

DID CALIFORNIA PROVIDE ENOUGH FUNDING FOR STANISLAUS AND SAN  
JOAQUIN COUNTIES TO IMPLEMENT REALIGNMENT?

A Thesis

Presented to the faculty of the Department of Public Policy and Administration  
California State University, Sacramento

Submitted in partial satisfaction of  
the requirements for the degree of

MASTER OF PUBLIC POLICY AND ADMINISTRATION

by

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SPRING  
2016

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Abstract  
of  
DID CALIFORNIA PROVIDE ENOUGH FUNDING FOR STANISLAUS AND SAN  
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In 2011, the California Legislature and the Governor signed AB 109, which required state prisons to transfer certain low-level felons sentenced from state prison to county jails. The intent was to comply with a recent federal court mandate to reduce overcrowding in state prisons. Also, AB 109 aimed to encourage counties to implement cost-effective evidence-based programs, which would teach low-level offenders the skills they needed to reintegrate into society.

This thesis seeks to determine whether the State provided counties with sufficient funding to implement evidence-based programs or handle the realigned felons through increased incarceration. There were concerns voiced by scholars and reporters that insufficient funding can potentially push counties to pursue methods such as early release or increase caseloads per officer. My study is a comparison of two demographically similar counties, San Joaquin and Stanislaus, which differed in their chosen policy approaches: San Joaquin County began with already implemented evidence-based programs geared towards rehabilitation, while Stanislaus County had very few programs and initially focused on incarceration. I used information from realignment implementation reports, newspaper articles, probation department brochures, and interviews of three representatives from the two counties to address fiscal advocacy.

The results show that State funding was insufficient for both counties in the first two years of realignment, but after the third year funding stabilized. There is still not enough funding to cover all costs entirely. However, my study indicates that in recent years the State has provided adequate funds for counties to try innovative approaches to reducing inmate recidivism. While more research is needed, available evidence suggests that the intentions of AB 109 may be met.

\_\_\_\_\_, Committee Chair  
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## ACKNOWLEDGEMENTS

First of all, thank you to my tireless readers, Ted and Charles, who supported me with optimism and boosted my morale, while making the needed criticisms of my disorganized narrative. I am also very grateful to the three policy experts I was able to interview, as it brought unique perspectives to my thesis.

Thank you, Lindsay, for being my awesome research partner. Without you, finishing this thesis would have been a lot harder. I hope that we will remain friends after we graduate, and Hairy the Homework Helper remains in our lives to help with trolls.

Thank you, my dear friends and family, for understanding my busy schedule, resigning to not seeing me for a semester; my coworkers at wonderful SORFA for supplying me with donuts and pun-filled humor; Gilmore Girls for providing mindless comfort; Eminem for strength and motivation; the Joe Grey Mysteries for allowing me to run away to a beautiful world for an hour a day; and coffee, chocolate, and bread.

Lastly, thank you to my parents, Luda and Sasha, who have spent at least an hour every single night listening to my ramblings and roughly translated unsolicited lectures on the American public safety system more than 6000 miles away through a crackling Skype call. Despite having to worry about things we here take for granted, you still focused on me and my tiny, by comparison, problems. You gave me courage when I felt hopeless, sympathy when I was sad, steadiness when I was scared or angry, and love when I was lonely. I hope you are proud of me, because, God knows, I am so proud of you and of the fact that I am your daughter. I could not have asked for better parents.

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## Chapter One

### INTRODUCTION

In 2011, the California Legislature passed and Governor Edmund G. Brown, Jr. signed a historic bill, AB 109, which transferred certain low-level felons from state prison to county jails; in California this is commonly referred to as “public safety realignment” or often just “realignment”. The legislation was enacted in response to a U.S. Supreme Court decision, which had determined that California’s extremely overcrowded prisons were unconstitutional because the prison population was almost double the designed prison housing capacity (Petersilia, 2014). The U.S. Supreme Court held that the conditions and the lack of adequate health care in California prisons violated the Eighth Amendment ban against cruel and unusual punishment (*Brown v. Plata*, 2010). Five years have passed since California counties have implemented AB 109, which is legislation intended to be long-term. The counties are still making choices on how to accommodate increased numbers of offenders. It is now appropriate to examine the consequences of different county choices. In this thesis, I specifically look at San Joaquin County and Stanislaus County and their response to an increased number of offenders. My analysis may have broader implications for local governments considering various approaches to handling low-level offenders.

I chose to investigate Stanislaus and San Joaquin Counties because they have similar demographics and receive similar amounts of state funding, but are different in terms of the policies they initially chose to respond to public safety realignment. Stanislaus County initially planned to spend realignment implementation funding on

hiring more police and expanding jail capacity (Stanislaus County, 2011). San Joaquin County initially planned to spend a large percentage of funds on evidence-based programs designed to reintegrate ex-offenders into society and reduce recidivism (San Joaquin County, 2011). Because of structural and financial similarities and the different policy choices the counties made, I can conduct an analysis similar to a natural experiment that will allow me to isolate the impact of key factors, such as the sufficiency of funding for different approaches to dealing with ex-offenders.

There has always been a controversy about whether to lock criminals up or focus on rehabilitation. Increasing jail bed space can indicate a focus on incarceration, while implementing evidence-based programs could indicate a commitment to rehabilitation policy. In this thesis, I define evidence-based programs as methods proven through research to reduce re-offense by giving offenders the tools they need to reintegrate successfully back into society once they are released. People do not always like to think about what happens to an offender after he or she is convicted of a crime. There is a public perception that locking offenders up in jail or prison is the last they will hear of the criminals. However, unless the offender is serving a life sentence, he or she will eventually return to his or her community.

Evidence-based programs have also been shown in some studies to be more cost-effective in certain cases than incarceration (McVay et al., 2004). However, the use of evidence-based programs is not as widespread as it could be. Not all institutions define the programs the same way. Departments might not feel that evidence-based programs are worth the effort because some offenders do not want to participate, so they violate

program requirements. Also, measuring the effect of evidence-based programs can be difficult because recidivism is difficult to define and quantify accurately. However, the intent of evidence-based programs is to provide offenders released into society with the skills to become parents, get jobs, and make decisions, so that in the long-term they may refrain from committing new crimes, which will potentially reduce costs for counties.

The purpose of the thesis is to contribute to ongoing public safety realignment research, which has been investigating the impact of AB 109, including the effects of the new law on the safety of our communities. I want to determine if the state provided the two counties with sufficient funding in the last five years to either increase jail bed space and surveillance or implement more evidence-based programs.

My concern is that if funding is insufficient to follow either approach, counties could potentially resort to cost-cutting methods, such as early release, that I think could potentially increase crime rates. The two counties' experiences can shed light on the cost issue, but it is complicated because of the lack of data collection standards, lack of evidence-based program standards, and the fact that realignment occurred fairly recently.

Specifically, this thesis will explore: 1) the counties' initial funding, plans, and goals; 2) how they expanded the plan after the first year of realignment to respond to funding and capacity pressures; and 3) what challenges the counties face in the future. Chapter 2 provides an overview of the definitions and studies regarding public safety realignment, recidivism, and evidence-based programs. It summarizes some broad realignment evaluations and case studies performed by Stanford University and the Public Policy Institute of California. In Chapter 3, I will discuss the methodology I used

to assess the adequacy of funding and the research and interview process. Chapter 4 compares the two counties in terms of whether funding has been sufficient to cover either of these approaches (incarceration and rehabilitation), and what methods the counties have implemented to respond to any funding limitations or constraints that may be identified. In Chapter 5, I will return to the larger question of the adequacy of county funding to carry out different approaches to AB 109 implementation. I will conclude with the implications of the study, limitations of my study, and suggestions for future research.

Criminal justice realignment is an important policy change with pessimistic and optimistic discussion revolving around it. Even though five years have passed and California state prisons have achieved the main goal of realignment, which was to comply with the federal court order to reduce state prison overcrowding, California counties still have concerns about funding and feasibility. I hope that my research can shed light on some of these concerns, specifically the question of whether counties can implement evidence-based programs and build new jail space with the funding the state has provided.

## Chapter Two

### BACKGROUND AND LITERATURE REVIEW

Chapter 2 explores the background of public safety realignment in California and some of the impacts that scholars have already identified. Chapter 2 also presents theories and models behind recidivism and evidence-based programs. First, I will give an overview of public safety realignment in California and the reason behind its adoption. A description of the funding mechanism for realignment will follow, including a discussion about the controversy between counties and the state. Next, I will summarize research on recidivism and explain evidence-based programs. I will separately discuss research that contends that evidence-based programs are more cost-effective than incarceration. Lastly, I will provide an overview of the research conducted by Stanford Law School and the Public Policy Institute of California in the last five years that evaluate realignment on a broad scale.

#### **Realignment Overview**

In the 2011 *Brown v. Plata* case, the U.S. Supreme Court ordered California to reduce prison overcrowding. The Court determined that the prisons were highly overcrowded and lacked adequate medical and mental health services, which violated the constitutional ban on cruel and unusual punishment (Petersilia, 2014). The Court mandated a reduction of prison population to 137.5 percent capacity. Prior to realignment, some prisons were operating at more than 200 percent capacity. Because building additional prison space would have been too costly and take too long, the California State Legislature immediately needed to determine another way to reduce

prison population. In 2011, the Governor signed AB 109, passed by the Assembly and Senate, with Republicans abstaining from voting. AB 109, referred to as the Criminal Justice Realignment Act of 2011, required non-sexual, non-violent, and non-serious felons to serve their sentences in county jail instead of state prison (Petersilia & Snyder, 2013).

