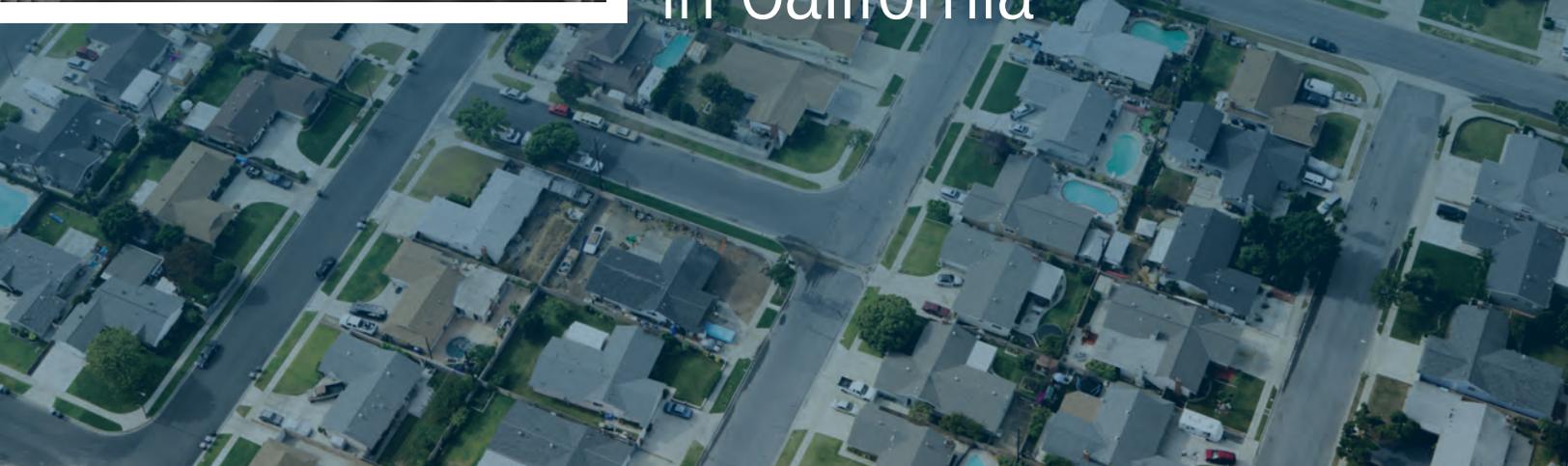


THE EARLY RELEASE OF PRISONERS

And its Impact
on Police Agencies
and Communities
in California



Police Executive Research Forum — May 2011

A Joint Project of:



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This project was supported by Grant Number 2010-CK-WX-K001 awarded by the Office of Community Oriented Policing Services, U.S. Department of Justice. The opinions contained herein are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice. References to specific agencies, companies, products, or services should not be considered an endorsement by the author(s) or the U.S. Department of Justice. Rather, the references are illustrations to supplement discussion of the issues.

The Internet references cited in this publication were valid as of the date of this publication. Given that URLs and websites are in constant flux, neither the author nor the COPS Office can vouch for their current validity.

ISBN: 978-1-935676-40-9

September 2011

A Joint Project of:



POLICE EXECUTIVE
RESEARCH FORUM

Police Executive Research Forum
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COPS ★

COMMUNITY ORIENTED POLICING SERVICES
U.S. DEPARTMENT OF JUSTICE

U.S. Department of Justice
Office of Community Oriented Policing Services
145 N Street, N.E.
Washington, DC 20530

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U.S. DEPARTMENT OF JUSTICE
OFFICE OF COMMUNITY ORIENTED POLICING SERVICES

COPS

Office of the Director
145 N Street, N.E., Washington, DC 20530

Dear Colleagues,

In the wake of budget cuts across the criminal justice system, law enforcement must work more efficiently while also ensuring the continued safety of our communities. With increasing costs and demands on correctional systems, and other events such as the recent *Brown v. Plata* decision, which mandates that the state of California drastically cut its inmate population, effective prisoner reentry initiatives are becoming necessary components of a comprehensive public safety strategy. In response to these challenges, I am pleased to present *The Early Release of Prisoners and its Impact on Police Agencies and Communities in California*, a product of the COPS Office's collaboration with the Police Executive Research Forum (PERF).

