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REALIGNMENT, RECIDIVISM, AND CRIME

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In 2009, a federal three-judge panel ordered California to reduce its state prison population, leading the state legislature to pass AB 109, commonly referred to as the realignment bill. AB 109 instituted three significant changes in California's correctional system. First, it shifted the housing of certain felons from state prisons to local jails. Second, it changed sentencing rules for lower-level felons. It permitted felons of non-serious, non-violent, and non-sex crimes to receive split-sentencing, meaning some of their jail time could be replaced with community-based sentencing options. Finally, AB 109 changed the structure of post-release supervision for convicted felons. For those receiving split-sentencing, parole was replaced with mandatory supervision by local law enforcement.

The primary goal of AB 109, to address overcrowding, was achieved. According to the Public Policy Institute of California, the state prison population fell below the court-mandated target of 137.5% of designed capacity beginning in January 2015, a steep decline from 190% in 2009. A secondary goal of realignment was the reduction of recidivism rates. As a part of AB 109, the state encouraged counties to create, rework, or increase funding for rehabilitative services. Counties, however, were given discretion to allocate their AB 109 funding as they saw fit, so attention toward rehabilitative services varied significantly county to county. At the outset of realignment, the Community Corrections Partnerships estimated that the percentage of realignment funding allocated to evidence-based programming was 21-40% in San Bernardino County, 61-80% in Riverside County, and 81% or higher in Los Angeles County.

SUD Treatment Funding and Recidivism in Los Angeles County

AB 109 tasked the Community Corrections Partnership (CCP) with designing a realignment implementation plan in Los Angeles County. As a part of its implementation plan, the CCP assigned the Department of Public Health - Substance Abuse Prevention and Control (DPH-SAPC) the task of providing offenders released from prison with substance use disorder treatment. Therefore, annual funding for the Department of Public Health provides a general guideline as to whether funding for Substance Use Disorder (SUD) treatment services is increasing or decreasing.

According to the Los Angeles County Probation Department (LACPD) Public Safety Realignment Implementation January 2021 Update, the Public Health Department divides its funding among three categories: Client Engagement and Navigation Services, Community Based Treatment, and Administrative Oversight.

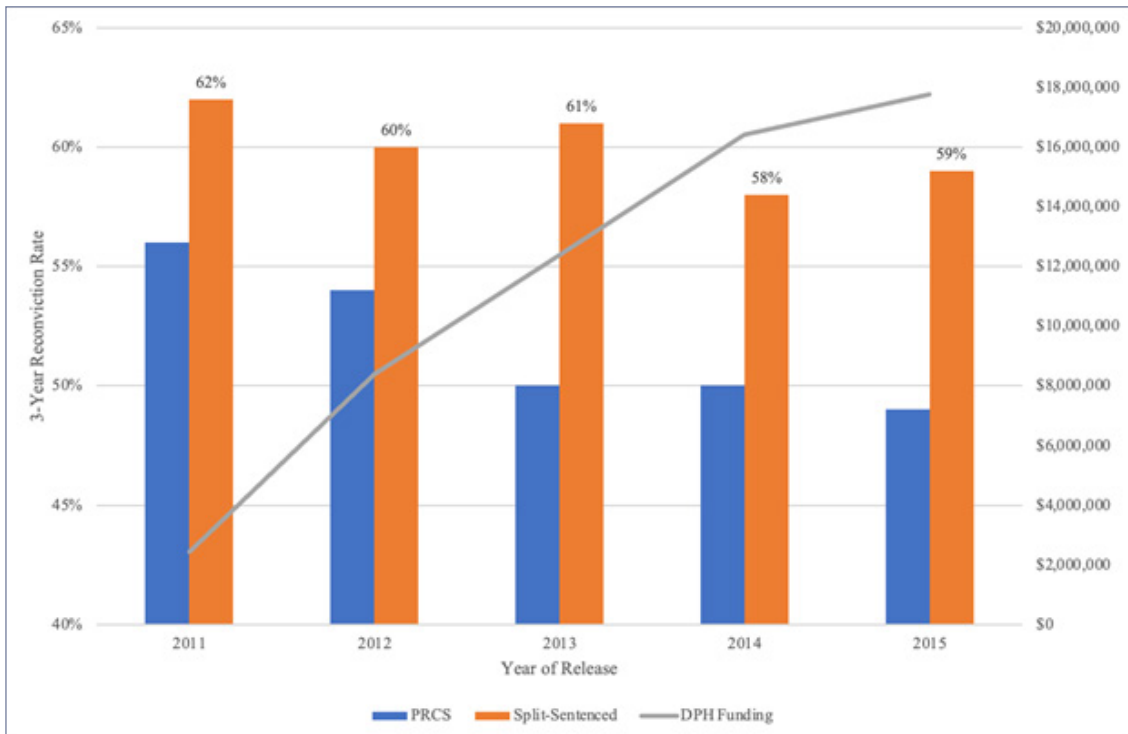
Table 1. Annual Realignment Funding Allocated to the Los Angeles County Department of Public Health

