

NAVIGATING THE STORM:

**AN EMPIRICAL ASSESSMENT OF THE LOCAL EFFECTS OF CALIFORNIA'S
CRIMINAL JUSTICE REALIGNMENT**

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EXECUTIVE SUMMARY

October 1st of 2014 marked the third-year implementation anniversary of California's *Criminal Justice Realignment* (AB 109) legislation. California's AB 109 realigned sentencing options for certain non-violent, non-sexual, and non-serious felony offenses, precluding incarceration in state prison. This less punishment, more rehabilitation sentencing structure shifted correctional supervision to county criminal justice systems (namely, county jails and probation departments) across the State. Along with this widespread jurisdictional decentralization, came many concerns regarding the impact of such a dramatic shift in correctional supervision.

Reported here are the results of a three-year evaluation that uniquely included both quantitative and qualitative research methods to assess the impact of AB 109 on Butte County criminal justice organizations. First examined is the change in workload for the District Attorney's Office, focusing on outcomes such as the number of case filings by specific offense categories, failure to appear charge accumulation, and total number of charges over time. Second, this report demonstrates through comparison of recidivism outcomes of pre-AB 109 offenders to recidivism outcomes of post-AB 109 offenders a continuity of supervision during the implementation of Realignment. Results here also highlight factors that increased the likelihood of new arrests and/or probation violations for probation offenders. The empirical work then turns to a small cohort of Post-Release Community Supervision (PCS) offenders. These PCS offenders were tracked for three years to better understand their recidivism outcomes and impact on the local criminal justice system. Their cumulative impact on the jail and overall recidivism was assessed through exploring their total number of times entering the county jail, the proportion of those bookings that turned into formalized charges, and the proportion of those charges that ultimately became convictions. Finally, the report presents findings from two qualitative studies: the level of service orientation across supervision organizations and offenders' perceptions of the utility of home visits.

Navigating the Storm

Findings reported here substantiate reports of increased workload and changing needs on local criminal justice agencies.¹ A comparison of pre-AB 109 to post-AB 109 case processing statistics revealed a non-trivial increase in the number of failure to appear charges and the total charges per case for the Butte County District Attorney's Office. Even after controlling for other factors (such as the defendant's age), Realignment was correlated with a significant increase in workload. In concert with findings that a portion of the Post-Release Community Supervision (PCS) offenders placed a disproportionate burden on the Butte County Jail, these results suggest the increase was system-wide across the local criminal justice agencies.

Increased workload was anticipated by Realignment stakeholders. With the transfer of correctional supervision jurisdiction to county criminal justice agencies came funding to support the prescribed rehabilitation model. County Community Corrections Partnerships (CCPs) have

¹ See for example, Hardee, H. (2015). For a bigger, better jail: City Council gets on board with County's plan to pay for new jail. *Chico News & Review* (May 7, 2015). Retrieved on 05/07/2015 from: <http://www.newsreview.com/chico/content?oid=17035232>.

been collecting and reporting on the number of correctional clients served through supervision, educational, vocational, and therapeutic programming; however, this report digs a bit deeper to understand the complexities associated with this workload increase. Arguably, the complexities of this sentencing reform have surpassed the anticipated workload increases associated with allocated funding. The increase in the failure to appear charges is an example of this unanticipated challenge. A defendant's unwillingness to return to face charges after agreeing to do so delays justice, generates another case, and results in the issuance of a bench warrant. This leaves prosecutors unable to dispose of cases in a timely fashion and with more cases rubber-banded together. The ripple effect of this process traverses the system.

Statistical models presented in this report suggest county agencies have maintained stable service delivery during the implementation of AB 109. By comparing recidivism outcomes of offenders on community supervision before AB 109 to those of offenders on community supervision after AB 109, findings suggest that offenders supervised under formal probation after AB 109 were no more likely to be rearrested than pre-AB 109 offenders. These findings, in concert with confirmation of an increased local workload after AB 109, suggest that Butte County has maintained their pre-AB 109 benchmark while absorbing an increase in more criminally sophisticated offenders. While this particular section of the report focused solely on one of the agencies in the CCP, the ability to manage the increases in workload is likely generalizable to the other local criminal justice agencies. Managing this level and complexity of change and expansion is commendable.

Offender Management

Using a cohort of 72 PCS offenders, we discovered that 40 (56%) recidivated during the three-year follow-up period. For these 40 PCS recidivists, the report presents three measures of recidivism: jail bookings for a flash incarceration, for a PCS violation, and for a new, unrelated offense. PCS offenders were most likely to be booked into the County Jail for (a) possessing a controlled substance or (b) resisting or obstructing a peace officer. Other top offenses included possession of drug paraphernalia, being under the influence of a controlled substance, driving under the influence (DUI), violation of protective order, and failure to appear for work release programs. Just over 100 of these bookings were for violations of PCS supervision conditions.

One somewhat unexpected finding is the significant impact exerted on the system by the cohort of 40 PCS offenders. These 40 PCS recidivists spent a cumulative 20.6 years, or 7,520 days in Butte County Jail during this three-year time period, which translates to an average of 188 days or 6 months per offender. Also discovered was that nine of these offenders accounted for 3,503 of these 7,520 days. Beyond these nine offenders, four offenders were convicted on three separate occasions and one was convicted for a total of seven charges during this follow-up time.

Qualitative data suggest that officers have continued to maintain a service orientation in their approach to supervision. Caudill and colleagues (2012)² found that, during the first year of the

² Caudill, J. W., Patten, R., Parker, S., Thomas, M. (2012). *Breaking Ground: Preliminary Report of Butte County Sheriff's Alternative Custody Supervision Program*. Available at: <http://www.buttecounty.net/sheriffcoroner/acsdrc.aspx>.

Alternative Custody Supervision Unit at the Butte County Sheriff's Office (BCSO), 67% of all officer-participant interactions were service as opposed to enforcement-oriented.³ The data suggest this trend has continued and that officers within Alternative Custody Supervision (ACS) and PCS Units alike continue to offer service-oriented community supervision. Approximately 78 percent of encounters involved a greater degree of service than enforcement. Related, the ACS Program participants themselves echoed this sentiment, with 85 percent of the male offenders interviewed and 90 percent of the female offenders interviewed relaying stories that indicated they found the home visits helpful. ACS Participants reported that home visits helped them to build relationships with the deputies, created a level of trust and respect with the deputies, and even helped them to alter their decision-making behaviors moving forward.

Taken together, these findings are positive for Butte County's goal of balancing public safety, resources, and offender treatment. The implementation of AB 109 sent California counties into uncharted territory and, generally, Butte County has navigated this territory effectively. The County has absorbed the influx of offenders from the state level, responded by creating the innovative and effective ACS program, and achieved a high level of service-oriented supervision. The next step is to utilize these findings as a roadmap for finding ways to alleviate identified strains on the system and to maintain the level of successful offender management that Butte County has achieved during the first three years of Realignment.

³ It is important to note here that service orientation does not indicate a lack of any enforcement or disciplinary measures, just as enforcement orientation does not suggest a complete lack of service delivery. Rather, the officer-participant interactions found to be service-oriented suggest a more holistic approach to supervision that includes a greater degree of service orientation, while also incorporating the necessary elements of supervision that may be disciplinary in nature.

ACKNOWLEDGMENTS

This report is the culmination of four years of effort by Criminal Justice undergraduate students, Master of Arts in Political Science and Master of Public Administration students, and Criminal Justice Program and Legal Studies Program faculty members. Students spent countless hours scouring the academic literature to understand sentencing reform, collecting data through observations in the field and reviewing official records, and contemplating their observations.

Listed below are the names of students involved in this project, but several of them contributed disproportionately to a clearer understanding of sentencing reform on the local community. First and foremost, Emily La Rue joined the Consortium for Public Safety during her junior year and is now finalizing her degree requirements for a Master of Political Science degree. Emily saw the vision for the Consortium in the early stages and worked tirelessly in collecting field observations, interviewing subjects, reviewing literature, coordinating background reviews and scheduling Research Associates to collect field data, and mentoring less experienced students. Since Emily's departure, Luke Alward took on these duties as a first year graduate student and has made important contributions to the effort. Jeff Fleak and Chris Aguilera joined the ranks of the Consortium during the conclusion of their graduate studies mid-2015 and contributed significantly to summary reports leading to this final report. Collectively, the report is a reflection of their dedication and hard work.

