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Do Local Realignment Policies Affect Recidivism in California?

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Summary

California is now completing the third year of one of the most ambitious correctional reforms it has ever carried out, Assembly Bill 109, known as “public safety realignment.” When the state legislature approved this sweeping overhaul in 2011, which transferred authority over lower-level felons from the state prison and parole system to the county jail and probation systems, it had few alternatives. A federal court had ordered California to sharply cut back prison overcrowding because of the state’s failure to provide inmates adequate health care. Lawmakers were also under pressure to reduce skyrocketing prison costs and California’s historically high recidivism rate. In other words, California had to fundamentally redesign its correctional system under urgent and pressing circumstances that left little time for study and deliberation. In the months between the passage of realignment and its implementation, counties had to quickly develop strategies to manage the new population of offenders that would now be held and supervised locally.

Realignment was motivated, in part, by the idea that “locals can do it better” — that counties would be able to reduce the recidivism rates of lower-level offenders more effectively than the state prison and parole system. This report examines this issue in two ways. First, it looks at whether realignment reduced recidivism among a particular group of offenders—the Post-Release Community Supervision (PRCS) population, a segment of the released prisoner population with current sentences for offenses that are neither serious nor violent. Before realignment, these types of offenders were under the state parole system and now they are supervised by county probation authorities. We find that the post-realignment period has not seen dramatic changes in rearrests or reconvictions among this population, a finding in line with recent research focused more broadly on this topic (CDCR 2013; Lofstrom, Raphael, and Grattet 2014). For the PRCS population, we estimate that felony rearrests increased 4.7 percentage points and felony reconvictions increased 1.9 percentage points following realignment. However, these increases are likely due to the elimination of the option to use parole revocation to return offenders to prison.

Second, the report examines variation across counties in realignment implementation policies. Under realignment, the state provided counties with \$400 million dollars to help cover their increased workload. Counties were required to submit plans describing how they would implement realignment, but they had wide discretion in which programs to adopt and how to allocate these funds. These choices appear to have mattered. When we examine the relationship between the policies counties chose to implement and changes in recidivism under realignment, we find that offenders did better in counties that emphasized reentry services.

We find that recidivism increased over the realignment period for PRCS offenders released to counties with implementation policies that prioritized enforcement relative to those released to counties with policies that prioritized reentry services. We estimate the change in the felony rearrest rate under realignment was 3.7 percentage points greater for offenders released to counties with enforcement-focused plans than for those released to counties with reentry-focused plans. The felony reconviction rate followed a similar pattern. We find the change in the felony reconviction rate was 1.7 percentage points greater for offenders released to counties with enforcement-focused plans.

It is important to interpret these findings with caution. The available data limits our analysis to only one segment of the realigned offender population, those released from state prison and supervised by county probation. In addition, our analysis focuses on the first year of realignment, during which counties faced a momentous change and had limited time to design and implement realignment plans. We also relied on realignment plans and budget allocations submitted to the state, which may not provide a complete view of

county strategic approaches. Nonetheless, these plans and budget allocations represent important policy levers available to county leaders. Finally, we deliver these findings with caution because there may be factors at work that we were unable to observe in this study and that explain, in part, differences across counties in recidivism outcomes. While this study offers a first look into the relationship between county implementation policies and recidivism, we expect to be able to learn a great deal more as better data become available.

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Abbreviations

1170(h)	The penal code designation for felons convicted of non-violent, non-serious, or non-sexual crimes who under realignment serve sentences in county jails rather than state prison.
BSCC	Board of State and Community Corrections
CDCR	California Department of Corrections and Rehabilitation
PRCS	Post-Release Community Supervision, county-based supervision of offenders released from state prison.

Introduction

October 1, 2011 marked the beginning of a new era for corrections and rehabilitation in California. State correctional authorities and their counterparts in 58 counties began carrying out a fundamental realignment of responsibilities for managing tens of thousands of lower-level felons.

This change, known as public safety realignment, represented one of the most far-reaching correctional policy reforms in recent U.S. history. Federal courts had ruled that state prison overcrowding had made it impossible for California to provide inmates a level of health care required by the U.S. Constitution. The state was ordered to cut the prison population to 137.5 percent of design capacity. At the same time, California was facing an acute budget crisis and could no longer afford rapidly rising prison costs. Governor Brown proposed a series of changes that became the basis for Assembly Bill 109, which authorized realignment. The changes this law ushered in have been described as “revolutionary and sudden” (Weisberg 2011), “the most significant correctional reform in decades” (Misczynski 2012), and “the biggest penal experiment in modern history” (Santos 2013).

Realignment shifted authority over most non-serious, non-violent, non-sexual offenders from the state to counties and granted counties discretion over how to manage these offenders. The idea behind realignment was that local governments have better information about what their communities need than the state, and that offenders would do better when held at the local level. Under realignment, state prison and parole populations have dropped dramatically, while county jail and probation caseloads have increased substantially (Lofstrom and Raphael 2013; Petersilia and Snyder 2013). The net result has been lower overall levels of incarceration in California.