Fiscal Year	LA County Funding for DPH
2011-2012	\$2,419,000
2012-2013	\$8,411,000
2013-2014	\$12,399,000
2014-2015	\$16,428,000
2015-2016	\$17,780,000
2017-2018	\$14,290,000
2018-2019	\$12,826,000
2019-2020	\$12,879,000
2020-2021	\$7,834,000

Source: 2011-2021 AB 109 reports by the Los Angeles County Probation Department

The annual realignment funding allocated to the Department of Public Health steadily increased from 2011 to 2016, peaking at \$17,780,000. This increased funding appears to have been accompanied by improvements in access to and efficacy of SUD treatment programs in Los Angeles County. Greater funding for the Department of Public Health lines up with decreasing recidivism rates for AB 109 offenders, as illustrated in Graph 1. This correlation supports the hypothesis that participation in substance abuse treatment programs can reduce recidivism for offenders.

Graph 1: Recidivism vs. Funding for Substance Abuse Treatment in Los Angeles County



Source: 2011-2021 AB 109 reports by the Los Angeles County Probation Department

SUD Treatment Funding and Recidivism in Riverside County

The Riverside University Health System Behavioral Health Department (RUHS-BH), which is made up of three branches, Mental Health Services, Substance Use Services, and the Public Guardian’s Office, is primarily responsible for providing SUD treatment services to AB 109 offenders in Riverside County. RUHS-BH offers an array of SUD treatment programs, as well as educational and screening services, and partners with both the Probation Department and the Sheriff Department to serve AB 109 offenders. The Probation Department provides SUD treatment services as well; however, it does so mainly through day-reporting centers in collaboration with RUHS-BH. Thus, tracking the amount of realignment funding allocated to RUHS-BH provides a good representation of funding for SUD treatment services.

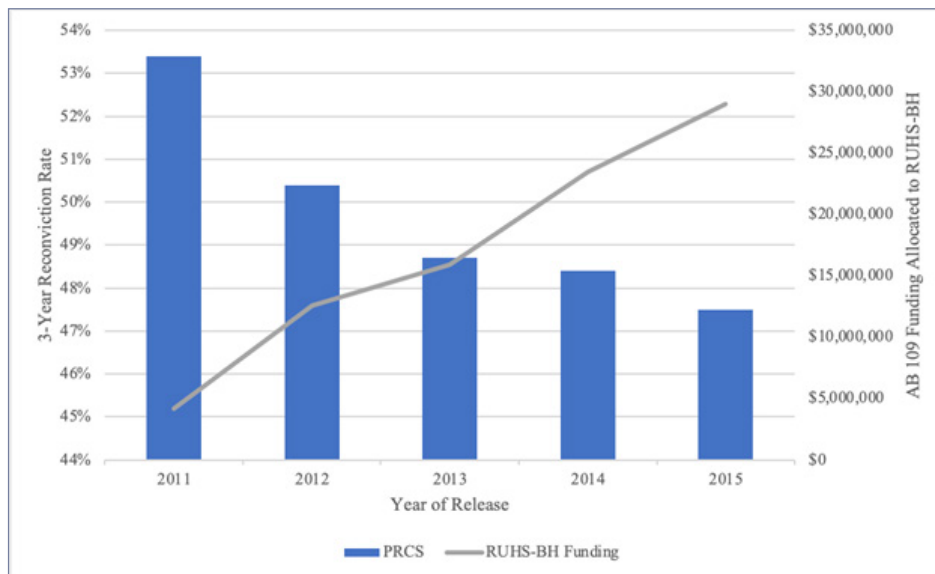
Table 2. Annual Realignment Funding Allocated to the Riverside University Health System Behavioral Health Department

