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California's 2011 Realignment Legislation Addressing Public Safety And How It Will Impact Local Governments

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CALIFORNIA'S 2011 REALIGNMENT LEGISLATION ADDRESSING
PUBLIC SAFETY AND HOW IT WILL IMPACT
LOCAL GOVERNMENTS

being

A Thesis Presented to the Graduate Faculty
of Fort Hays State University in
Partial Fulfillment of the Requirements for
the Degree of Master of Liberal Studies

by

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ABSTRACT

California's 2011 Realignment Legislation Addressing Public Safety is the most sweeping public safety reform package since shortly after California's statehood in 1850. Traditionally, any person convicted and confined for a felony has been incarcerated and supervised by the state. Moving forward, realignment will put many convicted felons in local jails instead of state prisons. It will also place paroling offenders under local probation supervision rather than state parole. The change in parole supervision represents a monumental shift of responsibility from the state to local governments. Realignment will have major effects on local government operations and budgets. Realignment has been conceptualized for a number of years. It became a reality this year largely because of a United States Supreme Court Ruling that ordered California's prison system to reduce its inmate population. California's prison system has been overcrowded for the past 20 years. Realignment is expected to reduce overcrowded conditions and bring the state into compliance with the Supreme Court order. Realignment is also designed to cut costs in the state prison system. The state legislature is also hopeful that realignment will improve rehabilitation of offenders and bolster local law enforcement supervision of these offenders. Realignment is projected to make more than 25,000 inmates eligible for local incarceration and more than 29,000 eligible for local probation supervision.

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INTRODUCTION

On April 5, 2011 California Governor Jerry Brown signed Assembly Bill 109, the 2011 Realignment Legislation addressing public safety. Realignment shifts the housing and supervision of convicted felons from state to local governments. Historically, convicted felons have been confined in state prisons, and then supervised by state parole agents upon release. Under realignment, many of those same offenders will be housed in local jails, and then supervised by local probation departments. The research in this project will analyze realignment and its potential impact on local governments in California. Realignment is the most significant change to public safety since shortly after California's statehood in 1850.

Realignment will have many effects on local government operations and budgets. Realignment will change the offender populations in county jail along with the type of offenders supervised by local probation departments. Additionally, it will change the types of case work for local prosecutors, defense attorneys, and the court system. All the demands on local governments contained within realignment will modify the manner in which local governments operate and finance public safety operations.

This thesis will study the known and potential impacts of the 2011 Public Safety Realignment Legislation. The project will also review the history of overcrowding conditions in California prisons. Additionally, this project reviews two critical court cases that ultimately advanced through to the United States Supreme Court leading to the Supreme Court's Order that the California Department of Corrections reduce its overall inmate population. The Supreme Court order was a principle driver that helped advance

the realignment legislation. The project will also review the realignment legislation and its funding mechanism. Finally, the project will then examine how realignment will impact local governments.

To develop this thesis, I worked with local government officials who developed a realignment implementation plan for one California County. Those officials drafted a written plan and submitted it to a local governing body for final approval as to staffing, programs, and funding. Additionally, I surveyed public officials that are all subject matter experts in their respective fields, including: Public safety, corrections, administration, health and social services, prosecutors and public defenders. The focus of the survey was to determine how realignment will affect local governments and to determine whether or not realignment will meet the goals discussed by Governor Brown in his signing message.

The thesis and original survey research led to a critical analysis on the principal factors that led to the passage of the realignment legislation in California. Additionally, the project permits additional analysis as to the affect realignment will have on local governments.

BACKGROUND

Historically, California state law defined a felony as a crime punishable by death or imprisonment in the state prison. Between 1851 and 2011, the State of California has had exclusive responsibility to confine and supervise convicted felons. State confinement and supervision are no longer exclusive to the state due to the changes contained in the 2011 Realignment Legislation. Reviewing the legislative changes under realignment, the definition of a felony has changed. Felony crimes are now crimes punishable by death, imprisonment in the state prison, or in some circumstances, imprisonment in a county jail. Realignment also modifies jurisdiction for supervising and confining offenders on parole. Historically, felons paroling from state prisons fell under the supervision of state parole agents. Under realignment, felony offenders released from state prisons will be on a new form of supervision called Post Release Community Supervision (PRCS). PRCS offenders will be supervised by local probation departments rather than state parole agents. Under realignment, PRCS offenders that violate terms of their supervision will serve revocation periods in county jails rather than state prisons.

Realignment is designed to reduce overcrowded conditions in California's prison system. The size of the U.S. prison population has expanded rapidly in recent decades. (Bradley-Engen, Cuddeback, Gayman, Morrissey, & Mancuso, 2010) In 2007 there were over 2.3 million persons in prisons and jails in the United States, compared with fewer than 400,000 only 35 years ago (Bradley-Engen, et. al, 2010) Other program goals include: improving rehabilitation of offenders, reducing criminal recidivism, cutting

costs, and improving supervision of offenders. In his signing message of AB 109,

California Governor Edmund G “Jerry” Brown made the following remarks:

“California’s correctional system has to change, and this bill is a bold move in the right direction. For too long, the State’s prison system has been a revolving door for lower level offenders and parole violators who are released within months—often before they are even transferred out of a reception center. Cycling these offenders through state prisons wastes money, aggravates crowded conditions, thwarts rehabilitation, and impedes local law enforcement supervision. Under this bill, the State will continue to incarcerate offenders who commit serious, violent, or sexual crimes; but counties will supervise, imprison, and rehabilitate lower level offenders” (Brown Jr. E. G., 2011).

Comparing the governor’s program goals for realignment to the traditional California sentencing practices helps demonstrate how this legislation will have the desired affects as discussed by the governor. California sentencing laws offer a range of potential confinement periods depending on the offense. Sentencing laws allow for three possible options for felony convictions, including: a low term, middle term, and upper term. Absent any aggravating or mitigating factors, the court will generally sentence an offender to the middle term. If mitigating factors exist, the court may opt for the low term. If there are aggravating factors, the court may impose the upper term. The shortest sentence for state prison commitments is 16-months. That sentence is the low term for the lowest level felonies that have the sentencing options of: 16 months, 2 years, or 3 years (16, 2, or 3). Moving forward under realignment, inmates sentenced to 16, 2, or 3 that have no current or previous charges for violence, sex, or serious offenses will be eligible to serve their sentences in county jails. These 16, 2, or 3 inmates that are non-violent, non- sex, or non-serious will be sentenced to local jails on and after October 1,

2011. In the future, the only inmates eligible for state prison are those inmates who have current or prior convictions for sex, violence, or serious offenses.

In addition to the changes made for housing convicted felons, the 2011 Public Safety Realignment Legislation also changes parole supervision for felons after they are released from custody. Historically, all felons were subject to a period of parole supervision at the conclusion of the prison sentence. The California Division of Adult Parole Operations had primary jurisdiction over state parolees. When parolees violated any terms of parole, they were subject to arrest and incarceration. The State Board of Parole Hearings had jurisdiction to hear cases of potential parole violations and impose periods of incarceration as sanctions for bad parolee conduct. Although parole violators were initially booked into county jails, they served the bulk of their parole revocation time incarcerated in state prisons.

Under realignment, many parolees will be under the jurisdiction of local supervision in a new program called Community Post Release Supervision. (Office of Legislative Counsel, 2011) Local governing bodies must choose a local agency that will have primary supervision responsibilities. Many California counties are designating local probation departments as the agency with primary supervision over parolees. Prior to realignment, probation departments supervised misdemeanor and felony probationers. Considering probation departments' experience in supervising offenders, those agencies are well equipped to deal with the similar caseloads expected from future parolees. Local agencies will begin supervising parolees after October 1, 2011. When parolees violate their terms of release, they will still be subject to booking in the county jail. However,

parole hearings will be transitioning from the jurisdiction of the Board of Parole Hearings to local courts. Additionally, parole violators will not be eligible for return to state prison for any period of their incarceration for parole violations.

California's Overcrowded Prison System

“On May 23, 2011, the U.S. Supreme Court ruled 5-4 that the State must comply with an order handed down by a Three-Judge Court to reduce its prison population to 137.5 percent of design capacity within two years. In short, the U.S. Supreme Court held that prison medical and mental health care fall below the constitutional standard of care and the only way to meet constitutional requirements is for a massive reduction in the prison population” (California Department of Corrections and Rehabilitation, 2011). Reducing the population to 137.5% would effectively reduce CDCR's inmate population by 33,000 inmates (California Department of Corrections and Rehabilitation, 2011).

The U.S. Supreme Court Ruling in May (Brown, Governor of California, Et Al. v. Plata, Et Al., 2011) prompted a review of California's inmate population issues. The research looked to quantify the level of CDCR's overpopulation and determine whether or not overcrowding in CDCR institutions was a long or short-term problem. If CDCR has to reduce their inmate population by 33,000 inmates just to reach a level of 137.5% of design capacity, the level of overcrowding beds must have been enormous.

“There is no correctional system in the United States of America like California's—whether described by size, judicial intervention, the power of organized labor, or its high recidivism rate” (Petersilia, 2008) California's system began to collapse from its own weight during the 1990s (Petersilia, 2008). The population issues were

influenced by both laws and policy. There were a series of “tough on crime” laws such as “Three Strikes” and a sense that California was “hell-bent on simply building more prisons” (Petersilia, 2008). CDCR has an Office of Research that is “responsible for publishing a variety of reports ranging from statistical summaries of CDCR's adult and juvenile offender populations to evaluations of innovative rehabilitative treatment programs” (California Department of Corrections and Rehabilitations, 2010). First, consider the population report for April of 2011. That report indicated that in CDCR’s institutions and camps there was a total population of 147,369. That inmate population is housed within multiple facilities across the state. Those facilities have a combined design capacity of 84,096. Therefore, at the time of the April report, CDCR was housing inmates at 175% of their capacity (Data Analysis Unit, 2011).

Since CDCR’s Data Analysis Unit within the Office of Research publishes a new population report every month, those reports are a source to examine the history of CDCR’s design capacity compared to the actual number of inmates in CDCR’s custody. Reviewing the past 20 years of population data, CDCR houses inmates at an average overcrowding rate of 186.52% of its design capacity. (Data Analysis Unit 1991-2011).

Court Cases Leading To the Order for CDCR to Reduce Overcrowding

On May 23, 2011 the United States Supreme Court ordered the California Department of Corrections and Rehabilitation to reduce the inmate population to 137% of design capacity (Brown, Governor of California, Et Al. v. Plata, Et Al., 2011). The Supreme Court’s ruling was the final action in several years of litigation related to medical and mental health services in California’s prison system. The Supreme Court

decision came out of what were originally two separate class-action lawsuits against the state. The original case, *Coleman V. Wilson* (912 F.Supp. 1282, 1995) (Prison Law Office, 2011) dealt specifically with mental health services provided to state prison inmates. The second class-action suit, *Plata V. Davis* (329 F. 3d 1101, 2003) (Prison Law Office, 2011) dealt with medical services for prison inmates. CDCR published a comprehensive timeline summary on the background of these cases in a report reviewing the three-judge panel's ruling on population reduction. The full text of the timeline is included in Appendix 1.

In summary, the Supreme Court determined the state's overcrowded inmate population negatively affects the state's ability to provide adequate mental and medical health services to the inmates. Writing the opinion for the majority of the court, Justice Kennedy wrote: "The medical and mental health care provided by California's prisons falls below the standard of decency that inheres in the Eighth Amendment. This extensive and ongoing constitutional violation requires a remedy, and a remedy will not be achieved without a reduction in overcrowding. The relief ordered by the three-judge court is required by the Constitution and was authorized by Congress in the PLRA. The State shall implement the order without further delay.

The judgment of the three-judge court is affirmed" (*Brown, Governor of California, Et Al. v. Plata, Et Al.*, 2011).

The medical and mental health requirements imposed by various court decisions and consent decrees over the years contribute to the high cost of inmate housing in

California. In his speech on September 21, 2011, Governor Brown talked about the medical / mental health issues in state prison and how they affect costs.

Another reason we are here because of the Supreme Court [sic]; The Supreme Court has made this incarceration at the state level, the most expensive incarceration in the entire world. There is no place in the world that spends more money on the people locked up in a prison (Brown Jr. G. J., 2011).

The governor went on to discuss the different issues that drive these costs.

There are 19 consent decrees, every one of them entered into by another governor, not me. Every one of those consent decrees gives away a certain measure of state authority and creates an escalating mandate of responsibility and the consequent spending and also the loss of management authority (Brown Jr. G. J., 2011).

The governor discussed the numbers of plaintiffs' lawyers, inspectors, auditors, special masters, and receivers that are all involved in the prison medical system. All of these outside sources are inside California's prisons every day. Any of those outside "overseers" can identify potential issues that could be considered a deficiency. Those same people can bring deficiencies to light and ultimately get the issue back into the court system for some measure of redress. The governor equated this to "an ongoing legal experiment without precedent" (Brown Jr. G. J., 2011). The governor gave an example of the difficulty this situation presents by talking specifically about parole violators who typically spend a short amount of time in custody. When a parolee gets in trouble on the streets, that offender is returned to prison to serve the violation. It is not uncommon for a parole violator to spend as little as 30 days in prison for a violation. (Brown Jr. G. J., 2011) While these inmates are in the state's custody they get access to very expensive health care. During this same period of incarceration, parole violators do not have access to any rehabilitative programs because of the short time they are in custody. The governor joked, "The goal has been, up till now, is not to try to change the

lives of the criminals, but to make sure that they are the healthiest damn criminals in the world; that they live longer, run faster, and shoot straighter; that's been the game plan under these wonderful consent decrees" (Brown Jr. G. J., 2011).

In the wake of the U.S. Supreme Court Ruling, the state will work towards reducing inmate populations to meet the Supreme Court's order in the next two years. If successful, the inmate population will shrink by approximately 30,000 inmates. At this point, the potential success of realignment as it relates to decreasing inmate populations is still subject to debate. Some scholars believe realignment alone may not solve California's overcrowding problem.