A key question is whether realignment can reduce California’s historically high rates of recidivism. Before realignment, California was among the states with the highest parolee rearrest rates (Fischer 2005; Langan and Levin 2002). In the years immediately before the change, some 60 percent of offenders paroled from state prison were arrested in the first year of release. By three years after release, the rearrest rate reached over 80 percent (CDCR 2012). Even more striking was the proportion of released offenders returned to prison through parole revocations and reconvictions (Grattet, Petersilia, and Lin 2008), precisely the revolving door that realignment sought to stop. Now the majority of offenders who violate terms of release go to county jails or community-based alternative forms of incarceration.

The state provided counties \$400 million to help pay their increased correctional costs, but did not dictate how the money should be spent. However, counties were required to create implementation plans that described their realignment strategies and explained how they would use funds provided by the state. These documents provide a unique research opportunity. Variations across the counties in implementation strategies and spending priorities allow us to see how local correctional policies affected recidivism.

This report considers two broad policy questions. First, we assess how realignment affected the recidivism rates of the Post-Release Community Supervision (PRCS) population, the group of lower-level felons released from prison to county probation supervision under realignment.¹ And second, we examine how

¹ PRCS is a designation created by AB 109. It refers to offenders whose current commitment offense is not serious or violent and who are not high-risk sex offenders or mentally disordered offenders. Prior to realignment this group was not treated as distinct from other prison releases who were sent into the state parole system. Therefore, strictly speaking, PRCS did not exist as a recognized category of offenders before

local policy choices affected the recidivism outcomes of this population. We start by reviewing the conceptual and measurement issues surrounding recidivism, as well as the existing literature on realignment and recidivism. Then we analyze the recidivism outcomes of the PRCS population compared with the recidivism of their pre-realignment counterparts. Finally, we examine how county realignment plans and budgets varied in how much they emphasized reentry services versus enforcement, and how those implementation strategies affected PRCS recidivism outcomes.

realignment. After realignment, PRCS are released to county probation departments. This group of offenders is uniquely affected by realignment and thus provides an opportunity to examine the consequences of shifting community supervision from state parole to county probation.

Recidivism under Realignment

Defining and Measuring Recidivism

Among researchers there is widespread agreement about how recidivism should be defined—as a concept. In his book *Recidivism*, Michael Maltz defines recidivism as “the reversion of an individual to criminal behavior after he or she has been convicted of a prior offense, sentenced, and (presumably) corrected” (2001). This definition closely resembles that used in The PEW Charitable Trusts’ *State of Recidivism* report, which regards it as “the act of reengaging in criminal offending despite having been punished” (2011). The contestation over recidivism emerges not because of lack of agreement about definition, but in terms of how it should be measured. Three routinely tracked points in the criminal justice process provide ways to measure recidivism—rearrest, reconviction, and return to custody—and each has its advocates.

Rearrest can be subdivided into rearrest for a misdemeanor or felony, or for a supervision violation. Criminal rearrest is the most relevant for gauging how a released offender’s behavior affects public safety. However, rearrest for a crime only happens when that crime comes to light, the offender is identified as the perpetrator, and is apprehended. To the extent that this leaves out undetected or unreported crimes, it understates the true extent of recidivism. Conversely, to the degree that individuals are arrested for crimes they did not commit, rearrest overstates recidivism.

Reconviction sets a higher bar. When a released offender is reconvicted, criminal justice authorities have found enough evidence of a crime to prosecute or plea bargain. This measure of recidivism is conservative because it omits crimes for which there is insufficient evidence or other reasons for not prosecuting. Moreover, reconviction only measures results of formal criminal prosecutions and does not include administrative parole revocations. Despite these flaws, advocates for using conviction as a recidivism measure argue that it covers “validated” criminal activity and better captures recidivism’s impact on local criminal justice resources.

Return to custody includes only those released inmates sent back to prison or jail following criminal reconviction or revocation. Offenders may be revoked if they are arrested for a new crime or if they commit a technical violation of supervision rules, such as failure to report to a supervising officer or travel outside of a restricted area.

For many years, the California Department of Corrections and Rehabilitation’s (CDCR) official recidivism statistic was return to the department’s custody. For any given year, CDCR wanted to know how many felons released from its custody came back and occupied a bed within one, two, or three years. For this purpose, it was not relevant whether the return reflected a new criminal conviction or a parole revocation. By this measure, California had an exceptionally high three-year recidivism rate of more than 65 percent before realignment. The return-to-prison-custody measure had many critics because it included large numbers of technical parole violators. Still, it made sense to CDCR because it measured the impact of parole failure on the department’s resources. Now, under realignment, offenders released from prison can only be revoked to county jail. Revocations generally cannot result in returns to prison and the problems of return to custody as a recidivism measure have become more apparent.

Early Research on Realignment and Recidivism

In the past fifteen months, the first studies have appeared of the effects of realignment on recidivism. A CDCR report compares offenders released from prison in realignment's first year with those released in the year before realignment. CDCR found that one-year post-realignment returns to prison have dropped from 32 percent to 7 percent (CDCR 2013), a historical low.² This is not surprising. Realignment was intended to end the revolving door of parole violators and low-level offenders into and out of prison. CDCR also found that one-year rearrest rates dropped from 59 to 56 percent after realignment, although the proportion of felony rearrests rose from 37 to 43 percent. The average number of rearrests for each offender also rose. Reconvictions were unchanged, although the proportion of felony reconvictions rose from 57 to 58 percent.