Fiscal Year	Riverside County Funding for RUHS-BH
2011-2012	\$4,142,247
2012-2013	\$12,532,051
2013-2014	\$15,873,168
2014-2015	\$23,436,407
2015-2016	\$28,977,916
2017-2018	\$27,402,089
2018-2019	Not available
2019-2020	\$29,571,048
2020-2021	\$27,088,496

Data collected from 2011-2021 AB 109 reports by the Riverside County Probation Department. Realignment Funding for RUHS-BH is listed as funding for the Health and Human Services Working Group.

AB 109 funding allocated to the RUHS-BH increased steadily from 2011 to 2015, at which point it plateaued at \$27 million - \$29 million per year. As is the case in Los Angeles County, this increase in funding for evidence-based treatment programs seems to be accompanied by a reduction in recidivism of AB 109 offenders in Riverside County. This correlation is illustrated in the graph below.

Graph 2: Recidivism vs. Funding for Substance Abuse Treatment in Riverside County



Recidivism data collected from California Department of Corrections and Rehabilitation. Funding data collected from AB 109 reports by the Riverside County Probation Department.

While the post-release community supervision (PRCS) population does not capture all AB 109 offenders, recidivism rates for that group might offer insight into the general effectiveness of post-release community programs and services. As conveyed in the table above, recidivism rates for PCRS offenders decreased from 53.4% in 2011 to 47.5% in 2015. These findings suggest that increased funding for evidence-based treatment through Riverside University Health Systems may contribute positively to a reduction in recidivism for AB 109 offenders.

SUD Treatment Funding and Recidivism in San Bernardino County

Tracking SUD treatment funding in San Bernardino County is slightly more complicated. Several departments participate in SUD treatment screening, programming, and education. These departments include the Probation Department, the Sheriff’s Office, the Department of Public Health (DPH), and the Department of Behavioral Health (DBH). However, the Probation Department’s SUD services are provided primarily through day-reporting centers (DRCs), which are generally staffed and run in conjunction with the DBH. The Sheriff’s Office provides inmate SUD programs to any incarcerated individuals in need, not just those sentenced under AB 109; furthermore, SUD treatment services encompass only a small part of the Sheriff’s Office AB 109 programming. The Department of Public Health also participates in providing SUD educational services in DRCs; however, funding for the DPH is minimal and not consistently tracked. The DBH provides the bulk of SUD treatment services in San Bernardino County; therefore, tracking funding for the DPH is an effective way of measuring San Bernardino County’s prioritization of SUD treatment programming. Still, the budget data provided below should not be used as a definitive measure of all realignment funding used for SUD treatment services. Rather, the data is useful in estimating the relative prioritization of behavioral health treatment, including SUD treatment, in San Bernardino County by year.

