.

Did counties receive money as part of their new responsibilities under Realignment?

Yes. A core aspect of the law is a dedicated and permanent revenue stream for counties through vehicle license fees and some of the state sales tax revenue. Approximately \$850 million dollars has been divided among California’s 58 counties, and they will receive \$1 billion or more in 2013 and 2014.

If crime rates change, is Realignment the cause?

Realignment changed *where* certain people serve their sentences. Individuals convicted of non-violent, non-sex, non-serious crimes now serve sentences in county jail or a combination of jail and probation, instead of state prison. It also changes where some people exiting prison report (some to local probation departments instead of state parole).

Looking at crime rate fluctuations requires close attention to causes and correlations, some of which are within the control of the justice system and some beyond. What may impact crime rates more than where a person serves time is the justice practices in place to prevent repeat cycles of crime, whether at the state or local level. Data-driven or evidence-based practices prioritize using effective risk assessment combined with swift accountability and rehabilitation programs that address crime drivers. We need to ensure best practices are in place throughout the justice system.

Are recidivism rates any different than before Realignment?

Prior to Realignment, two out of three people exiting state prisons returned within three years – a very high rate. At the county level, there is a lack of uniform data on post-Realignment recidivism for people they release. So, as of today, it is not readily known if people convicted of new offenses have higher or lower recidivism rates than under prior circumstances.

How can we tell if Realignment is working?

We need outcome-driven approaches that hold individuals accountable *and* reduce repeat offenses. Focusing only on where someone serves their time (either at the county level or at the state level) is a limited view. It’s more important to ask if the justice system – whether it is the local or state system – is effectively measuring outcomes, reducing repeat offenses and addressing the causes of crime.

Is Realignment increasing jail populations and forcing counties to put more people convicted of crimes back in the community?

Certainly Realignment means more people convicted of certain crimes will be headed to local jail and probation instead of prison. *How* local officials deal with these increases depends on various factors. Sheriffs have discretion to release people from jails for different reasons, and release practices vary across counties. Those with capacity to maintain effective pre-trial supervision programs, electronic monitoring and other court-supervised options can use jail effectively and maintain space for high-risk individuals.

Do counties need to expand jail capacity because of Realignment?

Several counties are exploring jail expansion plans because of previous or anticipated overcrowding. Other counties are focusing on alternatives to incarceration for low-risk people (pre-trial supervision, using community supervision for all or part of one’s sentence, etc.), thereby reducing the need for additional jail space.

EXAMPLES OF what's working AND MAKING US SAFER

The following are just a few examples of how counties around the state are using innovative approaches to safely reduce their jail populations — and costs.



Pre-trial Risk Assessment and Non-Custodial Supervision

When somebody is arrested, there are tools that can assess their risk of reoffending and/or making their court date. Those at low risk can be monitored in the community rather than take up expensive jail space as they await trial. The **Yolo County** Probation Department, which introduced a pre-trial risk assessment in 2010, has found that 98 percent of its pre-trial participants appeared for court, and 95 percent did not commit new offenses. **Santa Cruz County** calculates that its pre-trial program freed up 90 jail beds per day (a 25-percent drop in capacity) without any impact on public safety.³⁴



Day Reporting Centers

Day reporting is a program that can closely monitor individuals (sentenced or not) via frequent check-ins, ongoing drug and alcohol testing, and case management. These centers can be a program hub (such as life skills and employment readiness classes, mental and behavioral health rehabilitation, and substance abuse treatment) and can provide supervision to individuals completing a split sentence, those sentenced to day reporting only or to people awaiting trial. **Napa County** began a day reporting center in 2000 to help address jail pressures and has since seen its pre-trial detention rate drop below the state average as a result of sending eligible defendants to day reporting instead of jail.³⁵



Electronic Monitoring

As an alternative before trial or after conviction, electronic monitoring with an electronic bracelet or other monitoring device is used to track one's movements. An individual participating in electronic monitoring may be able to maintain employment and family relationships, which evidence shows can help that person stay out of trouble in the future. As part of its Realignment plans, **Kern County** has nearly doubled the number of people who are supervised by pre- and post-adjudication electronic monitoring versus staying in jail.³⁶



Reentry Court

San Joaquin County is creating a post-supervision release and a reentry court to reduce recidivism and revocations for those at the highest risk of returning to jail. Participants appear in court on a weekly basis, and a case manager works collaboratively with the court and community organizations to ensure appropriate substance abuse, mental health treatment and other rehabilitative programs are tailored to ensure the individuals stay on the right path. Studies have shown this model can reduce recidivism substantially.³⁷

HEALTH + WELLNESS

STRATEGIES TO INCREASE SAFETY

Medi-Cal as a Crime-Fighting Tool

Many people in jails and prisons are eligible for government health coverage. For those with mental health problems, enrollment in Medi-Cal when they are released lowers the chance of a disruption in medication or care. A study in Florida and Washington State showed those released with Medicaid coverage were 16 percent less likely to be re-arrested within the year.³⁸

Family Therapy Programs

After young people first become involved in the justice system, family therapy programs can reduce recidivism. For example, participation in Multisystemic Therapy, an intensive family- and community-based treatment program, has been shown to reduce re-arrest rates by up to 70 percent.³⁹

Nurse Home Health Visits

An increasingly cost-effective model in use in California cities is scheduled visitations by nurses for expecting and young mothers to ensure proper health and other practices. A study of a nurse home visitation program for first-time mothers during their pregnancy and children's infancy showed that the participating children were much less likely to fall through the cracks later in life and end up in the justice system.⁴⁰

Safety is a public health issue. Correctional facilities are not going to solve or even intervene and get the person on the way to recovery from whatever it is [they have] — a substance addiction or mental health issue.

**DR. MARK GHALY, PEDIATRICIAN AND
PUBLIC HEALTH ADVOCATE, LOS ANGELES**

CALIFORNIANS FOR SAFETY AND JUSTICE

Californians for Safety and Justice is an independent, nonprofit campaign made up of Californians from all walks of life joining together to replace prison and justice system waste with common sense solutions that create safe neighborhoods and save public dollars.

We are bringing together crime victims, business and community leaders, policymakers, law enforcement, health professionals, educators and crime-prevention experts to replace costly, old ways of doing business and promote new safety priorities for California.

Californians for Safety and Justice is generously supported by a group of philanthropic foundations dedicated to improving California's criminal justice system. Donors include the Ford Foundation, Fund for Nonviolence, Open Society Foundations, Rosenberg Foundation and The California Endowment.

Californians for Safety and Justice is a project of the Tides Center.

For more information, please go to our website (safeandjust.org) or email us: info@safeandjust.org.

If we invest it in intervention and prevention programs, I think that we can prevent an immense amount of problems.

**AQEELA SHERRILLS, COMMUNITY LEADER
AND FATHER OF A TEENAGE SON KILLED IN A
RANDOM SHOOTING, LOS ANGELES**

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