PPIC researchers analyzing CDCR's data found that offenders released from prison pre- and post-realignment differed in several ways (Lofstrom, Raphael, and Grattet 2014). Most important was the declining proportion of returns to prison resulting from parole revocations, which was one of the main goals of realignment. Therefore, released prisoners were less likely to be "frequent flyers" who cycled in and out of prison on parole revocations. After adjusting for these differences in the characteristics of pre- and post-realignment prison releases, the PPIC study largely corroborated CDCR findings of slight declines in arrests and slight increases in convictions, particularly for felonies.

Taken together, the PPIC and CDCR studies suggest: 1) released offenders now return to prison at a historically low rate; 2) overall rearrests appear to be declining, although the composition and frequency of rearrests is changing; and 3) without parole revocation to send released offenders back to prison, reconvictions are increasing, driven by rising felony reconvictions. These changes must be set against a larger context in which reductions to the prison population have saved the state a considerable amount of money. Finally, total incarceration levels have fallen, with a big drop in the state prison population more than offsetting rising numbers in county jails. Lower overall incarceration levels suggest released offenders may be spending more time in the community where they are at risk of committing new crimes.

Our work takes a somewhat different approach. We focus specifically on the PRCS population because they are much more likely, when compared with offenders released from prison to parole, to be affected by county policy choices under realignment. Also, for the methodological reasons we describe below, we use a six-month observation period rather than a one-year period. As a result, estimates generated from the present work are not directly comparable to the investigations described above.

Defining the Realignment Population

Realignment delineated three populations of offenders:

- PRCS. Offenders convicted of non-violent, non-serious, and non-sexual crimes, released from state prison to county supervision instead of state parole.
- 1170(h). Felons with no current or prior serious, violent, or sexual convictions, previously subject to state prison sentences and state parole supervision, but now jailed and supervised at the county level.
- State parole. Mentally disordered, high-risk sex offenders, or felons most recently convicted of a serious or violent offense.

² The changes in recidivism cited in this paper are rounded up from CDCR findings to ease readability.

Under realignment, counties manage the PRCS and 1170(h) populations, but have no responsibility for state parolees unless they violate the terms of their supervision and are revoked to county jail.

The PRCS offenders are of particular interest because, like the pre-realignment prison population, they served their sentences in state prison. However, PRCS offenders differ from their pre-realignment counterparts because they are supervised by county probation rather than by state parole. Focusing on the PRCS population allows us to assess the statewide effect of realignment on PRCS recidivism. At the same time, because the PRCS population is exposed to county supervision strategies, evaluating outcomes for this population provides a window into the role of local policy choices in mitigating recidivism outcomes under realignment. While the 1170(h) population is also exposed to local implementation strategies, the kind of statewide data that would allow for analysis is not currently available for this population.³

Recidivism Varies Over Time and Across Counties

CDCR data allow us to compare PRCS offenders with similar offenders who left prison before realignment. We selected a control population of prisoners released between October 2010 and March 2011. These offenders were sentenced to prison for crimes that would have put them under PRCS had they been released after realignment took effect. We then selected a PRCS population that left prison between October 2011 and March 2012, the first six months of realignment. We chose the same release months for both populations to control for seasonal effects and we chose six-month observation periods because doing so allowed us to conduct further analyses to ensure we account for any preexisting trends in recidivism outcomes. Although research has demonstrated that the largest share of recidivism occurs within 180 days of release (Grattet, Petersilia, and Lin 2008), we also conduct an analysis of one-year recidivism rates and discuss these findings in the [Technical Appendix](#).

Before realignment, we see wide variation in recidivism patterns across California's counties. Six-month felony rearrest rates ranged from 8 to 35 percent and felony conviction rates from 1 to 15 percent. After realignment, we see even greater variation in these outcomes. Six-month felony rearrest rates ranged from 3 to 53 percent and felony reconviction rates from zero to 17 percent in the period that followed realignment.

There are many underlying factors, such as local demographic and economic characteristics, that may drive differences in the level of recidivism across counties. Rather than analyze differences in the levels of recidivism, we focus on how recidivism changed within counties over the time period of realignment. Figure 1 shows the six-month percentage point change in felony rearrest rates in the 39 California counties that supervised at least 30 PRCS offenders. Twelve counties experienced decreases and 27 experienced increases in felony rearrest rates. However, these changes might reflect a number of factors, including differences in the post-realignment offender population or variation across counties in realignment implementation policies.

³ PPIC is collecting data on 1170(h) offenders as part of a project with the Board of State and Community Corrections. These data should allow us to say more about 1170(h) recidivism in the future.