The authors owe a debt of gratitude to those county employees that went beyond their duties to help the evaluation team understand programs, processes, and data. Lieutenant Jeff Hayes and then Sergeant Jarrod Agurkis of the BCSO provided open access to their records and the Day Reporting Center at the ACS Unit from the first day. They participated in and facilitated complex data collection strategies without reservation and were always available to clarify points or answer questions. Recent rotations at the BCSO transferred in Lieutenant Daryl Hovey and Sergeant Eric Lyon and both Lt. Hovey and Sgt. Lyon have continued this collaborative spirit, as have all the Correctional Deputies, the Security Deputy, and Staff Members assigned to the ACS program. Sarah Messer, therapeutic programs provider, provided instrumental coordinating and recruiting of ACS Participants and Mike Thompson, BCSO, provided official jail records to inform the evaluation and report. Dwayne Martin of the Butte County Probation Department was invaluable to this evaluation and report. His understanding of official records and unwavering willingness to inform evaluation decisions proved to be an asset for this process. On top of these specific people, the contributions of the many county employees to this evaluation are appreciated.

Given the complex nature of a project this size, the evaluation team relied heavily on the Administrators from each county agency to assist in the development of research questions, data collection strategies, and interpretations of the findings. All of the Administrators provided valuable insight and direction at every stage in the evaluation process, but a few deserve highlighting. Former Sheriff Jerry Smith found value of scientific assessment in understanding the new criminal justice environment and gave the evaluation team access to any data source necessary for the evaluation. District Attorney Mike Ramsey served as a wealth of knowledge on the perceptions and struggles of local enforcement, case processing, and the legal aspects of the new sentencing structure. His Chief Investigator, Rick West, coordinated data collection,

provided tremendous insight regarding the interconnectedness of the criminal justice system, and was always available to help solve problems.

The lead author spent considerable time with two members of the CCP to capture the nuances of Realignment. Dr. Caudill had reoccurring, separate meetings twice a month with Chief Probation Officer Steve Bordin and Sheriff Kory Honea. These meetings produced positive outcomes in many regards and, most important in this context, they helped keep the evaluation processes on point and develop the research methods. The time commitment required to participate in these meetings alone is very much appreciated.

During the initial stages of the evaluation, now Sheriff Honea served as the Butte County Undersheriff and was instrumental in establishing a role for the evaluation team among the CCP. Sheriff Honea has been the gatekeeper for the countywide evaluation and has championed the collaboration between California State University, Chico and his Office at every opportunity. He has embraced and acted on findings and recommendations from each of the previous reports produced as a result of this collaboration and continues to look for collaboration opportunities.

This type of effort is near impossible without the support of the Criminal Justice Program, the Department of Political Science, the College of Behavioral and Social Sciences, and California State University, Chico. Our colleagues in the Criminal Justice Program and Department of Political Science have provided support to this project and establishment of the Consortium in many ways. The University's dedication to the teacher-scholar model has permitted the Consortium to achieve its goal of creating student experiential learning opportunities within faculty research serving the local community. The Consortium's work fits nicely within the education model. The College, under the leadership of Dean Eddie Vela, has provided guidance and funding necessary to conduct this evaluation, while contributing to student learning and faculty development. Among the many funded aspects of the evaluation, Dean Vela provided students with transportation costs to drive between Chico and Oroville to remove economic barriers, allowing students to participate in this evaluation that would otherwise not have been able to afford it. The authors are appreciative of Dean Vela's support and his vision for the future.

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Assembly Bill 109 (AB 109) in Context

To understand more fully the context of this study, it is important to comprehend the complexity of sentencing reform. On April 5, 2011, Governor Jerry Brown signed into law California's *Criminal Justice Realignment* legislation (AB 109), dramatically changing the landscape for local criminal justice systems. The major legislative impact of *Realignment* was to shift supervision authority over low-level felony offenders (compared to violent and serious felony offenders) from the California Department of Corrections and Rehabilitation to local county jails and probation departments.⁴ The legislation arose from a threefold set of problems: California's finances, California's prison spending, and the less than impressive post-incarceration recidivism rate. California provided its 58 counties with additional funds to address the returning inmates, but each county was able to spend the money based on its preferences.

Sentencing Reform

Unprecedented increases in documented crime and several high-profile serial killers during the 1970s shifted the United States' concerns to that of crime control. Accompanying this crime epidemic was the expansion of rights afforded to prisoners, which fundamentally changed how prisons dealt with convicts (Trulson & Marquart, 2009). In response to increased crime, states enhanced sentences under the assumption that more time in prison would in one way or another reduce crime. The culmination of enhanced sentences to reduce crime and radical changes in correctional practices in observance of inmates' rights produced what is now referred to as prison overcrowding. Prisons were more expensive to operate per inmate and there was an influx of convicted felons for longer stays.

An increase in costs and demand produced a system which resigned itself to housing inmates. This correctional approach led to both legal and scholarly challenges. As States began to reach and exceed their prison capacities, they took various actions to reduce the overcrowding crises. Observers in 2009 saw the implementation of evidence-based practices within the criminal justice system. This approach included a focus on protecting public safety, holding offenders accountable, and managing costs by reclassifying offenses, developing alternative sanctions, and reducing prevalence prison terms (Austin, 2010). Different states have taken different approaches to dealing with the prison overcrowding and subsequent reentry crisis. Some states sealed or expunged criminal records, issued certificates to employers as records of accomplishing change, or built up processes for diversion. States have also enacted laws to downgrade offenses from felonies to misdemeanors (Subramanian, Moreno, & Gebreselassie, 2014). From 2009 through 2014, 155 articles of legislation across 41 states were enacted in an effort to lessen the burden of collateral consequences of incarceration, such as disenfranchisement, inability to obtain public housing, and employment due to status as a convicted felon. In 2011, California's AB 1384 expanded eligibility for expungement to those convicted of a misdemeanor offense but who were sentenced to incarceration (Subramanian et al., 2014). Also in 2011, AB 109 was implemented as another example of sentencing reform.

⁴ AB 109 specified that state prison inmates incarcerated for an AB 109 offense be released to the supervision of county probation departments as part of the Post-Release Community Supervision.

Sentencing reform is not uncommon; however, the impacts of sentencing reform remain unclear. Given the lack of clarity, a couple of examples may help to contextualize sentencing reform.

Rockefeller Drug Laws

The Rockefeller drug laws represent the aims of the criminal justice system during the 1970s. In 1973, New York Governor Nelson A. Rockefeller implemented the Rockefeller Drug Laws in an attempt to halt drug abuse, an effort he deemed as the Manhattan Project of World War II. Prior to this 1973 reform, New York drug laws were inconsistent and unsystematic, requiring new statutes for each illegal substance. The Rockefeller Drug Laws were designed to remove confusion and inconsistencies in the drug laws by classifying all controlled substances and by placing drug offenses into two categories: criminal possession or criminal sale. The feared drug epidemic in the United States led Rockefeller to spend \$750 million on attempting to squash it (Mancuso, 2009).

The laws took no consideration as to extenuating circumstances surrounding the nature of the drug offense, sanctioning thousands of New Yorkers to mandatory prison sentences. Without judicial discretion, an individual's lack or presence of criminal history, mental health, nor intent were used as a determining factor in their case (Ford et al., 2009; Drucker, 2002). The mandatory sentences, regardless of extenuating circumstances were often plea bargained due to an inadequate legal defense (Mancuso, 2009; Drucker 2002).

Though the Rockefeller Drug Laws may have been implemented with good intent, lengthy sentences in overcrowded institutions left offenders isolated from society with little to no programming. When the need for change became blatantly evident in 2004, Governor Pataki introduced the Drug Law Reform Act (DLRA) to decrease the length of prison sentences and increase the amount of a drug needed to be classified a Class A felony. Under DLRA, a life sentence was no longer allowed for a drug offense (Mancuso, 2009).

Between 2009 and 2013, more than 30 states passed nearly 60 bills reforming their criminal justice systems to better define and enforce drug offenses. During those same years, 11 states repealed or reduced mandatory minimum sentences for drug offenses and 14 states passed legislation that expanded the use of court mandated drug treatment programming (Subramanian et al., 2014).

California Juvenile Justice Reform

The juvenile justice system has not been immune to reform either. The juvenile justice system was first created during the Progressive Era after the realization that juveniles had different needs than adult offenders (Abrams, 2013). In the 1970s, the same public concern of crime and discontent with the perceived efficacy of rehabilitation leading to increased prison commitments for adult offenders led to an expanded use of incapacitation for juvenile offenders (Stahlkopf et al., 2010). Through this strategy, prosecutors sentenced juvenile offenders as adults during the 1980s and 1990s under the belief that these actions would quell the upswing of violent crime (Abrams, 2013; Shook & Sarri, 2007; Deitch et al., 2009).

Recent juvenile justice reform efforts have limited the ability of California Juvenile Courts to sentence youth to the California Department of Juvenile Justice (DJJ, formerly CYA)⁵ due to decreased funding and changes in sentencing laws. In 1996, an increase in fees changed access to CYA, by removing incentives to use state institutions in the sanction of low-level juvenile offenders. In March of 2000, Proposition 21 lowered the “age of fitness” to be tried in court as an adult from 16 to 14, increasing the number of young offenders being adjudicated and subsequently sanctioned as adults.