### *Purpose*

According to Petersilia and Snyder (2013), the purpose of realignment was to “downsize prisons safely by transferring low-level offenders from state prisons to city and county systems, using an array of evidence-based community alternatives”. The purpose goes hand in hand with the requirement to decrease state prison population to meet the mandatory court-imposed target of 137.5 percent of capacity, as well as the Legislature’s goal of reducing recidivism by using evidence-based programs that help the offender reintegrate back into society and lower incarceration costs. The Legislature accepted the notion that counties are better equipped to handle low-level felons, because local governments are closer to the community. Counties can therefore better judge what treatment is necessary to ensure an offender does not reoffend after returning to his or her community.

### *Major provisions*

AB 109, which is now a law over 800 pages long, had several major provisions (Petersilia, 2014). First, the bill shifted responsibility for handling low-level felons with non-sexual, non-violent, and non-serious convictions from state prisons to county jails. Some realigned crimes were forgery, child custody abductions, and vehicular



manslaughter (Petersilia & Snyder, 2013). While people convicted of these felonies can no longer be sentenced to state prison, their time served in county jail can be just as long as it would have been previously in prison.

Second, persons already in state prison for an offense that qualifies as not serious, violent, or sexual are now placed under post-release community supervision (PRCS), administered by the county probation departments (Petersilia & Snyder, 2013). Previously, the felons would have been supervised by the state parole system. Instead, under PRCS, low-level felons are supervised by local agencies. Third, offenders became eligible for release from post-release community supervision at six months, a shorter period of time than the previous 13 months to three years.

Fourth, the bill placed more pressure on county jail capacity by transferring non-felony parole violators from state prisons to county jails. Before realignment, state parole agents supervised individuals released from state prison. Now counties, not the state, must monitor, track, and imprison felons who commit crimes that are not sexual, violent, or serious and who have no prior serious or violent felony conviction, and non-felons who violate parole (Petersilia & Snyder, 2013).

In the first year of realignment, the state prison population declined by 26,642 inmates, while the average daily population of county jails increased by 8,565 offenders from 69,698 in June 2011 to 78,263 in June 2012 (Lofstrom & Raphael, 2013). The number of counties that were operating about 100 percent capacity increased from 11 to 16 (Lofstrom & Raphael, 2013).

To administer the provisions of realignment, SB 678 was passed with AB 109 so that local stakeholders would meet together and make decisions related to implementing realignment. The law required each county to create a Community Corrections Partnership (CCP) to develop a spending and initial implementation plan that it had to submit to the County Board of Supervisors. The CCP had to be composed from the Chief Probation Officer, the District Attorney, the Public Defender, the Presiding Judge of the superior court, the Chief of Police, the Sheriff, and a social services representative (Petersilia & Snyder, 2013). The CCP could also include other non-voting participants important to local communities. After the CCP of each county submitted their initial plans, the local County Board of Supervisors was tasked with approving the plan. The Executive Committee of the CCP, created by AB 109, was tasked with helping local county Boards of Supervisors in determining funding and programming.

### **Funding for Realignment**

Counties have had concerns that funding has not been enough to handle the extra felons has been a sore spot for some counties for the last five years. First, the funding did not initially cover costs for county planning, staff training, local courts, and jail construction (Petersilia & Snyder, 2013). Second, many counties were initially concerned that funding would not be continuous. Third, when the California Department of Corrections and Rehabilitation predicted how many new felons counties would be in charge of, it projected much smaller numbers than the actual number of felons transferred to many counties.

To determine how much each county would receive, the Department of Finance used a formula based on the county's historical average daily state prison population of non-violent offenders (weighted at 60 percent), the county's adult population (weighted at 30 percent), and grant funding already received for using evidence-based programs (weighted at 10 percent). The state initially covered 50 to 60 percent of housing a prisoner. The rest had to be paid by the counties (Petersilia & Snyder, 2013).

I derived Table 2.1 below from a Public Policy Institute of California report (Bird & Hayes, 2013). I shortened the graph the report provided to fit my needs. The graph shows the total funding in the first year of realignment, determined as nine months from October, 2011, to June, 2012 (Bird & Hayes, 2013). The total is a combination of funding for programs and implementation, funding for public defenders and the District Attorney, start-up funding, and funding for CCP to plan realignment implementation. Funding for CCP planning was derived from determining whether the county's population was small, medium, or large. Counties with small populations received \$100,000 for CCP funding in Year 1, medium populations received \$150,000, and large populations received \$200,000. When I was choosing the two counties I would investigate, I looked for counties that are classified as medium population, because I was trying to find counties representative of California. In the graph below, I highlighted all counties classified by the state as medium with gray color.

**Table 2.1 Year 1 realignment total funding with indicated medium population for CCP funding**

County	Total (\$)	County	Total (\$)	County	Total (\$)
Alameda	10,402,192	Marin	1,592,952	San Mateo	4,822,248
Alpine	185,064	Mariposa	283,064	Santa Barbara	4,441,616
Amador	701,328	Mendocino	1,199,560	Santa Clara	14,103,456
Butte	3,177,024	Merced	2,914,384	Santa Cruz	1,989,656
Calaveras	488,080	Modoc	185,064	Shasta	3,406,912
Colusa	337,160	Mono	210,936	Sierra	185,064
Contra Costa	5,259,544	Monterey	4,406,336	Siskiyou	592,352
Del Norte	345,000	Napa	1,263,848	Solano	4,362,824
El Dorado	1,439,464	Nevada	669,968	Sonoma	3,735,232
Fresno	9,978,832	Orange	25,734,096	Stanislaus	6,800,280
Glenn	466,520	Placer	3,454,168	Sutter	1,391,640
Humboldt	1,789,128	Plumas	270,128	Tehama	1,441,424
Imperial	1,534,328	Riverside	23,516,944	Trinity	259,936
Inyo	311,288	Sacramento	14,738,496	Tulare	6,409,848
Kern	12,186,968	San Benito	706,032	Tuolumne	762,480
Kings	3,266,576	San Bernardino	28,729,368	Ventura	6,502,968
Lake	1,008,264	San Diego	27,977,120	Yolo	3,441,232
Lassen	525,712	San Francisco	5,787,176	Yuba	1,212,888
Los Angeles	124,735,264	San Joaquin	7,657,976		
Madera	1,967,880	San Luis Obispo	2,584,712		

SOURCE: (Bird & Hayes, 2013)

Interestingly, the state did not establish standards for the use of funds or earmark funding for data collection, evaluation, and feedback. There is no mandate for statewide reporting of outcomes, although some counties provide annual reports. The state encouraged the use of evidence-based programs to reduce recidivism and cut costs, but did not provide standard procedure on how to accommodate the extra felons. Counties were allowed to choose and develop their own policies in regards to tracking and methods of dealing with the offenders. The concern, according to Petersilia and Snyder (2013) was that counties would hire more police and build more jails instead of looking for alternatives to incarceration.

Some counties complained that the state had not provided them with sufficient funding to handle the felons. Stanislaus County, for example, stated in its 2013-2014 plan that the funding formula the state used to appropriate realignment funds initially placed Stanislaus County and other central valley counties at a disadvantage (Stanislaus County, 2013). After the first year, the state revised the funding formula. The formula now calculates the amount of funding based on the adult population, the old formula, or weighted adult prison population, whichever provides the most funding to the county (Petersilia & Snyder, 2013). In FY 2012-2013, twenty-two counties used the formula based on adult population, fifteen counties used the old formula, and fifteen counties used the formula based on weighted adult prison population (San Joaquin County, 2012).

The state also provided other sources to establish continuous funding for realignment. Proposition 30, the new sales tax measure sponsored by Governor Brown and passed by voters in 2012, increased state revenues by about \$7 billion each year, with funds earmarked for education and realignment (Petersilia & Snyder, 2013). The Legislature passed several trailer bills meant to ensure continuous and secure funding for counties (California Department of Corrections and Rehabilitation, 2013). These laws increase flexibility for counties to get funding to increase jail capacity; give financial incentives for counties to construct re-entry facilities; direct a percentage of the state sales tax revenue and a portion of the Vehicle License Fee into a fund for realignment; and give counties a one-time appropriation of \$25 million to cover hiring, training, and other costs (California Department of Corrections and Rehabilitation, 2013).

Despite the changes, some counties, especially in the Central Valley, are unhappy with the funding (Petersilia & Snyder, 2013). Some counties, like Stanislaus County, are taking a conservative approach to implementing new programs because they are concerned they will not have enough money to cover existing programs if funding is reduced in the future (Stanislaus County, 2013). Other counties are struggling with early release because they do not have enough jail space to handle new felons or adequate funds for jail expansions. According to Sheriff Moore, San Joaquin County is unable to afford the costs of operating their jail, which have increased by \$21 million annually (Branan, 2013).