FIGURE 1
Felony rearrest rates varied widely across counties after realignment

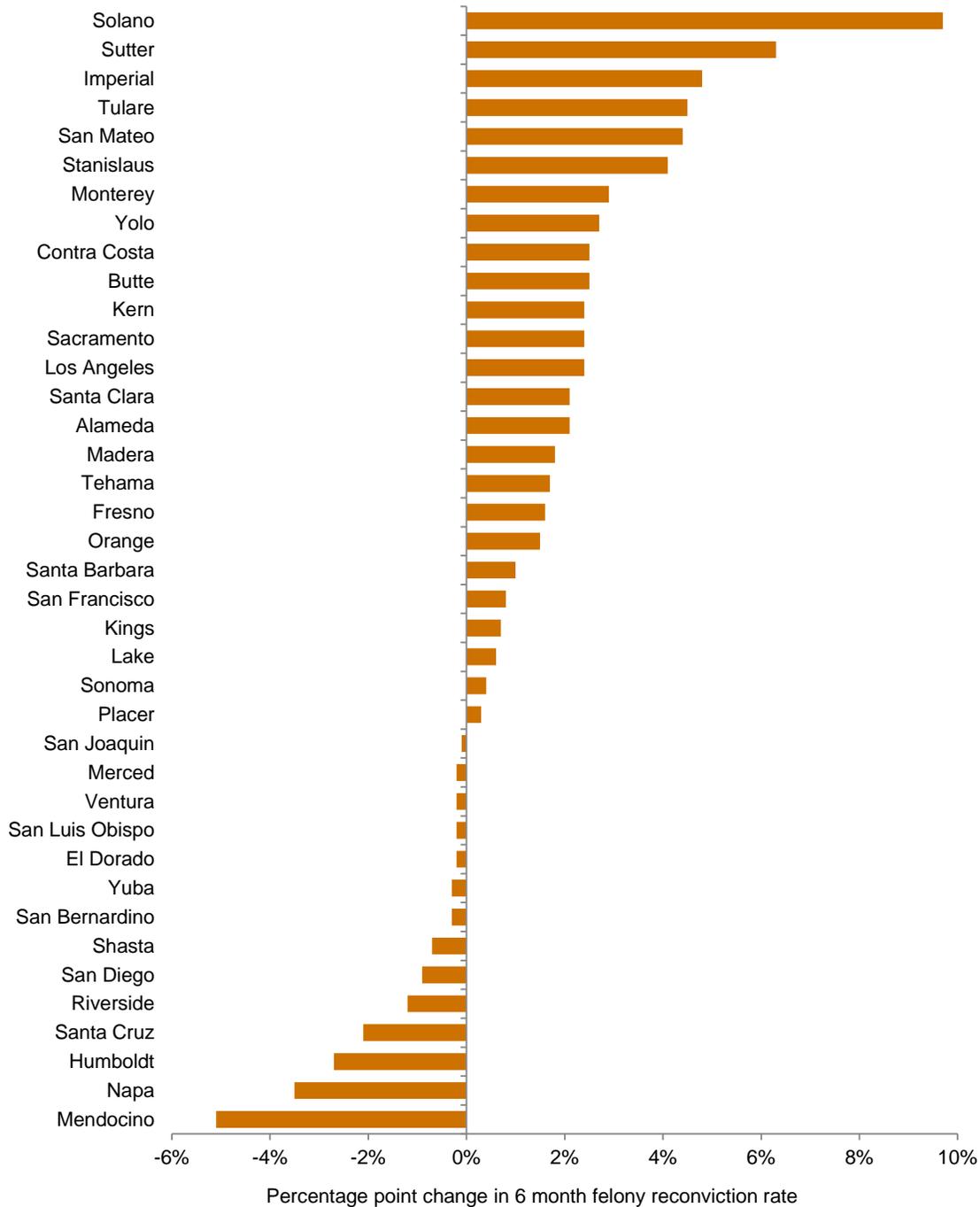


SOURCE: Author's analysis of California Department of Corrections and Rehabilitation (CDCR) prison release data.

NOTE: This figure compares the rearrest outcomes of offenders released from prison to PRCS under realignment (between October 1, 2011 and March 31, 2012) to those of offenders with similar characteristics released from prison to parole before realignment (between October 1, 2010 and March 31, 2011).

Figure 2 shows changes in felony reconvictions after realignment. The six-month felony reconviction rate fell in 14 counties and rose in 25.

FIGURE 2
Felony reconviction rates varied widely across counties after realignment



SOURCE: Author’s analysis of California Department of Corrections and Rehabilitation (CDCR) prison release data.

NOTE: This figure compares the reconviction outcomes of offenders released from prison to PRCS under realignment (between October 1, 2011 and March 31, 2012) to those of offenders with similar characteristics released from prison to parole before realignment (between October 1, 2010 and March 31, 2011).

Figures 1 and 2 present trends in recidivism in our data. However, these trends do not adjust for the possible differences in offender characteristics across counties and over time. In the next section, we make these adjustments, allowing us to estimate the effect of realignment on statewide recidivism for the PRCS population.