Table 3. Annual Realignment Funding Allocated to the San Bernardino County Department of Behavioral Health

Fiscal Year	AB 109 Funding for DBH
2011-2012	Not available
2012-2013	\$3,845,216
2013-2014	\$4,335,308
2014-2015	\$4,124,016
2015-2016	\$5,048,881
2017-2018	\$5,430,730
2018-2019	\$5,813,950
2019-2020	\$6,065,950
2020-2021	\$6,501,388

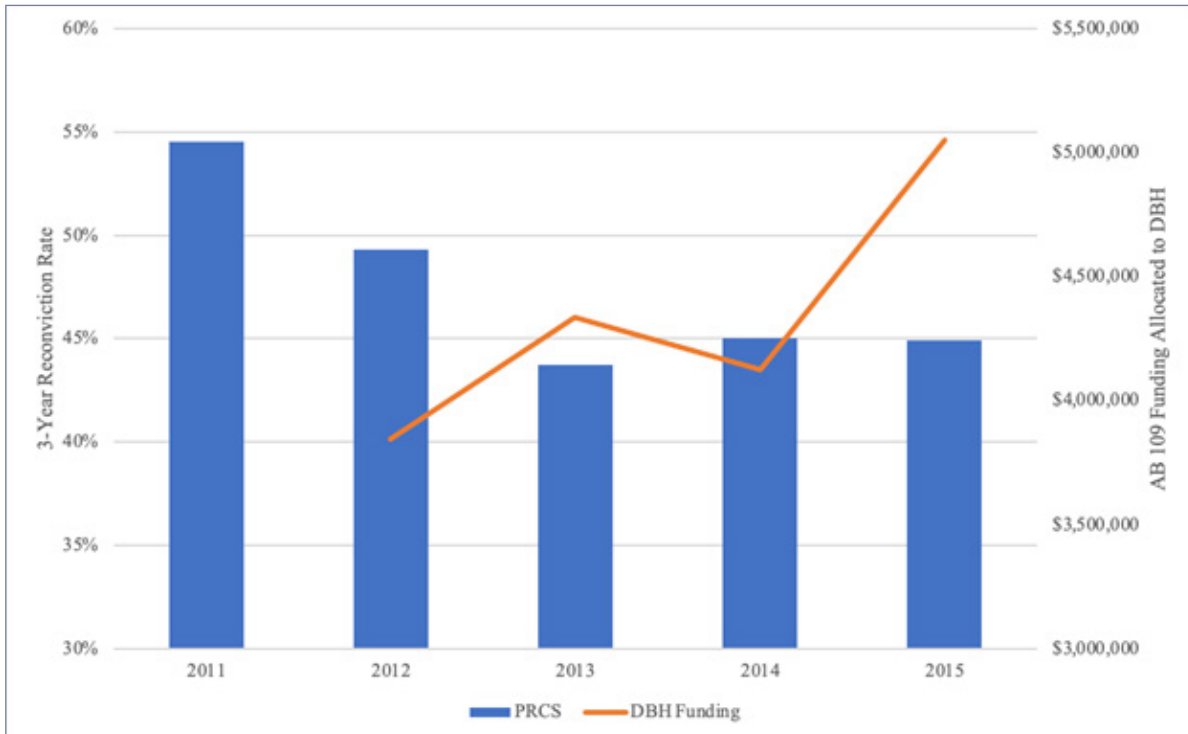
Source: California Board of State and Community Corrections

AB 109 funding allocated to the San Bernardino Department of Behavioral Health increased steadily from 2011 to 2020. However, this funding increase has not been nearly as steep as in either Riverside County or Los Angeles County. Still, recidivism rates for the PRCS population decreased in the period from 2011-2015. As is the case in Los Angeles County and Riverside County, there is an inverse correlation between PRCS recidivism rates and Behavioral Health funding. This correlation is illustrated in Graph 3 below.