### **Recidivism and the Risk Principle**

Realignment was aimed in part at reducing recidivism. This prompts questions about what recidivism entails and what we know about how to reduce it. According to the California Innocence Project (2016), “a recidivist is a person who is released from prison [or jail] and who later commits another crime” or violates conditions of parole or probation. Some uncontroversial commonly used predictors of recidivism are age, gender, past criminal history, and family. Based on a study of 12,894 Texan parolees, 58 percent of offenders who reoffended while on parole were between 18 and 24 years of age (Jhi & Joo, 2009). Out of that age group, 91.4 percent were male and 42.1 percent were African American (Jhi & Joo, 2009). However, according to Gendreau, Little, and Goggin (1996) factors such as these are static and cannot be changed by implementing new policy. Dynamic factors are ones that decision makers can focus on. To find out what dynamic factors affect recidivism, the authors conducted a meta-analysis, which is a

quantitative review of many studies that combines their data, to determine which dynamic factors affect recidivism (Gendreau et al., 1996). The results showed that criminogenic needs, criminal acquaintances, personality, low levels of education or financial stability, and a history of antisocial behavior have a significant effect on recidivism.

*Using risk to determine structure of programs and treatment*

Criminogenic needs are defined as factors that are strongly correlated with the risk of committing a crime (Latessa & Lowenkamp, 2005). Common criminogenic needs are antisocial attitude, hanging out with criminal-minded people, alcohol or drug addictions, lack of empathy or self-control, and unemployment. According to Latessa and Lowenkamp (2005), programs that target non-criminogenic needs, which do not highly correlate with reduced risk of reoffending, such as creative abilities and self-esteem, are less likely to have an impact on recidivism.

The risk principle states that “the level of supervision and treatment should be commensurate with the offender’s level of risk” (Lowenkamp, et al., 2006). The authors wanted to find out if recidivism decreased when treatment and programs were offered more and for longer periods of time to high-risk offenders. The study showed that the “most intensive correctional treatment and intervention programs should be reserved for offenders who are higher risk” (Lowenkamp et al., 2006). The authors caution that if low-level offenders are placed in intensive treatment programs with high-level offenders, recidivism can actually increase, because the low-level offenders would now be

associating with more antisocial people and the intensive programs can take time away from their work, school, and family prosocial networks.

### *Risk-Need-Responsivity model*

The Risk-Need-Responsivity model expands on the risk principle by adding the need principle, which has to do with assessing criminogenic needs and targeting them in treatment, and the responsivity principle, which tailors the treatment to the offender's learning style, motivation, abilities, and strengths (Bonta & Andrews, 2007). More clearly, "the risk principle determines who should be treated, the need principle speaks to what should be treated, and the responsivity principle helps determine how to treat" (Bonta & Andrews, 2007). Based on the study by Bonta and Andrews (2007), recidivism decreases by 19 percent if criminogenic needs are taken care of, and by 35 percent when the treatment is administered in community settings.

### **Evidence-Based Programs**

AB 109 required counties to form Community Corrections Partnerships to advise probation departments to develop and implement each county's community corrections program (Stewart, 2012). The legislature also encouraged counties to implement evidence-based practices to help adult felons reintegrate back into society, but did not specify what these practices had to be.

An evidence-based program is a practice supported by lots of studies and research that prove that successful completion of the program can reduce recidivism. AB 109 gives a vague description of what these programs can be, ranging from using GPS trackers to monitor ex-offenders' locations to substance abuse treatment programs. The



flexibility in AB 109 is intended to allow counties to implement programs and services that fit the needs of their own criminals. However, in my analysis I wanted to clarify the term “evidence-based program” to refer to a well-researched method that is intended to give offenders the tools they need to lead crime free lives after they are released back into society.

#### *Types of evidence-based programs*

There are various evidence-based program types described in literature (Stewart, 2012). Employment training and education have been found to strongly correlate with reducing criminal behavior. In the 1990’s, 62 percent of employers stated they would not hire anyone with a criminal record. These types of programs can be job placement, job readiness, skill training, work experience, and others. Pro-social supports, another program type, are meant to help the ex-offender build support networks and stable connections with his or her community, so he or she can live a successful and stable life when reintegrated back into his or her community. Community and faith-based organizations are beneficial in this case because they can connect ex-offenders with good role models (Stewart, 2012).

Two scholars from the University of Wisconsin summarized the findings about evidence-based programs in terms of effectiveness at reducing recidivism (Patchin & Keveles, 2004). They ranked evidence-based program types from low to high by the quantity and quality of scientific research available that supports the programs’ effectiveness. One study found that when offenders participated in community and restorative justice programs, such as victim-offender mediation dialogue, after two years,

27.8 percent of offenders who participated in the programs recidivated, compared to 54.5 percent of offenders who were only placed on probation. The scholars point out that different research defines restorative and community programs differently, so the research is not conclusive, although there is a large volume of it.

The Wisconsin scholars also discussed other programs. Drug courts, which administer drug treatment services, have been shown to reduce an average of 9,980 days in custody and \$700,000 per year across 372 U.S. drug courts (Patchin & Keveles, 2004). GPS monitoring allows the offender to reintegrate into society by being able to stay in their homes and go about normal pre-approved activities, such as jobs and grocery store purchases. Patchin and Keveles (2004) state that the research is mixed, but does suggest low rates of recidivism. Home detention, during which a person is confined to home for certain periods of time, is effective at stopping DUIs but not prostitution or drug trafficking. Intensive supervision programs are effective in reducing recidivism if the extra supervision is used to ensure offenders participate in treatment programs. One study found that after one year 32 percent of high risk offenders who participated in treatment recidivated, compared to 51 percent of high risk offenders who did not (Patchin & Keveles, 2004).

While some programs have lots of evidence of reducing recidivism, research has been unclear as to the impacts of certain other programs. Day reporting centers, which are nonresidential facilities where offenders check in daily and submit to random drug tests, complete community service, and participate in programs, cost about as much as probation, but also have the same recidivism rate (Patchin & Keveles, 2004). Research is

mixed about whether offenders understand that the work they do in community service programs or work crews is connected to the actual harm they did to the community. Work release programs, which allow an offender to go to work during the day and return to jail at night, have not shown a statistically significant rate of reducing recidivism. Forfeiture programs, during which a drunk person's car is seized, for example, have not been extensively studied.

There is a large number of studies about the effectiveness of substance abuse programs. However, it seems that for jails the reduction in recidivism depends on how readily available and costly the programs are in the area (Patchin & Keveles, 2004). Are evidence-based programs more cost-effective than incarceration? Some research indicated that evidence-based programs can cut costs for jails. McVay, Schiraldi, and Ziedenberg (2004) summarized research from various organizations across the U.S., including reports from government agencies and studies from think tanks, in a policy brief. They found that treatment appears to cost much less than incarceration. McVay and other scholars (2004) referenced the Washington State Institute for Public Policy, which showed that therapeutic treatment out of prison has the highest benefit for taxpayers and victims for each dollar spent on treating an offender. I provided a version of a cost benefit of offender treatment to taxpayers below, and highlighted the largest benefit per dollar spent in grey color. Table 2.2 refers to estimates from the Washington State Institute's 2004 study.

**Table 2.2 Washington State Institute for Public Policy Estimates of Cost Benefit to Taxpayers and Victims per \$1 Spent**

<b>Types of Treatment</b>	<b>Benefits per 1\$ spent (\$)</b>
Therapeutic Treatment in Prison	1.91
Therapeutic Treatment in Prison, with Aftercare	2.69
Drug Court	2.83
Job Counseling	5.28
Non Prison, Therapeutic Treatment	8.87

SOURCE: (McVay et al., 2004)

The report referenced Columbia University, which found that the average cost of placing an offender into a Brooklyn-based drug treatment program with vocational training was \$32,974, compared to the \$64,338 spent on incarceration in prison (McVay et al., 2004). The report also referenced Maryland’s State Commission on Criminal Justice Sentencing, which found that the combined use of different drug treatment, day reporting, intensive supervision, and home detention programs has led to a decreased the cost of housing an offender from \$20,000 to \$4,000 (McVay et al., 2004).

McVay and other scholars (2004) found that evidence-based programs can reduce the societal costs of substance abuse more than incarceration. Quite a few studies performed cost-benefit analysis to determine this result. The Washington State Institute of Public Policy measured the question as “what is the benefit of each dollar of criminal justice programming spending as measured for taxpayers by program costs, and for crime victims by lower crime rates, and less recidivism?” (McVay et al., 2004). Drug treatment in prison or after release yielded a benefit of \$1.91-\$2.69 per each dollar spent on the

programs, while therapeutic community programs outside of prison yielded \$8.87 per each dollar spent and community-based substance abuse treatment programs yielded \$3.30 per each dollar spent (McVay et al., 2004). RAND Corporation also found that each dollar spent on cocaine treatment yields \$7.48 in societal benefits (McVay et al., 2004).

### **Recent Evaluations of AB 109 Implementation**

Turning to implementation of AB 109 in California specifically, the two major questions that researchers have studied so far are 1) how counties are allocating the funds the state appropriated for realignment costs and 2) whether counties are implementing evidence-based programs, which are encouraged by AB 109 but are not mandatory. Evaluations of realignment have mostly been on a broad scale. There have been several case studies as well.

It is still too early to know if realignment has increased, decreased, or had any effect at all on crime rates. Studies predict that rates might increase because of shorter sentences or decrease due to evidence-based programs (Loftstrom, Petersilia, & Raphael, 2012). The same situation exists for evaluating recidivism, especially with no standardized methods of collecting such data. We know that state prison overcrowding has been falling and recently fell below the Supreme Court's mandate. The health care situation is improving, and new health care facilities have begun construction (Misczinski, 2012). Yet these changes could have occurred without a change in crime rate.