In September 2007, Senate Bill 81 and Assembly Bill 191 were enacted, restricting the types of offenses acceptable for DJJ commitment. A few years later in January 2011, AB 1628 required that youth be released from DJJ to county probation supervision, eliminating long-term community supervision under DJJ’s jurisdiction. One year later, SB 92 increased the cost of committing an individual to DJJ to as much as \$125,000 per year.

Realignment Impact on Stakeholders

California’s recent sentencing reform has had a profound impact on stakeholders within all facets of the criminal justice system. Resentencing creates additional work and inefficiencies for prosecutors, defense attorneys, and judges alike (Ulmer, 2007; Dixon, 1995; Engen & Steen, 2000). Through informal interviews with 125 criminal justice stakeholders in twenty-one counties, a year after beginning the implementation of AB 109, Petersilia (2014) sought to gain insight as to how realignment was affecting work groups in California.

In her research, Petersilia heard the occasional mention of optimism from prosecutors; however, most were reluctant to support realignment. Many reported feeling as if their discretion had been removed, leaving them without the ability to sanction offenders to prison for certain crimes. Potentially dangerous offenders are now settling for plea bargains that are even more forgiving than before. Due to shorter sentences as a result of plea deals, prosecutors reported frequently seeing the same offenders again in court.

Though AB 109 was intended to give judges more discretion in sentencing to consider extenuating circumstances, judges reported the legislation has instead removed their power and given it to jails. *Realignment* reduced discretion from the hands of judges, impeding their ability to be fair and impartial (Petersilia, 2014; Ulmer, 2007; Farrell, 2003; Stitch & Cabranes, 1998).

While public defenders as stakeholders reportedly believed that realignment provided them with more negotiating power, they expressed concern for the use of split sentences.⁶ Instead of going through rehabilitative programs, offenders were willing to serve straight jail time in unequipped county jails.

⁵ In 2005, CYA and the California Department of Corrections (CDC) were merged to create the California Department of Corrections and Rehabilitation (CDCR). CDCR now consists of two components, the Division of Juvenile Justice (DJJ) and the Division of Adult Institutions (DAI). The DJJ was established to give juvenile offenders the opportunity to be rehabilitated through treatment and training.

⁶ Split sentences, as defined by *Realignment*, provide courts with a blended sentencing option of a period of incarceration in county jail, followed by a term of community supervision on probation.

Sentencing reform, and realignment under AB 109, pushed probation agencies to sharpen rehabilitative practices in an effort to keep offenders from continuously cycling through the system. While the funding attached to this realignment has improved the quantity and quality of treatment related services, probation offices have become again overloaded with large caseloads and high offender turnover (Petersilia 2014).

Respondents working in law enforcement suggested that crime on the street was increasing as a result of AB 109 and, as a result of jail crowding, officers had fewer options to deal with criminals. Collectively, agents working in the field reported that *Realignment* had significant impacts on all facets of local the criminal justice system.

State-Level Outcomes

The passage of *Realignment* in 2011 dramatically impacted the state and local criminal justice systems by placing a series of added challenges and increased case workloads on the various county stakeholders. Assembly Bill 109 (AB 109) authorized the transfer of community supervision of convicted felons held in state prison to county probation departments to serve out the remainder of their sentences. *Realignment* offered counties great flexibility in how they implemented programs. For instance, counties were provided the discretion to invest in a range of approaches, including reentry and community-based alternatives to incarceration (e.g., electronic monitoring, house arrest, split-sentences, and flash incarceration) to manage the increase in more sophisticated offenders. The State provided counties with funding to assist county officials implement their plans, but how funds were allocated for correctional practices were decentralized to the county or agency level. This left the opportunity for counties to address criminality in a variety of fashions and, indeed, counties took a range of approaches.

While implementation of AB 109 was a direct response to California's prison overcrowding initiated by a Supreme Court order to reduce its prison population to 137.5% of rated capacity, an underlying hope of realignment was to curtail California's high recidivism rates. Prior to the passage of *Realignment*, nationwide recidivism rates stood at 40 percent, whereas California's recidivism levels were up to 64 percent (Petersilia, 2014). *Realignment* was implemented at the county level because it was believed local officials were better suited to promote and develop rehabilitative alternatives and offender reentry services given that many local level agencies are in closer proximity to local jails. As a result, many non-profit community agencies and organizations have fostered relationships with local sheriff departments to develop their programs and encourage inmates to access their services upon release. Ultimately, the legislature envisioned that AB 109 would serve as a reinvestment of resources to further assist counties in their community-based programs and evidence-based practices (Petersilia, 2014).

Coinciding with implementation of *Realignment*, law enforcement agencies and county officials were grappling with increasing jail populations and increasing reliance on community supervision (Misczynski, 2012). Martin and Lofstrom (2014), reporting on California's jail capacity constraints, found that of the 123 jail facilities in California, nearly half or 53 facilities housed more inmates than their rated capacity; 39 jail facilities were under court-ordered jail

population caps, requiring counties to release inmates once at their population court restricted capacities.

In addition to the increased jail population, the transfer of supervision jurisdiction for sentenced felony offenders to county jail and supervision presented new challenges. Concerns have been raised about the increase of jail violence, both inmate-on-inmate and inmate-on-staff. Several counties reported an increase in jail violence in their SB 1022 applications (Martin and Lofstrom, 2014) and, in studying the effects of prison depopulation on local jails, Caudill and colleagues (Caudill, Trulson, Marquart, Patten, Thomas, & Anderson, 2014) found a significant increase in inmate-on-staff assaults with an average of 4.13 assaults on staff per quarter to an average of 5.55 assaults on staff per quarter. This escalation of jail violence was attributed to both the increase in the housing of sentenced felons in county jails along with the housing of more sophisticated criminals tied AB 109's implementation. Caudill et al. asserted there was a significant increase from 234 sentenced felons per quarter to 327 sentenced felons per quarter from pre-AB 109 to post-AB 109. Much like recidivism, though, jail violence increases is only one indicator of AB 109's effects.

While nationwide crimes rates remain at an almost historical low, various reports conducted by the Public Policy Institute of California have discovered a rise in crime during the AB 109 timeframe. Lofstrom and Raphael (2013) found that between 2011 and 2012, California's violent crime rate increased 3.4 percent whereas property crimes increased 7.6 percent. Lofstrom and Raphael also found strong evidence that the increase in property crime was directly related to implementation of AB 109. For example, there were substantial increases in the number of car thefts, which contributed to an increase of 14.8 percent in property crime from 2011 through 2012. Consequently, this increase in the number of motor vehicle thefts contributed to roughly 65 more auto thefts per 100,000 residents. However, while there has indeed been a recent increase in California's property crime, the overall 2012 property crime rates are still nearly 20 percent below property crime rates collected in 2003. In contrast, data collected on violent crime was found to not be directly related to prison realignment (Lofstrom & Raphael).

Recidivism is another metric explored in the assessment of correctional supervision and programming. Bird and Grattet (2014), expanding on criminal justice realignment and recidivism trends, found recidivism increased for offenders on post-release community sentencing. The change in felony re-arrest rates increased 3.7 percent under realignment for offenders released to enforcement-focused counties as compared to offenders released to reentry-focused counties. Similarly, felony reconviction rate increased roughly 1.7 percent for offenders released to enforcement emphasized counties. However, Bird and Grattet suggest it is possible that offenders were more closely monitored in enforcement-focused counties, thus those recidivism estimates may be the product of officer productivity than offender behavior. Essentially this preliminary evidence suggested offenders were less likely to recidivate in counties with more comprehensive correctional approaches.

Assembly Bill 1050 (2013) mandated that the California Board of State and Community Corrections(BSCC), through consultation with key stakeholders, provide a consistent definition of recidivism to facilitate evaluations of programs, and there is ongoing debate among policy makers about the best definition of recidivism. While rearrest (or bookings) is the most

comprehensive measure as it captures the first point of contact with the system, it produces more false positives – individuals arrested and later found not guilty – than other official measures given that some individuals who are arrested never face formal charges. At the other end of the spectrum, conviction is the most conservative estimate. In relation to arrests, it produces false negatives – those responsible for the action avoid conviction – and introduces measurement and data collection issues. This report includes several measures of recidivism to garner a clearer understanding of the environment.

As illustrated, there are various ways to assess the impact of sentencing reform in California and each have their place in understanding the complexities of sentencing reform. This report takes a unique mixed-methods approach to understand how Butte County criminal justice organizations responded to California's *Realignment*. The results contained herein focus on three specific agencies – the Butte County District Attorney's Office, the Butte County Probation Department, and the Butte County Sheriff's Office – and are based on several outcomes of interest.

Evaluation Methods

The complexity of AB109 necessitated a multi-pronged research design. The primary methods used to gather data included: 1) analysis of existing databases maintained by Butte County, 2) field observations of officer-offender interactions within both the Butte County Probation and the Butte County Sheriff's Office, and 3) semi-structured interviews with offenders on the Butte County Alternative Custody Supervision (ACS) program.