While it is tempting to attribute the reduction in recidivism of AB 109 offenders to increases in funding for community-based treatment, it is important to note that recidivism rates for the general population decreased in that time period as well. Furthermore, additional reform measures in California after 2011 also might have contributed to reductions in recidivism. For example, in 2014, Proposition 47 reclassified certain crimes from felonies to misdemeanors and used the subsequent custody savings to treat people already in the system. These investments could have

contributed to reductions in recidivism. Therefore, it is difficult to tell if the reduction in recidivism for AB 109 offenders in these three counties can be attributed to the efficacy of community-based corrections, or if it is just a by-product of a more general pattern. Still, if we focus on supplemental data from Los Angeles County, the efficacy of SUD treatment programs appears more clear. Los Angeles County spends the greatest percentage of its AB 109 budget on evidence-based programming (81% or more) and has the most available data on outcomes of community-based treatment approaches.

Graph 3: Recidivism vs. Funding for Substance Abuse Treatment in San Bernardino County

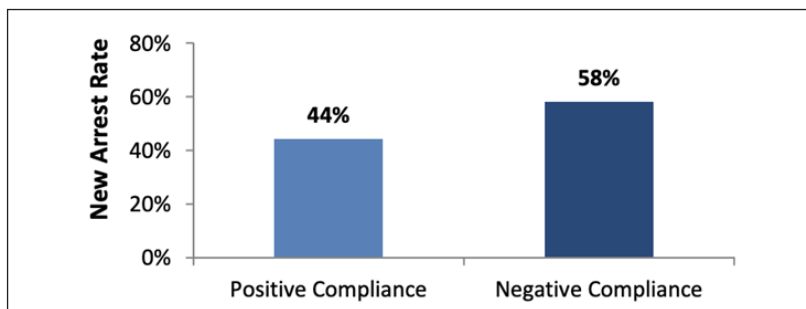


Recidivism data collected from California Department of Corrections and Rehabilitation. Funding data collected from California Board of State and Community Corrections.

Supplemental Data on SUD Treatment Programming in Los Angeles County

While data on the recidivism rates for offenders who utilize SUD treatment programs is not consistently measured, the DPH has published some promising results. For example, in 2014, the LACPD reported in 2014 “a significant reduction in primary substance use among AB 109 clients from admission (9 days) to discharge (4 days),” as well as a 21% reduction in homeless status, a 38% reduction in hospitalizations, a 36% reduction in emergency room visits, and a 30% reduction in physical health problems. Thus, the SUD treatment programs being used in Los Angeles County seem to improve offender outcomes by several measures. The DPH also reported in 2014 that post-release arrests were lower for offenders who complied with SUD treatment, as illustrated in Graph 4.