This report presents a look at successful efforts and challenges in prisoner reentry, and is the result of an October 2010 executive session held in Sacramento titled "A New Dialogue on Prisoner Reentry." The COPS Office and PERF assembled police chiefs and sheriffs in California for a discussion of the impact of reductions in corrections spending and the early release of prisoners. This session produced an honest discussion based on the views and experiences of local law enforcement leaders.

I believe you will find this report beneficial to your local efforts, and I encourage you to share this publication with other law enforcement practitioners across the criminal justice spectrum.

Sincerely,

A handwritten signature in cursive script that reads "Bernard K. Melekian".

Bernard K. Melekian, Director
Office of Community Oriented Policing Services

Foreword

For decades, probation and parole agencies have striven not only to protect the public by monitoring criminal offenders, but also to help offenders get their lives back on track. Probation and parole agents have helped offenders obtain job training, education, drug or alcohol treatment, and other help they need to start law-abiding lives. Prisons and jails have a similar dual mission: incapacitating criminals for a time, while also preparing most of them for a return to the community. The fact that prisons, jails, probation, and parole agencies are known collectively as the “correctional” system reflects the importance of their role in helping offenders to correct their behavior.

In recent years, a number of police departments and sheriffs’ offices have come to a realization that their mission statements also should include “reentry” initiatives aimed at helping offenders reenter society successfully. This is perhaps the result of the most fundamental change in policing in our lifetime—the near-universal adoption of community policing and problem-oriented policing. No longer do police merely respond to calls for service and investigate crimes that have been committed. In a hundred different ways, today’s police aim to identify the problems that contribute to crime, and to solve those problems. And one of the biggest problems in policing is that recidivism rates are extremely high. In a study that looked at recidivism in more than 40 states, more than four in 10 offenders returned to state prison within three years of their release.¹ Police and sheriffs’ departments see the futility of this “revolving door,” in which offenders cycle in and out of the justice system repeatedly, committing new crimes over and over again. Police executives recognize that if these repeat offenders can be set on a new path, crime rates will decline.

This report is about the growing interest in reentry initiatives within law enforcement agencies. For many years, the COPS Office and other U.S. Department of Justice agencies have supported a wide variety of reentry programs.² In this report, the COPS Office and the Police Executive Research Forum (PERF) collaborated on an effort to identify the successful efforts—as well as the challenges—in prisoner reentry programs, with a focus on California, where the reentry issue is tied up with a major prison overcrowding crisis that is resulting in the early release of thousands of inmates. A May 2011 decision³ by the U.S. Supreme Court brought the issue to a head, as the Court upheld a lower court order mandating the release of tens of thousands of California prisoners.

1. www.pewcenteronthestates.org/uploadedFiles/Pew_State_of_Recidivism.pdf

2. For further information, go to: www.cops.usdoj.gov/Default.asp?Item=2482

3. *Brown v. Plata*, 563 U.S. ____ (May 23, 2011). Referenced at: www.supremecourt.gov/opinions/10pdf/09-1233.pdf. [No. 09–1233].

Prisoner reentry can be controversial. Some criminal justice reform groups argue that the United States incarcerates far too many offenders at enormous cost to taxpayers, and that it makes more sense to impose community-based sanctions, with rehabilitative services, on low-level offenders. However, community members sometimes object when it seems that criminal offenders—rather than law-abiding citizens—are receiving special help with job training or education programs.