"Imagine that the California state prison system is represented by a full bathtub. The spigot is on, flowing full force into the tub, and the drain is open, allowing water to drain, but the tub remains completely full to the brim. Realignment should slow the spigot by diverting some people (realigned offenders and parole violators) to county jail instead of state prison. But this is on a going forward basis only. So the water flowing into the tub is slowed, but the tub remains overly full, and the drain continues to drain at the same rate. Over time, a slowed spigot will leave the tub less full. But this may not happen on the short timeframe ordered by the Supreme Court in Plata" (Silbert, 2012)

LEGISLATIVE REVIEW AND ANALYSIS

The 2011 Realignment Legislation addressing public safety made several changes to existing state laws related to crime, punishment, incarceration, and supervision of offenders. As discussed in the introduction the two most significant changes are the future realignment of convicted felons to county jails and local probation departments. Many other technical and procedural law changes accompany those two main components of realignment. To fully comprehend all the changes incorporated in realignment, a brief summary of the bill follows along with analysis on how the various provisions will affect local governments.

Any time a new law is passed in the state of California, the Office of Legislative Counsel prepares a digest which is a summary of how the new law will affect existing law. The “Office of Legislative Counsel is a nonpartisan public agency that drafts legislative proposals, prepares legal opinions, and provides other confidential legal services to the Legislature and others” (Office of Legislative Counsel, 2011).

Felony Commitments Realigned from Prison to County Jails

Historically, a person convicted of a felony could be punished by death or imprisonment in a state prison. Realignment also allows for a felony to be punished by imprisonment in the county jail for 16 months, 2 years, or 3 years. In some cases, certain felonies will be exempt from eligibility for confinement in the county jail, including: previous or current crimes that are violent or serious and those requiring registration as a sex offender. In addition to excluding serious, violent, and sex crimes, the legislature also specifically named certain crimes that are ineligible for realignment to county jails.

The full text of those crime exclusions is included in appendix 1. Realignment also allows counties to contract with the CDCR for beds in state prisons to house these felons (Office of Legislative Counsel, 2011).

The opening section of realignment shifting felony sentences from state prisons to county jails will have the most effect on county sheriffs across the state. Pursuant to California Government Code Section 26605:

“Notwithstanding any other provision of law, except in counties in which the sheriff, as of July 1, 1993, is not in charge of and the sole and exclusive authority to keep the county jail and the prisoners in it, the sheriff shall take charge of and be the sole and exclusive authority to keep the county jail and the prisoners in it, except for work furlough facilities where by county ordinance the work furlough administrator is someone other than the sheriff” (California Government Code, 2011).

In California, 57 of the 58 counties have jails that are “kept” by the county sheriff. According to California Department of Finance estimates, there will be an increase of 25,651 inmates in county jails 4 years in the future once realignment is fully implemented and all existing inmates have cycled out of CDCR custody (California Department of Finance, 2011). The full department of finance spreadsheet is included in Figure 1. The 25,651 offenders slated for realignment are only those that meet the low level offender criteria on new crimes. 25,651 does not include the parole violators that will also be housed in local jails as a result of realignment. Parole violators will represent an additional 3,525 inmates that will also be occupying local jail beds as a result of realignment. Considering both of these numbers, the combined total of new offenders and parole violators occupying county jail beds is projected to be 29,176 (California Department of Finance, 2011). One other concern for local housing space comes from the lack of a maximum allowable length on felony sentences. Realignment is designed

for low level offenders with the minimum felony sentences. Those sentences are capped at a three-year maximum. However, if an offender has multiple felonies, those felonies can “stack” or run consecutively. In theory, low level offenders could receive several consecutive sentences that are all three years or less, but those sentences combined could result in much longer sentence lengths. A Correctional News magazine article pointed to consecutive sentences as one of the challenges of realignment. “Due to consecutive sentences for multiple felony charges, some counties are already experiencing 10- to 12-year sentence lengths for realigned inmates.” (Warner & Higgs, 2011)

Many local jails suffer from a lack of bed space. Across the state, county jails already release more than 11,000 inmates per month due to lack of capacity (Corrections Standards Authority, 2010). Considering the existing capacity releases statewide, the addition of approximately 25,000 realigned offenders (California Department of Finance, 2011), will put additional pressure on local jail capacities. Realignment does allow for counties to contract back with the state for bed space to help deal with this issue. However, the provision permitting counties to rent prison beds to account for new jail capacities appears to be more of a symbolic gesture as opposed to a real housing option for any counties largely due to the high cost associated with contract beds. The state has already set the contract rate at a price that is more than double the amount of realignment funding that will reach local governments. Considering the contract rate, it is cost prohibitive to simply send these inmates back to the state. CDCR is offering contract beds back to counties for \$77 per day (California Department of Corrections and Rehabilitation, 2011). If all the 25,651 realigned offenders were contracted back to CDCR at the \$77 per day rate, the total costs would be \$720,921,335. During this first

year, counties will only receive \$345 million in operational funding for realignment from the state this year (California Department of Finance, 2011), or less than ½ the funding needed to contract bed space from CDCR for all realigned offenders. There is still a question as to the funding levels for local governments in subsequent years. Realignment funding is supposed to increase, but there are no distribution formulas at this point for future years. Currently, funding is inadequate for counties to simply contract back realigned offenders to CDCR. Additionally, the goals of realignment cannot be reached if counties simply contract felons back to the state.

Alternatives to Physical Custody

Realignment enhances the authorization granted to the correctional administrator to offer a voluntary home detention program to include all inmates and additionally subject those inmates to involuntary participation in a home detention program (Office of Legislative Counsel, 2011). Currently, the chief probation officer, sheriff, or other head of a county corrections system can act as the correctional administrator for purposes of administering a home detention program. (California Penal Code, 2011) In these programs, inmates can spend their in-custody time outside actual jail while being electronically monitored or tracked via Global Positioning Satellite (GPS) at their home. Electronic monitoring had previously been an available option as an alternative to physical custody, but only for those inmates that were already sentenced to county jail. Inmates that were in custody on fresh charges and were awaiting trial proceedings could not participate in an electronic monitoring program. Additionally, only those inmates that wanted to voluntarily participate in home detention were eligible. Now, inmates can

be placed in a home detention program on an involuntary basis and inmates can participate in home detention before they are finished with court proceedings and / or sentencing. (Office of Legislative Counsel, 2011) The home detention segment of realignment is a major change for local corrections. Modifying home detention will allow local jails to use these “alternatives to physical custody” for realigned inmates along with existing misdemeanor offenders. Two of the goals in realignment are to reduce recidivism and increase local supervision. These home detention changes will make available new alternatives never before authorized for sheriffs in managing local offenders. If an offender meets program criteria, the offender may satisfy custody commitments while staying in the local community. In a Florida State University study, “EM was found effective in reducing the likelihood of reoffending and absconding while on home confinement” (Padgett, Bales, & and Blomberg, 2006). A study in 2010 made quantitative and qualitative assessments of electronic monitoring. In that study, researchers considered potential “supervision failures” that could occur for offenders on EM. Offenders that fled, committed technical violations, or those that committed new misdemeanor or felony crimes were all considered supervision failures. Research shows that EM reduces the likelihood of supervision failures by 31% (Bales, et al., 2010). The addition of EM as an option for realigned offenders will allow for expansion of existing EM programs that have traditionally only been available for misdemeanor offenders.

In addition to EM, convicted persons may be able to participate in behavioral skills classes like parenting, anger management, drug / alcohol counseling, or mental health services. These programs are often referred to as cognitive behavior treatment (CBT). Studies on CBT have shown that it significantly reduces recidivism (Milkman &

Wanberg, 2007). Utilizing these CBT programs under realignment will help combat recidivism moving forward.

The screening process to make offenders eligible or ineligible for such programs will be the lynchpin in maintaining some type of balance between physical custody and alternatives to custody. Considering the studies on EM and CBT, some offenders may prosper in alternatives to custody program. However, realignment focuses on how only low level felony offenders that meet the non-sex, non-violent, and non-serious categories are eligible for placement in county jails. In a news editorial, Silicon Valley reporter Tracey Kaplan reports that California is “unloading the responsibility for punishing and rehabilitating thousands of nonviolent felons from the state prison system to local communities” (Kaplan, 2012) Realignment does not adequately explain how many violent, serious, and sex offenders already end up in county jails. There are a number of misdemeanor level offenses that are violent, serious, or sexual in nature, that result in a county jail sentence. There are a number of misdemeanor crimes, such as: child abuse, domestic violence, battery on school officials, and drunken driving causing injury that already carry county jail sentences. Additionally, realignment legislation will send offenders to local jails with offenses that many would consider serious or violent. In an Associated Press article, Don Thompson reported: “Yet a review by The Associated Press of crimes that qualify for local sentences shows at least two dozen offenses shifting to local control that can be considered serious or violent” (Thompson, 2011). Thompson details the following crimes as the serious or violent crimes that are eligible for realignment and a county jail sentence.

“Involuntary manslaughter, vehicular manslaughter while intoxicated, killing or injuring a police officer while resisting arrest, participating in a lynching, possession of weapons of mass destruction, possessing explosives, threatening a witness or juror, and using arson or explosives to terrorize a health facility or church. Assault, battery, statutory rape and sexual exploitation by doctors or psychotherapists are also covered by the prison realignment law and carry sentences that will be served in a county jail instead of state prison” (Thompson, 2011).

It is difficult to weigh the risk of allowing an offender to leave jail custody so they can go to work or school. There is tremendous liability associated with letting people out of jail. Neither home detention ankle bracelets nor GPS monitors can keep a violent offender away from his/her victim. The only way to guarantee an offender stays away from a victim is during a period of secure housing in a jail. Electronic monitoring (EM) fails to provide the security of traditional confinement. Dr. Gary Christensen conducted a study examining jails’ role in improving offender outcomes. In Dr. Christensen’s study, he commented: Jails have done an admirable job of protecting their local communities for the short-term while offenders are incarcerated. (Christensen, 2008)” EM systems only provide “soft” or electronic fence options to discourage offenders from coming near their victims. Considering the new EM options under realignment, Jail administrators will have to weigh the risks to public safety when considering EM compared to incarceration for offenders.

Sentence Reductions for Home Detention

Realignment adds the provision that all days served in a home detention program shall qualify as mandatory time in jail for purposes of calculating a prisoner’s custody time and release date (Office of Legislative Counsel, 2011). Historically, a prisoner would earn custody credits for every day spent in custody on criminal charges. Custody

credits reduce the amount of time an inmate spends in jail. Inmates are granted custody credits both for good behavior and for performing work while in custody. (California Penal Code, 2011) Those time credits begin accumulating from the time of initial booking and run through sentencing. Previously, prisoners only received custody credits for days spent in physical custody. Time spent in alternative custody programs like home detention did not count for custody credits. The change under realignment will cause all time (either physical custody or alternative custody) to count for custody credits to reduce the inmate's sentence. (Office of Legislative Counsel, 2011) This provision will simply balance the time earning credit for inmates in custody or in alternative to physical custody programs.

Enhanced Sentence Reduction Credits

Realignment also makes changes allowing for additional custody credits that inmates receive while confined. Moving forward, inmates' sentences will be reduced by $\frac{1}{2}$ for a combination of good conduct and performing work while incarcerated (Office of Legislative Counsel, 2011). Historically, county jail inmates received a $\frac{1}{6}^{\text{th}}$ reduction in their sentence for good behavior and an additional $\frac{1}{6}^{\text{th}}$ reduction in their sentence for performing work while in custody. The combination of these credits is commonly referred to as "good time / work time" or "custody" credits. (California Penal Code, 2011) If a county jail inmate received all custody credits during his / her sentence, the inmate would receive a total of $\frac{1}{3}^{\text{rd}}$ time reduction from the total sentence. Sentence reductions have always been an important inmate management tool both for inmates and jail personnel. If there were no such credits, an inmate could behave poorly and choose

not to work while in custody and there would be no penalty for such conduct. As the law stood, inmates benefited from behaving well and performing work. Additionally, jails rely heavily on inmate labor for many tasks, including: laundry, facility repair/maintenance, county fleet vehicle repair/maintenance, food services, painting, janitorial, and landscape. These are all essential support services that have to take place in a jail on a daily basis. If the inmates refused to work, all these tasks would still have to be completed. If jails could not count on inmate labor, additional support staff would be necessary for these tasks to be completed. Therefore, having a sanction for those inmates that may not want to work is an important behavioral tool for managing a local jail.

Since state prison sentences are longer, prison inmates have traditionally earned more good time, work time credits while in state custody. Historically, state prison inmates earned $\frac{1}{2}$ time credit reductions (California Penal Code, 2011) while county jail inmates could only earn $\frac{1}{3}^{\text{rd}}$ time credit reductions. (California Penal Code, 2011) Now that convicted felons will serve time in county jails, the old formulas needed to change if there was to be a balance between felony and misdemeanor sentences. If there were no change to the existing time reductions, a felon in county jail could earn $\frac{1}{2}$ time sentence reductions while a misdemeanor offender would only earn $\frac{1}{3}^{\text{rd}}$ time sentence reductions. If that held, a felon serving a 16-month sentence (with $\frac{1}{2}$ time) would serve 8 months in custody. At the same time, a misdemeanor offender serving a 1 year sentence, earning $\frac{1}{3}^{\text{rd}}$ time would also serve 8 months. If the previous law on sentence credits remained intact, there would have been two different standards for earning good time credits. The legislature had to make a change to this law in realignment. The modified credit earning

language now ensures two different inmates serving time in the same facility would earn equal credits.

Post Release Community Supervision (PRCS)

Realignment enacted the Post Release Community Supervision (PRCS) Act of 2011. PRCS is the provision of realignment that essentially transfers supervision of many future parolees from the state parole to counties. The parolees eligible for PRCS are those that were incarcerated for current charges that are non-sex, non-serious, non-violent offenses. If parolees have a history of sex, serious, or violent offenses (but that is not the current charge), those parolees will be on PRCS. Additionally, realigned parolees for local supervision cannot be “high-risk” sex offenders as determined by the California Department of Corrections and Rehabilitation (Office of Legislative Counsel, 2011).