Quantitative Evaluation Methods

The Butte County District Attorney's Office, Butte County Probation Department, and Butte County Sheriff's Office provided official records over the course of three years for this evaluation. Butte County staff collaborated with members of the research team in the collection and understanding of data. Included in these records were de-identified, cross-sectional, historical data on cases processed, supervision outcomes, and jail bookings to account for trajectories through the Butte County criminal justice system.

The data from the District Attorney's Office captured the full population of offenses filed under Butte County jurisdiction from January of 2008 through December of 2013. This case-based data permitted a focus on the proportion of various offenses categories and other factors associated with case processing and dispositional outcomes. Specific to the processing impact of *Realignment* on counties, these analyses also focused on outcomes such as failure to appear charges and total charges.

Official records supplied by the Butte County Probation Department captured the full population of offenders under Butte County jurisdiction for six years (2008 – 2014). These offender-based data included information on demographics, offense and sentencing information, and level of supervision granted to each offender. These data also included offenders' current offenses, probation hearings, information on granted community supervision, and criminal history. The Butte County Sheriff's Office provided booking data as a metric of jail traffic within the PCS sample.

To assess the impact of *Realignment* on community supervision, the evaluation sampled offenders from the felony probation and the PCS caseloads. The felony probation sample (N=531) was then divided into three distinct groups. These groups included: 1) pre-AB 109 – offenders that completed their supervision before AB 109⁷ (N=250), 2) Straddlers – offenders granted probation before AB109 but that completed probation after AB109 (N=171), and 3) post-AB 109 – offenders granted probation after AB 109 (N=110). The PCS sample (N=72) included subjects released from state prison to county probation supervision under *Realignment* that had three years of follow-up time between being released from state prison and December, 2014, the final data collection period for this report.

This report presents both descriptive and advanced statistical results of analyses focusing on the impact of California’s Realignment on Butte County criminal justice agencies. With that in mind, tables and graphs typically are sub-sampled by pre-AB 109 / post-AB 109 and regression models dissect the impact of predictor variables on criminal justice outcomes.

Qualitative Evaluation Methods

The qualitative analyses included two separate data collection efforts to evaluate offender management. First, researchers conducted field observations of officer-offender interactions within the Butte County Probation Department and Butte County Sheriff’s Office to determine the way in which organizational structure may or may not influence the level of service-orientation utilized during community supervision. Second, researchers conducted qualitative interviews with offenders currently under community supervision within the Sheriff’s Office ACS (Alternative Custody Supervision) Program.

*Organizational Structure and Service Orientation*⁸

This section focused on the interactions between officers and offenders under community supervision from both the ACS Unit of the Sheriff’s Office and the Probation Department’s PCS and GPS Units. Research associates collected information on the tenor of home visits. Because the ACS Unit did not utilize office visits in the same manner as the Probation Department, researchers collected field observations exclusively during ride-alongs when officers were visiting the residences of offenders in the community. These ride-alongs lasted between one and six hours. Alternatively, researchers collected half of the data from the Probation Department during ride-alongs and the other half during appointments that these probation officers held with probationers in an office setting. Observers quantified interactions between officers and offenders on an enforcement/service oriented scale and these data were used to better understand the impact of organizational structure on correctional service delivery.

⁷ AB 109 was implemented on October 1, 2011.

⁸ This component of the evaluation has been previously reported on in McDowell, K. (2014). *Observing the Influence of Organizational Structure on Offender Management*. Professional paper for degree completion: Master of Public Administration, California State University, Chico.

The dependent variable of “service” was derived from the contact type on the field observation sheets collected by research associates. The contact type variable ranged from 0-10, with zero being completely service oriented and ten being completely enforcement. Contact type scores between 0-4 were recoded into a service (0/1) variable. Results of the bivariate analysis are reported in the findings section.

ACS Participant Interviews⁹

Subjects were selected randomly to participate in semi-structured interviews. At the time of the interview selection process there were 100 ACS offenders: 65 male and 35 female. Of the 65 men, 39 were considered high-risk (60 percent), 16 were medium-risk (25 percent), and ten were low-risk (15 percent). Of the 35 women, 12 were considered high-risk (35 percent), 11 were medium-risk (30 percent), and 12 were low-risk (35 percent).

Included in the data collection for this report were 30 semi-structured interviews with ACS participants. These interviews were conducted in spring 2013 at the DRC (Sheriff’s Office Day Reporting Center). Participants were compensated for their time with a \$20 gift card to a local fast food restaurant and each interview lasted approximately 25 minutes, with the longest being 42 minutes and the shortest being 19 minutes. The interviews were recorded with a digital recorder and later transcribed. Based on the organizational goals of home visits, the results focus on participants’ responses to the following question: “*How have the home visits impacted your experience on ACS, if at all?*”

Findings

This section presents the results of the aforementioned statistical and qualitative analyses. It begins by presenting the statistical findings associated with the case processing in the Butte County District Attorney’s Office as an indicator of workload changes associated with *Realignment*. It then turns to several measures of recidivism to estimate the impact of AB 109 on the community supervision outcomes. Next, this section turns to the results of analyses focused on the PCS sample and the increase in system reentry associated with *Realignment* by examining various recidivism outcomes for a cohort of 40 PCS offenders, constituting perhaps the first group paroled to probation with three years of follow-up time. The final focus of this section is on the qualitative component of the evaluation. These findings include the results of content analysis of interviews and independent observations in a triangulation effort.

Workload Assessment of the District Attorney’s Office

Table 1 statistically describes case processing information by pre-AB 109 and post-AB 109. A significantly greater percentage of charges were for drug offenses post-AB 109 (39 percent

⁹ The Butte County CCP managed the influx of correctional supervision demands by the Sheriff’s Office expanding and overhauling their Electronic Monitoring Program into the Alternative Custody Supervision Program. Further information on this process is available in Caudill, Patten, Parker, & Thomas (2012). *Breaking Ground: Preliminary Report of Butte County Sheriff’s Alternative Custody Supervision Program*. Available at: <http://www.buttecounty.net/Portals/24/Brochures/BREAKING%20GROUND%20FINAL%20REPORT.pdf>

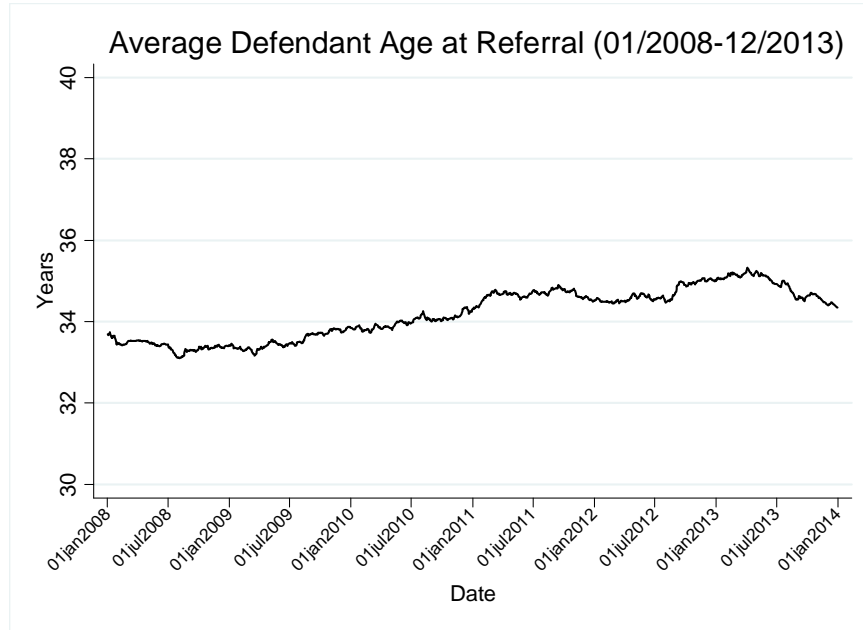
compared to 36 percent pre-AB 109) and there was a significant decrease in the percentage of charges for property offenses post-AB 109 (21 percent compared to 27 percent pre-AB 109). Failure to appear charges more than doubled (five percent during the pre-AB 109 years compared to 11 percent during the post-AB 109 years, $p < 0.01$)¹⁰ producing a significant increase in failure to appear charges. There was a significant increase in the number of charges per case (pre-AB 109 mean = 2.23; post-AB 109 mean = 2.37, $p < 0.01$) and the average defendant was approximately one year older in the post-AB 109 sample (mean = 34.70 compared to pre-AB 109 mean = 33.88, $p < 0.01$). Graph 1 provides a visual representation of the average age at referral across time. As suggested by the analysis, the average age of defendants increased significantly during the three years post-AB 109 compared to the previous three years.