Overcrowding in county jails was a concern prior to realignment, and remains an issue. 17 counties were already under court-ordered capacity caps before 2011 (Misczinski, 2012). Within the first three months of realignment, the state transferred 12,800 felons to county jails. Some inmates ended up being released early. The state does not require jails to report the number of extra inmates or how counties are faring. Because the U.S. Supreme Court placed a mandate on the state, the focus has been to quickly reduce state prison overcrowding, without truly addressing jail capacity issues.

### **Conclusion**

This literature review discussed public safety realignment in California and defined recidivism and evidence-based programs, which are terms that will be used throughout the analysis. Studies showed that many evidence-based programs are more cost-effective than incarceration, while others have unclear results or lack research to determine whether they can decrease costs for jails and prisons. Five years after realignment, new data and studies are emerging to evaluate California's public safety realignment, which is in itself a natural social experiment to see if counties and local communities are better equipped than prisons to deal with low-level offenders.

The goals of realignment include not only reducing overcrowding in prisons, but also to reduce recidivism overall. Some studies showed that if low-level offenders are incarcerated, they associate with more high-level offenders and are actually more likely to recidivate. The state encouraged, but did not mandate, counties to reduce costs and recidivism by implementing evidence-based programs that focus on giving released offenders tools to get jobs, have families, and lead a crime-free life in their community.

There are more and more studies, especially by the Public Policy Institute of California and Stanford Law School, evaluating the impact of realignment on counties. Some scholars have evaluated the overall impact, while others have performed case studies. Because the law is so new, there are many more counties to look at and issues to discuss. One of the issues discussed, but not deeply investigated, is whether counties have enough funding to handle transferred felons. In my analysis, I will investigate whether funding has been sufficient for counties to incarcerate and rehabilitate transferred felons, who, while classified as low-level, are higher risk offenders than counties previously dealt with.

## Chapter Three

### METHODOLOGY

This chapter will outline the methodology I used for my study. In the first section, I will discuss how I went about finding information and what I did to synthesize it. I also discuss the criteria I used to compare the funding sufficiency of the two counties and the rationale for using those criteria. In the second section I explain why I chose San Joaquin and Stanislaus Counties, and why synthesizing information about these two specific counties can help us to understand the challenges realignment poses for counties.

My analysis was a synthesis of information from the counties' implementation reports, subsequent evaluation reports, news articles, and interviews with public safety experts. To answer the question of whether funding is sufficient to cover additional felons, I wanted to see what county jails, policy experts, and the media thought. At the same time, I anticipated that I would run into other interesting questions. One of the major questions I found was how counties are responding to the State's efforts at encouraging the use of evidence-based programs to reduce costs of housing offenders and reducing the risk of re-offense. As reducing recidivism is one of the goals the Legislature intended when it passed AB 109, I included a question about this topic in the criteria I chose.

I developed five criteria to answer the question of whether funding has been sufficient from 2011 to 2015 to implement public safety realignment.



1. *Did the county have a budget reserve during any or all years since realignment?*

If a county has maintained a budget reserve through some years or all five years since realignment, that could mean that the county has enough funds to plan for unexpected circumstances, as opposed to hanging on the edge. If the budget reserve fluctuated through the five years, that could be an indicator of insufficient funding to cover basic needs and uncertainties. It could also indicate problems with assessing the number of additional felons or projecting the expenses correctly. To answer this question, I looked through the Community Corrections Partnership (CCP) plans for the Counties to see whether the counties had budget reserves in the last five years. The CCP plans contain descriptions of projected realignment funds provided by the State and the budgets the counties constructed to specifically deal with realigned offenders.

2. *Has the county reduced the number of evidence-based programs described in the initial implementation report?*

If the county did not stick with identified initial evidence-based programs that could mean it did not have enough funding to pay for those programs continuously. However, if it increased the number of programs implemented as time goes on, it could be that the county has extra funds to activate certain programs, or was able to build enough of a reserve to expand their initial plan. It is important to remember that AB 109 did not require counties to implement evidence-based programs. Instead, the legislation encouraged these programs, but gave no standards, so that counties had flexibility to implement what was right for their offenders and communities. Part of the idea was that counties would work with community organizations which could take on eligible

offenders and reduce costs for jails. To answer the question about reduction of evidence-based programs, I looked through the CCP plans for the counties over the last five years and compared the evidence-based programs they started with in the implementation report to the programs they had in each subsequent year. I also looked at brochures provided by probation departments to verify the number of programs in the most recent year.

3. *Is the county jail releasing more offenders early than they did prior to realignment?*

Large rates of early release can indicate that the county jail does not have the funds to increase bed space for higher-risk offenders, so it has to release more lower-level offenders than previously. In my study, I counted both evidence-based programs for inmates and probationers, so part of the reason for early release could potentially be due to programs for inmates working. However, my hypothesis is that perhaps there is not enough jail bed space for the realigned offenders, so counties have to release low-level offenders early and provide them with less services and programming to make room for higher risk offenders. To answer this question, I looked through the CCP plans of the Counties, the Counties' websites, evaluations of realignment, and news articles, and conducted interviews to see if there are any indicators that the use of early release has increased since the implementation of realignment.

4. *Has the county filled all additional staff positions needed to deal with extra felons?*

With more and higher risk offenders, the counties have to increase staff to handle the offenders. If they are not able to fill in all the positions they need, it could mean they do not have sufficient funding to pay for more employees. In that case, current employees will have to work overtime. To answer this question, I looked through the CCP plans of the Counties and the Counties' websites to compare the number of staff the Counties initially indicated they needed to the number of staff they had throughout the last five years. I also asked interviewees what the impacts of higher risk offenders were on staff.

5. *Have newspaper articles, interviewees, and opinion piece writers indicated there is funding insufficiency?*

I wanted to see if stakeholders and policy experts claim that there is insufficient funding. County reports might not have disclosed all the information I was looking for. I looked through various news articles and blogs, and conducted interviews.

I conducted three interviews over the phone with two representatives from Stanislaus County and one representative from San Joaquin County. The interview questions were exempt from IRB review as I did not include any personal identifiable information about the interviews, such as titles and names. I asked the following questions of each interviewee:

1. What were the biggest challenges in the first year of realignment? What challenges exist today?

2. Has state funding been sufficient to handle increased numbers of offenders? Do you anticipate costs rising?
3. Is funding sufficient to implement evidence-based programs? Is funding sufficient to handle all transferred offenders?
4. What are the implications of higher risk offenders for jail facilities, staff, and communities?
5. What evidence-based program, in your opinion, has been the most successful or cost-effective, and why?
6. Is there anything else you would like me to know?

After going through all the material, I inserted the criteria I chose into the following graph, which I filled out in Chapter 4 with Y to indicate a “Yes” response to the question and N to indicate a “No” response to the question. To indicate answers that are representative of funding insufficiency, I marked them with gray color.

**Table 3.1 Analysis Matrix**

	<b>Budget reserve?</b>	<b>Program reduction?</b>	<b>Higher early release?</b>	<b>Filled staff positions?</b>	<b>Others indicated issues?</b>
<b>San Joaquin County</b>					
<b>Stanislaus County</b>					

*Reasoning for Choosing San Joaquin County and Stanislaus County for the Thesis*

I chose San Joaquin and Stanislaus Counties over all other counties in California because they have similar populations, state funding, and transferred offenders per

realignment, but also have important differences with respect to apparent AB 109 implementation strategies that make the synthesis of their information interesting.

San Joaquin and Stanislaus Counties are both similar in terms of population. According to the 2013 census, San Joaquin County had 704,379 residents and Stanislaus County had 525,491 residents (United States Census Bureau, 2013). Both are located in the Central Valley. The median age for San Joaquin is 32.9, while for Stanislaus it is 32.7. The majority of the population for San Joaquin County is white (51 percent) and white for Stanislaus as well (65.6 percent). 40.8 percent of the residents in San Joaquin County rent their homes, and 39.8 percent of Stanislaus County residents rent their homes.

By contrast, California's median age is 35.2, 56.7 percent of the population is white, and 44.1 percent of the population rent their homes (United States Census Bureau, 2013). Both counties are not only similar to each other, but also fairly representative of California in terms of demographics.

San Joaquin and Stanislaus Counties projected similar funding from the State in their implementation reports. The Realignment Allocation Committee divided the funding between all California counties based on the costs associated with managing the additional offenders, costs for hearings for offenders who reoffended after release from prison, start-up costs involving hiring, training, and data collection, and Community Corrections Partnership (CCP) planning costs (Petersilia & Snyder, 2013). The CCP planning grants were one-time appropriations that were fixed based on population: large counties over 750,000 residents were given \$200,000, medium counties received

\$150,000, and small counties under 200,000 residents got \$100,000 (Petersilia & Snyder, 2013). I wanted to choose counties that received medium population funding, so that they would be as closely representative of the California population as possible. San Joaquin received approximately \$7.7 million in funding the first year, while Stanislaus received approximately \$6.8 million in funding the first year (Bird & Hayes, 2013). Both counties received \$150,000 for CCP Planning.