The PRCS section of realignment will represent the most significant work increase for local probation departments, but will also affect courts and jails. PRCS shifts the responsibility to supervise paroling offenders from the state to counties. Counties will now supervise and manage the cases, for what used to be a state parole population. Historically, any time a parolee violated the terms of parole, the parolee was arrested and booked in the county jail. Then, the state board of parole hearings would hold a hearing and could impose penalties for bad conduct. Typically, parole violators served periods of incarceration in state prisons for violating parole. Under realignment, PRCS violators will not be eligible for confinement in state prisons; all time served for violations will be in the county jail. In addition to incarceration time for violations, PRCS creates a new type of custody sanction for those offenders supervised under PRCS. The new custody

sanction is called “Flash Incarceration.” (Office of Legislative Counsel, 2011) Flash Incarceration is a completely new concept that allows local law enforcement to impose short periods of confinement on PRCS offenders as an “intermediate” sanction that occurs before a formal violation and longer term commitment. Under the new flash incarceration law, California Penal Code Section 3454 permits local law enforcement to hold a PRCS supervisee for up to 10 days without any hearing or judicial review. Flash incarceration is designed to get offenders back on track after minor violations before a heavier period of incarceration is necessary. In addition to the new changes in PRCS and flash incarceration, the state board of parole hearings will be phasing out of the process over the next two years. Local probation departments will handle the supervision of offenders released on PRCS. Probation will have to interface with the board of parole hearings when a supervisee violates terms of PRCS. The local courts will take jurisdiction of the PRCS hearings in the future. Beginning in 2013, the board of parole hearings will be replaced by local courts in the PRCS violation process. (Office of Legislative Counsel, 2011) At that point, the courts will handle any hearing related to a supervisee violating terms of release.

Local Control over PRCS

Realignment calls for county boards of supervisors to designate a local agency for PRCS (Office of Legislative Counsel, 2011). Traditionally, local probation departments already handled the supervision of local probationers. As such, many probation departments have already been designated as the primary PRCS agency in their jurisdiction. Shifting community supervision from state parole to local probation will

increase the caseloads of probation departments across the state. According to the California Department of Finance estimates, there will be an additional 29,550 probationers on PRCS after the fourth year of full realignment implementation (California Department of Finance, 2011). That figure takes into consideration the number of parolees during the next 4 years that will no longer be under the jurisdiction of state parole because they will be under local supervision. The Department of finance estimates that the new local case load numbers (confined prisoners and PRCS cases) will not be fully realized until four years in the future. Finance estimates it will take that long for all offenders to transition out of state jurisdiction through attrition, and then fall under local supervision.

Community Corrections Partnership

Realignment established within each county local Community Corrections Partnership, an executive committee, as specified, to recommend a local plan to the county board of supervisors on how the 2011 public safety realignment should be implemented within that county (Office of Legislative Counsel, 2011). California Penal Code Section 1230 defined the composition of the Community Corrections Partnership as follows: “The local Community Corrections Partnership shall be chaired by the Chief Probation Officer and comprised of the following membership:

- The presiding judge of the superior court, or his or her designee.
- A county supervisor or the chief administrative officer for the county.
- The district attorney.
- The public defender.
- The sheriff.
- A chief of police.
- The head of the county department of social services.

- The head of the county department of mental health.
- The head of the county department of employment.
- The head of the county alcohol and substance abuse programs.
- The head of the county office of education.
- A representative from a community-based organization with experience in successfully providing rehabilitative services to persons who have been convicted of a criminal offense.
- An individual who represents the interests of victims (California Penal Code, 2011).

Realignment modified the previous law related to the Community Corrections Partnership by adding an executive committee and broadening its scope. (Office of Legislative Counsel, 2011) Realignment requires the executive committee to implement a plan for the 2011 public safety realignment legislation. Realignment provides the framework by naming 6 members of the executive committee by title and then giving the local board of supervisors the autonomy to choose the 7th member. The members of the executive committee, as specified in the law are:

- chief probation officer (chair)
- presiding superior court judge (or designee)
- the sheriff
- a police chief
- the district attorney
- the public defender
- one member appointed by the board of supervisors. The board may choose from: The head of social services, the head of mental health, or the head of alcohol and drug programs (California Penal Code, 2011).

The executive committee described above is charged with recommending a local plan to the county board of supervisors to implement the 2011 Public Safety Realignment. The executive committee votes on a local plan and then present that plan to the board of supervisors. The plan as recommended by the executive committee is considered approved by the board of supervisors unless the board votes against it by a

4/5th majority. If the board rejects the plan, it goes back to the executive committee for further review.

Realigning Parole

Realignment limits the jurisdiction of the Board of Parole Hearings for purposes of parole supervision. The state and local governments will share jurisdiction over state parolees for the next two years. Parolees will fall under the supervision of the local agency designated for Post Release Community Supervision (PRCS) (Office of Legislative Counsel, 2011).

In most counties, the agency charged with supervision of parolees is the local probation department. Probation officers will supervise offenders to ensure those offenders follow the conditions of release. If those offenders violate any of the terms of their parole, probation officials will work with local courts for hearings to decide on length of incarceration. Previously, state parole agents and hearing officers conducted the revocation hearings when an offender violated terms of release. Under realignment, state parole hearing officers will continue to conduct the hearings on specified parolees. State hearing officers will have hearing responsibility until 2013 when all proceedings for parole violators shifts to local jurisdiction. At that point, local courts will conduct the hearings on potential violations. In addition to parole hearings transferring to local jurisdiction, the custody of parole violators will transfer as well. Presently, any time a parole violator is incarcerated, the bulk of the in- custody time is served in state prison. All parole violation time will be served in county jail under realignment.

Funding Mechanism for Realignment (AB 118)

The public safety component is but one piece of a more comprehensive realignment plan enacted by the State of California in the 2011-12 budget. Although this paper is focused on public safety realignment, it is necessary to look at the overall realignment picture to better explain the funding. The California Legislative Analyst's Office (LAO) is a non-partisan fiscal and policy advisor to the state legislature. As such, the LAO publishes reports on significant legislative issues and the governor's annual budget. Mac Taylor of the LAO's office authored the report, *2011 Realignment: Addressing Issues to Promote Its Long-Term Success*. Taylor provides an executive summary along with a detailed fiscal analysis of realignment. "In total, the realignment plan provides \$6.3 billion to local governments (primarily counties) to fund various criminal justice, mental health, and social services programs in 2011-12, and ongoing funds for these programs annually thereafter" (Taylor, 2011).

The original proposal to fund this reform package called for the extension of temporary vehicle license fee taxes (VLF) that were set to expire on June 30, 2011. An extension of taxes requires some bipartisan support in the state legislature. There was no compromise in the legislature that would allow the extension of the taxes. Absent tax extensions, realignment had to be funded from the state's general fund. General fund programs are precariously funded because the funding can appear or disappear in different fiscal years. The governor worked to develop a bipartisan agreement to create a State Constitutional Amendment to protect realignment funding in perpetuity (California

State Association of Counties, 2011). However, an agreement to create such an amendment never materialized.

Not being able to rely on new taxes or the extension of the expiring temporary taxes, the legislature had to find some other way to fund realignment. The state diverted a combination of existing sales taxes and vehicle license fees (VLF). “Specifically, the Legislature approved the diversion of 1.0625 cents of the state’s sales tax rate to counties. This diversion is projected to generate \$5.1 billion for realignment in 2011-12, growing to \$6.4 billion in 2014-15. In addition, the realignment plan redirects an estimated \$453 million from the base 0.65 percent VLF rate for local law enforcement grant programs” (Taylor, 2011). Taylor’s summary of the current revenues and projected revenues is attached in figure 5.

The total funding allocation to implement realignment programs for all counties in fiscal year 2011-2012 is \$354,300,000 (California Department of Finance, 2011). There are additional “one-time” funds allocated for training and start-up during this initial year. At this point there is no future allocation plan in place that defines how the state will distribute realignment funding to counties in subsequent years.

There are many questions regarding realignment’s funding moving forward. At this point there is no firm level of statewide funding defined for subsequent fiscal years. As realignment continues ahead, counties will see jail populations and probation caseloads continue to ratchet upward as more inmates become eligible for realignment. Once the state settles on an overall funding level for realignment, the state will still have to develop a county by county allocation formula. During this initial year, realignment

funding by county was based upon department of finance estimates as to the numbers of inmates each county would receive. At this point, it is unclear whether or not the state will use the same formula to distribute funds. The California State Association of Counties is working on this issue at the current time. Funding debates may well pit counties against one another as each county tries to carve out funding from the state. Some counties believe funding should be based upon the success of rehabilitation programs. (Growdon, Discussion on Realignment, 2011) That success is proposed to be measured by how many realigned offenders participate in alternative custody programs or by measuring recidivism rates. Other counties disagree with that methodology. Those counties think funding should be based on the true numbers of realigned offenders in each county since those numbers will drive the custody and supervision requirements and costs (Growdon, Discussion on Realignment, 2011). However, as this debate continues, there is still no defined allocation schedule for future years.

Counties are still lobbying for constitutional protections for future funding. The California State Sheriff's Association recently endorsed Governor Brown's tax proposal that provides state constitutional protection for realignment funding. (Emery, 2012) "While the state has promised to continue funding the inmate realignment in the coming years, the lack of a constitutional guarantee for the money has worried local officials" (Emery, 2012)

At a previous event, I spoke with several county officials that attended a realignment training seminar. Many of those officials wanted to hear directly from Governor Brown as to whether or not he would stand firm on the commitment to secure

constitutional protection for realignment funding. The portion of Governor Brown's speech that drew the most applause was when the governor said, "I am not leaving Sacramento until we get a constitutional guarantee to protect law enforcement and the whole realignment process so you get the funding you need to make the thing work" (Brown Jr. G. J., 2011). The governor later added, "We will do whatever it takes to get the constitutional protection because public safety is the number one responsibility of government; I recognize that, and I want to work with you to achieve it" (Brown Jr. G. J., 2011).

METHOD FOR LOCAL PREPAREDNESS

The method used to determine realignment's impact on local governments is two-fold. The method begins with the analysis of Lassen County and its plan for realignment this year. After examining Lassen County's response to realignment, the project moves into a broader view in the following chapter. That chapter draws information from other local experts from different jurisdictions throughout the state. That chapter also discusses a survey I used to collect data on realignment. Considering the Lassen County plan along with the survey results from local officials, in combination, provides a comprehensive view of how realignment will affect local governments.

Introduction to Lassen County Plan

Lassen is one of California's 58 counties. I was able to directly access the local community corrections partnership and its executive committee members while this plan was developed. I was able to review the writings of each executive committee member

and incorporate those comments into this project. Dealing with these local officials provided valuable insight as to the development of one local plan. Lassen's plan is an example showing how one county is handling realignment. Realignment plans from across the state will operate with the same basic foundations based on the changes in confinement and supervision for felony offenders. However, each jurisdiction has discretion to implement realignment in a way that is the best local fit. Governor Brown stressed the importance of local control over realignment plans and ensuring that each county can make its own decisions on realignment (Brown Jr. G. J., 2011). The Chief Probation Officers of California (CPOC) maintains an active list of approved county realignment plans (Chief Probation Officers of California, 2011).

Pursuant to California Penal Code Section 1230.1, "Each county local Community Corrections Partnership established pursuant to subdivision (b) of Section 1230 shall recommend a local plan to the county board of supervisors for the implementation of the 2011 public safety realignment" (California Penal Code, 2011). The partner membership is comprised of the all the agencies directly and indirectly involved in the criminal justice process in each county. The leadership of these agencies is ideally suited to identify potential effects (and possible solutions) in response to the challenges presented in the realignment legislation. As such, looking at some of the key points addressed in a realignment plan will offer significant insight into the local perspective of realignment's impacts.

Lassen County's community corrections partnership and its executive committee began meeting in May of 2011. After months of regular meetings, each member of the

executive committee prepared a brief summary of how realignment would affect different county departments in Lassen County. Since realignment shifts responsibility for housing and supervising inmates from the state to local governments, the two local agencies most affected by realignment are the sheriff's office and probation department. As such, the sections detailing realignment impacts to the sheriff and probation make up the majority of the local plan.

Projected Effects on Jail Capacity

The Lassen County Sheriff's Office (LCSO) will see a steady increase in inmate population due to public safety realignment. The projections provided by CDCR estimate an average daily population increase of 38 at full implementation (California Department of Finance, 2011). That estimate means Lassen's jail population, on average, will increase by 38 inmates. The additional inmates include (1) those convicted of a felony now sentenced to 16 months, 2 years, or 3 years in county jail in lieu of state prison; (2) violators of post release community supervision; (3) violators of state parole up to 180 days (an exception is that paroled life in prison inmates with revocation terms greater than 30 days will serve time in state prison); and (4) post release community supervision offenders sanctioned with flash incarceration of up to 10 days for each violation. (Office of Legislative Counsel, 2011)

The most significant immediate effect will be the violators of state parole who will now remain in the custody of LCSO for up to 180 days. CDCR is counting on this shift to cause a reduction in its inmate population. The reduction in CDCR population will cause an increase in county jail populations. (California Department of Finance,

2011) The impacts to LCSO related to these offenders are estimated to be an increased average daily population of six. Those six combined with another 32 realigned offenders will give the facility the total increase of 38 described above. These offenders have failed to succeed under the supervision of State Parole, making them less likely to comply with program requirements in the jail, therefore increasing the risk of violence on jail personnel, and other inmates. (Growdon, Sheriff's Office Impacts, 2011)

The estimates listed above are based on data provided by CDCR; however, LCSO anticipates the actual population increase to be higher than state projections. The state's population projections are based on average daily population (ADP) along with some assumptions from the department of finance. The ADP is calculated based upon one inmate in one bed for an entire year. If two inmates each occupy a bed for six months, the facility ADP only increases by one. However, ADP does not account for "surge" population. ADP is based on the equilibrium that is reached once a population stabilizes and new bookings balance out against releases. If the two inmates in the example above are in custody for the same six-month period, the facility actually needs two beds to house them, even though the ADP only increased by one. Historically, CDCR experiences intake surges in the months of August, October, March and June. Intake peaks during those months and drops to its lowest numbers in November and February (Garcia, 2011). It is the balance of the high months and lows that combine for the ADP. During periods of peak intake, surge capacity will exceed the 38 beds that CDCR is projecting at Full Implementation. (Growdon, Discussion on Realignment, 2011)

The newest CDCR data suggest that Lassen County will average 3 new felony commitments each month for the next two years and one new parole violator per month

(California Department of Corrections and Rehabilitations, 2011). Those four inmates per month will cause us to gain 48 new inmates this first year alone. The length of sentence will vary, but ultimately the confinement period will dictate the true population increase. The state ADP projections are also based on the department of finance assumption that offenders sentenced to less than 3 years will only serve 6 months in custody (Garcia, 2011). Considering the felonies in question are eligible for a sentence of 16 months (minimum), 2 years (mid-term), or 3 years (upper term); if an offender received maximum credit reductions for good conduct / work credits, the sentences would reduce by ½ to 8 months, 1 year, or 18 months respectively. The department of finance is relying heavily on alternative sentencing for felony offenders to reach the low estimate of 6 months in custody on a felony offense. Additionally, for those offenders sentenced to more than 3 years, department of finance estimates an average length of stay at 24 months. (California Department of Finance, 2011) Again, this could prove problematic relying on alternatives to physical custody. The primary purposes of realignment are to reduce overcrowding (in prisons) cut costs (for state prisons) and reduce recidivism. Therefore, if these estimates are incorrect, local government should presume that the state will have made the error in a direction most favorable to the state; not to local governments.