Graph 4: New Arrest Rate Based on SUD Treatment Compliance

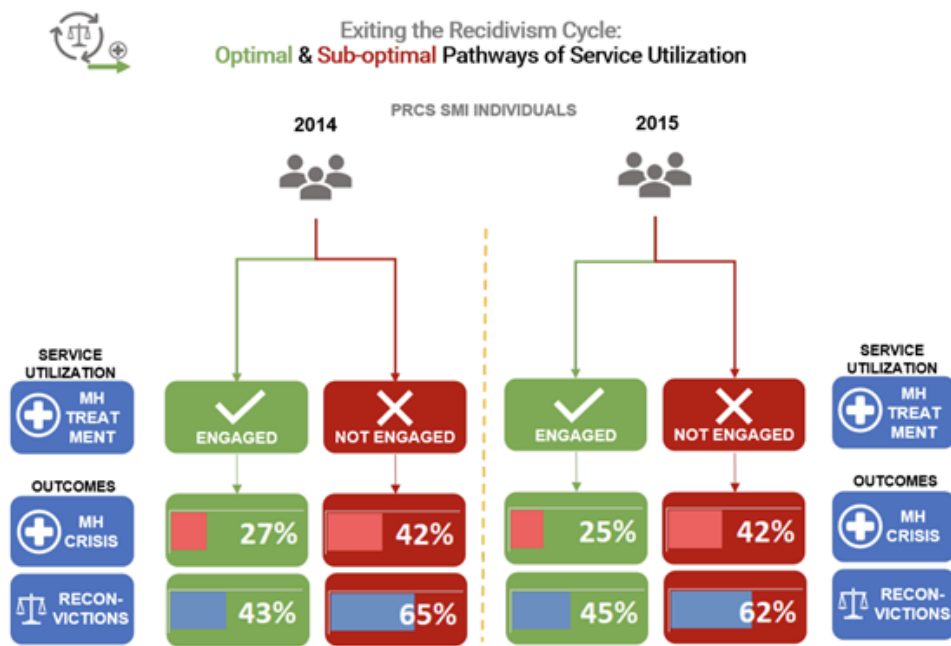


Source: Los Angeles County Probation Department, Public Safety Realignment 3-Year Report

Additionally, the Countywide Criminal Justice Coordination Committee reported recidivism rates of 11% for participants in the Substance Treatment and Re-entry Transition (START) program, which was implemented in 2016 as a collaboration between the Los Angeles County Sheriff’s Department (LASD) and the Department of Health Services.

Further evidence suggests that level of engagement with mental health treatment, including SUD treatment, significantly affects recidivism outcomes. The LACPD reported that of offenders with severe mental illness (SMI), one in three individuals in the PRCS group stably engaged in mental health treatment programs within the first year of their supervision. Justice outcomes for individuals with SMI were far more favorable when they stably engaged in mental health treatment services after release. As illustrated in Figure 1, the conviction rate for 2014 PRCS individuals with SMI was 43% when they were stably engaged in mental health treatment, but 65% when they were not. These numbers were similar in 2015, at 45% and 62% respectively. The LACPD notes that outcomes were similar for the split-sentenced population.

Figure 1: Outcomes for Offenders on Post-Release Community Supervision Based on Stable Engagement in Mental Health Treatment



Source: Los Angeles County of Probation Department 2020 Public Safety Realignment Report.

These findings are promising for the future of realignment, as they suggest that community-based treatment programs have the capacity to reduce recidivism rates in released offenders. Furthermore, the efficacy of these mental health treatment services suggests that similar treatment programs focusing specifically on substance use disorders might be similarly effective.

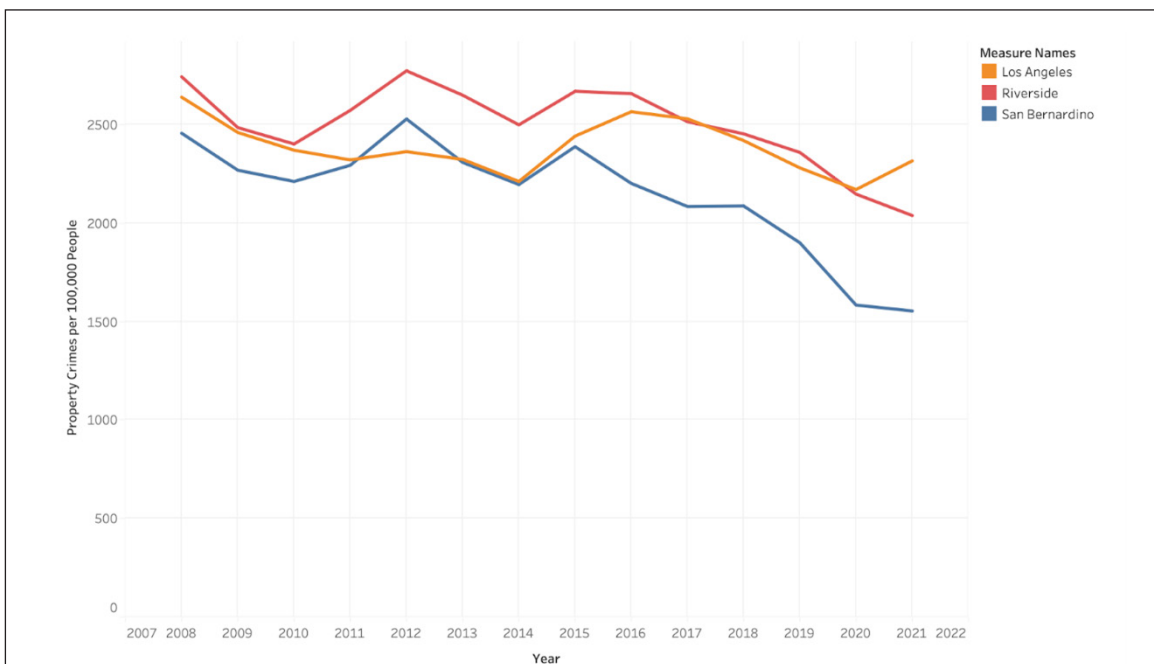
Realignment and Crime Rates: LA, Riverside, and San Bernardino Counties