Both counties projected receiving a significant number of additional offenders to put strong pressure on security, staff, and jail bed space. In San Joaquin County's implementation plan, the State projected that San Joaquin would receive 825 sentenced offenders, parole violators, and other offenders transferred to the county from prison in the first year of realignment (San Joaquin County, 2011). Stanislaus County was projected to receive a total of 790 offenders (Stanislaus County, 2011).

Despite similarities, it is the difference between the two Counties that makes the comparison compelling. It is somewhat of a natural experiment. That is, the two counties began the AB 109 "treatment" with shared features that should have allowed each of them to develop similar approaches and, in theory, reach similar outcomes. The key questions then become: Was funding sufficient to allow both approaches to work? Neither? One but not the other? And what do the answers to such questions suggest for other localities dealing with correctional issues? I begin to provide answers in the following chapters.

## Chapter Four

### A COMPARISON OF SAN JOAQUIN AND STANISLAUS COUNTIES

In this research, I investigated whether funding was sufficient for San Joaquin and Stanislaus Counties to implement state-mandated public safety realignment from 2011, the first year of implementation, through 2015. I used information from Community Corrections Partnership (CCP) fiscal year plans, county evaluations, county reports, Probation Department brochures, and three interviews with representatives from the two counties to answer my question. In the present chapter, I will first discuss key points from the Counties' implementation plans. Then, I will compare San Joaquin and Stanislaus Counties using certain criteria to find out whether funding had been sufficient to provide enough jail bed space and operate evidence-based programs to handle additional felons transferred from state prisons to county jails.

#### **Main Points from the Counties' Implementation Plans**

Before I begin the comparison, I want to summarize the key points from the initial implementation plans from both counties. The counties were required to form Community Corrections Partnerships tasked with forming and submitting these plans as an initial approach to implement realignment. The plans show the baseline from which I began the analysis.

#### *San Joaquin County*

Based on the State Department of Finance's funding formula for realignment, San Joaquin County was projected to receive \$7,657,976 from the State for implementing public safety realignment, which includes funds for realignment activities, district

attorney and public defender activities, a one-time planning grant, and one-time funding for training and implementation (San Joaquin County, 2011). The implementation report projected that 825 additional offenders were going to be transferred from the state during the first nine months of realignment (San Joaquin County, 2011).

The implementation plan provided a full breakdown of funding for all services and salaries and buildings (San Joaquin County, 2011). It also provided a summary of how it planned to allocate public safety realignment funds from the State, depicted below in Table 4.1. From the table, it seems that 27 percent of revenue was to be allocated for jail beds.



**Table 4.1 San Joaquin County projected revenue allocation for the first nine months of realignment**

<b>Expenses</b>	<b>Funding (%)</b>	<b>Allocation (\$)</b>
Jail Beds	27	1,833,046
Jail Programming	3	221,439
Jail Alternatives (i.e. GPS, etc.)	6	369,310
Intensive Supervision/Case Planning	13	859,366
Assessment Center	3	232,899
Day Reporting Center	6	420,833
Evidence Based Programming	1	100,000
Correctional health Services	9	600,038
Mental Health Treatment/Services	5	330,000
Job Training/Assistance/Search	4	287,509
Transportation	1	31,500
Transitional Housing	1	90,000
GPS/EMP Contracts	1	69,000
Post Supervision Release Re-Entry Court	8	552,217
Community Service Contracts	1	63,607
Screening for HAS Programs	3	143,877
Administrative Overhead	5	347,825
Contingency Funds (unforeseen circumstances)	3	233,442
<b>Total</b>	<b>100</b>	<b>6,785,908</b>
Training and Implementation Grant - Pretrial Assessment Tool		70,000

SOURCE: (San Joaquin County, 2011)

The San Joaquin County CCP proposed a detailed description of evidence-based programs the County wanted to use (San Joaquin County, 2011). For example, Aggression Replacement Training teaches offenders between the ages of 18 and 24 how to behave, control anger, and how to be pro-social. The County also planned to use Electronic Monitoring or Global Positioning Satellite (GPS) extensively as an alternative to incarceration and to expand the Day Reporting Center, which runs a program that

targets criminogenic needs of offenders and changes the way they think. The CCP also proposed creating a San Joaquin Assessment Center, located next to the Day Reporting Center and across the street from the courthouse, to serve as a hub for delivering services to the offenders (San Joaquin County, 2011).

The plan voiced concerns about higher risk offenders. The CCP proposed forming a High Risk Unit of probation officers, who would operate in two-person teams throughout the county to visit high risk offenders and monitor their activities (San Joaquin County, 2011). The CCP also discussed the Post Supervision Release Re-Entry program that helps the offender, once he or she is released, reintegrate into society by providing links to education, housing, employment, and other resources (San Joaquin County, 2011).

The San Joaquin County implementation report stated that not all offenders would be eligible for the evidence-based programs, so the CCP planned to increase space for incarceration and hire more jail and probation staff (San Joaquin County, 2011).

#### *Stanislaus County*

The Stanislaus County CCP projected to have \$6,584,825 in funding, which included funding for the Sheriff's Department, the Probation Department, certain programs, and CCP planning (Stanislaus County, 2011). The implementation report projected that there would be 790 additional transferred offenders, including 215 sentenced offenders, 75 parole violators, and 500 parolees, within the first nine months of realignment (Stanislaus County, 2011).

The Stanislaus CCP decided to implement a two-phase approach to realignment because of the uncertainty of funding and number of extra offenders (Stanislaus County, 2011). Phase I would occur in the first nine months of realignment and Phase II would occur during the second year and would focus on implementing programs and task force operations after the impacts of realignment have already been determined during the first nine months.

Table 4.2 depicts the projected budget for Phase 1. I calculated the funding percentages, as they were not included in the Stanislaus County report. I also renamed the leftover funding, classified as “Balance” in the original graph, to Contingency Funds to conform to San Joaquin County’s graph as much as possible.

**Table 4.2 Stanislaus County projected revenue allocation for the first nine months of realignment**

<b>Expenses</b>	<b>Funding (%)</b>	<b>Allocation (\$)</b>
Sheriff's Department (Jail beds, Jail Alternatives)	49	3,203,200
Probation Department (PRCS and Day Reporting Center)	37	2,468,400
Integrated Forensics Team Expansion	4	244,485
Regional Apprehension Task Force	2	100,000
CCP Planning	2	150,000
Contingency Funds (unforeseen circumstances)	6	418,740
<b>Total</b>	<b>100</b>	<b>6,584,825</b>

SOURCE: (Stanislaus County, 2011)

According to the Stanislaus County Implementation Report (2011), Phase I programs included, among others:

- Increasing jail bed space;

- Expanding jail alternatives programs, probation, Global Positioning Satellite (GPS) monitoring;
- Expanding the Day Reporting Center;
- Expanding the Integrated Forensics Team, which provides mental health services to inmates;
- Expanding the Regional Apprehension Task Force, which would apprehend offenders who fail to report to their mandatory appointments and programs.

At the time of the report, two jail housing units were closed, and the CCP projected that the county would use state funding to reopen these two housing units to house the additional felons. The two existing jail alternatives programs were the Alternative Work Program, which had staff supervising inmate work crews who clean up trash and erase graffiti, and the Home Detention Program, which involved inmates monitored through GPS at their homes (Stanislaus County, 2011).

### **Criteria Comparison**

The criteria I used to answer the thesis question are:

1. Did the county have a budget reserve during any or all years since realignment?
2. Has the county reduced the number of evidence-based programs described in the initial implementation report?
3. Is the county jail releasing more offenders early than it did prior to realignment?
4. Was the county able to fill all additional staff positions needed to deal with extra felons by the fifth year of realignment implementation?

5. Have newspaper articles and interviewees indicated there is funding insufficiency?

Below is the matrix I used to fill in the criteria. A “Y” indicated a “Yes” response to the question, an “N” indicated a “No” response to the question, and the dash indicated insufficiency of information to answer the question. I went through each question separately to show how I came up with my response.

**Table 4.3 Criteria Comparison Matrix**

	Budget reserve?	Program reduction?	Higher early release?	Filled staff positions?	Others indicated issues?
San Joaquin County	Y	N	Y	-	Y
Stanislaus County	Y	N	Y	Y	Y

*Did the county have a budget reserve during any or all years since realignment?*

Yes. Stanislaus County had a budget reserve in their realignment allocations from FY 2011-2012 through FY 2014-2015. San Joaquin County had a budget reserve from FY 2011-2012 through FY 2012-2013.

I was unable to find any record of the budget for realignment implementation for San Joaquin County for FY 2013-2014 and FY 2014-2015. It is interesting to note that both counties indicated in their FY 2012-2013 plans that they had delays in hiring qualified staff. Stanislaus County indicated it also had trouble initially implementing programs. These problems could be one of the reasons why both counties were able to retain a budget reserve in the first two years of realignment. The change in the funding

formula and increase in funding may have helped the counties maintain the reserve past the first two years and use the carryover funding from previous years to implement new projects. For example, Stanislaus County used some of its carryover funding in FY 2014-2015 to expand its Public Safety Center to offset future costs associated with building new jail bed space.

I included both contingency funds reserved for unforeseen expenses and any carryover reported in the CCP plans from previous years in my definition of reserve. I attempted to look at both the projected funds and the actual funds when I integrated the information in Table 4.4.