Statewide Effects of Realignment on Recidivism

We cannot assume that realignment caused all changes in recidivism after October 1, 2011. Researchers must overcome three challenges to estimate realignment's effect accurately:

- The characteristics of the released offender population vary over time. This variation may affect the recidivism levels we observe. For example, if offenders released after realignment were at lower risk of reoffending than those released before realignment, we might misinterpret lower recidivism outcomes as the effect of realignment. To address possibilities like this one, we make adjustments for the changing individual characteristics of the released offender population.
- Like individuals, counties also vary in their characteristics. Some counties have stronger economies or a wider range of service providers in their communities, and factors like these can affect recidivism outcomes. In addition, the share of released offenders returning to a particular county may vary over time. For these reasons, it is important to adjust for the county of release in a statewide analysis.
- Finally, changes in recidivism may reflect trends already under way in California before October 1, 2011 and, therefore, we need to be sure to examine any preexisting trends in recidivism before we draw conclusions about the effect of realignment on recidivism.

After adjusting for differences in offender and county characteristics, we estimate that felony rearrests for the PRCS population increased 4.7 percentage points and felony reconvictions increased 1.9 percentage points following realignment. In other words, offenders whose supervision shifted from state parole to county probation under realignment were more likely to be rearrested and reconvicted for serious crimes than their pre-realignment counterparts.

However, when we use a broader rearrest measure, including supervision violations, misdemeanors, and felonies, we find no evidence of an increase among the PRCS population after realignment. Although PRCS offenders were more likely to be rearrested for felonies than their pre-realignment counterparts were, they were less likely to be rearrested for supervision violations and minor offenses. When these measures are combined, the increase in felony rearrests is offset by decreases in other kinds of rearrests. Available data do not indicate whether these patterns reflect changes in offender behavior or actions of local officials, although it seems likely that the increases in felony arrests and convictions and the corresponding declines in arrests for supervision violations may result from the removal of the possibility of revocation to state prison. Without the option of revocation to prison, counties may be adjusting their arresting and prosecuting to bring offenders into the formal criminal justice process (see Loftstrom, Raphael, and Grattet 2014).

Reconvictions for the PRCS group follow a different pattern. Even when misdemeanor convictions are included, PRCS offenders have higher reconviction rates than their pre-realignment counterparts. We estimate the combined felony and misdemeanor reconviction rate rose 2.3 percentage points after realignment.⁴

⁴ CDCR and PPIC (Lofstrom, Raphael, and Grattet 2014) also found increases in felony arrests and convictions after realignment. Our study and the CDCR and PPIC studies found slight decreases or no difference in recidivism for all arrests. PPIC and CDCR looked at all released prisoners, while we analyzed only PRCS offenders and their pre-realignment counterparts. Our study also used somewhat different methodological approaches to detect preexisting trends, including 6 month observation periods rather than one-year

We then examine the period before October 1, 2011 to see whether our estimates of changes in recidivism under realignment reflect factors at work before the new system was introduced. We find no evidence that felony rearrest and reconviction rates were rising before realignment, but we do find evidence of pre-realignment increases in rearrest and reconviction rates when we use the measures of recidivism that combine arrests for felonies, misdemeanors, and supervision violations as well as convictions for either felonies or misdemeanors .

These findings suggest realignment induced a shift in both the likelihood of re-offense and the way in which that re-offense would be measured. Before realignment, released offenders arrested for felonies were often revoked and sent back to prison by the parole board. Now, given that most supervised offenders cannot be returned to prison without a new conviction, released offenders are more likely to be rearrested and reconvicted in criminal court. While we find that reconviction rates increased overall under realignment, our analysis also suggests some of this increase may have been driven by preexisting trends in statewide recidivism. These findings are presented in greater detail in the [Technical Appendix](#).

We now turn to the role of local policy. Our previous analysis showed recidivism outcomes under realignment vary substantially by county. In the next stage of our analysis, we assess the different implementation strategies used by counties and then examine the relationship between those approaches and recidivism outcomes.