Table 1: District Attorney’s Office: Descriptive Statistics of Offense Type, Age, Charges, & FTA Pre- and Post-AB109

| | Full Sample | Pre-AB109 | Post-AB109 |
|---|-------------|-----------|------------|
| Offense types | | | |
| Drug offenses** | 37% | 36% | 39% |
| Property offenses** | 25% | 27% | 21% |
| Failure to appear charges** | 08% | 05% | 11% |
| Average total charges per case** | 2.28 | 2.23 | 2.37 |
| Defendant’s age at referral for prosecution** | 34.20 | 33.88 | 34.70 |

* - significant at $p < 0.05$, ** - significant at $p < 0.01$.

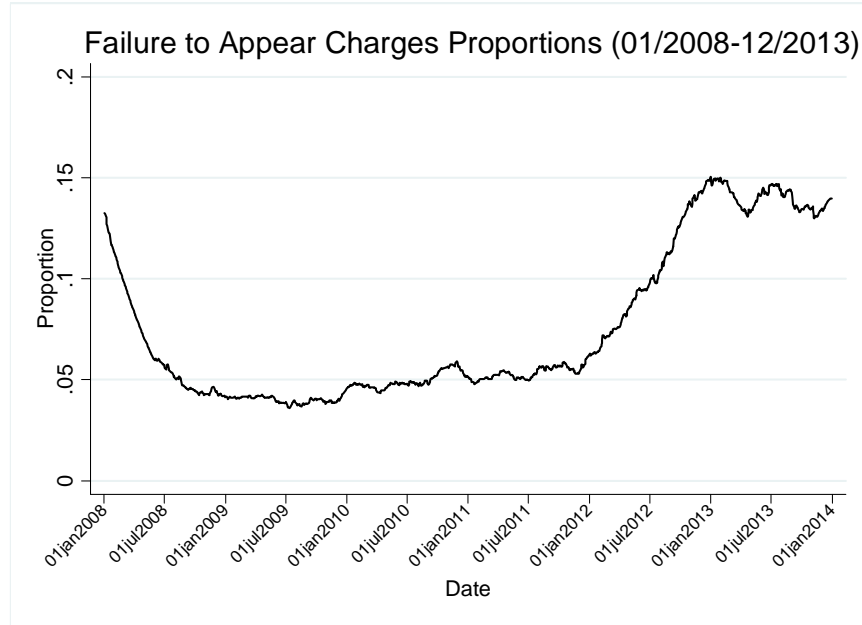
¹⁰ The p-value reported in these analyses provide a statistical significance test for these comparisons. P-values reflect the likelihood that the observed sample difference between the percentages of some outcome by groups (in this case, five percent pre-AB 109 compared to 11 percent post-AB 109) would not be observed in the population. Thus, a p-value of 0.01 can be interpreted as only in one of 100 cases would these two groups be statistically similar. On the other hand, the statistical difference observed in this sample would be repeated 99 out of 100 time with other samples of this population.



Graph 1: District Attorney’s Office: Age of Defendant at Referral for Prosecution

Graph 2 represents the increase in failure to appear charges from occurring concurrently with *Realignment*. Table 2 presents results of two logistic regression models: the first predicting failure to appear charges and the other predicting total charges per case. Given the expected influence of the other measures presented in Table 1 that could have influenced the outcome variables, the logistic regression models were able to hold constant these potential confounding influences. After controlling for age at referral, AB 109 was associated with a significant (115.4 percent) increase in failure to appear charges. After controlling for age at referral and offense category (drug, property, or other), AB 109 was associated with a significant (5.5 percent) increase in overall total charges per case.¹¹

¹¹ Offense categories are not used here to predict the outcome of FTA because of potential for inherent correlation between these independent variables. Property and drug offenders prior to AB 109 went to prison. Administrative action resulted in release from prison, making it impossible to compare this outcome on cases pre- and post-AB109.



Graph 2: District Attorney’s Office: Failure to appear charges proportion per case referred for prosecution

Table 2. District Attorney’s Office: Failure to appear and Total Charges Regressed on Defendant’s Age and Offense Type

| Indicators | Failure to Appear | Total Charges |
|--------------------|-------------------|---------------|
| | % Change | % Change |
| Age at Referral | 0.4 | 0.4** |
| Post AB 109 | 115.4** | 5.5** |
| Property Offense | | -4.5* |
| Drug Offense | | 6.4** |

** - significant at $p < 0.01$.

Community Supervision

Table 3 provides statistical summaries for each of three formal probation cohorts. Included are several recidivism measures (probation violation, time to first violation, arrested, time to first arrest, average number of new arrests, and filing of charges). On average, offenders granted probation were just under 35 (34.57) years old, predominately male (70 percent), and white (75 percent). There was a significant increase (14 percent compared to 11 percent, $p < 0.05$) in the proportion of Hispanic offenders granted probation after AB 109 when compared to the other samples.

The criminal histories of offenders under formal probation supervision varied significantly when considering AB 109. On average, 33 percent of probationers were previously jailed, 16 percent had been previously on probation, and two percent had been previously incarcerated in state prison. There was a significant increase in the proportion of probationers having previously spent

time in jail (from seven percent to 54 percent) and having previously been on probation (from six percent to 25 percent) when considering the impact of AB 109.

While there was a significant increase in the criminal sophistication associated with the post-AB 109 sample, various measures of recidivism show very little variance across the time periods. The percent of offenders violated (44 percent), time to first violation (24 months), arrested (34 percent), time to first arrest (26 months), number of arrests per individual (1.82 arrests), and prosecutorial charging (16 percent) remained stable across the three time periods with no significant difference associated with *Realignment*.

Table 3. Probation Department: Formal Probation Cohorts – Descriptive Statistics

| Variables | Total | Pre-AB109 | Straddler | Post-AB109 |
|---|---------|-----------|-----------|------------|
| | (f=531) | (f=250) | (f=171) | (f=110) |
| Demographics | | | | |
| Average age at probation start | 34.57 | 34.66 | 34.87 | 33.87 |
| Male | 70% | 65% | 74% | 77% |
| Black | 06% | 05% | 08% | 05% |
| Hispanic | 11% | 11% | 11% | 14%* |
| White | 75% | 76% | 74% | 71% |
| Other race | 07% | 07% | 06% | 10% |
| Criminal History | | | | |
| Previously jailed (0/1) | 33% | 07% | 58% | 54%* |
| Previous probation (0/1) | 16% | 06% | 24% | 25%* |
| Previously prisoned (0/1) ^a | 02% | 02% | 03% | 02% |
| Recidivism | | | | |
| Violation while under supervision (0/1) | 44% | 44% | 42% | 46% |
| Months to first violation | 24.32 | 24.30 | 25.22 | 22.96 |
| Arrested within three years (0/1) | 34% | 34% | 31% | 34% |
| Months to first arrest | 25.60 | 25.67 | 26.39 | 25.52 |
| Average number of arrests | 01.82 | 01.78 | 01.16 | 01.31 |
| Charges filed (0/1) | 16% | 13% | 20% | 17% |

^a Not included in the recidivism forecasting models due to low frequencies;

* p <0.05 indicates a statistically significant difference between post-AB109 offenders compared to Pre-AB109 and Straddlers combined.

Using the variables from Table 3, three multivariate statistical models (predicting the outcomes of probation violation, arrest, and prosecutorial filing) reported in Table 4 isolate the influence of AB 109 on shifts in recidivism. Across all three statistical models, the same two variables emerged as significantly predicting a change in the outcome: age at probation grant, and having a previous term of probation. An older aged offender was significantly less likely to have a record of probation violation (three percent less likely), arrest (nine percent less likely), or prosecutorial filings (four percent less likely). Having a previous term of probation significantly increased the odds of a violation (94 percent increase), being arrested (60 percent increase), and prosecutorial filing (99 percent increase). Binary indicators of *Realignment* (Straddler and post-AB 109 compared to pre-AB 109) were not significantly correlated with the three measures of

recidivism. Collectively, these recidivism findings suggest Butte County was able to maintain a stable recidivism rate with the implementation of *Realignment*.

Table 4: Probation Department: Recidivism estimates regressed on AB 109 and control variables for formal probation cohorts

| Variables | Probation Violation | New Arrest | Prosecutorial Filing |
|--------------------------------|---------------------|-------------------|----------------------|
| Age at probation grant | -0.03** | -0.09** | -0.04** |
| Male | -0.06 | -0.14 | 0.36 |
| Race (White = reference) | | | |
| Black | 0.45 | 0.49 | 0.79 ^b |
| Hispanic | 0.26 | 0.06 | -0.83 ^b |
| Other race | 0.25 | 0.26 | 0.37 |
| Criminal history | | | |
| Previous jail | 0.28 | 0.42 | -0.003 |
| Previous probation | 0.94** | 0.60 ^b | 0.99** |
| Cohort (pre-AB109 = reference) | | | |
| Straddler | -0.36 | -0.21 | 0.29 |
| Post-AB 109 | -0.12 | -0.26 | -0.05 |
| Number of observations | 497 | 497 | 497 |
| LR chi2 | 25.61** | 74.80** | 31.80** |

* P < 0.05, ** P < 0.01, ^b P < 0.10

PCS Impact

The impact of the PCS population on Butte County was assessed by observing the reasons for PCS supervision termination, the percentage of PCS offenders booked into the County Jail after being released from state prison, the reasons for re-incarceration, the top five offenses associated with re-incarceration, and the top five offenses resulting in prosecution.