A major public concern regarding realignment was the effect it might have on crime rates. However, crime rates in Riverside, San Bernardino, and Los Angeles Counties do not seem to have increased since the passage of AB 109 in 2011.

According to data from the California Department of Justice Criminal Justice Statistics Center, the implementation of AB 109 in 2011 does not appear to have caused an increase in property crime rates in Los Angeles County, Riverside County, or San Bernardino County, as illustrated in Graph 5. In fact, the reported number of property crimes (which include burglary, motor vehicle theft, and larceny-theft) were lower in all three counties in 2021 than they were in 2011. Notably, the number of reported property crimes per year in both Riverside County and San Bernardino Coun-

ty generally declined from 2012 to 2021. In Riverside County, reported property crimes per 100,000 residents per year fell from 2,774 in 2012 to 2,039 in 2021. Meanwhile, in San Bernardino they decreased from 2,529 in 2012 to 1,554 in 2021. In Los Angeles County, property crime rates fluctuated more significantly during that time period, increasing between 2014 and 2016 and decreasing from 2016 to 2020. Realignment could be responsible for this 2014-2016 rise in property crime; however, even if such a correlation existed, its effects appear to have been short-lived. The reported number of property crimes per year in Los Angeles County fell below the 2011 level in 2019.

Graph 5: Property Crimes Reported in Los Angeles, Riverside, and San Bernardino Counties per 100,000 people (2009-2021)