Realignment Implementation Plans and Budgets

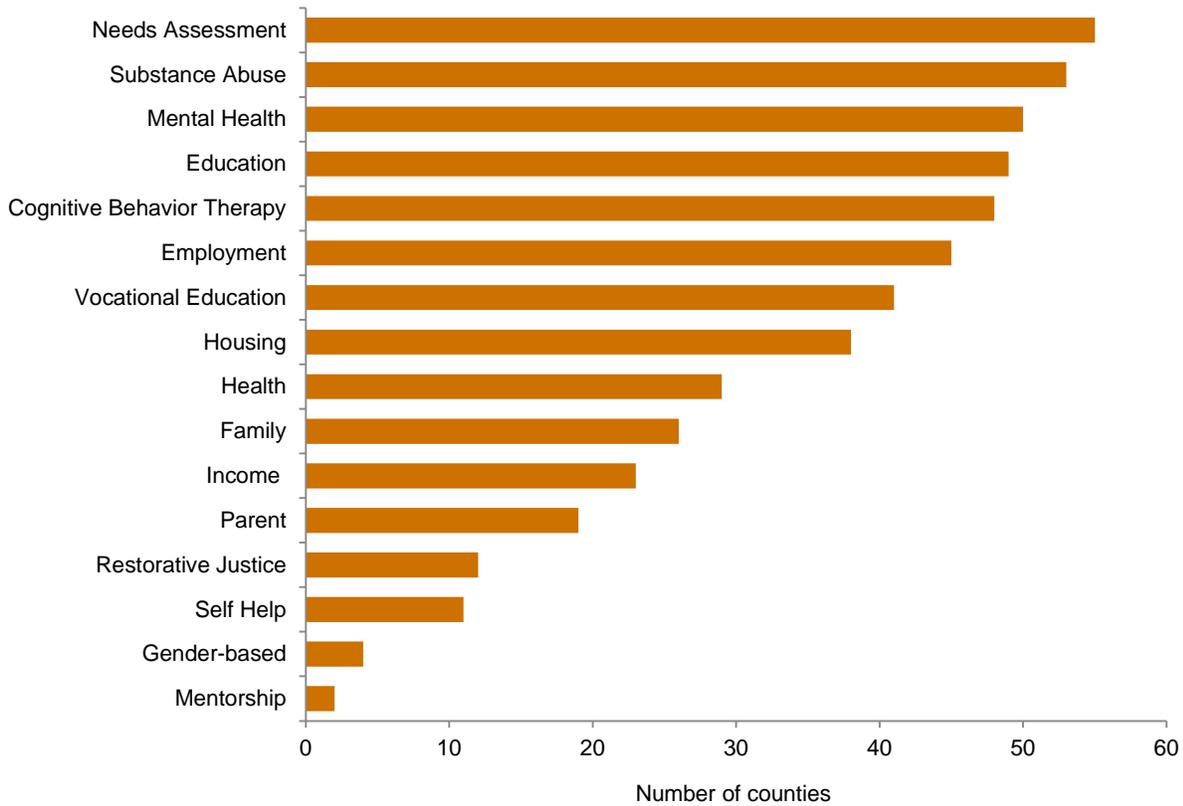
The state provides substantial funding to cover the cost of managing realigned offenders. Counties are free to determine how to use those dollars but were required to develop plans that detailed their strategic approaches and spending priorities. County Community Corrections Partnerships (CCPs) drafted these plans and submitted them to the state. Created under realignment, the CCPs are headed by the chief of probation and include the sheriff, the district attorney, the public defender, and criminal justice and social services agency representatives. We simplified the plans by first capturing the range of reentry services counties planned to implement. We then added information about how counties planned to allocate their realignment funds to fill out the picture for each county. While this approach allows us to examine the impact of broad policy decisions, it does not permit us to study how individual programs, sanctions, or supervision strategies affected recidivism rates.

First-Year Realignment Implementation Plans

To categorize approaches to realignment, we identified the specific reentry service types included in each implementation plan. Figure 3 shows the prevalence of different kinds of reentry services. Services consisted of health-related programs, including mental health, substance abuse, and cognitive behavioral therapy; housing and income support services; employment and education services; family and gender-based services; and peer and community-based services. We also include needs assessment because evaluation of the factors that might lead a released offender to commit new crimes is the first step toward determining what services that person should get.

The prevalence of different services varied. Nearly every plan called for introducing or expanding needs assessment. Similarly, most plans included mental health, substance abuse, and cognitive behavioral treatment components. In other respects, implementation plans ranged considerably. Many included education and housing programs. A minority included new or expanded health care, family, or parenting services.

FIGURE 3
Implementation plans varied widely in the types of reentry services emphasized



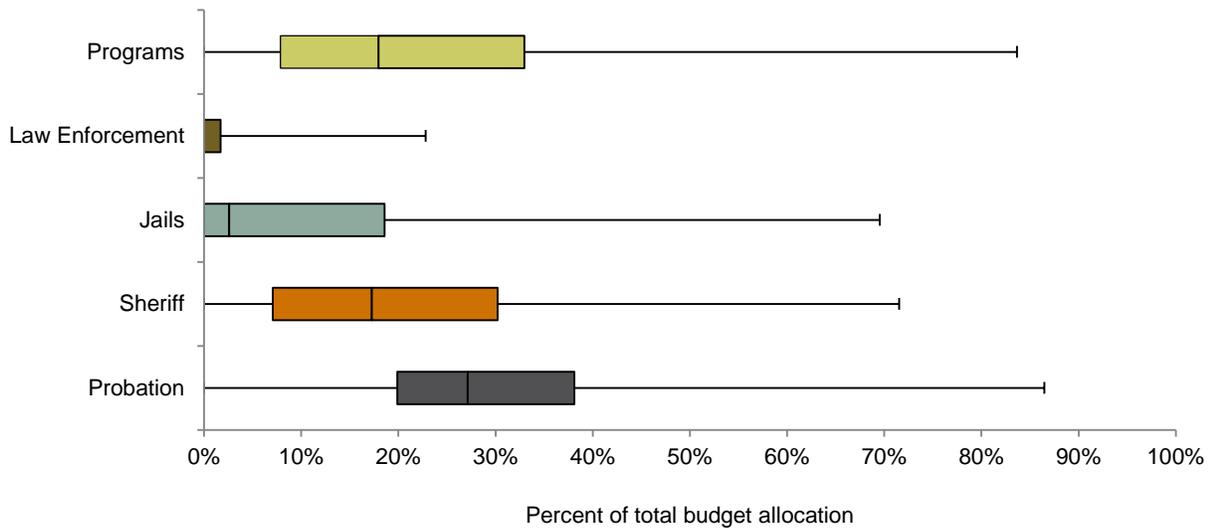
SOURCE: Authors' analysis of county Community Corrections Partnership (CCP) realignment plans.

