

## PUBLIC SAFETY LEADERS BRACE FOR CHANGES UNDER 'REALIGNMENT PLAN'

In response to the debate over how to fix California's chronic prison overcrowding and overextended parole system, Governor Brown signed Assembly Bill (AB) 109 into law in April 2011. Referred to as Brown's "Realignment Plan", this change will take effect October 1, 2011, and will shift responsibilities from the state to the counties for incarcerating, supervising, and rehabilitating offenders who have committed non-violent, non-serious, and non-sexual crimes and have no prior convictions for these types of offenses ("non-non-nons"). The county will also be responsible for providing Post-release Community Supervision (PCS) of an additional state population: (1) those released from prison after serving sentences for non-violent and non-serious offenses and who have prior convictions for those, and (2) low- and medium-risk sex offenders being released from prison. Fiscal repercussions from this monumental shift in criminal justice policy include an estimated \$30 – \$40 million gap between funds the state plans to allocate to the counties and what San Diego County public safety leaders estimate they will need to shoulder these new responsibilities.<sup>1</sup> Table 1 illustrates the key changes that realignment will bring to local public safety practices.

**Table 1**  
**MANY RESPONSIBILITIES SHIFT FROM STATE TO LOCALS UNDER REALIGNMENT**

<b>Current Policy</b>	<b>Realignment Plan</b>
"Non-non-nons" are sentenced to state prison.	Judges will have discretion to "split" a "non-non-non"'s sentence between jail and probation, rather than sentencing them to prison.
"Non-non-nons" are conditionally released from prison and supervised by state Parole for approximately three years.	"Non-non-nons" who are sentenced to serve their entire prison term in county jail (no split sentence) will not be supervised in the community by either Parole or Probation upon release. <sup>2</sup>
Offenders who commit serious, violent and/or sex crimes are supervised by Parole once they are released from prison.	Probation will provide county-level supervision for offenders released from prison for non-violent, non-serious (irrespective of priors), and sex offenses, except those assessed (Static 99R) <sup>3</sup> as High Risk Sex Offenders.
Maximum sentence length for county jail is 12 months.	No limit to sentence length in county jail for local prison sentences.
Sentences for parole revocations are served in prison.	Most parole revocations will be served in county jail for up to 180 days.

<sup>1</sup> Community Corrections Partnership Executive Committee presentation to San Diego County Board of Supervisors. August 2, 2011.

<sup>2</sup> Probation supervises offenders who are convicted of either misdemeanors or felonies and are kept under local jurisdiction. Parole is a state agency that supervises ex-felons who have been released from state prison.

<sup>3</sup> The Static-99R instrument is used by Probation to assess all eligible offenders pre-sentencing, as well as those on a probation caseload.

San Diego County leaders are ahead of the curve to protect public safety by leveraging existing resources to augment the funding gap. Representatives from seven agencies (District Attorney, Superior Court, Public Defender, Sheriff, Police, Probation, and Health and Human Services) comprise the Community Corrections Partnership (CCP) Executive Committee, which has the daunting task of developing an implementation plan by September. Because roughly 85 percent of the “non-non-nons” are expected to have substance abuse issues and one-fifth will suffer mental health problems,<sup>4</sup> Health and Human Services is at the table to examine expansion of behavioral health services provision. This level of teamwork has come to be expected in San Diego County, which has a history of effective interagency collaboration.

Once realignment is in full swing, the county expects to absorb an additional 4,000 offenders annually who would have previously come under state jurisdiction. The Sheriff estimates that its local jails will reach capacity within eight months of start-up and 1,000 – 2,000 more jail beds will be needed by fall 2013.<sup>5</sup> Probation is bracing for a surge in its caseload due to supervising felons who would normally be under state Parole jurisdiction as outlined in Table 1.

Arguably, one benefit of realignment is the reduction of inmate populations in California’s prisons, which as of July 2011, were operating at 192 percent of design capacity.<sup>6</sup> It is anticipated that realignment can reduce this number to 137.5 percent by May 2013, as ordered by the U.S. Supreme Court.<sup>7</sup> The overarching concern is that any benefit from realignment could be undermined if the state underfunds their mandate to county public safety agencies.

The CCP Executive Committee will present its implementation plan to the County Board of Supervisors in September. More information about AB 109 and its effect on San Diego County is available at [http://sdcounty.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=1259](http://sdcounty.granicus.com/MediaPlayer.php?view_id=2&clip_id=1259).

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<sup>4</sup> See Number 1.

<sup>5</sup> See Number 1.

<sup>6</sup> CDCR, 2011. Weekly report of population: July 13, 2011. Available on-line at [http://www.cdcr.ca.gov/Reports\\_Research/Offender\\_Information\\_Services\\_Branch/WeeklyWed/TPOP1A/TPOP1Ad110713.pdf](http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/WeeklyWed/TPOP1A/TPOP1Ad110713.pdf)

<sup>7</sup> CDCR, 2011. Available on-line at [http://www.cdcr.ca.gov/About\\_CDCR/docs/Realignment-Fact-Sheet.pdf](http://www.cdcr.ca.gov/About_CDCR/docs/Realignment-Fact-Sheet.pdf)