It is also noteworthy; the state is making “alternative to custody” assumptions for population management on felony offenders now committed to county jails. Historically, these alternatives have not been available as population controls for felony prison inmates. The legislature made these alternatives available, while at the same time transferring offenders to local custody. Sheriff’s personnel will have to consider

potential release options on felony offenders that have not been tried in the past. The state effectively crafted a pilot project to release felons back into our communities, but placed local officials in a position to bear the burden if this experiment fails. (Growdon, 2011)

The sheriff wants to try to implement the provisions of AB109 as intended by the legislature, but his primary responsibility will be to maintain the security of our communities. One of the legislative intents of AB109 is to break away from the historical model of simply incarcerating so many offenders. AB 109 stresses the importance of relying on alternatives to physical custody like work release and GPS monitoring. The Sheriff will utilize these types of programs when feasible, but will continue to incarcerate those offenders that pose the most risk to public safety.

Projected Impacts on Sheriff

The impacts of population increases from realignment will affect all inmates in the custody of the sheriff, and every program in the county jail. The sheriff has many considerations related to the housing of inmates in custody. Many people consider overall jail bed space one of the most pressing issues facing local jails. (Growdon, Discussion on Realignment, 2011) In Lassen County, the jail currently has more than adequate bed space to deal with the total number of projected inmates. However, the bigger issue is the lack of segregated housing space available. Pursuant to Penal Code Section 4002:

“Persons committed on criminal process and detained for trial, persons convicted and under sentence, and persons committed upon civil process, shall not be kept or put in the same room, nor shall male and female prisoners, except husband and

wife, sleep, dress or undress, bathe, or perform eliminatory functions in the same room. However, persons committed on criminal process and detained for trial may be kept or put in the same room with persons convicted and under sentence for the purpose of participating in supervised activities and for the purpose of housing, provided, that the housing occurs as a result of a classification procedure that is based upon objective criteria, including consideration of criminal sophistication, seriousness of crime charged, presence or absence of assaultive behavior, age, and other criteria that will provide for the safety of the prisoners and staff. (California Penal Code, 2011)”

Adding inmates that are either charged with violating terms of release (Parole or PRCS) or new felony convictions will put an immediate strain on the segregated housing beds in the jail. Any time a facility increases population it increases the likelihood of assaults on other inmates and staff. (Growdon, 2011)

Increasing the inmate population will also affect energy consumption, food service, laundry exchange, inmate programs like exercise yard, dayroom, commissary, along with medical, dental, and prescription drug costs. It is difficult to quantify all the costs associated with the expansion of these programs, but every increase in average daily population will generate additional costs. Additionally, inmate medical issues in a custody setting are impossible to predict. Increased inmate population does not automatically correlate to additional medical costs. However, any one inmate could generate significant increased costs based on an acute medical condition, emergency surgery, or an expensive prescription regimen. (Growdon, 2011)

The new population may have significant effect on inmate transportation. Any or perhaps all new inmates entering the local jail system will require transportation to or from courts and medical appointments. There will also be increases in the transportation demand specific to parole and PRCS violators. (Growdon, 2011) Prior to realignment, when parole violators were taken into custody in any local jurisdiction; they were booked

in the local facility, transferred to prison where the prison transportation system moved them throughout the state. Moving forward, these violators will stay in county jails for their entire period of incarceration. Since CDCR will no longer be involved in the housing and transportation of these inmates, this burden will shift entirely to local jails. Lassen County will help move inmates as part of the new parole violator shift to local custody. Additionally, there could be increased incarceration costs and a drop in revenues for parole violators because the state will no longer pay incarceration costs to house this population. (Office of Legislative Counsel, 2011) Previously, counties were able to bill the state for daily incarceration costs for state parole violators. Now that realignment is in effect, the state has no responsibility or jurisdiction over local violators. As a potential cost increase: There is potential for one county to directly bill another county for daily housing costs of parole violators. Billing for parole beds is still unsettled amongst California sheriffs, but based on housing and budgetary constraints in each county; billing between counties for bed space and / or transportation could take place in the future. (Growdon, 2011) Considering these additional costs, Lassen County has to be prepared to move as soon as allowable under state law to reclaim local parole violators in other counties. The county also has to be prepared for the release and transportation of violators from other jurisdictions as soon as possible to avert any additional housing, medical, or prescription drug costs. (Growdon, 2011)

The increased inmate population coupled with the new programs developed for Lassen's entire jail population will change all aspects of local custody operations. Every new booking and sentenced inmate will require a comprehensive classification to determine eligibility for any alternative to custody program. (Growdon, 2011) Sheriff's

personnel are already drafting or enhancing these alternative programs. The sheriff already has established the following programs: Sheriff's Work Alternative Program (SWAP), Work Furlough, and Sheriff's Parole. In addition to those programs, sheriff's personnel are also developing protocols for home detention, GPS electronic monitoring, weekend commitments, and day reporting. Once all programs are in place, the classification process will be an essential component of determining which offenders are eligible to participate. These programs will have to be accessible to every person incarcerated in the county jail. (Growdon, 2011) AB109 inmates are a new class of "local felons." As such, the jail cannot exclusively consider these AB109 inmates for alternatives to physical custody, unless there is some consideration for all traditional misdemeanor offenders as well. There is no logic in releasing felony offenders into the community ahead of misdemeanor offenders. All incarcerated persons will be considered for programs in jail. (Growdon, 2011)

Proposed Strategies for County Inmates

People convicted of non-serious, non-violent, and non-sex offense felonies will serve sentences in the county jail. This change is prospective and will apply to anyone who is convicted on or after October 1, 2011. Typically these sentences will be 16 months to three years. Those sentence lengths are longer than the average 90-day sentence currently served in California county jails. (Growdon, 2011) Enhanced and consecutive sentences may create even longer sentences. AB109 changes how credits for good time and work time are calculated. The old formula awarded inmate conduct credits at a rate of two days deducted for every six days served in jail. The new formula

awards credits at a rate of two days deducted for every four days served in jail. (Office of Legislative Counsel, 2011) Due to this change, inmates will be required to serve 50% of their sentence in custody, minus any credits for time served prior to their sentence as determined by the Court, instead of two-thirds of their sentence, under the old formula. This change will help mitigate, to some degree, the effect of longer sentences being served in the county jails. (Growdon, 2011) Further, all post release community supervision revocations and almost all parole revocations will be served locally. AB109 encourages the use of flash incarceration up to 10 days in county jail for post release community supervision offenders that violate their community supervision terms. (Office of Legislative Counsel, 2011)

Further analysis is necessary once to accurately determine the effect on jail beds, alternative incarceration programs, and court security/inmate transportation. Based on current population trends there is limited capacity for additional inmates. (Growdon, 2011) Considering potential inmate population increases, expansion of in-custody programming is necessary to maintain safety and offer productive use of free time while incarcerated. (Growdon, 2011) Enhancements to jail programming, such as: Substance abuse services, job skills training, restorative justice programs, veteran services, and expanded mental health services are necessary to keep inmates occupied and productive. Offenders will be assigned to programming based on meeting eligibility criteria and availability. (Growdon, Sheriff's Office Impacts, 2011)

The sheriff will designate an employee in the county jail as the community programs coordinator. The community programs coordinator will work under the direction of the commander of the county jail to oversee the following:

- Existing alternatives to incarceration which include work furlough and Sheriff's Work Alternative Program.
- Development of other alternatives to incarceration which may include; a day reporting center, weekend commitments, and other programs.
- Supervise and monitor participants of these alternatives while they remain in the constructive custody of the sheriff.
- Ensure these alternatives to incarceration to transition inmates back into the community. (Growdon, 2011)

LCSO will increase reliance on alternatives to incarceration as necessary in order to manage anticipated population increases under AB109. These additional alternatives provided for by AB109 legislation include involuntary home detention and electronic monitoring for the pretrial population. (Growdon, 2011) Penal Code Section 1203.018 will allow LCSO to release prisoners being held in lieu of bail in the county jail to an electronic monitoring program under specific circumstances. The sheriff and the district attorney may prescribe reasonable rules and regulations under which such a program will operate. (California Penal Code, 2011) Specific eligibility criteria will limit the number and type of pre-trial prisoners eligible for this program. The sheriff will bring a home monitoring and /or electronic monitoring policy to the Lassen County Board of Supervisors for consideration at a later date. (Growdon, Sheriff's Office Impacts, 2011)

Additionally, AB109 provides legal mechanisms to use alternatives to incarceration for sentenced populations. In Lassen County, these alternatives may include electronic monitoring, home detention, restorative justice classes, substance abuse services, parenting classes, and employment counseling and services. An inmate under the supervision of the community programs coordinator may be provided multiple services as determined by their individual needs. (Growdon, Sheriff's Office Impacts, 2011)

All jail programming and alternatives to incarceration managed by the sheriff will be made available to offenders providing they meet eligibility criteria and space is available. The sheriff intends to utilize a classification committee that will meet with each offender to make a determination of each offender's potential eligibility for placement in appropriate programs. (Growdon, Sheriff's Office Impacts, 2011) Once an offender has been sentenced to the county jail, the jail staff, the community programs coordinator (chair), in conjunction with a quorum of the classification committee will develop a plan for the prisoner. The plan may include in- custody programs, work assignments, housing assignments, and if eligible, a transition from the county jail to an appropriate alternative to incarceration. (Growdon, 2011) Decisions regarding this plan will consider in-custody behavior, participation and progress in jail programs and services, the pre-sentence report and court commitment, eligibility based on current charges and prior convictions, and availability of the alternatives to incarceration best suited for the prisoner. The recommendation developed by the classification committee will be presented to the Jail Commander for approval, denial, or modification. The sheriff will have final authority over eligibility for these programs. (Growdon, Sheriff's Office Impacts, 2011)

LCSO will supervise people in alternative to incarceration programs through a highly visible community presence and random site checks. LCSO will provide a swift response if a person absconds or violates conditions of their participation in the program. Increased staffing for Community Programs will likely be needed to ensure strong enforcement and maximize community safety. (Growdon, 2011) In the future the sheriff would like to work with the Lassen County Probation Department and the Susanville Police Department to develop a multi-agency compliance team that would monitor

offenders in post release community supervision and alternative to incarceration programs. (Growdon, 2011)

At least 60 days prior to the inmate's date of release from LCSO custody, the community programs coordinator will meet with adult probation department pre-release personnel to ensure a smooth transition at the time of the prisoner's release. Changes may be made to the preliminary transition plan at any time while the prisoner is in LCSO custody. (Growdon, Sheriff's Office Impacts, 2011)

Funding and Development of Realignment

Since AB109 was signed into law there have been two additional bills passed that funded and made changes to realignment. The funding was only for the current fiscal year, and at this point there is no secure long term funding. The legislation that changed realignment was the first of many that will modify realignment and impact local governments. (Growdon, 2011) Local agencies and department heads need to continue to lobby at the state level in an effort to secure funding for realignment and to mitigate the negative effects on us locally (Growdon, Sheriff's Office Impacts, 2011).

Impacts on District Attorney

Lassen County District Attorney Robert Burns identified some of the issues his office will face in dealing with realignment. Mr. Burns discussed how this sweeping reform will cause prosecuting attorneys in his office to spend more time with each new case. (Burns, 2011) Prosecutors will have to determine the potential sentences available on these cases considering both the charge at hand and the defendant's criminal history.

Historically, prosecutors could deal with all felonies as “potential state prison” sentences. Moving forward, felony cases may either be state prison eligible or realignment crimes eligible for county jail sentences. (Office of Legislative Counsel, 2011) In addition to the additional time required for prosecutors to make these assessments, Mr. Burns expects his office will spend more time working through these options with local defense attorneys. The new sentencing options will require prosecutors to spend more time with defense in negotiating plea bargains, especially in the early stages of realignment’s implementation. (Burns, 2011) Additionally, the District Attorney’s Office will have to review cases and take appropriate prosecution action when offenders violate the terms of Post Release Community Supervision (Burns, 2011). Traditionally, state parole agents and state hearing officers handled parole violations. Every state parolee has a set of release terms that govern parolee conduct on the street. Some parolees will have terms, such as: No alcohol, not to associate with other parolees, stay away orders from estranged spouses or children, or restitution orders, are all potential terms of release. (Burns, 2011) After October 1, 2011, state prison inmates will not be subject to state parole terms. Those inmates will be on Post Release Community Supervision (PRCS) and be supervised by local probation departments instead of state parole agents. PRCS is essentially a form of “county parole” and will be a completely new process in criminal justice in California. PRCS offenders will be subject to similar terms of release, but if they violate those terms, the district attorney’s office, public defender’s office and local courts (rather than state parole hearing officials) will deal with violations, revocations, and the hearing process. (Burns, 2011)

Impacts on Public Defender

Interim Lassen County Public Defender Rhea Gianotti discussed how realignment would affect her office in dealing with indigent and court appointed defendants. The public defender's office represents defendants that may be eligible for realigned programs. (Gianotti, 2011) The public defender's office plays an essential role in handling dispositions of criminal cases and whether or not defendants are eligible for sentencing in the county jail rather than state prison. (Gianotti, 2011) Additionally, the public defender's office will represent defendants in violation actions under post release community supervision (Gianotti, 2011).