First-Year Realignment Budget Allocations

We also examined how implementation plans document the funds they proposed to allocate to particular areas (Figure 4). It is challenging to use written budgets to determine where counties actually directed the money because the state did not require standardized reporting methods. We consulted researchers at Stanford Law School, the American Civil Liberties Union, and the Board of State and Community Corrections on how to classify budget allocations.⁵ Ultimately, we arrived at five main spending categories: sheriff, probation, new jail beds, law enforcement, and programs and services. In some cases, funds for jail expansion came indirectly through the sheriff’s office. In those cases, we moved the funds from the sheriff category to the jail category. Similarly, funds allocated to the sheriff or probation were often redirected to programs and services. In those cases, we put the allocation into the programs and services category.

⁵ See Lin and Petersilia (2013), American Civil Liberties Union (2012), and BSCC (2013) on categorizing realignment allocations.

FIGURE 4
Implementation plans varied widely in their resource allocations



SOURCE: Authors' analysis of county Community Corrections Partnership (CCP) realignment plans.

Figure 4 shows the range of variation in how counties proposed to allocate their state realignment funds. The boxes represent 50 percent of the counties on each measure, encompassing the quartiles above and below the median (i.e., the counties arrayed between the twenty-fifth percentile and the seventy-fifth percentile). The whiskers to the right and left of the boxes show the range between the minimum and maximum values. The specific patterns of variation include:

- Programs and services expenditures varied from zero to 84 percent of total realignment funding. The median was 18 percent. Half the counties directed between 8 and 33 percent to the category.
- For law enforcement, the median expenditure was zero, meaning that at least half the counties did not allocate any money for this category. The highest law enforcement allocation was 23 percent.
- Jail bed expenditures ranged from zero to 70 percent. Half the counties directed from zero to 19 percent to expanding jail capacity.
- Expenditures in the sheriff category ranged from zero to 72 percent, with a median of 17 percent. Half the counties directed between 7 and 30 percent to the sheriff's office.
- Probation expenditures varied the most, ranging from zero to 86 percent, with a median of 27 percent. Half the probation budgets were between 20 and 38 percent.

Categorizing Implementation Policies Based on Plans and Budgets

The variation in strategic plans and budgets across counties provides a basis for categorizing differences in approaches to realignment. To create a simple, replicable, and balanced categorization method, we settled on one measure from the budgets and one from the strategic plans. We experimented with a longer list of measures, but this did not improve our ability to clearly delineate differences in implementation strategies. (For more detail regarding our methods, please see the [Technical Appendix](#).)

Our budget measure emphasizes custody and law enforcement. We combined allocations to sheriff’s agencies, jails, and law enforcement to determine to what degree counties directed funds to these areas or made the sheriff responsible for distributing state realignment money. By contrast, our measure from the strategic plans focuses on new or expanded reentry services for PRCS offenders, as described in the previous section.

Using these measures, we identified two distinct approaches to realignment implementation: enforcement-focused and reentry-focused. We categorized 19 plans as enforcement-focused and 24 as reentry-focused. We excluded 15 mixed-approach plans from our analysis because there was insufficient support for placing them in either category (see [Technical Appendix](#) for further details).

Table 1 shows on average the enforcement-focused plans allocated more than three times as much realignment money to the sheriff’s agency, jail, and law enforcement than the reentry-focused plans did. Given that budgets are fixed, the share of the budget allocated toward enforcement is directly related to the share allocated toward programs and services in each county. The table also shows that enforcement-focused plans averaged slightly fewer reentry services offerings than reentry-focused plans did.

TABLE 1
Enforcement- and reentry-focused implementation plans differ in terms of priorities

	Budget allocation to sheriffs, jails, and law enforcement	Number of reentry services	Number of counties
Enforcement-focused plans	56.1%	8.0	19
Reentry-focused plans	15.3%	8.6	24
Average/Total	33.4%	8.4	43

SOURCE: Authors’ analysis of county Community Corrections Partnership (CCP) realignment plans.

The enforcement-focused and reentry-focused categories represent distinct approaches to realignment. There are many reasons why the approach to realignment may vary across the state. A county may have emphasized a particular approach in its plan based on evidence or beliefs that that approach will be the most effective at reducing the recidivism. However, counties may also have other goals in mind. For example, with the goal of the broader public safety in mind, realignment funding may have been directed to fill the greatest resource gaps in the local correctional system. Similarly, effective management may have been a higher-priority goal than recidivism reduction. In this analysis, we focus narrowly on the goal of reducing recidivism among the realigned population.

Effects of Realignment Policies on Recidivism

We now consider whether county policies, as reflected in their implementation plans, affected recidivism. In this analysis, we adjust for differences in the characteristics of offenders released before and after realignment, as well as differences in offender characteristics across counties. We also use an approach that compares the change in recidivism within the enforcement-focused counties under realignment to the change in recidivism within the reentry-focused counties. This approach accounts for underlying differences in county characteristics.