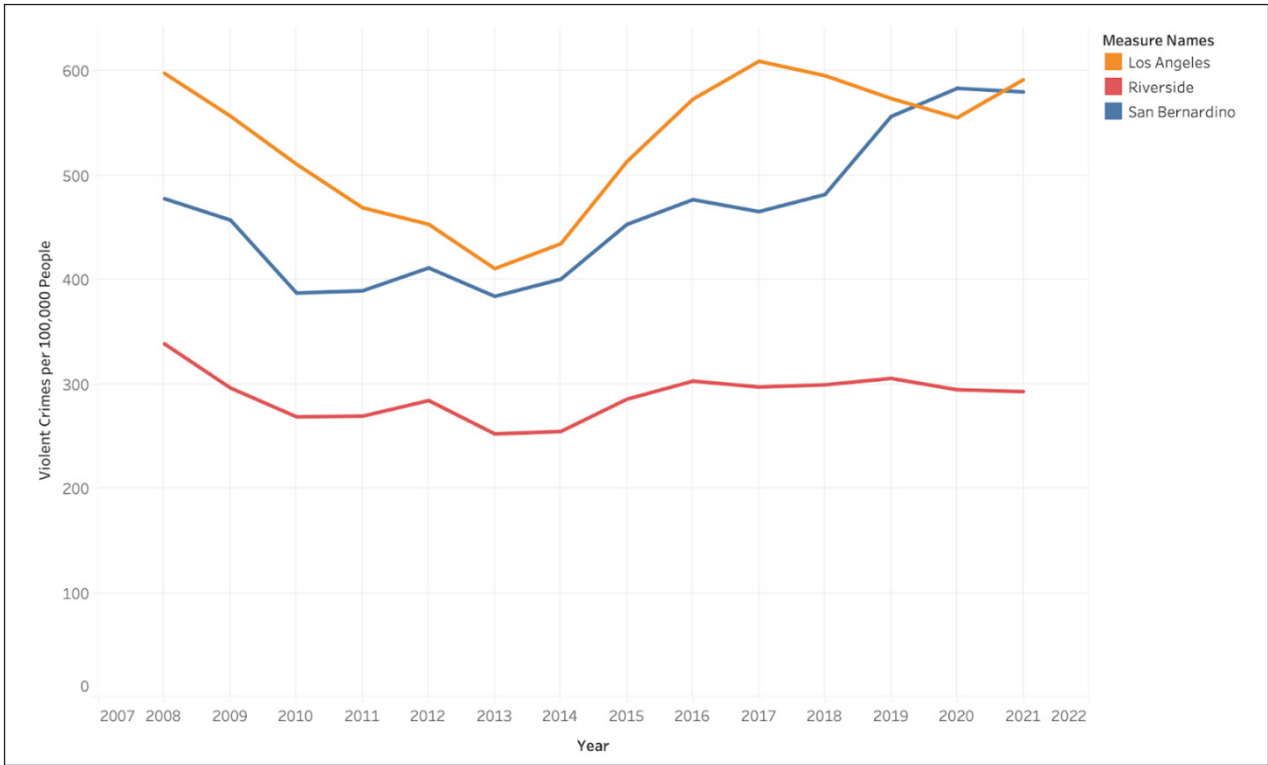


Source: California Department of Justice, Criminal Justice Statistics Center, <https://oag.ca.gov/cjsc/spereq>.

The number of violent crimes (which include homicide, rape, robbery, and aggravated assault) reported per year appears to have increased in all three counties from 2011 to 2021, as illustrated in Graph 6. This change is most pronounced in Los Angeles County where 469.1 violent crimes were reported per 100,000 residents in 2011 compared to 591.8 in 2021. In Riverside County, cases of violent crime increased from 269.4 per 100,000 people in 2011 to 293 in 2021; in San Bernardino County, cases increased from 389.6 to 580.2. However, this increase in violent crime could be attributable to a myriad of factors unrelated to realignment. For instance, in 2014, the FBI significantly broadened its definition of rape, leading to an increase in the instances of rape counted as a part of the violent crime category in this dataset. Additionally, law enforcement agencies have indicated that instances of sexual violence have become more widely reported in recent years due to changes in societal attitudes. These factors may have contributed to the recent spike in the number of violent crimes reported each year in California, whether or not the actual amount of sexual violence increased.

The passage of AB 109 increased the funding and attention devoted to the behavioral health departments (which run substance use disorder treatment programs for released offenders) of Los Angeles County, Riverside County, and San Bernardino County. Simultaneously, recidivism rates for AB 109 offenders (those on PRCS in Los Angeles County, Riverside County, and San Bernardino County, as well as split-sentenced offenders in Los Angeles County) generally decreased from 2011 to 2015. However, there are many variables at play here, especially because offenders utilizing SUD treatment comprise only a portion of the AB 109 population. Thus, supplemental data on SUD treatment programs are helpful in illustrating the effects of increased funding for community-based treatment programs on recidivism rates.

Graph 6: Violent Crimes Reported in Los Angeles, Riverside, and San Bernardino Counties per 100,000 people (2009-2021)



Source: California Department of Justice, Criminal Justice Statistics Center, <https://oag.ca.gov/cjsc/spereq>.

In each of the three counties, realignment seems to have been successful at reducing recidivism without increasing crime levels. While preliminary data suggests that SUD treatment programs have contributed to the efficacy of AB 109 implementation, counties need to track offender outcomes more consistently in order to verify this claim. For now, we can reasonably infer that SUD treatment programs have helped reduce recidivism rates for AB 109 offenders. ♦

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