Impacts on Superior Courts

Presiding Superior Court Judge, The Honorable F. Donald Sokol summarized how realignment would affect the local court system. Initially, realignment will have a limited effect on the courts. Courts will handle all revocation proceedings for offenders subject to post release community supervision (PRCS). Courts throughout the State of California are developing revocation procedures to deal with PRCS violators. In the initial realignment legislation, the courts were slated to have responsibility for the high risk, serious, or sex crime offenders that will remain under the supervision of state parole. The most recent change to realignment changed this provision so the courts will not handle state parole violators until 2013 (Sokol, 2011).

Impacts on Probation

Lassen County Acting Probation Chief Tracy Stewart and Fiscal Officer Jeanette

Goni co-authored the probation department's plan in dealing with realignment. The summary of probation's assessment is as follows:

“The Probation Department has been designated as the county agency responsible for administering programs related to the Post Release Community Supervision (PRCS) population. This includes options for community supervision to include, but not limited to, intensive supervision (with routine home visits), home detention with electronic monitoring, residential substance abuse treatment, outpatient behavioral health treatment, such as substance abuse, mental health, batterer's intervention, substance abuse testing, community service, family strengthening strategies, pre-release services consisting of assessments and supervision planning prior to release from prison or jail, and referral to educational institutions/programs, vocational training/employment services and housing resources (Stewart & Goni, 2011).”

The probation department will partner with the sheriff's office in dealing with many of these issues. The sheriff intends to convene an inmate classification committee that will be comprised of two sheriff's office officials along with one probation officer. The classification committee will screen and assess every inmate in the Lassen County Jail. The classification committee will determine which inmates may be potential candidates to participate in alternatives to physical custody programs, such as: Work furlough, work release, home detention, GPS monitoring, and day reporting. Having a probation officer working with the offenders during their time of incarceration will increase continuity of the case. (Stewart & Goni, 2011)

Traditionally, probation departments were involved in “pre-sentence” reports, in which probation made sentencing recommendations to the courts. Often, an offender would be sentenced to jail and then serve some time on probation or supervised release when the jail sentence was complete. In the traditional model, probation officials were involved in the offender's case in the pre-trial and post confinement phases. Bringing

probation officials into the jail where they can monitor an offender's custody time while helping the sheriff's office make assessments on alternative programs will keep probation more connected with local offenders. (Stewart & Goni, 2011) This will allow probation and the sheriff to make more informed decisions about alternatives to physical custody programs. It will also give probation much more insight on the individual offenders during confinement. (Stewart & Goni, 2011) That information will be useful in determining which types of post-confinement programs may be beneficial to the offenders. Having a probation presence in the jail will also help with pre-release procedures for offenders.

Several state laws deal with pre-release notification requirements in which victims have the right to know when an offender is being released from custody. The California Victims' Bill of Rights specifically states victims have the right "to be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody" (California Constitution, 2011). Release notifications apply to an offender that becomes eligible for an alternative to physical custody, or when an offender is released by any means including: bail, own recognizance, notice to appear, or at the conclusion of the offender's sentence. Probation's in-custody case management will assist with the tracking of these release options and the appropriate victim notifications. (Stewart & Goni, 2011)

Impacts on Health and Social Services

The county health and social services department will also be impacted both by in-custody offenders and those released on PRCS. (Mannel, 2011) The director of social services provided the following summary of how realignment will affect those departments.

“Lassen County Health and Social Services Agency provides services to people with severe and persistent mental illness who meet the eligibility criteria under the State managed care contract, Medi-cal or CMSP. The Alcohol and Drug Department is Drug Medi-cal certified using structured outpatient groups based upon the frequency of the individual needs. Both departments use established sliding fee schedules for eligible participant’s ability to pay. Both departments appear to have existing capacity to serve post release AB 109 clients using the established contracted services system and hourly unit rates. Availability will be defined for purchase through inter-departmental Memorandums of Understanding (MOU’s) between HSS and Law Enforcement for people who do not meet the criteria mentioned above. The MOU’s are yet to be established. Employment services are available through the Business and Career Network while Public Health offers clinics for adult and children vaccinations, TB monitoring and HIV case management (coordinated with Alcohol and Drug)” (Mannel, 2011).

Moving forward, Health and Social Services (HSS) and the sheriff’s office will forge a new partnership in an attempt to deal with in-custody offender treatment issues. Historically, these services have been scarce in Lassen County’s Jail. Typically, mental health services are only available to inmates in need of immediate crisis intervention. Realignment is designed to address issues effecting recidivism. Partnering with HSS should enhance the sheriff’s ability to provide in-custody programs like substance abuse and behavioral counseling. (Mannel, 2011) Most of the felons currently confined with CDCR have education, substance abuse, or anger management needs. CDCR utilized the Criminal Offender Management Profiling for Alternative Sanctions (COMPAS) tool to study/assess the needs of the inmate population. The COMPAS tool aids CDCR in determining how to treat offenders. The latest COMPAS data set shows that of all the inmates housed in CDCR custody, the majority have medium to high needs for various

treatment programs. (California Rehabilitation Oversight Board, 2011) The COMPAS data from June 29, 2011 shows that of the 159,204 offenders in CDCR custody the following percentages show moderate to high needs in the following program areas: 56.8% in education / vocational programs, 63.6% in substance abuse, 50.3% for anger, and 46.1% for criminal thinking. (California Rehabilitation Oversight Board, 2011). Considering the high percentage of inmates that need behavioral or substance abuse services in custody, the relationship between HSS and the sheriff will be an important step in implementing realignment.

METHOD

Shortly after the governor signed realignment in April, The California State Sheriff's Association (CSSA) asked for local officials to join a committee on behalf of CSSA to work with CDCR in developing strategies to implement realignment. As a member of the CSSA committee, I instructed one portion of a realignment training seminar offered to local officials. I addressed large groups of probation, sheriff, health and social services, and administration officials from Central and Northern California. At the end of my instructional segment, I sought volunteers to participate in a survey on realignment for my thesis research. I distributed the survey at two training courses; one hosted in Fresno and the other hosted in Galt, which is just south of Sacramento.

The survey contained a demographics section and a section asking several questions about realignment and its potential impacts on local governments. Less than half those surveyed completed the demographic section. The majority only completed the portion calling for a number choice 1-5 to rate the scale of importance. Since less

than half of those who completed the survey filled in the demographics section, that portion of the survey was of little use. However, I was able to get an informal read as to the conference attendees who had an opportunity to participate. At the beginning of each training day, CDCR personnel took a quick poll of the attendees to see which agencies were represented. Between the two days, I saw local officials from counties all over central and northern California. The vast majority of the attendees were probation and sheriff representatives; but there were representatives from county administration and county health and social services along with some state government officials.

The survey featured a series of questions gauging the respondent's evaluation of the impacts of realignment. The first 13 questions had a rating scale from 1-5. The response set was as follows: 1) very positive, 2) somewhat positive, 3) no position, 4) somewhat negative, 5) very negative.

RESULTS

In total, I received 158 responses to the realignment survey I distributed at the two different training seminars. I tabulated a summary that includes all responses and included the summary in Table 2. Considering the format and numbering scale of the survey, an answer of 1 is just as significant as an answer of 5 since the rating scale went from very positive to very negative and the middle number 3 was neutral.

Survey response number 3 was "no opinion" or neutral. I calculated the mean response for each question and measured each answer against its "distance from 3." That calculation allowed me to properly measure how strongly a respondent felt about a

particular issue; whether the response indicated a very positive or very negative outlook. After determining mean and distance from neutral, I then calculated the standard deviation to determine the consistency of responses. I was then able to rank the responses both by their consistency (Table 3) and the overall strength related to neutral (Table 4). Next, I tabulated a summary of responses to show the total number of responses for each answer possible per question. Tables 5 and 6 show the relationship between questions 4 and 12 and 7 and 13 respectively. (Tables 5 & 6).

The question with the strongest overall response was: “Overall, I would classify the magnitude of Corrections / Public Safety Reform from AB 109 as?” This was the highest ranked response when measured in its distance from neutral. The mean reply was 4.52, or 1.52 away from neutral. That indicates respondents consider the realignment legislation to fall somewhere between major reform and the most sweeping reform package in their careers. This response also had the lowest standard deviation so it was not only the highest ranked question; it was also the most consistently answered. The summary of responses also helps show how strong the respondents felt about this question. Of the 158 surveyed, 103 (65%) ranked this as the biggest reform in a career. An additional 45 (28%) ranked this as “major” reform. Only 10 respondents, or just over 6% ranked this a neutral or lower. Realignment appears to be the most significant reform since California Statehood.

The second ranked question probed analysis of funding for realignment. The mean score for those responses was 4.10 or 1.1 away from neutral. Participants responded somewhat negative when asked if the state will adequately fund realignment

so local governments will be able to implement / maintain programs. 81% of the respondents are either somewhat negative or very negative about the state adequately funding realignment.

The third highest ranked response was question #4 which discussed local jail capacities. The mean score was 4.09 (1.09 away from neutral) or somewhat negative. Combining the responses for somewhat negative with very negative, 87% of those surveyed think realignment will have a negative impact on local jail capacities. The negative outlook on jail capacity is also linked to the 4th ranked (next highest) response in the survey. That question deals with how realignment will impact state prison overcrowding conditions.

Data shows bed space in county jails is inadequate to house additional inmates. (Corrections Standards Authority, 2010) Several counties in California are already subject to some type of population reduction order. Counties throughout California are already releasing inmates at a significant rate. All California jails prepare a jail profile survey (JPS) report each month and deliver that report to the Corrections Standards Authority (CSA). The JPS contains information about jail populations. According to the jail profile survey, county jails released 68,186 inmates from January through June of 2010. (Corrections Standards Authority, 2010) That averages out to 11,364 inmates released every month. Those inmates are not released because they completed their respective sentences, posted bail, or other mechanism. Inmates are being released simply due to a lack of local capacity to house them. How will these same jails handle an additional 29,000 plus inmates under realignment? There is another problem when

looking at the inmate projections provided by the state. All those figures are based on average daily population (ADP). ADP looks at the number of bed space required if one inmate occupies one bed for an entire year. Therefore, if two inmates each occupy one bed for six months; the ADP only increases by 1 (2 inmates, each with a 6 month sentence are equal to 1 inmate with a year long sentence for ADP calculations). The above example demonstrates the problem with ADP; it does not account for surge capacity needs. In the above example, the ADP only increases by 1 bed, but if both inmates on a six month sentence are serving the same six month time frame, the beds needed actually increases by 2 for six months. Population surges are common. The overlapping sentences of two “6-month” inmates will have more impact on jail space needs than indicated when looking at a simple ADP calculation.

The next problem with the state’s population projections lies within the assumptions used to calculate the numbers. The department of finance had to use some projections to help determine the actual local jail beds necessary to accommodate realigned offenders. The projections assumed that inmates who received a sentence of 3-years or less would really only serve 6 months in actual custody (Garcia, 2011). Inmates are entitled to sentence reductions based on their individual conduct. Some inmates earn 50% sentence reductions. If that occurs, an inmate with a 3 year sentence would serve 18-months in custody. An inmate with a 16-month sentence would serve 8 months. Since the lightest possible prison (now jail, under realignment) sentence is 16-months. Therefore, the shortest actual custody possible is 8 months. The state calculated the shorter term by estimating how liberally county jails would use alternatives to custody programs like house arrest or GPS monitoring. I already discussed the early capacity

driven releases underway across the state. The jails with additional bed space will not have to use capacity releases as a mechanism to control inmate population. Jails similar to Lassen County will see numbers increase more than projected because there is inmate bed space available. Considering available capacity, Lassen County will not have to use the alternative to custody programs as aggressively as those jails that are already at or above capacity.

The survey question on jail capacity is related to the survey question regarding state corrections overcrowding conditions. Interestingly, the state corrections overcrowding question was the next ranked score on the survey. The mean score was 1.93 (1.07 from neutral) or somewhat positive about realignment's impact on the overcrowding conditions in state prisons. There is a clear relationship between these two questions. If respondents believe realignment will have a negative impact on local jail capacities, it is logical for respondents to conclude realignment will have a positive impact on the overcrowding conditions in state prisons. Comparing the survey results the two responses are good reflections of one another. Respondents ranked the jail capacity question at just over slightly negative (1.092 away from neutral). Respondents ranked state prison overcrowding at just better than slightly positive at 1.07 away from neutral. These two answers are only .022 away from one another on opposite sides of neutral. Respondents clearly see the relationship between driving prison populations down and how that will send county jail populations upward. Realignment is designed to reduce the state's prison population, shrinking the inmate numbers downward toward the cap set by the U.S. Supreme Court ruling in May of 2011. Based on California Department of Finance estimates, 29,176 inmates will be realigned and eligible for placement in county

jails (California Department of Finance, 2011). Since these two questions are related, I combined them in a pivot table to show the relationship statistically (Table 5).

The following four questions received ratings that are all at least .5 away from neutral, but less than a full point away. All these responses represent either a somewhat positive or negative response, but do not quite reach those marks.