The current economic downturn has further complicated the issue, as all types of agencies and services—prisons, jails, police, and social and rehabilitative programs—come under the budget knife. Some law enforcement executives told us that they have their hands full maintaining traditional police functions with sharply reduced funding, and that the idea of taking on new duties regarding prisoner reentry is simply unrealistic in the current environment.

In coming years, the economy may improve, making it easier to provide needed funding for correctional agencies, police, and social programs. But regardless of how quickly or slowly the economy gathers steam, the long-term trend for law enforcement agencies may be toward greater involvement in prisoner reentry initiatives. Why? Because today's police departments are all about solving problems and preventing crime. And they have been very successful; rates for serious crimes like homicide and robbery are roughly half of what they were in the early 1990s. But continued progress may require police to get a handle on the problem of offenders who commit hundreds of crimes over a lifetime as they move back and forth between jail or prison and the community.

This report offers the views of many police leaders about how tomorrow's law enforcement agencies may need to assume a new leadership role, working with other criminal justice agencies as well as social service and private organizations, in solving the problem of high recidivism among persons released from prisons.

Bernard K. Melekian, Director
Office of Community Oriented Policing Services
U.S. Department of Justice

Chuck Wexler, Executive Director
Police Executive Research Forum

Acknowledgments

We would like to thank the COPS Office for providing us with the opportunity to examine an important and timely issue—the early release of prisoners and the reentry of offenders back into the community. This is a growing concern for local law enforcement across the country. We are grateful for the leadership of Bernard Melekian, director of the COPS Office, who provided invaluable insight, having led the Pasadena Police Department for more than 13 years, and for the enthusiastic and helpful suggestions offered by Mora Fiedler, our program manager, as we planned an Executive Session in Sacramento titled “A New Dialogue on Prisoner Reentry.”

We are especially appreciative of the advice and guidance of Ms. Blake Norton, project director for law enforcement initiatives at the Council of State Governments Justice Center, who graciously shared her knowledge, expertise, and resources with us as we began exploring this issue. In addition, Susan Manheimer, police chief of San Mateo and president of the California Police Chiefs Association, provided tremendous insight into the challenges facing California and helped us to frame the issues for the meeting.

We also thank the police chiefs and other professionals who were able to join us for the Executive Session on October 7, 2010 (see the appendix for a list of all attendees). We want to recognize and thank Rick Braziel, police chief of Sacramento, who hosted the meeting.

We would particularly like to thank the experts who made presentations at the Executive Session. Marshall Clement, project director of the Justice Reinvestment Project at the Council of State Governments Justice Center, provided the meeting participants with a national perspective on reentry and the implementation of justice reinvestment in other states. East Palo Alto Police Chief Ronald Davis, Pasadena Police Commanders John Perez and Darryl Qualls, Frank Biery of the Flintridge Center, and Oakland Police Deputy Director Gilbert Garcia discussed their departments’ efforts and successful programs that have helped them to manage prisoner reentry in their communities. Longmont, Colorado Commander Tim Perkins provided an informative presentation on the Community Restorative Justice Program, a collaborative effort with the Longmont Community Justice Partnership (LCJP) that provides an alternative to incarceration that effectively holds offenders accountable for their actions.

In addition, we want to thank Matthew Cate, Secretary of the California Department of Corrections and Rehabilitation, for finding time to share his perspective and approach to managing this very complex issue.

Finally, I would especially like to recognize the contributions of PERF staff who worked on this project. Jerry Murphy, the project director, and Debra Hoffmaster, project manager, worked together to identify the relevant issues, develop the agenda, and prepare the report. Craig Fischer reviewed drafts of the report and offered thoughtful editing. Kevin Greene helped to coordinate the meeting and provide organizational assistance.