**Table 4.4 San Joaquin and Stanislaus Counties' AB 109 implementation budget reserves for four fiscal years**

	San Joaquin County		Stanislaus County	
	Budget (\$)	Reserve (\$)	Budget (\$)	Reserve (\$)
<b>FY 2011-2012</b>	7,657,976	233,442	6,166,085	418,740
<b>FY 2012-2013</b>	15,206,248	2,480,408	12,243,268	2,179,593
<b>FY 2013-2014</b>	N/A	N/A	14,509,023	4,709,456
<b>FY 2014-2015</b>	N/A	N/A	16,223,569	4,800,000

SOURCE: CCP implementation plans from San Joaquin and Stanislaus Counties from four fiscal years.

*Has the county reduced the number of evidence-based programs described in the initial implementation plan?*

No. Both Counties have either maintained or increased the number of evidence-based programs they initially planned.

**Table 4.5 Number of evidence-based programs in San Joaquin and Stanislaus County over five years of realignment**

	Number of evidence-based programs			
	<i>FY 2011-2012</i>	<i>FY 2012-2013</i>	<i>FY 2013-2014</i>	<i>FY 2014-2015</i>
<b>San Joaquin</b>	36	45	49	49
<b>Stanislaus</b>	4	20	29	37

SOURCE: CCP implementation plans from San Joaquin and Stanislaus Counties from four fiscal years.

After going through the plans from both counties, I found that the number of evidence-based programs actually increased from year to year. To reach this conclusion I counted alternative to incarceration programs, services that can help an offender learn recidivism-reducing skills, and contracted recidivism-reducing services with other organizations as evidence-based programs in my calculation. I also counted the Day Reporting Centers of both counties as one program, but also counted all the individual programs offered through the Centers. The reason I did this is that some programs that San Joaquin County identified as unique evidence-based programs were the same ones Stanislaus County offered through its Day Reporting Center. Because there is no standard to report the number or titles of programs, I had to use my judgment to decide which programs and services counted as evidence-based programs.

San Joaquin County lacked FY 2013-2014 and FY 2014-2015 plans, but I was able to find a PowerPoint Presentation and brochure made by the Probation Department that outlined the County's programs. I could not verify that there was a change for San Joaquin County between FY 2013-2014 and FY 2014-2015. In San Joaquin County's

count, I also included the Static Risk Assessment tool, which is an evidence-based computer program that determines an offender's risk to reoffend. A specific program merged with another in 2012-2013 so I reduced my estimate of the total number of programs by one for that period.

Stanislaus County expanded many of its programs from 2011 to 2015 to accommodate the increased number of offenders, but I did not add the expansions into my calculations because I was counting only new programs counties added. For example, Stanislaus County expanded the number of staff and available spots for offenders in the already existing Alternative Work Program. In my analysis, I was trying to see if counties implemented new ideas as opposed to maintaining the status quo. In FY 2012-2013, Stanislaus added Second Chances California, a program involving care for retired racehorses to teach prosocial skills, but the program was eliminated in FY 2014-2015 because it was not cost-effective and a very small number of participants completed the program successfully. It is important to note that Stanislaus had delays in starting some programs because of hiring difficulties. The low number of programs for the first year of implementation could also have occurred in my count because the CCP did not list all of its programs in the plan due to lack of time to devise a comprehensive plan. However, because CCP plans are the main public sources, I used their information and could only start counting Day Reporting Center programs when they were listed. For FY 2014-2015, I was able to obtain a brochure that listed all programs for Stanislaus County.

The first representative that I interviewed from Stanislaus County talked about the Day Reporting Center in length. The program is a "one-stop shop for offenders",



established in January 2011 and funded through SB 678, which incentivized probation departments to implement evidence-based programs by providing funding for those purposes. In August 2015, Stanislaus County opened a newly-constructed Day Reporting Center funded through AB 900 and realignment funds. The Center provides all sorts of programs, such as substance abuse treatment and domestic violence counseling, which, according to the representative, have had a big impact on reducing recidivism. The representative stated that while a lot of time is spent with offenders who do reoffend in the front end, a lot of good work is being done in the back end which is harder to track, but has a positive impact on communities and reduces recidivism.

The third interviewee, who was from San Joaquin County, also noted that the Day Reporting Center and the risk assessment are the two most effective evidence-based programs. The risk assessment targets the criminogenic needs each offender has and matches the offender with programs that can address those needs.

*Is the county jail releasing more offenders early than it did prior to realignment?*

Yes. Interviewees stated that after realignment Stanislaus County had issues with jail bed capacity and increased early release of lower risk offenders to make room for higher risk offenders. Newspaper articles and studies, which I discuss below, mentioned San Joaquin County being among other counties that had increased early release with realignment.

One of the major problems that both counties encountered was that the State Department of Corrections and Rehabilitation (CDCR) gave incorrect projections of the numbers of additional offenders for the first nine months. Both counties received a much

larger number of offenders than anticipated. The table below shows the projected numbers and the actual numbers of offenders in the first nine months of realignment for the two counties, based on their 2011-2012 reports.

**Table 4.6 Projected and actual numbers of realigned offenders in the first nine months of realignment**

	Projected		Actual	
	<i>jail population</i>	<i>probation</i>	<i>jail population</i>	<i>probation</i>
<b>San Joaquin</b>	221	604	2,146	686
<b>Stanislaus</b>	290	500	1,174	1,001

SOURCE: CCP implementation plans from San Joaquin and Stanislaus Counties from first two fiscal years 2011-2012 and 2012-2013.

In San Joaquin, probation includes post release community supervision (PRCS) offenders, who are released for a current non-violent offense and are placed under the jurisdiction of probation. Jail population includes sentenced offenders and parole violators, who serve their revocation times and new sentences in jail. In Stanislaus, probation includes PRCS offenders and offenders sentenced to mandatory supervision. Jail population includes sentenced offenders, offenders sentenced to the Jail Alternatives Program, and parole violators.

The large discrepancies between projected and actual numbers of realigned offenders meant that county jails were flooded with more and higher risk offenders than they had budgeted for. In 2013, 18 counties were operating their jails under population caps previously imposed by courts (Lofstrom & Raphael, 2013). A recent PPIC study found that counties with court-ordered population caps have increased pretrial releases of

offenders at a rate of one for every six realigned offenders and have an early release rate of one inmate per four offenders (Lofstrom & Raphael, 2013).

Another interrelated issue is that realignment happened very quickly. The third policy expert I interviewed was from San Joaquin County, and she stated that the county had only several months to come up with a plan to accommodate the realigned offenders. She said San Joaquin already had a plan in place, but it was still difficult to accomplish everything planned due to the length of time it takes to hire and train new peace officers to implement new program expansions and implementations.

Both San Joaquin and Stanislaus Counties have increased the use of evidence-based programs, but not all the offenders qualify for participation in these programs. In many cases this was because the offenders were assessed as high risk offenders. According to the second Stanislaus County representative I interviewed, higher risk offenders are more prone to assault staff and other inmates, and more supervision is required for these offenders. In their 2012 plan, San Joaquin County decided it had sufficient funding to hire more correctional officers and High Risk Unit probation officers because of the unexpected increase in the number of extra felons, as well as the risk. Some of the transferred felons had current low-level offenses, but serious previous convictions, such as sex offenses (San Joaquin County, 2012). San Joaquin County opened 70 additional beds in 2012.

According to the Stanislaus County CCP plan, hiring qualified staff was a major challenge, so the county had to delay some programs and had money left over. The plan did not go into details about the hiring issue, except to say that peace officer applicants

failed background checks more often than usual. The county was able to open 150 beds more beds in the first year of realignment, but the discrepancy between population projections and the real number of realigned offenders made the jail bed space insufficient to house all transferred felons. In 2012, the county planned to re-open another 72 beds to expand jail capacity.

The first Stanislaus County representative I interviewed indicated that the transferred felons were definitely a higher risk than the county had dealt with before. The county received felons who may have committed a low-level current crime, but had previous criminal history of high-level offenses, including sex crimes. Many of the realigned offenders were in prison multiple times and were no lower risk than those who used to be on state parole. The representative indicated that the major challenge Stanislaus faced was dealing with a much larger number of offenders than initially expected.

The second Stanislaus representative I interviewed stated that prior to realignment Stanislaus County was already operating under a court-ordered jail population cap. To stay within the required average daily population, the representative indicated that the county had to utilize early release for offenders with lowest risk to make room for higher risk realigned offenders. The representative said that the biggest challenge the county faced was limited jail bed capacity and increasing costs.

Newspaper articles also voiced early release as a significant concern. The *Los Angeles Times* has indicated that about 13,500 inmates are released early every month across California (St. John, 2014). The article stated that county jails have to release

lower-level offenders early to make room for transferred felons. A 2013 *KCRA* news story stated that San Joaquin County is struggling with processing parole violations and that there is not enough room to hold parole violators while the state processes paperwork (KCFRA, 2013). A *Sacramento Bee* article indicated that Stanislaus and San Joaquin Counties were among the ten counties with highest early release rates because Central Valley counties received the highest number of realigned felons (Branan, 2013).

I had difficulty finding the specific early release procedures for the counties and for California in general. According to Branan (2013), different counties have different procedures. For example, in Stanislaus County the Superior Court Judge determines which offenders can be released early, taking criminal history and other factors into account (Branan, 2013). The three representatives I interviewed, as well as all other sources I examine, except for the CCP plans, indicated either an increase in the use of early release or challenges with jail bed capacity. The CCP plans did not offer detailed information on the frequency of early release.