The question asking how AB 109 will impact local health and social services scored 3.88 or .88 away from neutral. That score brings the survey result in at slightly less than somewhat negative. Falling below somewhat negative is an interesting rating especially considering the primary survey group. The group, which was comprised heavily of sheriff and probation representatives, made a fair acknowledgement that realignment will have a somewhat negative impact on local health and social services. Under the current model, state parolees are returning to their home communities and are drawing off the local HSS services. State parole agents are making the referrals to local HSS now. Moving forward, local probation will be making these referrals. The biggest difference in the future will be which agency is making the referral rather than who is handling the referral for parolees.

HSS departments will see an increase demand for their services for offenders that are in custody. Lassen County will contract with HSS for additional counseling services for the inmate population. While this will put an additional burden on HSS, Lassen County intends to use some of the realignment funding to pay HSS for these additional services. HSS departments across the state should expect similar increases in demand for

their services. However, if realignment funding pays for new services, HSS should be able to augment staffing accordingly.

HSS is already handling the PRCS population as they parole from state prisons. Moving forward, HSS will add some incarcerated persons to its caseload. Since the same HSS professionals will be dealing with offenders in custody and post release, there is an opportunity to improve continuity of service to the offenders.

The next ranked question on the survey is question #10, which asked: what influence will AB 109 have on crime rates in California? This question scored 3.823 or .823 away from neutral just below “slightly negative” on the answer key. This response is of concern when compared to the governor’s goals for realignment. Governor Brown worked to enact reform of this magnitude to effect a positive change for the criminal justice system, reduce crime rates, and make California safer. Survey results show the group has a more pessimistic view. Results suggest there are not enough jail beds to house these offenders and not enough probation officers to adequately supervise these offenders. AB 109 will require adequate funding to support the types of rehabilitative programs needed to make a positive impact on rehabilitation efforts. At this point it looks as if there will be more offenders on the streets, too few probation officers to supervise them, and not enough programs to support the offenders in making necessary life changes.

These next 2 questions also fall into the category of .5 to .99 away from neutral. These questions are closely related and therefore grouped together. Question #7 asks: AB 109 will have what impact on local budgets? Question #13 asks: AB 109 will have

what effect on the state's costs for corrections? The mean score for question 7 was 3.791 or .791 away from neutral. This score indicates those surveyed fell just short of answering "somewhat negative." In comparison, the mean score for question 13 was 2.184 or .816 away from neutral. The 2.184 number indicates those surveyed fell just short of answering "somewhat positive." This is a particularly interesting comparison. The similarity in these two responses is striking. There is only .025 separating the mean scores of these two questions in either direction from neutral. Although neither response is particularly strong in its respective view, it appears those surveyed see a correlation in reducing state costs, while adding costs to the local governments. Considering the governor's signing message, it is clear the governor feels the current system wastes money. If that is the case, then realignment should cut costs (at the state level) for corrections. Considering the survey results for question 13, those surveyed are slightly less than "somewhat positive" in their collective outlooks that realignment will in fact cut costs for the state. Those same officials are slightly less than "somewhat negative" on their outlooks of how realignment will impact local budgets. Since these questions are so closely related, I also plotted these results on a pivot table to illustrate the statistical comparison (Table 6).

The final question in this category is question #6 that asked how AB 109 will impact local prosecutors and public defenders. The mean score of this question was 3.57 or .57 away from neutral. Respondents leaned toward a "slightly negative" response but did so by a very slim margin. Less than slightly negative is an interesting response because prosecutors and public defenders are going to feel some negative impacts with realignment. I disagree with the neutrality of the survey group on this issue. There are

two different issues that will affect prosecutors and defense attorneys. Initially, these attorneys will spend more time working through cases because of realignment. (Burns, 2011) Traditionally, felony convictions made an offender eligible for state prison. Under realignment, that has all changed. State prison sentences will be based upon the current charge and/or the offender's criminal history. If an offender has qualifying offenses (sex, violence, or serious) in his/her history, the offender will be eligible for prison no matter how serious or minor the new felony charge. This will result in attorneys spending more time attempting to negotiate plea bargains to avoid full prosecution and a potential prison sentence. (Burns, 2011) If an offender agrees early in the process, thus placing less of a burden on the prosecutor and court's time and resources; this often results in the best possible plea agreement for minimal custody time. Offenders will have even more incentive to reach an early plea and try to stay out of state prison. Attorney's will spend more time with plea negotiations and will spend more time explaining possible consequences of cases to ensure offenders know where they will serve custody time. (Burns, 2011) In addition to the added time spent on current cases, prosecutors and defense attorneys will also spend more time dealing with revocation proceedings for PRCS violators. As one of the training guides for realignment, CDCR's Division of Adult Parole Operations (DAPO) prepared a parole revocation tally sheet showing numbers of parole violations by county for the year 2010. DAPO split the revocation totals by those inmates on state parole and those on PRCS. Based on the revocation totals from 2010, counties can expect to conduct 56,172 PRCS revocation hearings (Divison of Adult Parole Operations, 2011). Traditionally, state parole agents and hearings officers presided over parole revocation proceedings. Moving forward, local

prosecutors and public defenders will be handling presentation of evidence in these proceedings for PRCS violators. By July of 2013, this function will shift fully away from state parole and these proceedings will be presided over by local superior courts. While this process is phasing in over the next few years, there will be increased workload for prosecutors and public defenders.

All the remaining responses had a mean score that was less than .5 away from neutral. Any of these could be rounded (up or down) back to the neutral position. For this analysis, I will begin with the response closest to neutral. Question 14 deals with local law enforcement's ability to supervise current parole caseloads. The mean score for was 2.97 or only .03 away from neutral. The neutrality of these responses is particularly interesting when compared to the governor's signing message. Governor Brown said of state offenders, "Cycling these offenders through state prisons wastes money, aggravates crowded conditions, thwarts rehabilitation, and impedes local law enforcement supervision" (Brown Jr. E. G., 2011). Considering this signing message, the governor thinks local law enforcement supervision is impeded under the existing system. The message infers that local officials are well-equipped to supervise these cases. Compare that goal of realignment with the overwhelming neutral response from the respondents. Based on the responses, those surveyed do not have a strong feeling as to the local law enforcement being well-suited to handle this new caseload.

The next near-neutral response was on question #15 related to rehabilitation. The average response was only .1 away from neutral. That question asked, "My outlook on Low-Level Offenders being rehabilitated more effectively if their sentence is served in

local jails?” This is another example of an issue specifically raised in the governor’s signing message that invoked a flat response from those surveyed. The governor stated the current situation thwarts rehabilitation. If that is the case, the proposed changes should improve rehabilitation efforts. Based on the responses of those surveyed, local officials do not have a strong opinion that realignment will help rehabilitate offenders.

The next three questions also fall into the near neutral category in that all three are less than .5 away from the neutral score of three. Those questions are:

- How will AB 109 impact Community Based Organizations?
- AB 109 will have what impact on local probation supervision capabilities?
- How will AB 109 influence criminal recidivism in California?

Of those three questions, the neutral responses on the question about community based organizations are the least surprising. The flat response in the survey matches much of what other local officials have shared. Prior to realignment, parolees were released from state prisons under the supervision of state parole agents. State parole does not have its own outreach programs for parolees to utilize. Parole agents have typically directed parolees to the community based organizations. The fact that the parolees of yesterday will be PRCS offenders in the future should not change the demand on community based organizations. Under the traditional model and moving forward under realignment, parolees (were) are released back to their last county of residence. Therefore, the demand on community based organizations should not increase. The only

real change will be that the referral to those organizations will now come from the local probation department rather than state parole.

The response to the question related to probation supervision capabilities is surprising. Probation departments will notice significant impacts from realignment. The effects on probation departments will rival the impacts felt by sheriff's offices. Based on Department of Finance estimates, at full implementation, probation department will be dealing with a new population of 29,550 on PRCS (California Department of Finance, 2011). The entire list of new PRCS cases by county is included in figure 5

There are two distinct issues facing probation departments under realignment. The first issue is related to the type of offenders that will be under probation supervision. Traditionally, probation departments have dealt with offenders that should have been sentenced to prison, but instead received felony probation. Rather than going to prison, offenders had the prison commitment piece of their sentence suspended and were instead placed on felony probation. If those offenders violated the terms of felony probation, they were eligible to have the state prison sentence reinstated. Even though probation departments have dealt with felony probationers, probation departments are not accustomed to dealing with people who have just left a state prison population.

In addition to the type of offenders that will fall under probation supervision, the second impact on probation caseloads will come from the number of new cases. Based on current projections, there will be an additional 29,550 offenders across the state that fall under probation supervision via PRCS when realignment is fully implemented 4 years from now (California Department of Finance, 2011). Adding offenders to local

caseloads will require probation departments to augment staffing levels to deal with the influx of newly released offenders requiring supervision. According to the American Probation and Parole Association, standard caseloads ratios for probation officers to probationers are 1:20 for intensive supervision and 1:50 for moderate to high risk. (Burrell, 2006) Probation departments will have to garner additional revenues if these departments are to increase staffing. The only way probation departments will have the revenues required to add staffing is if realignment is adequately funded. Looking back at the question related to funding, those surveyed had a negative outlook on the prospect of the state adequately funding realignment so local governments can implement and maintain programs. Consider the survey result related to funding. Then consider the new projected caseload increase for probation. Probation departments have to be adequately funded to handle the new caseload. The neutrality of this response is surprising considering the survey result related to funding. If respondents were more optimistic that the state would adequately fund realignment, it would be logical to conclude realignment would be less impactful to local probation's supervision abilities. However, since respondents concluded realignment was not likely to be adequately funding, it is reasonable to believe probation supervision will be negatively affected adding new probationers and PRCS offenders.

The final question to receive a neutral response was related to how realignment will impact criminal recidivism in California. Again, consider the flat responses from this survey question against the governor's signing message. The governor feels as if the current situation thwarts rehabilitation efforts. The governor's thoughts on rehabilitation under the existing system infer a local system will perform better in regard to

rehabilitation. Rehabilitation and recidivism are closely tied. If local governments do a better job at rehabilitating offenders, those same offenders would be less likely to recidivate. Once again, based on the survey results, survey participants do not share the governor's optimism. I have slightly more optimism when compared to the survey group. In the current system, every offender arrested for a local charge begins the incarceration period in the local county jail. Every county jail across the state receives offenders after arrest for fresh charges. In the jail, these offenders go through a court process. If convicted of a felony charge, the offender goes into the state prison system. Once transferred to CDCR custody, the offender may be transferred to any prison throughout the state. Considering this model, my local offenders in Lassen County could serve their prison sentences in a prison at any area within the state. Do prison officials 500 miles away from the offender's residence have vested interest in the rehabilitation of a Lassen County offender? If those offenders spend their prison sentences in their home counties, local employees actually have a vested interest in offender rehabilitation. Simply put, when local offenders are released, they are right back in their home community. Local jail employees encounter those same offenders (after release) in the grocery stores, school field trips, or at the youth sports fields. Local corrections officials have a stake in an offender's success or failure because they share the same community upon release. That fact alone increases the likelihood that locals will have some positive influence on rehabilitation efforts at the local level.

Table 2 – Summary of Responses to Realignment Survey

	Very Positive	Somewhat positive	No Opinion	Somewhat Negative	Very Negative
	1	2	3	4	5
AB 109 will have what impact on local jail capacities?	5	10	5	83	55
AB 109 will have what impact on local probation supervision capabilities?	14	32	18	57	36
AB 109 will have what impact local prosecutors / public defenders?	0	15	58	64	21
AB 109 will have what impact on local budgets?	7	22	18	61	50
How will AB 109 impact local Health / Social Services?	3	8	30	81	36
How will AB 109 impact Community Based Organizations?	9	35	45	54	15
What influence will AB 109 have on crime rates in California?	3	21	27	57	50
How will AB 109 influence criminal recidivism in California?	4	43	27	48	36
AB 109 will have what impact on overcrowding conditions in California Prisons?	52	83	9	10	4
AB 109 will have what affect on the State's costs for corrections?	40	73	28	10	7
My feeling that Local law enforcement is well suited to supervise current parole caseloads:	20	54	20	39	25
My outlook on Low-Level Offenders being rehabilitated more effectively if their sentence is served in local jails:	16	62	21	41	18
My outlook that the state will adequately fund AB 109 so local governments can effectively implement / maintain programs.	2	19	9	58	70

	Not at all	Minimal	No Opinion	Major Reform	Biggest Reform Package in my career
	1	2	3	4	5
Overall, I would classify the magnitude of Corrections / Public Safety Reform from AB 109 as:	2	6	2	45	103

CONCLUSION

It will take some time to fully understand how realignment will impact local governments. The long-term funding is still an issue. The constitutional protections are not in place. At this point, realignment is in full operation. It will take years before full effects are known and measurable. Moving forward, estimates and projections on inmate populations will give way to hard data and statistical analysis. However, I can already site different examples of how realignment is already impacting my organization.

On September 27, 2011 (days before realignment became operative), a parole violator in custody at the Lassen County Jail, damaged a fire sprinkler causing substantial flooding. Incidents of this nature, requires the fire sprinkler system to be inactivated so the broken sprinkler can be repaired. The fire department must be contacted because system is temporarily disabled. The floors must be completely dry before the inmate can be moved. Combative inmates are difficult to safely relocate on slippery, wet floors. Once the inmate is moved, the sprinkler has to be repaired so the system is operational.

Since realignment was still inoperative on that date, the jail was able to remove the parolee and transfer him to state prison at the conclusion of the issues described above.

Consider the same scenario after now that realignment is operational: Parolees can be returned to state prison. That inmate would be returned to the same (or a different) cell and local jail personnel will continue to deal with the parolee rather than relocate that offender to state prison.

Realignment went into effect and Tuesday October 4, 2011 was the first day court was in session after realignment was implemented. On that day, the Lassen County Jail received 3 realigned inmates: The first was sentenced on two concurrent cases for a total of 4 years, the second sentenced to 2 years, and the third sentenced to 16 months. That was quite a jump-start to a new process. The California Jail Manager's Email List was active throughout the day with different jail managers from all over the state offering a tally of how many realigned inmates they received.