Chuck Wexler, Executive Director
Police Executive Research Forum

Introduction

The release of prison and jail inmates back to the community, and policies designed to increase the chances that released offenders will successfully reintegrate into society, have become critical issues in criminal justice over the last 10 years. More recently, in the last year or two the issues have gained renewed attention because of budget concerns at all levels of government. The economic crisis and budget shortfalls in many states have led a number of jurisdictions to look for ways to reduce their corrections spending, which often means accelerating the release of prisoners, sometimes earlier than originally intended. At the same time, funding is being cut for social programs, such as job training, that are intended to help released offenders reintegrate successfully. This report describes how these trends are putting a strain on the justice system and how they affect policing—particularly in California, where the impact is being felt quite strongly.

State governments spend a significant portion of their total budgets on corrections, which includes prisons as well as probation, parole, and in some states, community corrections programs. In FY2008, states are estimated to have spent more than \$47 billion of general funds on corrections.⁴ In Michigan, for example, the \$2 billion Department of Corrections budget for 2008 was 22 percent of the state's general fund. California's \$9 billion correction budget in 2008 was 9 percent of its general fund. Oregon spent \$763 million on corrections, which was approximately 11 percent of its general fund.⁵ The bulk of corrections funding is spent on prisons, while a much smaller percentage goes toward probation and parole.

Recently, a number of national and state initiatives have focused on reducing prison budgets by releasing offenders back into the community earlier than originally intended. And a number of states have considered these early release programs largely as a means of balancing their budgets. Michigan is considering reinstating good-behavior credits for inmates, which would allow for the early release of some prisoners. Oregon began allowing low-risk inmates to earn reductions in the length of their sentences. In California, parole restrictions have been lifted for some nonviolent criminals, reducing the likelihood that they will be sent back to prison for relatively minor parole violations.

4. "One in 31: The Long Reach of American Corrections." The Pew Center on the States, 2009. www.pewcenteronthestates.org/uploadedFiles/PSPP_1in31_report_FINAL_WEB_3-26-09.pdf

5. 2008 State Expenditures Report, National Association of State Budget Officers. <http://nasbo.org/Publications/StateExpenditureReport/StateExpenditureReportArchives/tabid/107/ItemId/66/Default.aspx>

In many states there has been an immediate backlash against such “early release” proposals.⁶ Legislators, prosecutors, crime victims’ advocates, and others have been critical of plans to reduce the sentences of prisoners, particularly when the decision seemed to be driven primarily by budget pressures. Some claim that while these measures may help to reduce budget shortfalls, they come at the expense of crime victims and the communities where convicted offenders are returning to live, and where they may commit new crimes. Others argue that early release provisions are imposing a burden on local law enforcement agencies, because police officers are being forced to assume some of the responsibilities traditionally assigned to parole officers. And wherever early release is being considered, there is concern that transferring responsibility for the released offenders from the state prison system to local jurisdictions—without providing the resources needed to support the reentry of prisoners back into communities—will result in increased crime.

Several years ago, the U.S. Justice Department’s Office of Community Oriented Policing Services (the COPS Office) funded several initiatives to develop a greater understanding of the challenges that reentry poses for local police agencies. Those efforts considered the role of the police in reentry and the benefits of applying community policing strategies to prisoner reentry. The COPS Office initiatives identified model policies and programs for police involvement in reentry, and illustrated the benefits for police agencies to become actively involved in reentry initiatives.⁷

Those successful efforts, which were based on principles of information-sharing and collaboration across agencies, could be undermined by the impact of the country’s current economic crisis and the increasing burden on local police and communities. As government budgets are cut and police departments are stretched thin, police executives are concerned about absorbing the demand for services and support systems for returning inmates. Complicating this picture is the fact that many inmates are returning to communities that are already struggling with high unemployment and crime.

This is an important issue for law enforcement. Reentry initiatives that have proved effective in the past may crumble if their budgets are reduced or eliminated even as the number of released inmates skyrockets. This issue will require innovative and more strategic thinking by police leaders as they consider the risks that returning prisoners pose to the safety of their communities. Solutions may be difficult to find as the entire issue of reentry is confounded by legal, political, and economic challenges.