This section explores the overall impact on the County Jail by this cohort of 40 PCS offenders. This section utilized two units of analysis: 1) individual PCS offenders (N=40), and 2) separate bookings accrued by this cohort (N=295).

Before discussing the details of this cohort’s recidivism, it is important to provide context for the different ways that PCS offenders’ terms of probation were terminated. Table 5 provides available data (N = 55)¹² to indicate that half of the sample was discharged from probation. Just over one quarter (N=14) experienced unsuccessful termination, while 11% (N=6) had terms of probation that expired. Other reasons include transfer out of the county, death, and successful mandatory termination.

¹² Of the 72 PCS offenders tracked during this evaluation, approximately 24 percent were missing data related to supervision termination reason. This left 76 percent, or 55 PCS offenders used to explore supervision termination.

Table 5. Reasons for termination of probation for PCS cohort

| | N = 55 |
|--------------------------------|-----------------------|
| Discharge | 28 (51%) ^a |
| Unsuccessful termination | 14 (26%) |
| Expired | 6 (11%) |
| Transfer out of county | 04 (07%) |
| Death | 02 (04%) |
| Terminate successful mandatory | 01 (02%) |

^a Percentages do not sum to 100 percent due to rounding error.

PCS Three-Year Recidivism

Table 6 provides summary statistics and results of bivariate analyses focused on rearrest after release from state prison. According to the data, 56 percent (N = 40) of PCS offenders were rearrested during the three year follow-up period. The statistically relevant predictor variables for rearrest were age and past probation terms, with younger offenders and those offenders already having experienced probation supervision in the past disproportionately experiencing rearrest.

Table 6: Three Year Rearrested Estimates of PCS Offenders

| Variables | Total | Arrested | | Sig. |
|----------------------------------|----------------|---------------|---------------|------|
| | | No | Yes | |
| | N=72 (100%) | N=32 (44%) | N=40 (56%) | |
| Average age at supervision start | 36.40 | 43.70 | 30.56 | ** |
| Male | 66 (92%) | 31 (47%) | 35 (53%) | |
| Black | 04 (06%) | 02 (50%) | 02 (50%) | |
| Hispanic | 11 (15%) | 05 (45%) | 06 (55%) | |
| White | 56 (78%) | 25 (45%) | 31 (55%) | |
| Average previous charges | 21.81 | 24.34 | 19.78 | |
| Previous prison | 35 (49%) | 18 (51%) | 17 (49%) | |
| Previous probation | 12 (17%) | 02 (17%) | 10 (83%) | * |

* p<0.05, ** p<0.01

Table 7 presents three measures of recidivism for PCS offenders, categorized by occurring while on supervision or after termination of supervision. Just less than one-half (47 percent) of the sample (N = 17) experienced a flash incarceration during their period under supervision.¹³ Just greater than one-third (39 percent, N= 14) were booked into the jail for violating PCS supervision. Additionally, just greater than one-quarter (28 percent, N = 10) of PCS offenders were booked in jail on an unrelated, new offense while under community supervision. An additional eight percent of the PCS offender sample was arrested for unrelated, new offenses

¹³ Flash incarceration is the mechanism used in which an individual is held in jail due to violating conditions of their post release supervision and, typically, ranged from one to 10 days.

between their supervision termination and the end of data collection. While unreported in the tables, data suggested that 11 offenders (27%) had a bench warrant issued for their arrest.

Table 7: PCS Three-Year Recidivism Outcomes by Supervision Status

| Jail Booking Reason | Total | Under supervision | Post-supervision |
|---------------------|-------|-------------------|------------------|
| Flash incarceration | 47% | 47% | - |
| PCS Violation | 39% | 39% | - |
| New offense | 36% | 28% | 08% |

PCS Recidivism Offenses and Charges

The 40 PCS recidivists accounted for 295 new bookings during the three years under study. Of these 295 bookings, approximately 260 bookings (88 percent) resulted in at least one calendar day in jail. The data suggest the offenses associated with these bookings vary, but to further understand PCS offenders' criminal behaviors, Table 8 reports the top five offenses associated with individual jail time. In order of prevalence, these are: possession of a controlled substance, resisting or obstructing a peace officer, possession of drug paraphernalia, under the influence of a controlled substance, and failure to appear at work release program. It should be noted, however, that these top five offenses accounted for less than one-quarter (23 percent) of the total booking offenses.

Table 8: Top Five Offenses for PCS Offenders Booked into the County Jail

| Offenses | Percentage of charges | Cumulative percent |
|--|-----------------------|--------------------|
| 1. Possession of a controlled substance | 10% | 10% |
| 2. Resisting or obstructing a peace officer | 04% | 14% |
| 3. Possession of drug paraphernalia | 04% | 18% |
| 4. Under the influence of a controlled substance | 03% | 21% |
| 5. Failure to appear at work release program | 02% | 23% |

It is important to both understand the impact on the jail on the front end and also the extent to which recidivism culminates in re-convictions for these offenders. We reviewed PCS offender data and examined its relationship to separated charges. Our findings showed that 29 of the 40 (72.5%) PCS recidivists were convicted for at least one charge, while 11 (27.5%) were not reconvicted prior to the end of data collection. Fifteen PCS offenders had more than one conviction. Eight offenders were convicted for two separate charges, five had three convicted charges, and one had four. One individual was convicted of seven charges for three separate incidents, resulting in 361 jail days. There were also nine offenders reconvicted twice, and four offenders reconvicted on three separate occasions.

More generally, just less than one-half (44 percent, N = 134) of PCS bookings resulted in a new charge. To break it down further, 41 percent (N = 55) of these new charges eventually became convictions, with 58 percent (N = 32) as felonies and 42 percent (N = 23) as misdemeanors. Approximately one-half (48 percent) of miscellaneous charges, 46 percent of theft charges, 41

percent of drug and drug influence charges, and 33 percent of failure to appear charges ended in convictions.

Table 9 reports the five most common offenses resulting in prosecution for PCS offenders booked into the County Jail. These offenses, similarly to those most common offenses at booking, account for only 23 percent of the variance. In order of relevance, the most common offenses at conviction for PCS offenders under study were: possession of a controlled substance, resisting or obstructing a peace officer, driving under the influence, fleeing from police in a vehicle, and violation of a protective order.

Table 9: Top Five Offenses for Convictions against PCS Offenders

| Offenses | Percentage of convictions | Cumulative percent |
|---|---------------------------|--------------------|
| 1. Possession of a controlled substance | 09% | 09% |
| 2. Resisting or obstructing a peace officer | 06% | 15% |
| 3. Driving under the influence | 04% | 19% |
| 4. Fleeing from police in vehicle | 02% | 21% |
| 5. Violation of a protective order | 02% | 23% |

To further contextualize the PCS recidivism offenses, the research team conducted a content analysis and recoded offenses into categorical groups. Forty-five offenses were collapsed into seven offense categories. These new categories merged together existing charges that are similar in nature and enable us to illustrate how certain types of offenses resulted in more jail stays. As reported in Table 10, the most common offense category for jail stays were: 36 percent for violation of a court order, 20 percent for a drug offense, 20 percent for other, unclassified offenses, 10 percent for being under the influence of drugs, six percent for theft, six percent for failure to appear, and two percent for violence.

Table 10: Most Common Offense Categories Committed by PCS Recidivist

| | Percent of Bookings |
|---------------------------------|---------------------|
| 1. Administrative violation | 36% |
| 2. Drug offense | 20% |
| 3. Other offenses | 20% |
| 4. Under the influence of drugs | 10% |
| 5. Theft | 06% |
| 6. Failure to appear | 06% |
| 7. Violence | 02% |

Further Contextualization of PCS Recidivist

As it relates to the impact the PCS recidivists had on the County Jail, this evaluation included information on their jail demand. The data showed that out of the 40 PCS recidivists, all 40 of them returned to jail for at least one charge and approximately 80 percent of these offenders were under supervision at the time they reentered jail. The findings reveal that these 40 PCS

recidivists accumulated 7,520 days in jail, or a combined total of over 20 (20.6) years, in three calendar years. This amounts to an average of just over six months (188 days) per offender. A deeper examination revealed, however, that just nine (approximately 23 percent) of these 40 recidivists accounted for 47 percent (3,503 days) of the total jail days served.