Just four months after realignment became operative; the Lassen County Jail already had 24 realigned offenders against a total inmate population of 99. 24% of the total jail population was "county felons" realigned under AB109. Lassen County was only supposed to receive 38 new inmates under realignment, but the population was not supposed to increase by that amount for 4 years. (California Department of Finance, 2011). The pace at which Lassen County's population is rising supports the survey results in which 87% of those surveyed felt that realignment will have a negative impact on local jail capacities.

The realignment process is still new and will remain fluid and changing. Lassen County is already feeling the effects of its passage. The magnitude of this reform is one of the largest in the state's history. Realignment will reduce the state's overcrowded prison conditions. Realignment will also place significant burdens on local governments.

Will sheriffs take the risk and send offenders out in the communities with GPS or other electronic monitoring? How will commingling felons and misdemeanor offenders change the inmate culture in local jails? Will the lowest level misdemeanor offenders be tainted by exposing them to "low-level" felons in the same facility? Will realignment improve rehabilitation and reduce recidivism by realigning felons to the local level? Will there be adequate funding to implement programs designed to change offender behavior?

These are all questions that will be monitored closely by public safety officials, and the public at large moving forward. In closing, Lassen County District Attorney Robert M. Burns discussed with me his thoughts on realignment just after its implementation. Mr. Burns remembers when the "3-strikes" law passed in California. There were "2-strike" felons that moved out of California for fear of the 25-years to life sentence that accompanied a 3rd strike conviction. On 10/04/2011, I sent a text message to Mr. Burns telling him that Lassen County received three realigned inmates that day (knowing full well Mr. Burns was involved in their convictions and sentencing). I told Mr. Burns that in my opinion, crime is "on-sale" in California now. Mr. Burns reply: "yes, the fear of the big-house is gone." I think this conversation between District Attorney Burns and I capture the thoughts and worries of many public safety officials. Has California put crime on sale? Is the "fear of the big house" gone? Two things are

certain in the new climate under realignment: Some felons will not go to state prison and some felons will not be subject to parole supervision.

There is no doubt that realignment represents major government reform in the state of California. If realignment is unsuccessful, it could be a disaster for local governments and the citizens we protect. However, if successful, California's realignment strategy could become a flagship model used across the country to improve rehabilitation, reduce costs, and alleviate prison overcrowding.

APPENDIX

Table 1 - 20-Year Population / Capacity Comparison for CDCR

Year	Population	Capacity	Percent of Capacity
1991	96,023	54,042	177.68%
1992	99,992	57,986	172.44%
1993	110,437	62,583	176.46%
1994	119,545	66,183	180.63%
1995	125,888	70,845	177.69%
1996	136,283	73,121	186.38%
1997	148,150	75,952	195.06%
1998	151,988	79,877	190.28%
1999	154,284	79,873	193.16%
2000	153,802	80,367	191.37%
2001	152,582	80,467	189.62%
2002	152,637	80,467	189.69%
2003	154,107	80,187	192.18%
2004	158,581	80,890	196.05%
2005	159,189	83,256	191.20%
2006	165,704	87,370	189.66%
2007	165,932	84,175	197.13%
2008	160,352	84,066	190.75%
2009	154,897	84,271	183.81%
2010	151,550	84,156	180.08%
2011	147,698	84,116	175.59%

(California Department of Corrections and Rehabilitations, 2010)

Table 2 – Summary of Responses to Realignment Survey

	Very Positive	Somewhat positive	No Opinion	Somewhat Negative	Very Negative
	1	2	3	4	5
AB 109 will have what impact on local jail capacities?	5	10	5	83	55
AB 109 will have what impact on local probation supervision capabilities?	14	32	18	57	36
AB 109 will have what impact local prosecutors / public defenders?	0	15	58	64	21
AB 109 will have what impact on local budgets?	7	22	18	61	50
How will AB 109 impact local Health / Social Services?	3	8	30	81	36
How will AB 109 impact Community Based Organizations?	9	35	45	54	15
What influence will AB 109 have on crime rates in California?	3	21	27	57	50
How will AB 109 influence criminal recidivism in California?	4	43	27	48	36
AB 109 will have what impact on overcrowding conditions in California Prisons?	52	83	9	10	4
AB 109 will have what affect on the State's costs for corrections?	40	73	28	10	7
My feeling that Local law enforcement is well suited to supervise current parole caseloads:	20	54	20	39	25
My outlook on Low-Level Offenders being rehabilitated more effectively if their sentence is served in local jails:	16	62	21	41	18
My outlook that the state will adequately fund AB 109 so local governments can effectively implement / maintain programs.	2	19	9	58	70

	Not at all	Minimal	No Opinion	Major Reform	Biggest Reform Package in my career
	1	2	3	4	5
Overall, I would classify the magnitude of Corrections / Public Safety Reform from AB 109 as:	2	6	2	45	103

Table 3 – Realignment Survey Responses Ranked by Standard Deviation

Quest #	Mean	St. Dev	Question text
17	4.525316	0.811536	Overall, I would classify the magnitude of Corrections / Public Safety Reform from AB 109 as:
6	3.575949	0.839277	AB 109 will have what impact local prosecutors / public defenders?
8	3.879747	0.884096	How will AB 109 impact local Health / Social Services?
12	1.93038	0.931522	AB 109 will have what impact on overcrowding conditions in California Prisons?
4	4.091772	0.964066	AB 109 will have what impact on local jail capacities?
13	2.183544	1.027263	AB 109 will have what affect on the State's costs for corrections?
16	4.107595	1.044155	My outlook that the state will adequately fund AB 109 so local governments can effectively implement / maintain programs?
9	3.196203	1.067522	How will AB 109 impact Community Based Organizations?
10	3.822785	1.079744	What influence will AB 109 have on crime rates in California?
7	3.791139	1.162327	AB 109 will have what impact on local budgets?
11	3.436709	1.186085	How will AB 109 influence criminal recidivism in California?
15	2.892405	1.229082	My outlook on Low-Level Offenders being rehabilitated more effectively if their sentence is served in local jails
5	3.427215	1.292834	AB 109 will have what impact on local probation supervision capabilities?
14	2.968354	1.318274	My feeling that Local law enforcement is well suited to supervise current parole caseloads:

**Table 4 – Realignment Survey Responses
Ranked by Distance Away From Neutral**

Quest #	Mean	Dist frm Neutral	Question Text
17	4.525	1.525	Overall, I would classify the magnitude of Corrections / Public Safety Reform from AB 109 as:
16	4.108	1.108	My outlook that the state will adequately fund AB 109 so local governments can effectively implement / maintain programs?
4	4.092	1.092	AB 109 will have what impact on local jail capacities?
12	1.930	1.070	AB 109 will have what impact on overcrowding conditions in California Prisons?
8	3.880	0.880	How will AB 109 impact local Health / Social Services?
10	3.823	0.823	What influence will AB 109 have on crime rates in California?
13	2.184	0.816	AB 109 will have what affect on the State's costs for corrections?
7	3.791	0.791	AB 109 will have what impact on local budgets?
6	3.576	0.576	AB 109 will have what impact local prosecutors / public defenders?
11	3.437	0.437	How will AB 109 influence criminal recidivism in California?
5	3.427	0.427	AB 109 will have what impact on local probation supervision capabilities?
9	3.196	0.196	How will AB 109 impact Community Based Organizations?
15	2.892	0.108	My outlook on Low-Level Offenders being rehabilitated more effectively if their sentence is served in local jails:
14	2.968	0.032	My feeling that Local law enforcement is well suited to supervise current parole caseloads:

Table 5 - Pivot Table Comparing Questions 4 & 12 of the Realignment Survey

Question #4 - AB 109 will have what impact on local jail capacities?

Question #12 - AB 109 will have what impact on overcrowding conditions in California Prisons?

Count of Respondents	Q12					
Q4	No Opinion	Somewhat Negative	Somewhat Positive	Very Negative	Very Positive	Grand Total
No Opinion			3		2	5
Somewhat Negative	3	6	51	1	22	83
Somewhat Positive	1	1	5		3	10
Very Negative	5	3	22	3	22	55
Very Positive			2		3	5
Grand Total	9	10	83	4	52	158

TABLE 6 – Pivot Table Comparing Questions 7 & 13 of the Realignment Survey

Question 7 - AB 109 will have what impact on local budgets

Question 13 - AB 109 will have what affect on the State’s costs for corrections?

Count of Respondents	Q13					
Q7	No Opinion	Somewhat Negative	Somewhat Positive	Very Negative	Very Positive	Grand Total
No Opinion	9	1	6		2	18
Somewhat Negative	5	6	33	1	16	61
Somewhat Positive	2		10	2	8	22
Very Negative	11	3	20	3	13	50
Very Positive	1		4	1	1	7
Grand Total	28	10	73	7	40	158

Figure 1- New Inmate Populations by County Under AB 109

County	Low-level (N/N/N) Offenders		
	Total Inmates N/N/N no Prior S/V ADP 1, 2, 5	Short-term Inmates N/N/N w/no Prior S/V w Sentence Length < 3 Years 1, 2, 3, 5, 6	Long-term Inmates N/N/N w/no Prior S/V w Sentence Length > 3 Years 1, 2, 4, 5, 6
Alameda	267	181	86
Alpine	2	2	-
Amador	53	35	18
Butte	268	161	108
Calaveras	21	12	8
Colusa	23	16	6
Contra Costa	104	60	44
Del Norte	11	2	9
El Dorado	68	45	23
Fresno	518	357	161
Glenn	28	18	10
Humboldt	137	108	29
Imperial	90	53	37
Inyo	15	7	7
Kern	1,019	784	236
Kings	321	201	120
Lake	73	39	34
Lassen	32	19	13

Los Angeles	8,342	5,767	2,576
Madera	111	67	44
Marin	66	27	39
Mariposa	13	9	5
Mendocino	75	38	37
Merced	171	100	71
Modoc	2	1	1
Mono	3	2	1
Monterey	308	176	132
Napa	70	44	26
Nevada	23	16	7
Orange	1,464	1,038	427
Placer	251	133	118
Plumas	9	7	3
Riverside	1,601	990	611
Sacramento	895	505	390
San Benito	52	30	22
San Bernardino	2,301	1,638	663
San Diego	1,821	1,043	778
San Francisco	164	114	50
San Joaquin	450	311	138
San Luis Obispo	140	88	52
San Mateo	208	139	70
Santa Barbara	294	181	112

Santa Clara	693		402		291
Santa Cruz	78		72		6
Shasta	326		147		178
Sierra	1		1		-
Siskiyou	34		12		21
Solano	278		162		116
Sonoma	231		116		115
Stanislaus	540		316		224
Sutter	103		67		35
Tehama	154		94		60
Trinity	9		8		1
Tulare	520		292		228
Tuolumne	47		13		33
Ventura	380		210		170
Yolo	277		130		147
Yuba	94		64		30
Total Projected:	25,651		16,673		8,978

(California Department of Finance, 2011)

1. Numbers are based upon full Implementation.
2. Numbers have been adjusted for excluded crimes.
3. Numbers reflect sentence lengths 3 years or less.
4. Numbers reflect sentence lengths above 3 years. Population serving longer than 3 years will be significantly less due to day for day credit earning.
5. Judicial decisions could decrease this population dramatically.
6. This population is a subset of the total low level offender population.
7. Assumes 30-Day Average Length of Stay for Locally Supervised Violators and State Parole Violators.

Figure 2 - Expenditures for Realignment

Expenditures for 2011 Realignment	
(In Millions)	
Adult offenders and parolees	1,587
Local public safety grant programs	490
Court security	496
Pre-2011 juvenile justice realignment	97
Early and Periodic Screening, Diagnosis, and Treatment	579
Mental Health Managed Care	184
Drug and alcohol programs - substance abuse treatment	184
Foster Care and Child Welfare Services	1,567
Adult protective Services	55
Cal WORKS / mental health transfer	1,084
Cal WORKS	(1,066)
Mental Health	(18)
Total	6,323

(Taylor, 2011)

Figure 3 – Revenues for Realignment

Revenues for Realignment (In Millions)				
	2011-12	2012-13	2013-14	2014-15
Sales Tax	\$5,106	\$5,571	\$6,015	\$6,388
Vehicle license fee	\$453	\$453	\$453	\$453
Proposition 63	\$763			
Revenues	\$6,322	\$6,024	\$6,468	\$6,841

(Taylor, 2011)

Figure 4 - 2011-12 Realignment Funding by County

	[1] 2011-12 Allocation for AB 109 PROGRAMS	[2] 2011-12 Allocation for AB 109 DA/PD Activities (revocation)	[3] 2011-12 allocation for training, retention purposes (one- time)	[4] 2011-12 allocation for Comm Corrections Partnership planning (one- time) *
ALAMEDA	\$9,221,012	\$330,530	\$650,650	\$200,000
ALPINE	\$76,883	\$2,756	\$5,425	\$100,000
AMADOR	\$543,496	\$19,482	\$38,350	\$100,000
BUTTE	\$2,735,905	\$98,069	\$193,050	\$150,000
CALAVERAS	\$350,757	\$12,573	\$24,750	\$100,000
COLUSA	\$214,352	\$7,684	\$15,125	\$100,000
CONTRA COSTA	\$4,572,950	\$163,919	\$322,675	\$200,000
DEL NORTE	\$221,438	\$7,938	\$15,625	\$100,000
EL DORADO	\$1,210,643	\$43,396	\$85,425	\$100,000
FRESNO	\$8,838,368	\$316,814	\$623,650	\$200,000
GLENN	\$331,271	\$11,875	\$23,375	\$100,000
HUMBOLDT	\$1,526,679	\$54,724	\$107,725	\$100,000
IMPERIAL	\$1,296,384	\$46,469	\$91,475	\$100,000
INYO	\$190,968	\$6,845	\$13,475	\$100,000
KERN	\$10,834,140	\$388,353	\$764,475	\$200,000
KINGS	\$2,862,035	\$102,591	\$201,950	\$100,000
LAKE	\$820,913	\$29,426	\$57,925	\$100,000
LASSEN	\$384,770	\$13,792	\$27,150	\$100,000
LOS ANGELES	\$112,558,276	\$4,034,688	\$7,942,300	\$200,000
MADERA	\$1,688,240	\$60,516	\$119,125	\$100,000
MARIN	\$1,304,178	\$46,749	\$92,025	\$150,000
MARIPOSA	\$165,458	\$5,931	\$11,675	\$100,000
MENDOCINO	\$993,812	\$35,624	\$70,125	\$100,000
MERCED	\$2,498,524	\$89,560	\$176,300	\$150,000
MODOC	\$76,883	\$2,756	\$5,425	\$100,000
MONO	\$100,267	\$3,594	\$7,075	\$100,000
MONTEREY	\$3,846,989	\$137,897	\$271,450	\$150,000
NAPA	\$1,051,917	\$37,706	\$74,225	\$100,000
NEVADA	\$515,152	\$18,466	\$36,350	\$100,000
ORANGE	\$23,078,393	\$827,253	\$1,628,450	\$200,000
PLACER	\$2,986,395	\$107,048	\$210,725	\$150,000
PLUMAS	\$153,766	\$5,512	\$10,850	\$100,000
RIVERSIDE	\$21,074,473	\$755,421	\$1,487,050	\$200,000
SACRAMENTO	\$13,140,278	\$471,018	\$927,200	\$200,000
SAN BENITO	\$547,748	\$19,634	\$38,650	\$100,000

