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Viewpoints: Realignment can boost public safety

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When fully implemented, California's Public Safety Realignment legislation will shift corrections responsibility for roughly 60,000 mainly low-level prisoners and parolees from state to local government.

The legislation is almost painfully bold. It has been accurately described as the most dramatic change in California adult corrections since statehood. It is also controversial: critics reasonably question whether the state funding provided is adequate and reliable, point to several unfortunate (but probably fixable) consequences and decry its short implementation timelines.

But the most important question is: "Will realignment work?" Although obviously motivated in part by the state's desire to reduce prison overcrowding, comply with federal court orders and reduce state corrections costs, will realignment also "improve public safety" as the Legislature and governor intend?

Sometimes overlooked in the discussion of realignment is recognition and understanding of the basic criminal justice reform strategy that underlies the legislation. The Legislature explicitly found that criminal justice policies that simply rely on building and operating more prisons "are not sustainable and will not result in improved public safety." Instead, the legislation adopts the "justice reinvestment" strategy that has already been adopted by so many other states across the country seeking to reduce their own state corrections costs: Reinvest state criminal justice resources now spent on prisons and parole in local community corrections programs based on "evidence-based strategies that increase public safety while holding offenders accountable."

In fact, until this year California was the only state in the nation that had not invested state resources in local community corrections programs or adult probation services.

Justice reinvestment strategies fund community-based punishments – including jail – to hold offenders accountable for the crimes they have committed and proven public safety strategies to reduce the likelihood of new crimes. Justice reinvestment enjoys wide support across the political spectrum and among criminal justice leaders and victims' rights advocates.

Under realignment, local government is given unprecedented discretion in deciding how to best invest its realignment dollars.

If realignment is to work, it is critical that realignment funding – as well as local funding for that matter – be invested in offender supervision and sanctioning practices that have been demonstrated by scientific research to "work" in changing offender behavior and reducing

recidivism. Recent experience indicates that such strategies can be successfully implemented in California just as they have across the country.

In 2009, for example, the California Legislature enacted the Community Corrections Performance Incentives Act, Senate Bill 678, without a single "no" vote. SB 678 provides state funding to county probation departments to fund local evidence-based probation supervision practices for the purpose of reducing recidivism and revocations among felony probationers. In its first year of operation, SB 678 resulted in a 23 percent reduction in prison commitments, saving the state almost \$180 million in state corrections costs.

California's current sentencing and corrections practices, like those of other states across the country, were first enacted 35 years ago at a time when the violent crime rate had tripled over the preceding 15 years and the conventional wisdom was that "nothing works" to change offender behavior or reduce recidivism. That belief became self-fulfilling as corrections resources shifted dramatically away from offender supervision and services and into jails and prisons – with the result that in many jurisdictions probation supervision came to be considered a joke even among probation officials, and funding for treatment services became hard to come by.

Yet, today, unlike 35 years ago, there is a voluminous body of rigorous research about what does work to change offender behavior and reduce recidivism. This body of research is now so compelling that three leading criminologists have written that in light of what we now know about what works, "what is done today in corrections would be grounds for malpractice in medicine."

What does the research show? In short, that there is no "one-size-fits-all" solution to crime. Almost 60 percent of felony defendants in large urban counties like Sacramento have been previously convicted. In order to reduce the likelihood that convicted offenders will commit new crimes, interventions must target those offenders who present the greatest risk of re-offense and those individual offender characteristics that are changeable and predictive of further criminality.

Successful interventions are those that have proved effective in changing the attitudes and behaviors of higher risk offenders. In order to accurately and reliably assess the relative level of risk and risk factors of individual offenders, as well as of pretrial detainees considered for release from jail pending trial, it is important that whenever possible decision-making be guided by use of validated risk/ needs assessment tools, which are many times more accurate in addressing risk than the exercise of unguided discretion alone.

Two deficiencies of the realignment legislation, highlighted recently by the state Legislative Analyst's Office, are that, unlike SB 678, it does not include fiscal incentives to encourage successful local programs, or provide for the development of performance measures or real-time data collection to evaluate program effectiveness.

In the absence of such provisions, it is especially important that county implementation efforts incorporate local fiscal incentives and evaluation processes. Such features will not only encourage successful implementation but also provide data that is responsive to legitimate stakeholder concerns regarding potential adverse impacts so that, if necessary, corrective actions can be taken.

Realignment can work – and will work – if community corrections funding is wisely invested in evidence-based strategies and program performance is carefully monitored. As law enforcement leaders in Sacramento and across the state have noted, realignment presents a historic opportunity to fix a broken system, reduce recidivism and victimization, and benefit California communities.

One of the lessons learned from successful implementation of proven public safety strategies in other jurisdictions across the country, however, is that oftentimes those of us who work in

the criminal justice system must first change our own ways of doing business if we hope to change offender behavior, reduce recidivism and better serve our communities.

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