The data show that all of the 40 PCS offenders went back to jail on at least one charge. While six offenders spent more than one year in jail, three offenders spent less than one week. Another area explored was the total percentage of offenders reentering jail while under supervision; the number totaled 77.5% (N=31). Within this group, five offenders received new bookings while under supervision and then additional bookings while not under supervision.

Service Orientation

There were 209 observations (144 ACS, 52 PCS, 13 GPS, and 65 PCS/GPS combined) in this portion of the study as reported in Table 11. The service orientation of the GPS Unit artificially inflated the Probation service orientation because it included the 78.85 percent service orientation for PCS and 100 percent service orientation for GPS. ACS and PCS were similar in service provision, with 78 percent of ACS observations being service oriented and 79 percent of PCS observations being service oriented.

Table 11: Service Orientation of Community Supervision Units

| | Service Orientation | |
|-----------------------|----------------------------------|-----|
| Unit | % | N |
| ACS | 78% | 113 |
| PCS | 79% | 41 |
| Probation (GPS & PCS) | 83% | 54 |
| | $X^2 = 0.0032$ (non-significant) | |

Home Visits

The current evaluation analyzed home visits of the BCSO ACS program specifically from the offenders' point of view. Are community correctional home visits altering the offenders' home environment? Are these visits changing the offenders' perceptions of the criminal justice system that is attempting to use community resources to rehabilitate them? Since home visits are such an integral component of community corrections, offenders' perceptions of these visits are important.

As shown in Table 12, the average interviewee was 32 years old. A majority of the sample were White (63 percent). The most recent arrest was for drug possession (30 percent), followed by burglary (20 percent), the average length on ACS was 8 months, and 70 percent of participants had at least one child.

Table 12: Home Visits Subject Demographic Statistics

| | N=30 | % |
|---|-------|------|
| Age (\bar{x}, σ) | 32.47 | 8.77 |
| Sex | | |
| Male | 20 | 67 |
| Female | 10 | 33 |
| Race | | |
| White | 19 | 63 |
| Native American | 5 | 17 |
| Hispanic | 3 | 10 |
| African American | 3 | 10 |
| Time spent on ACS (\bar{x}, σ) | 8.77 | 4.91 |
| Most recent arrest | | |
| Drug possession | 10 | 33 |
| Burglary | 6 | 20 |
| Drug sales | 5 | 17 |
| Other | 9 | 30 |
| Assessment risk level* | | |
| High | 8 | 27 |
| Medium | 8 | 27 |
| Low | 14 | 47 |

*Rounding error

When replying to the researchers' primary interview question, participants typically responded with a short answer and then elaborated by providing a personal story as justification. Proportionately, men were much less likely to find the home visits useful. While low-risk participants were most likely to find the home visits useful, over one-third of high-risk participants felt similarly positive about their utility. Table 13 provides a breakdown of participants' answers to the usefulness of home visits by sex and risk assessment.

Surprisingly, even though half of the participants stated the home visits were not helpful, their stories contradicted that sentiment. While the participants might have stated the home visits did not assist them, they immediately launched into a vignette about how the home visits built relationships with the deputies, created a level of trust and respect with the deputies, and even positively altered their decision making behaviors. When using participants' stories to contextualize home visits, home visit experiences focused on positive attributes. Contextualizing participant stories suggested both men and women overwhelmingly favor the visits, and while all risk assessment levels support the home visits, the high-risk category is the lowest at 79 percent.

Table 13 – Home Visits Value by Direct and Contextual Responses

| | Direct response | | Contextual response | |
|-----------------------|------------------------|----|---------------------|-----|
| | <i>f</i> ¹⁴ | % | <i>f</i> | % |
| Sex | | | | |
| Male | 6 | 30 | 17 | 85 |
| Female | 5 | 50 | 9 | 90 |
| Assessment risk level | | | | |
| High | 5 | 36 | 11 | 79 |
| Medium | 2 | 25 | 7 | 88 |
| Low | 4 | 50 | 8 | 100 |

As mentioned, quite often, the participants’ initial answers to the interview questions asked did not match their explanations or expanded answers. Overall, 11 participants (37 percent) responded affirmatively that the home visits were helpful and provided accounts to support their answers. One of the most consistent themes emanating from the participants’ stories of the home visits was the sense of respect they received from the deputies in charge.

A medium-risk 30-year-old female:

“With me, because I’m sick, they try [to visit me at home] like twice a week, but when I’m sick, sick they’ve been [at my home] a lot just to check on me. Not to, ‘oh shoot, we think she’s messing up’ but just to, ‘hey, how you doing? How you feeling? Are you okay? Do you need anything?’”

A low-risk 46-year-old female:

“When [the deputies] come by they show that they care. They want you to do good and they give me all the leeway they could and helped me when I was [struggling in the program]. [The deputies] are trying to help you so much and I want to do what’s right” – 37 year old male, high risk. “I live above my work. I have a loft built above the shops so [the deputy] knows I’m either there or not. He is respectful enough to come by when I am not open for business and I will say that is the most respectful thing that I could ever get.”

A total of 19 participants (63 percent) stated the home visits were not useful or were unsure of the value of the home visits. Ironically, even though 19 responses were dubious about the home visits, when describing their home visit experiences, 15 of the 19 (79 percent) had positive stories and interactions.

¹⁴ *f* stands for the frequency, or number of persons, in each row.

A low-risk 23-year-old male:

“[The home visits] don’t affect me that much cause [the deputies] are pretty cool. They just go into the house and they’re respectful and it pretty much doesn’t affect me. It’s nice that they check up on you and see how you’re doing, so that’s pretty cool.”

A high-risk 22-year-old male:

“I don’t know about the home visits. I mean [the deputies] just come by and see how I’m doing. I have never had any negative experiences. They just come by. After you meet with them so long, you end up developing a relationship with them ... they come by and joke around.”

A high-risk 54-year-old male:

“I’m not really sure. I kind of enjoy the visits. [The deputies] are not my friends or anything, but I don’t get a lot of visits so when they come by it’s kind of an occasion. I don’t ask them for coffee or anything, but I don’t mind them coming by at all.”

Eight of the respondents (27 percent) also described how the home visits impacted their immediate living environment or their neighborhood. Below are some comments that elucidate this idea:

A high-risk 52-year-old male:

“[The deputies] check everything out and if they see something that’s a little bit off or they don’t like somebody that’s at your house ... if they don’t like somebody that’s hanging around they’re like ‘hey, you gotta go.’ I’ve had neighbors that have been like ‘hey, what’s goin on?’ but I don’t even worry about it. It’s a good thing. I think having [the deputies] just swing by and be like ‘hey... [these visits are] part of the support thing I was telling you about’ is helpful.”

A high-risk 42-year-old male:

“The [deputies] are good guys, I don’t mind [the visits] at all. In fact they’ve helped clear a little bit of the crime out of my neighborhood. [The deputies] had a guy they were searching for that took his ankle monitor off and there were little scandalous people running around out [the neighborhood]. [The deputies] presence was known so I don’t mind it. Come by more”

Additionally, seven participants (23 percent) discussed how the home visits were directly responsible for changing their actions. The participants on the ACS program are well aware any involvement in criminal activity or transgressions of ACS rules could lead to program failure and

a reinstatement of their prison sentence. The random nature of the deputy home visits made some participants more carefully consider their decisions.

A low-risk 33-year-old female:

“Yeah, [the home visits are] what keep me from sitting out in the yard drinking beer or something because you never know when [the deputies] are going to pop in”

A medium-risk 23-year-old female:

“I find [the home visits] remind me, that I’m still on [ACS] ... if I was doing something or there were drugs in the house or something like that, then I would’ve not really liked the whole visit thing”

A low-risk 32-year-old male:

“I think that it’s a good thing [the deputies] show up. It’s probably better that they do ... I guess now that I think about it, [the home visits] keep me from doing things I probably shouldn’t be doing. [The visits] keep me from having people around that shouldn’t be [at my home]”

Ultimately, the goal of community corrections is to assist in desistance of criminal behavior. Based on these last few testimonials, the home visits made some participants rethink their actions and choose to engage in law-abiding behavior. While the home visits were not conducive for all participants, it is clear that others found them to be beneficial.

Discussion

The main purpose of this report was to evaluate the effects of AB 109 and, in particular, its consequences on county criminal justice workload and processing. *Realignment* created a system where counties have acquired more sophisticated felony offenders. The more serious, violent felony offenders remain incarcerated at the state level, but California counties now have correctional supervision jurisdiction over non-violent, non-sexual, non-serious felony offenders. To assist in offsetting the costs associated with higher caseloads, the State of California has distributed funds to each county. The influx of added funds from the State enabled Butte County officials to create a structured system in which to provide a best practices approach to community supervision and the ability to evaluate its results.