*Was the county able to fill all additional staff positions needed to deal with extra felons by the fifth year of realignment implementation?*

The answer is “yes” for Stanislaus County but “unclear” for San Joaquin County. Stanislaus’ staff requests stabilized by FY 2014-2015, but because I do not have access to San Joaquin’s FY 2013-2014 and FY 2014-2015 reports I was unable to determine if staff requests stabilized for San Joaquin County.

**Table 4.7 Number of requested staff positions for realigned population for each fiscal year of realignment**

	Number of Staff Positions			
	<i>FY 2011-2012</i>	<i>FY 2012-2013</i>	<i>FY 2013-2014</i>	<i>FY 2014-2015</i>
<b>San Joaquin</b>	59	96	N/A	N/A
<b>Stanislaus</b>	50	94	103	103

SOURCE: CCP implementation plans for four fiscal years

For 2012 and 2013, Stanislaus indicated it had problems hiring qualified staff for Behavioral Health and Recovery Services, Community Services Agency, Sheriff, and Probation. The Sheriff and Probation departments stated in the CCP plans that they had unusually high failure rate for background checks for officers. Unfortunately, I was unable to discover any indication as to the reason behind the high failure rates. A study by the RAND Corporation that compares twelve counties after realignment mentioned that some counties indicated staffing issues, including hiring freezes, but no details were provided (Turner et al., 2015). The first Stanislaus County representative I interviewed stated:

I really do not have an answer for you regarding a specific reason for why we had so many failures. Honestly, we have high standards for getting hired with our organization and regardless of how badly we need staff, we have always maintained those high standards. Generally speaking, we feel extremely fortunate if we end up hiring two-three staff out of every 100 that apply. Some candidates have been fired from other jobs, others lie on their applications, while others have other histories that would cause them to be disqualified from the process. We try to be as thorough as possible to make sure we are hiring solid people. This seemingly has always been the case; but, maybe it was exacerbated by the unusual need for staff after suffering through a budget crisis prior to realignment that forced us to cease hiring anyone for a few years. These are unsupported theories.

By FY 2013-2014 Stanislaus County was putting in requests to restore old positions and transfer some positions to the new funding for realignment. The state had stabilized funding for realignment, and in FY 2014-2015 Stanislaus County did not request any new positions to handle realigned offenders. When I interviewed the second representative from Stanislaus County, the official did not indicate that there was a difficulty in hiring staff, but did point out rising costs and continuous new laws that could always change the situation and require new programs and staff. The official also talked about the change in culture and the paradigm shift that occurred when law enforcement personnel had to shift from corrections thinking to rehabilitation thinking.

I wanted to note that while I did not find numerical data to back up stabilized staffing for San Joaquin County, I was able to ask that question during my interview of a policy expert from San Joaquin. She stated that after the first few years, the County did not have many challenges. Hiring new staff was also an issue, but she said it was less of a problem and more of a procedure: hiring a peace officer is a very long process that can take up to nine months due to background checks and examinations.

*Have newspaper articles and interviewees indicated there is funding insufficiency?*

This is a difficult question to answer definitively. There definitely was an indication of funding insufficiency in the first two years of realignment, but in FY 2014-2015 funding was stable. Stanislaus County representatives felt they have secure funding now, but are concerned that new laws can change that in the future.

According to the first representative from Stanislaus County I interviewed, historically, the funding formula for Stanislaus County was based on the number of

offenders the county sent to state prison, which effectively penalized counties that sent fewer offenders to state prison because those counties received less funding. The biggest challenge for Stanislaus County, according to the first representative, was the discrepancy between the projected number of realigned offenders and the actual numbers, which were much higher. Therefore, budgeting in the first two years of realignment was based on of the projections, so the county as a whole felt entitled to more funding when it received many more offenders that it had to supervise. However, when the state revised its formula to take into account caseloads, the number of PRCS offenders, the number of offenders on mandatory supervision, crimes, poverty, and other factors, the representative believes funding became fair and sufficient to implement evidence-based programs and handle the additional offenders. However, the representative cautioned that new laws and initiatives can change the funding sufficiency, so there is still a feeling of insecurity.

The second representative from Stanislaus County echoed the sentiment of the first, and stated that in the beginning of realignment it was extremely difficult to manage the additional felons because funding was insufficient. He stated that the Governor did a good job in convincing the state Legislature to pass legislation to establish continuous stable funding and grant programs to build new facilities. He also mentioned that Stanislaus County has successfully partnered with the state and other organizations to secure funding and services. However, he also cautioned that Stanislaus County has seen good economic recovery and it still did not have 100 percent of all costs for the realigned offenders covered by the state. The official said that some counties were still struggling with the costs, and that new laws, like Proposition 47, could throw the county budget off



balance and impose new challenges and constraints. He voiced the concern that there is still a feeling of insecurity, but that Stanislaus County is ahead of curve, and he hoped that with more emphasis on educating families and children the county can treat the root cause, not the symptoms.

The representative from San Joaquin County stated that in the beginning it was difficult to implement realignment as quickly as it needed to be done, but now there are not many challenges. Costs still rise every year due to salary and benefits increases, but the major challenge she identified had nothing to do with lack of funding, but more to do with the difficulty of persuading offenders to participate and successfully complete evidence-based programs.

Reporter Wes Bowers (2015) included a comment from San Joaquin County Chief Probation Officer Stephanie James that indicated that while she is hopeful about programs and a reduction in recidivism, there is not enough funding for all the programs people need. A *Modesto Bee* article praised evidence-based programs that AB 109 brought into existence and gave testimonials to inmates who were able to reintegrate. An article by Sabra Stafford in the *Turlock Times* (2014) quoted Stanislaus County Supervisor Vito Chiesa who claimed that many Central Valley counties continue to lack sufficient funding to implement realignment.

The general conclusion that I have gathered from all the materials is that realignment was a difficult change that both counties had to handle without adequate funding in the first two years of implementation. However, when the State revised its funding formula and passed legislation to secure funding and grants, both counties saw a

stabilization of funding, a well-maintained budget reserve, and enough money to establish new programs and build new facilities. The counties are cautious because new laws can reduce funding in the future. The counties still lack enough state funds to cover 100 percent of all costs of mental health services, evidence-based programs, and jail facilities that the population needs. Despite problems, both counties seem much more optimistic than I anticipated, and have made huge efforts to adapt to realignment changes.

## Chapter 5

### KEY FINDINGS AND BROADER IMPLICATIONS

In the final chapter, I return to the main research question and discuss what my findings indicate in response to it. I also discuss what challenges in funding counties still face with respect to adequate funding for realignment of criminal justice responsibilities. Additionally, I consider broader policy implications and offer recommendations for future research.

#### **Findings and Discussion**

My analysis had three major findings. First, both counties had funding insufficiency in the first two years of realignment, which made it difficult to implement all planned programs in a timely manner and build new jail bed space. Reports and interview material showed that corrections facilities had to release low risk offenders early to make room for higher risk realigned offenders. This indicates there was not enough jail bed space to deal with offenders. The State failed to accurately predict the number of realigned offenders in the first year of realignment. The number of realigned offenders was much higher in reality, which caused struggles for both counties, who had prepared to deal with the new offenders on a budget based on the incorrect projections.

Second, the two counties had converged on a more rehabilitative approach by the end of the time covered by my study. Stanislaus County transformed its corrections thinking towards rehabilitation within the first five years of public safety realignment. San Joaquin County started out with many existing evidence-based rehabilitation programs, while Stanislaus County had very few in the beginning. The second

representative from Stanislaus County claimed that the main way that the county dealt with offenders prior to realignment was to lock them up and that was it. He said that AB 109 was a paradigm shift that forced staff and management to think entirely differently towards rehabilitation. I thought it was incredible that within five years, Stanislaus County established so many partnerships and collaborations with community organizations, other agencies, and the state. It was also notable that Stanislaus was able to start and operate a multitude of new evidence-based programs and secure funds to build a new Public Safety Center, which provided both new jail beds and space for programming classes and services. This example shows that a county with no history of using evidence-based practices can change its entire culture in the space of five years. I think that the leadership's effort and willingness to change the culture, as well as adaptability to changing circumstances led to success in implementing realignment.

Third, both counties indicated that funding stabilized after the State revised its funding formula, established new continuous funding sources, and appropriated jail construction grants. However, both counties indicated that state funding does not cover 100 percent all the costs of realigned offenders. There is also a feeling of insecurity and fear that new laws can destabilize funding, although the San Joaquin County representative indicated the probation department had no funding challenges.

To be candid, at the beginning of my study I was pessimistic and assumed that state funding would be entirely insufficient and that Stanislaus County would not be able to implement any evidence-based programs. I also assumed that I would have trouble contacting Stanislaus County and obtaining detailed information because Stanislaus

County's initial implementation plan was seven pages long, compared to San Joaquin County's 79-page initial plan. However, I was pleasantly surprised at how much Stanislaus County has embraced realignment in terms of recognizing that rehabilitation is the new trend, and how the County made a huge effort to change its culture. Perhaps because it was such a huge change Stanislaus County provided a large volume of information, including a discussion of obstacles the county faced. The county has provided CCP plans for all years since realignment, even the most current year, which I did not include because most counties have not submitted anything for this year. San Joaquin County, on the other hand, started out with a rehabilitation structure that was already superior to many counties, so perhaps it did not feel it was obligated to provide much information past the first year. San Joaquin County did not submit CCP plans after the first two years, which hindered my study. It was also harder to receive feedback for interviews in San Joaquin County, compared to Stanislaus County, which responded to my requests almost immediately.