SAN BERNARDINO	\$25,785,600	\$924,293	\$1,819,475	\$200,000
SAN DIEGO	\$25,105,698	\$899,922	\$1,771,500	\$200,000
SAN FRANCISCO	\$5,049,838	\$181,013	\$356,325	\$200,000
SAN JOAQUIN	\$6,785,908	\$243,243	\$478,825	\$150,000
SAN LUIS OBISPO	\$2,200,557	\$78,880	\$155,275	\$150,000
SAN MATEO	\$4,222,902	\$151,371	\$297,975	\$150,000
SANTA BARBARA	\$3,878,876	\$139,040	\$273,700	\$150,000
SANTA CLARA	\$12,566,312	\$450,444	\$886,700	\$200,000
SANTA CRUZ	\$1,662,730	\$59,601	\$117,325	\$150,000
SHASTA	\$2,988,875	\$107,137	\$210,900	\$100,000
SIERRA	\$76,883	\$2,756	\$5,425	\$100,000
SISKIYOU	\$445,001	\$15,951	\$31,400	\$100,000
SOLANO	\$3,807,662	\$136,487	\$268,675	\$150,000
SONOMA	\$3,240,428	\$116,154	\$228,650	\$150,000
STANISLAUS	\$6,010,700	\$215,456	\$424,125	\$150,000
SUTTER	\$1,167,419	\$41,847	\$82,375	\$100,000
TEHAMA	\$1,212,415	\$43,459	\$85,550	\$100,000
TRINITY	\$144,554	\$5,182	\$10,200	\$100,000
TULARE	\$5,657,817	\$202,806	\$399,225	\$150,000
TUOLUMNE	\$598,767	\$21,463	\$42,250	\$100,000
VENTURA	\$5,696,790	\$204,203	\$401,975	\$200,000
YOLO	\$2,974,703	\$106,629	\$209,900	\$150,000
YUBA	\$1,005,858	\$36,055	\$70,975	\$100,000
TOTAL	\$354,300,000	\$12,700,000	\$25,000,000	\$7,850,000

*** Allocation based on population**

County population	Grant level
Up to 200,000	\$100,000
200,001 to 749,999	\$150,000
Over 750,000	\$200,000

(California Department of Finance, 2011)

Figure 5 - PRCS Caseload and PRCS Violators in Custody by County

County	Post Release Community Supervision Population Totals ¹	RTC ADP 30-Day ALOS ^{1, 7}
Alameda	848	132
Alpine	-	-
Amador	43	6
Butte	181	36
Calaveras	25	5
Colusa	9	1
Contra Costa	318	56
Del Norte	20	5
El Dorado	81	10
Fresno	971	218
Glenn	19	3
Humboldt	126	15
Imperial	107	11
Inyo	15	3
Kern	1,040	154
Kings	185	39
Lake	75	11
Lassen	26	6
Los Angeles	9,791	530
Madera	150	24
Marin	53	8
Mariposa	11	2

Mendocino	50	8
Merced	214	42
Modoc	3	1
Mono	7	1
Monterey	309	34
Napa	69	7
Nevada	17	6
Orange	1,750	220
Placer	153	25
Plumas	12	1
Riverside	1,683	262
Sacramento	1,203	208
San Benito	23	4
San Bernardino	2,521	348
San Diego	2,038	256
San Francisco	421	61
San Joaquin	639	126
San Luis Obispo	136	22
San Mateo	351	33
Santa Barbara	288	37
Santa Clara	1,067	115
Santa Cruz	69	17
Shasta	201	40
Sierra	1	-
Siskiyou	23	8
Solano	363	53
Sonoma	164	21
Stanislaus	426	66

Sutter	108		21
Tehama	50		13
Trinity	9		1
Tulare	388		70
Tuolumne	33		4
Ventura	363		60
Yolo	215		37
Yuba	88		19
Total Projected:	29,550		3,525

1. Numbers are based upon full implementation.
 2. Numbers have been adjusted for excluded crimes.
 3. Numbers reflect sentence lengths 3 years or less.
 4. Numbers reflect sentence lengths above 3 years. Population serving longer than 3 years will be significantly less due to day for day credit earning.
 5. Judicial decisions could decrease this population dramatically.
 6. This population is a subset of the total low level offender population.
 7. Assumes 30-Day Average Length of Stay for Locally Supervised Violators and State Parole Violators.
- (California Department of Finance, 2011)

Appendix 1 – Timeline on CDCR Population Reduction

Date	Event and Description	Population Housed In-State
11/13/06:	Plaintiffs files motion to convene a three-judge panel in <i>Plata vs. Schwarzenegger</i> under the Prison Litigation Reform Act (PLRA) claiming that overcrowding in CDCR prisons results in unconstitutional medical care.	162,466
07/23/07:	U.S. District Judge Thelton Henderson grants plaintiffs' motion to convene a Three Judge Panel, finding they have satisfied requirements under the PLRA to convene a three-judge panel.	161,599
08/30/08:	The Court prohibits the parties from discovery of evidence concerning prison conditions after August 30, 2008.	156, 352
11/18/08:	Three-Judge Panel Trial 11/18/08 to 12/18/08 (population date taken from 12/1/08).	155, 922
02/03/09:	Three-Judge Panel closing arguments 2/3/09 - 2/4/09.	153, 649
08/04/09:	Three-Judge Panel issues a 184-page opinion ordering the state to reduce its adult institution population to 137.5 percent of design capacity within two years.	150, 118
09/03/09:	The State appeals the August 4, 2009, order to the U.S. Supreme Court.	149, 375
9/18/09:	CDCR submits a Population Reduction Plan, which proposed mechanisms to safely reach a population level of 137.5 percent over time.	149, 750

10/21/09:	The Court rejects defendants' population-reduction plan finding that it failed to meet the two-year requirement of its 8/4/09 order.	150, 983
11/12/09:	CDCR submits a revised Population-Reduction Plan to reduce the prison population to 137.5 percent within two years.	150, 919
01/12/10:	The Three-Judge Panel orders the state to reduce its prison population by six-month benchmarks to 137.5 percent within two years.	151, 036
01/19/10:	The State files an appeal to the U.S. Supreme Court of the Three-Judge Panel's January 12 order to reduce the prison population.	150, 958
06/14/10:	The U.S. Supreme Court announces that it will take the case.	148,412
05/23/11:	The U.S. Supreme Court rules 5-4 upholding the Three-Judge Panel's finding that overcrowding is the "primary" source of unconstitutional medical care. The court orders CDCR to	143,435

(Bengs, 2011)

Appendix 2 - Realignment Crime Exclusion List

While, as of October 1, 2011, local communities will begin taking custody of offenders who meet the criteria of being non-violent, non-serious, and non-sex offenders, there are some exceptions to this rule. There are a number of crimes that are categorized as being non-violent, non-serious, and non-sex offenses but nonetheless, under the California Penal Code, will still require that offenders serve their sentences in State prisons.

These crimes are also known as the Exclusions, and there are a total of 59. Their exclusion status is due to their enactment as majority-vote bills wherein voters decided that tougher and longer sentences were required for certain kinds of offenses. Thus, any offender convicted of any one of these 59 exclusions will serve their sentences with the State.

Below is a list of AB 109's Crime Exclusions:

Excluded Crimes	Penal Code	Section
Administering stupefying drugs to assist in commission of a felony	PC	222
Battery against a juror	PC	243.7
Gassing of a peace officer or local detention facility employee	PC	243.9
Abduction or procurement by fraudulent inducement for prostitution	PC	266a
Purchasing a person for purposes of prostitution or placing a person for immoral purposes	PC	266e

Sale of a person for immoral purposes	PC	266f
Pimping and pimping a minor	PC	266h
Pandering and pandering with a minor	PC	266i
Procurement of a child under age 16 for lewd or lascivious acts	PC	266j
Felony child abuse likely to produce great bodily injury or death	PC	273a
Assault resulting in death of a child under age 8	PC	273ab
Felony domestic violence	PC	273.5
Poisoning or adulterating food, drink, medicine, pharmaceutical product, spring, well, reservoir, or public water supply	PC	347
Felony physical abuse of an elder or dependent adult	PC	368b
Brandishing firearm or deadly weapon to avoid arrest	PC	417.8
Unlawfully causing a fire that causes an inhabited structure or inhabited property to burn	PC	452
Felony stalking	PC	646.9
Solicitation for murder	PC	653f(b)
Possession of a firearm by a prohibited person	PC	12021/12021.1
Possession of an explosive or destructive device	PC	12303.2
Escape	PC	4532
Possession of a controlled substance while armed with a firearm	HS	11370.1
Evading a peace officer by driving in a willful or wanton disregard for safety of persons or property	VC	2800.2
Evading a peace officer causing death or serious bodily injury	VC	2800.3
Hit and run driving causing death or injury	VC	20001
Felony driving under the influence causing injury	VC	23153
Felony convictions with a Penal Code Section 186.11 enhancement	PC	186.11
Felony convictions with a Penal Code Section 186.11	PC	186.11

enhancement		
Bribing an Executive Officer	PC	67
Executive or Ministerial Officer Accepting a Bribe	PC	68
Bribing a Legislator	PC	85
Legislator Excepting a Bribe	PC	86
Judicial Bribery	PC	92/93
Peace Officer Intentionally Planting Evidence	PC	141
Local Official Accepting a Bribe	PC	165
Misappropriation of Public Funds	PC	424
Embezzlement of Public Funds	PC	504/514
Conflict of Interest by Public Officer or Employee	GC	1090/1097
Taking Subordinate Pay	GC	1195
Destruction of Documents	GC	1855
Public Official Who Aids and Abets Voter Fraud	EC	18501
Assault on a Peace Officer	PC	245(d)
Persuading, Luring, or Transporting a Minor Under 13	PC	272(b)
Employment of Minor to Sell Controlled Substance	HS	11353
Employment of Minor to Sell Controlled Substance	HS	11354
Use of Minor to Transport/Possess/Possess for Sale	HS	11380(a)
Employment of Minor to Sell Marijuana	HS	11361(a) (b)
Brandishing Firearm in Presence of Peace Officer	PC	417(c)
Brandishing Firearm or Deadly Weapon to Resist Arrest	PC	417.8
Vehicular Manslaughter While Intoxicated	PC	191.5 (c)
Knowingly Exposes Someone to HIV	HS	120291
Knowingly Facilitates the Collection of Wrongfully Attributed DNA Specimens	PC	298.2
Wrongful Use of DNA Specimens	PC	299.5

Criminal Gang Activity	PC	186.22
Street Gang Activity	PC	186.26
Gang Registration Violation	PC	186.33
Possession or Importation of Horse Meat	PC	598c
Sale of Horse Meat	PC	598d
Manufacture/Distribution of False Documents for Citizenship Purposes	PC	113
Use of False Documents for Citizenship Purposes	PC	114

(California Department of Corrections and Rehabilitations, 2011)

Appendix 3 - 2011 Public Safety realignment survey

Employer: i.e. State Gov, Local Gov, Community Based Org, etc
Employment Type: Probation, Corrections, Parole, Administration etc
Years of Experience:

For each question below, circle the number to the right that best fits your opinion on the significance of the issue.
Use the scale above to match your opinion.

Question	Scale of Impact				
	Very Positive	Somewhat positive	No Opinion	Somewhat Negative	Very Negative
AB 109 will have what impact on local jail capacities?	1	2	3	4	5
AB 109 will have what impact on local probation supervision capabilities?	1	2	3	4	5
AB 109 will have what impact local prosecutors / public defenders?	1	2	3	4	5
AB 109 will have what impact on local budgets	1	2	3	4	5
How will AB 109 impact local Health / Social Services?	1	2	3	4	5
How will AB 109 impact Community Based Organizations?	1	2	3	4	5
What influence will AB 109 have on crime rates in California?	1	2	3	4	5
How will AB 109 influence criminal recidivism in California	1	2	3	4	5
AB 109 will have what impact on over crowding conditions in California Prisons?	1	2	3	4	5

AB 109 will have what affect on the State's costs for corrections?	1	2	3	4	5
My feeling that Local law enforcement is well suited to supervise current parole caseloads?	1	2	3	4	5
My outlook on Low-Level Offenders being rehabilitated more effectively if their sentence is served in local jails	1	2	3	4	5
My outlook that the state will adequately fund AB 109 so local governments can effectively implement / maintain programs?	1	2	3	4	5

Question	Scale of Importance				
	Not at all	Minimal	No Opinion	Major Reform	Biggest Reform Package in my career
Overall, I would classify the magnitude of Corrections / Public Safety Reform from AB 109 as:	1	2	3	4	5

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