We find that recidivism increased over the realignment period for PRCS offenders released to counties that prioritized enforcement relative to those released to counties that prioritized reentry services. We estimate the change in the felony rearrest rate under realignment was 3.7 percentage points greater for offenders released to enforcement-focused counties than for those released to reentry-focused counties. The felony reconviction rate followed a similar pattern. We find the change in the felony reconviction rate was 1.7 percentage points greater for offenders released to enforcement-focused counties.

For the broader recidivism measure including rearrests for felonies, misdemeanors, and supervision violations, we estimate the change in the rearrest rate was 1.9 percentage points greater for enforcement-focused counties. Similarly, the change in reconviction rate, including felonies and misdemeanors, was 2.3 percentage points greater in enforcement-focused counties than in reentry-focused counties over the period of realignment. We checked whether pre-realignment relationships or underlying trends in the counties that composed our two groups may have driven our findings and found no evidence that preexisting recidivism trends influenced our results.

It is important to note that we group plans together here to identify statewide patterns in the relationship between local approaches to realignment implementation and changes in recidivism. Because the analysis is at the group rather than the county level, it would be inappropriate to draw conclusions about the specific relationship between an implementation plan in a particular county and the recidivism outcomes of offenders released to that county.

Taken together, our findings suggest policy approaches to implementation matter under realignment. The recidivism outcomes of PRCS offenders were better in counties that emphasized reentry services in their realignment plans than in those that emphasized enforcement. When the legislature approved realignment, it expressed strong support for the use of evidence-based practices. The preliminary evidence presented here suggests that offenders did better in counties that matched their implementation strategy to this legislative intent. However, given the data limitations, the focus of this work is on a population currently under supervision and, therefore, most likely to benefit from reentry services in the near term. We must also consider the possibility that recidivism outcomes reflect not only offender behavior, but also the degree of monitoring of offender behavior in local justice systems. While offenders in enforcement-focused counties may have higher recidivism rates because they have less access to reentry services, it is also possible that offenders are more likely to be closely monitored in enforcement-focused counties. In that case, higher recidivism rates may reflect higher levels of apprehension rather than higher levels of criminal behavior.

It is also important to stress that these findings are preliminary. We will need more data to draw strong conclusions about realignment's effects on recidivism. Specifically, researchers need data on individual offender characteristics, criminal histories, reentry services and sanctions received, and recidivism outcomes to definitely evaluate the effects of realignment strategies. At this stage, we are one-step removed from this ideal, as we must rely on stated plans and budget allocations rather than on-the-ground practices.

Conclusions

California's 2011 public safety realignment represents a watershed in correctional policy, providing an important test of whether local management of lower-level felony offenders can improve recidivism outcomes. Realignment presents counties with both opportunities and challenges. Counties gained authority over lower-level felons along with funding for correctional programs, but they were required to hit the ground running with only a short time to develop strategies and allocate resources.

This report has examined two questions: whether realignment affected the recidivism outcomes of the PRCS population and whether county implementation policies had an impact on those recidivism outcomes. Although the present work focuses on a particular segment of the realigned population and uses some different methodological strategies, the findings bear similarities to previous work by PPIC and the CDCR. Like those investigations, we found modest increases in felony arrests and felony convictions. However, our work focuses only on the recidivism of the PRCS population, compared to their pre-realignment counterparts. Although this population represents the majority of prison releases under realignment, our findings are not directly comparable to previous work because of the difference in the population of interest. When we combined arrests for felonies, misdemeanors, and supervision violations, we found rearrests increased in the period before realignment was implemented. We also find evidence that reconvictions, including felonies and misdemeanors, increased prior to realignment. The implication is that we must be cautious in attributing even modest increases in recidivism to realignment alone.

We have also examined the relationship between local realignment policies and recidivism outcomes, finding evidence that PRCS offenders released to counties that prioritized reentry in their realignment implementation plans had better recidivism outcomes than their counterparts released to counties that prioritized enforcement. This finding implies that shifting resources toward a wide range of reentry programs and services, instead of toward traditional law enforcement and incarceration, may create conditions for reducing recidivism rates among PRCS offenders.

One of realignment's benefits is that it gave counties the opportunity to experiment with policy. The variety of approaches that counties adopted allows policymakers and researchers to learn what works under realignment. This study is an early look at this question. Still, our findings are suggestive. We see potentially important evidence that county policy choices can make a difference under realignment.

Most urgently, we need two types of data to improve our ability to draw policy implications from this experiment. First, we need data at the state level that captures the recidivism outcomes of the 1170(h) population. This population will ultimately be the largest segment of the offender pool affected by realignment. Not only will they serve time in local custody instead of prison, they will also reenter communities, both with and without supervision, depending on their sentences. At present, there is no way of tracking how these offenders are faring under realignment. Thus, whether their recidivism rates are improving, worsening, or staying largely the same is unknowable. Second, we need data that captures the on-the-ground experience of individual offenders rather than just formal plans and budgets. This includes data on the specific services, sanctions, and alternatives to custody that may reduce recidivism. Without such data, identification of effective strategies for managing offenders will remain elusive.

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