My most significant finding was that it is possible, even with insufficient funding in the beginning, to radically change an organization's culture. Yes, Stanislaus County still uses a large proportion of funds on jail bed space. However, the County has vastly increased the number of rehabilitative programs from the few that existed at the beginning of the study period. Stanislaus County also built a new jail building that includes room for programming within jail. Stanislaus County is an example of a county that began with a corrections-focused mentality and was able through effort and time to integrate programming in its policy. Because it actively sought out partnerships with

other agencies, community organizations, and the state, the county was able to secure and somewhat stabilize funding. Stanislaus County shows that a county can implement both programming that helps reduce recidivism and integrate more jail bed space for new offenders with a more rehabilitative focus.

### **What Does This Mean for California, Policy Makers, and Counties?**

In terms of policy approaches, San Joaquin County and Stanislaus County both had trouble with overcrowding in the first few years of realignment. That suggests that funding was insufficient regardless of whether counties were pursuing a rehabilitation approach or a more traditional approach. The new formula, grants, and other new funding sources seemed to stabilize the budgets of both counties, suggesting that in more recent years the State has been providing sufficient funding for counties to pursue different approaches.

The State encouraged and incentivized, but did not require, the use of evidence-based programs. The fact that Stanislaus County established and began operating many new programs suggests that the county saw value in that. That suggests that the programs paid off for Stanislaus County, even though previously it predominantly focused on incarceration. Other organizations that Stanislaus collaborated with, the Day Reporting Center programs, and state grants helped reserve jail bed space for the high risk offenders. In the end, both counties used a combination of two approaches and the State stabilized funding for using approaches. This suggests that other California counties, especially ones with a similar initial mindset to Stanislaus County, might draw the conclusion that evidence-based practices could benefit them as well.

One of the complaints from the second representative from Stanislaus County was that the County had just started to see the success of certain drug programs when Proposition 47 passed and partly decriminalized certain drug offenses. Because of this, those offenders subject to Proposition 47 provisions were no longer required to participate for as long of a period in certain programs, and the representative stated that while these programs were available to people outside the system, offenders rarely participate if they are not required to do so. He claims that this law threw a wrench into an otherwise stabilized situation, where offenders were getting treatment that helped reduce recidivism. With less time spent in programs, offenders do not have the same intensive treatment period. Such laws can make it more difficult to assess the success of evidence-based programs. Based on the struggles that the two counties I investigated faced, I suggest that the State provide earmarked funding for collecting and reporting standardized public safety reform data. With more precise program and performance measure evaluation, counties can more accurately choose which programs would benefit the needs of their population the most.

The goal for the California Legislature, in terms of realignment impacts, is to maintain the reductions in overcrowding in state prisons that AB 109 achieved. My study suggests that policy makers should also focus on providing a continuous and steady source of funding for counties to create a sturdier fiscal safety net when major changes occur. The FY 2012-2013 CCP plan mentioned that the county was taking a conservative approach to implementing new programs because it was afraid funding could decrease or disappear in the future (Stanislaus County, 2012). While the State is still spending a large

amount of money on corrections, the hope is that when counties stabilize, build enough new jail space, and put all necessary programs and services in place, they will just need money to operate the programs and facilities in existence. One of the problems voiced was that old facilities had no room for classrooms to conduct treatment, classes, or services. Stanislaus County was recently able to construct a new state-of-the-art Public Safety Center, which has jail beds as well as areas for programming.

Ultimately, I came to the tentative conclusion that the State provided enough funding for counties to try new things. This is significant because the tone I have heard for the last five years of realignment in the political field was that the change would be detrimental, and a common claim was that funding would be inadequate for counties to pursue anything but a more traditional warehousing approach to offenders. Perhaps those who worried about realignment overstated the degree of difficulty of changing. While other counties may have different conditions than those I found in San Joaquin and Stanislaus Counties, at minimum my study suggests that just because a county starts out with one way of doing things does not mean the county has to end up with the same approach under the new realignment system.

### **Study Limitations**

The results of this paper are limited first because I did not have as much access to county specific reports and evaluations as I would have wanted. CCP's were only required to submit plans for the first year of realignment, therefore many counties did not submit any documents going forward. Stanislaus County is one of the few which



submitted reports every fiscal year. San Joaquin County, however, submitted only the first two years, so some of my criteria evaluation is not applicable to that county.

Another problem was that due to time limitations I had to sharply restrict the number of people I interviewed about how the counties implemented realignment. I was only able to interview three representatives, while it may have been more informative to interview around ten officials to get more feedback and different perspectives. I also did not interview state officials, who could have explained why there were such discrepancies between the projected and actual numbers of realigned felons in the first year of realignment. Since there are indicators from both counties that the jails had problems handling the actual numbers of offenders, which were much larger than the projected, this could be an important issue to explore, so that the State can help counties adjust to future policy changes.

I also did not compare the proportions of funding allocations that the counties spent on jail bed space and surveillance, staff salaries, and programming. In the end, even though Stanislaus County has increased the number of evidence-based practices it employs, the county still spends a larger percentage of its budget on jail services than San Joaquin County. I did not delve into comparing the percentages, but that could be an interesting research topic.

I also had an interesting situation where I discovered that some of the representatives I interviewed had already stated similar information in newspaper articles. When I disclosed confidentiality requirements, neither representative I interviewed indicated concern. One representative stated he did not care if I stated his name and title.

In this case, confidentiality was unimportant to them because they had already stated similar opinions in public.

### **Suggestions for Future Research**

Based on the limitations of my own research and the available data, I recommend that future research:

1. Compare the different methods of data collection and evaluation that counties employ;
2. Evaluate and compare recidivism rates of counties that employed specific evidence-based programs, when those data are available;
3. Evaluate the true effects of Proposition 47 on counties and communities after a sufficient number of years has passed; and
4. Interview other county and state officials, and other stakeholders (such as inmates and providers of programs) to obtain a different perspective on the impact of realignment.

I recommend evaluating the data tracking methods counties use because in the course of my study I found huge discrepancies in the methods counties used to collect, track, and evaluate AB 109 impacts. Because there are no standards, some counties contract with other organizations to collect data, while others are just now beginning to collect and analyze data within their departments. Future scholars should evaluate how each county collects realignment data and possibly rank counties by the amount they collect, the consistency of evaluation, and user-friendliness of presenting performance measures to the public.

I recommend evaluating recidivism rates of counties that have implemented certain evidence-based programs so that other counties who have not yet used those methods could see which programs work for which conditions. Some programs may be highly effective in areas where substance abuse is a huge problem, while other programs that focus on family counseling might be the most effective in areas where domestic violence is a concern. That information is only now beginning to appear, as the general recidivism rate is calculated by how many offenders reoffend after three years of being released from the system. Unfortunately, the State did not provide standards or funding for data collection, so different counties may define recidivism differently and may have had problems collecting data within the first few years of realignment due to funding constraints.

Third, I recommend that future researchers evaluate the effects of Proposition 47 after it has been in effect for at least three years, so that we can see the early recidivism rates and crime rate differences before the law and after the law. The two people I interviewed had concerns about the impacts of the initiative on county jails. To help counties react to the initiative, that effectively decriminalized certain drug offenses, researchers should compare the effects of the policy on rural counties and urban counties, as drug abuse can be different among different communities.

Lastly, I recommend that future research address the perspectives of stakeholders other than county officials. It would also be interesting to interview providers of evidence-based programs and participants in the programs. Involving actual offenders in

a study would require a more in-depth IRB approval process, however, because offenders are considered a vulnerable population.

### **Conclusion**

Public safety realignment in California was a radical change from the traditional mentality of incarceration of offenders. The State asked counties to assess the needs of their population and provide offenders with programs that teach them skills to live a crime-free life. However, the State did not provide standards for the programs or any earmarked funding for evaluation. Because the change seemed so dramatic and affected counties directly without much time to prepare, I was interested about whether the State provided counties with enough funding to implement these new evidence-based programs. I also wondered whether counties would stay with the status quo and simply expand jail bed space while hiring more officers, since the State never explicitly required counties to implement evidence-based programs.

I chose to compare the responses to realignment of two demographically similar counties, Stanislaus and San Joaquin, the first of which started with an incarceration policy, while the second already had evidence-based programs in place prior to realignment. After scouring reports, plans, and news articles, and interviewing public safety officials, I found that the State had provided the counties with insufficient funding in the first two years of realignment, during which the counties received a very high number of realigned higher risk offenders. At first, the counties scrambled to reign in the transferred felons, and had to release many low level offenders early to open up jail bed space for higher risk offenders. However, I found that in the third year of realignment the

State began to provide more stable funding sources, including grants for new jails and new programming spaces, such as Day Reporting Centers. By the fourth year of realignment, I found evidence that funding was stable and sufficient in both counties to implement evidence-based programs successfully.

Stanislaus County started out with very few evidence-based programs, but by the fifth year the county had entirely turned around the culture of incarcerating to integrate many programs into its structure. This suggests some reason to be optimistic about California's experiment with realignment. The results of my study show that while realignment was a very difficult change for counties, it is now possible for counties to change their policy approaches and focus more on rehabilitating offenders into society.

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