The three years between implementation of California’s *Realignment* and the end of data collection for this report included tremendous information. The evaluation of AB 109’s impact on the local community focused on the criminal justice organizations, but the consequences of such a massive shift in sentencing undoubtedly are multifaceted and far-reaching. For now, however, mixed-methods data collection and the numerous statistical and qualitative analyses

revealed several outcomes. First, there was a significant increase in failure to appear charges and total charges per defendant associated with implementation of *Realignment*. Second, Butte County had a stable recidivism effect across implementation of AB 109 even with the introduction of more sophisticated PCS offenders. Third, the PCS had a substantial impact on the County Jail given their disproportionate incapacitation needs. Last, qualitative analyses are favorable for the utility of community supervision home visits. Collectively, California's *Realignment* increased the workload for county criminal justice organizations in both the number of offenders supervised at the local level and the criminal sophistication of those offenders. The findings also suggest the Butte County criminal justice organizations have taken the steps necessary in implementation of *Realignment* to preserve a benchmarked level of service.

The concept of workload increase was a reoccurring theme expressed by criminal justice agents and administrators. Findings in this report appear to support this notion that *Realignment* increased demand for local criminal justice services. In addition to the creation of a new probation unit (PCS) and significant expansion of the Sheriff's ACS Unit (formerly the Electronic Monitoring Unit), the District Attorney's Office also incurred a significant increase in workload. After controlling for defendant age, there was a significant increase in the number of failure to appear charges and, after controlling for defendant age and offense type, there was a significant increase in the total number of charges per case associated with *Realignment*. This increase in charges has the potential to create a ripple effect through the entire system (Caudill et al. 2014). For example, an increase in failure to appear charges may also increase the incarceration demand associated with bench warrants. Ultimately, the significant increase in workload demonstrated by data collected from the District Attorney's Office appears representative of the increased workload associated with AB 109.

Given that there was a significant increase in workload for the county criminal justice agencies and AB 109 included sweeping changes to the criminal justice system, the likelihood of decreased services to those clients traditionally served (those community supervision caseloads prior to AB 109) was plausible. Results here suggest there was a continuity of supervision and services during and after implementation of *Realignment*. As demonstrated in the findings section, comparison of various recidivism metrics from the after AB 109 cohort to those of the pre-AB 109 period cohort revealed stability in outcomes. Further, results from multivariate statistical models prevent such a conclusion that county services lagged during implementation of AB 109. For the services and supervision of the felony probation supervision caseload, it was as if *Realignment* did not exist. This continuity of supervision is commendable given the significant challenges of *Realignment*.

To contextualize the increase in workload associated with supervising more criminally sophisticated felony offenders, this report included several analyses focused on the PCS offenders. Almost one-half of the PCS offenders were placed in the County Jail for flash incarceration while under supervision, just more than one-third were prosecuted for a PCS violation, and approximately one-third were charged with an unrelated, new offense within three

years of release from state prison. On average, PCS offenders were supervised for one year or less after they were released from prison and 75 percent of those arrested within three years after release from prison were rearrested while on supervision. This suggests that those PCS offenders able to avoid rearrest for a new offense while under supervision are more likely not to be arrested for a new offense afterwards.

Approximately 56 percent of the PCS sample returned to jail during the three years of this study. A small sample size prevented more advanced statistical modeling; however, there were two factors significantly associated with PCS offenders being rearrested. PCS recidivists were significantly younger than PCS offenders successfully completing supervision. Additionally, those PCS offenders previously on probation were significantly more likely to be recidivists. For those PCS offenders that recidivated, the most common charges at arrest and prosecution revolved around drugs, defiance of the police, and theft. Once incarcerated, the 40 PCS recidivists collectively accounted for approximately 20 years of jail time. Furthermore, nine of the 40 PCS recidivists accumulated 47 percent of the total jail days, suggesting more evidence for a habitual offender class among the PCS population.

With the increase in workload and the increase in criminal sophistication comes the temptation for easy solutions. While the long-term consequences of an enforcement-focused approach to community supervision may be complex, an enforcement orientation provides an immediate and simple solution for officers. While a “lock ‘em up” approach has its place in certain circumstances, the results clearly indicate that both the Butte County Probation Department and Butte County Sheriff’s Office incorporated the rehabilitation and service spirit of *Realignment*. Over 75 percent of field observations were service (as opposed to enforcement) oriented, suggesting officers used a holistic approach to community supervision.

Findings from interviews of ACS participants triangulated and supported the service orientation findings resulting from field observations. While not every participant interviewed found value in home visits in their direct response, an overwhelming majority (over three-quarters of the highest risk, 88 percent of medium risk, and 100 percent of low risk) reported positive experiences with home visits by correctional deputies. Their explanations also help to contextualize how home visits benefit them and their environments.

Limitations

This report may serve as a springboard into understanding the impacts of massive social policies, but the authors find value in a conservative generalization of these findings. For starters, generalization of this evaluation to jurisdictions beyond Butte County should be handled with caution and professional consultation. Although we have no reason to suspect a non-representative sample, the findings reported here may not generalize to situations or cases excluded from this study. It is possible, for example, that correctional officers behaved differently when Research Associates were observing them. Generalizing these findings to

periods beyond this study's data collection windows is especially risky given the nature of public policy.

As with all official records, caution should be taken when interpreting the findings presented here. Official records are subject to many errors, including data entry errors and localized data entry practices, and even the best data entry can suffer from variable operationalization issues. Recidivism as measured here, for instance, relies not on the subject committing a crime but being detected for committing a crime. The sophisticated, successful criminal is one that commits crime but goes undetected. If there are too many successful criminals, then there is the potential for too many false negatives. Along with the potential for false negatives, some people are processed through the system and never convicted, resulting in false positives.

A final note on potential limitations of this study focuses on the interviews of ACS participants. Interviews of participants occurred out of sight or sound of correctional deputies, but it is possible that the participants purposefully misled the interviewers. While this is possible, it is unlikely given the comparison of direct and contextual responses. As with this potential limitation, the previously discussed limitations should be taken into consideration when contemplating the results.

Policy Implications

After considering the findings in context of the limitations and the environment, several policy implications merit discussion. First, it is clear that there is a subgroup of habitual offenders within the PCS population. Along with *Realignment* came a significant increase in the number of failure to appear charges and total charges. This increase in cases per individual has resulted in "rubber band" cases,¹⁵ where prosecutors use rubber bands to hold the files of multiple cases together for the same defendant. Given the disproportionate drain on resources presented by this fraction of the offender population on the criminal justice agencies, more attention and research should focus on these rubber bandits – those habitual offenders not responding to the legal system and its components once detected. While the explanations for persistent criminality are unknown at this point, establishing the presence of this habitual offender class provides insight.

The results of this evaluation suggest that the local criminal justice agencies have adopted the spirit of rehabilitation and service of *Realignment*. Maintaining this orientation should work toward reducing individual criminogenic factors and, through a diffusion effect, may spread through communities. Maintaining this service orientation during transition and expansion of services can be challenging and may require specific attention on maintaining appropriate staffing ratios and officer morale. Supervising more sophisticated offenders has the potential to increase supervision failure rates, which can negatively impact morale, and low officer morale

¹⁵ A description provided by the Butte County District Attorney.

has been linked to lower productivity, especially within criminal justice agencies (Johnson, 2011; Shane, 2010; Steinheider & Wuestewald, 2008).

Conclusions

Results presented here suggest the local community is capable of absorbing jurisdiction supervision over low-level non-violent, non-sexual, and non-serious felony offenders. Overall, Butte County maintained a stable level of supervision for correctional clients while incurring a significant increase in workload. As presented, approximately one-half of offenders returning home to county community supervision as Post-Release Community Supervision offenders became an additional burden on county resources. A smaller portion of these more criminally sophisticated offenders either returned to custody for an extended period of time, committed new, unrelated crimes, accumulated several cases during the pretrial court phase, or some combination of these outcomes during the first three years after release from state prison. “Rubber bandits” increased the resource demand through further delaying the court process, among other things. There remains an opportunity to explore further the habitual offender class within the PCS population.

In addition to the findings presented and discussed here, there have been other developments with the local criminal justice system. County criminal justice systems across the state have implemented practices and programs supported by scientific examination. The incorporation of risk and needs assessments to individualize supervision and treatment programs is a much different approach than what occurred 30 years ago. California has seen over the past 50 years unprecedented increases in crime, significant challenges surrounding public health and mental health policy, and the extension of civil rights to inmates. These factors placed California in a position where it could not find its way out of a prison-overcrowding crisis without depopulating the state prisons. *Realignment* was soon followed in 2014 by Proposition 47, legislation reclassifying most simple drug possession offenses and property crimes resulting in loss of less than \$950.00 from felonies to misdemeanors. This is yet another step to reduce the reliance on state incarceration, but it is unclear if the impacts of Proposition 47 will align with the impacts of *Realignment*.

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