

# **CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION**

## **PUBLIC SAFETY REALIGNMENT: PERSPECTIVES FROM THE STATE**



# WHAT IS PUBLIC SAFETY REALIGNMENT?



# PUBLIC SAFETY REALIGNMENT

- Revises the definition of a felony to include non-violent, non-serious, non-sex offenses to county control unless excluded by statute
- Establishes Post-Release Community Supervision (PRCS)
- Changes state parole and parole revocation process
- Tasks local communities with planning for the change and implementation of local plans



# WHY PUBLIC SAFETY REALIGNMENT?



# COSTLY LAWSUITS FACED BY CDCR

## LEGAL HISTORY

- ***Coleman***

- 1995: Court found CDCR to be “deliberately indifferent” to the mental health needs of inmates, in violation of the 8<sup>th</sup> Amendment

- ***Plata***

- 2002: Medical care in California’s prisons violate the 8<sup>th</sup> Amendment



# CIVIL LAWSUITS FACED BY CDCR

## LEGAL HISTORY (CONT'D)

### • **Three-Judge Court**

- 2007: Overcrowding is the primary cause of the unconstitutional conditions in California's prisons
- The only way to address overcrowding:

## REDUCE THE PRISON POPULATION

### • **U.S. Supreme Court**

- May 23, 2011: Affirmed Three-Judge Court order by 5-4 decision.



# REALIGNMENT: THE SAFEST WAY TO ACHIEVE REDUCTIONS

- Status quo of cycling offenders in and out of prisons is wasteful, exacerbates overcrowding, and does not rehabilitate or help to reduce recidivism
- Without Realignment, the Alternative would be:

**Early Release of Prisoners**



# CDCR'S ALL-TIME POPULATION HIGH

- **As of October 25, 2006:**
  - **173,479 Inmates**
  - **159,977 in Institutions  
(excluding camps)**
- **Institutional Design Capacity:**
  - **79,828 Beds**
  - **Overcrowding Rate: 200.4 %**





# CDCR'S CURRENT POPULATION

- **As of September 21, 2011:**
  - **160,788 inmates**
  - **144,256 in institutions (excluding camps)**
- **Design Capacity:**
  - **79,650 Beds**
  - **Overcrowding Rate: 181 %**



# THREE-JUDGE COURT ORDER

- California is mandated to reduce its prison population to approximately **110,000 inmates** by **June 27, 2013**
  - ✦ ~ **33,000 inmates**



# THREE-JUDGE COURT ORDER

## Court-Ordered Targets for CDCR Inmate Population Reduction



\*Percent of design capacity

Design capacity is the number of inmates a prison can house based on one inmate per cell, single-level bunks in dormitories, and no beds in spaces not designed for housing. The current design capacity of CDCR's 33 adult facilities is 79,858.



# REALIGNMENT FUNDING

- AB 109 provides dedicated and on-going revenue stream to counties.
- AB 118 provides the statutory framework, allocation methodology and revenue to implement the 2011 public safety realignment.



# SENTENCING AND CUSTODY



# WHO IS SENTENCED TO COUNTY JAIL

(i.e., is not eligible for prison)?

- **Current and Prior Non-Non-Nons**  
(who do not otherwise have disqualifying offenses)
  - ✦ Non-violent felons
  - ✦ Non-serious felons
  - ✦ Non-sex offenders
- Revises the definition of “felony” to include certain crimes that are punishable by jail
- Maintains length of sentence



# LOCAL POPULATION MANAGEMENT TOOLS

## Home Detention for Low-Level Offenders

## Alternative Custody

## Contract Beds

- With CDCR including Fire Camps
- With other counties;
- With public Community Correctional Facilities (CCFs);

**However**, counties may not contract back for parole revocations.



# ADDITIONAL SENTENCING CONSIDERATIONS

- **Local Jail Credits like Current Prison Credits (Day-for-Day)**
- **Split Sentence**
  - ✦ Allows courts to impose a split sentence to mandate supervision as part of county low level offenders sentence
  - ✦ No good time credits for the supervision portion but does apply to the custody portion
  - ✦ Not probation, not parole, not PRCS no other statutory guidance or rules of court at this time





# WHO IS SENTENCED TO STATE PRISON?

## Offenders whose sentences *must* be served in state prison include:

- Those who commit a current or prior serious or violent felony;
- Those who are required to register as a sex offender;
- Those with PC § 186.11 (white collar crime) sentence enhancements;

Excludes other specified crimes: felony physical abuse of an elder or dependent, assault on a peace officer, possession of horse meat, and bribing a legislator



# DETERMINING PRCs OR PAROLE



# POST-RELEASE COMMUNITY SUPERVISION (PRCS)

- What types of offenders are being released from state prison to local supervision?
  - **Current non-violent, non-serious offenders**
  - **Non-high-risk sex offenders**
- CDCR must provide **30-day notice** as to who will be released



## PRCS (CONT'D)

- Specifies that CDCR will have no jurisdiction over any person who is under PRCS
- Discharges by operation of law at the end of 3 years
- Individuals on PRCS may be discharged after 6 months if violation free
- Revocations in county jail up to 180 days



# CDCR'S RESPONSIBILITIES RE: PRCs

- Continue to **advise** inmates of any registration requirements
- Provide **pre-release notifications** to victims and law enforcement as required by statute
- Prior to an inmate being released, enter statutorily required information into the **Parole Law Enforcement Automated Data System (LEADS)**
- Provide information to DOJ for entry into **CLETS**



# PRCS PROCESS

- **County Supervising Agency**

- Has authority to handle all intermediate sanctions without court involvement, up to and including flash incarceration (for up to 10 consecutive days).

- ✦ **Note: Flash incarceration is not subject to credits.**

- May send special conditions to CDCR prior to release – but must have a nexus to the offender.
- A peace officer may arrest an offender for violation with probable cause, but only the supervising entity can seek a warrant and approve a hold.



# WHO REMAINS ON STATE PAROLE?

- **3<sup>rd</sup> Strikers**
- **Offenders with a Current Serious or Violent Commitment Offense**
- **High-Risk Sex Offenders (HRSOs)**
- **Mentally Disordered Offenders (MDOs)**
- **Offenders on Parole Prior to October 1, 2011, who are not Serving a Revocation in County Jail**
- **Offenders on Active Parole Terms**



# PAROLE VIOLATIONS

- Board of Parole Hearings (BPH) retains authority over parole revocations until July 1, 2013
- Same sanctions available for Parole as PRCS, including flash incarceration in county jail for up to 10 days
- Violations will be served in jail starting October 1, 2011





# PAROLE VIOLATIONS (CONT'D)

- Only persons sentenced to a term of life can be revoked back to state prison
- Revocations capped at 180 days in jail, per event (may receive day-for-day credits)
- After July 1, 2013, the final revocation process will work the same for parolees as it does for PRCS (handled by the courts)



# ADDITIONAL FEATURES OF REALIGNMENT

- AB 109 proposed limits to juvenile commitments to DJJ. AB 117 eliminated this provision
- Eliminates the Corrections Standards Authority and creates the new Board of State and Community Corrections
- Authorizes the conversion of a female prison to a male
- Expands limitations on allowable hospital costs for jail inmates and removes sunset date



# CDCR REALIGNMENT RESOURCES



# RESOURCES AVAILABLE ON-LINE

## CDCR's Realignment Home Page

<http://www.cdcr.ca.gov/realignment/index.html>



# RESOURCES AVAILABLE ON-LINE

## CDCR's Realignment Home Page

### Includes:

- Video Presentations and Overviews
- Realignment Resource Guide for Counties Handbook
- Time-Calculation Handbook and Information
- Post-Release Community Supervision Health Care Information
- Links to Other Helpful Realignment Sites