6. In this publication, we use the term “early release” in a limited way, to refer to accelerated releases of prisoners caused by reductions in corrections spending—not to traditional prison “good time” or other incentive programs or other policies that allow offenders to be released before serving their entire sentences.

7. Schwarzfeld, Matt, et al. 2008. *Planning and Assessing a Law Enforcement Reentry Strategy*. New York: Council of State Governments Justice Center. www.reentrypolicy.org/jc_publications/LE_toolkit_final/LE_Reentry_Strategy.pdf

The Project and the Publication

In 2010 the COPS Office asked the Police Executive Research Forum (PERF) to convene a meeting of police chiefs and sheriffs in California for the purpose of examining the impact of reductions in corrections spending, especially in terms of the early release of prisoners, recidivism, and reentry issues.

California is the epicenter of the controversy in the United States over reentry and early release of prisoners. The state's corrections budget is being dramatically cut in response to an overall state budget crisis. By examining California's situation from the perspective of local law enforcement officials, we aim to provide the benefit of their experiences to police agencies in other states that are now facing, or may soon be facing, similar circumstances.

This report provides an overview of an Executive Session that PERF convened in Sacramento, California on October 7, 2010 to explore these issues. The report begins with a brief summary of the prison issue in California, and describes some of the major events that resulted in the situation as it exists today. We then present some of the comments offered by participants at the Executive Session, highlighting the concerns of local police as they consider the potential impact of reentry and early release decisions on their communities.

The report describes Justice Reinvestment, a data-driven approach to managing the prison issue. Justice Reinvestment is a strategy currently being used in a number of states to assess their correctional systems and identify policy options that generate savings while producing measurable benefits. This section of the report details what has been learned through the Justice Reinvestment program. When funding is scarce, it is even more important to identify the success rates of various programs.

Finally, this report offers a summary of the early lessons that California officials already have taken from their experiences, and the implications of those lessons for the rest of the country. For example, there is a growing realization that public safety agencies, once considered "off limits" to budget-cutting, are now being ordered to find ways to cut their spending significantly. This report also details the challenges that remain for California law enforcement agencies and policymakers, such as developing a comprehensive approach to investing intelligently in reentry programs.

The California Prison Crisis

In late 2010, California's state prison population was at an all-time high, with nearly 180,000 inmates housed in facilities designed to hold half that number.⁸ Until the 1980s, the inmate population grew fairly slowly, but from 1980 to 2006, the population rose dramatically, more than 600 percent, adding an average of 5,500 inmates per year.⁹ Furthermore, the annual cost of housing a prisoner increased from \$28,000 per inmate in 2003 to \$49,500 in 2009. Yet increasing expenditures did not result in a reduced recidivism rate. "No other state was spending more on its corrections system and getting back less," according to one noted criminologist.¹⁰

Many people who are familiar with California's current prison crisis attribute the overcrowded system to tough sentencing laws like "Three Strikes and You're Out" and to the state's parole practices. Enacted in 1994, the Three Strikes law includes provisions under which persons convicted of three felonies may end up facing life in prison.¹¹ At the same time, and in contrast to most other states, almost all California inmates receive a one- to three-year parole period when they are released. During that time, they can be returned to prison for "technical violations" that never go before a criminal court. These include violations such as failing to show up for an appointment with the parole officer, drinking alcohol, or failing a drug test. Two out of three parolees are back in prison within three years and serve an average term of four months. These policies, which critics call a "revolving door" system, are economically expensive, may well undermine long-term public safety, and are at the heart of the overcrowding situation.¹²

As one of the largest agencies in California, the state Department of Corrections and Rehabilitation (CDCR) has had to find ways to drastically reduce costs in response to the state's multibillion-dollar budget deficit. One program aimed at reducing the prison population went into effect on January 25, 2010. Called non-revocable parole (NRP), it allows for the release of low-risk offenders without supervision by a parole agent. A parolee on NRP cannot be returned to prison for a "technical" parole violation (a violation of a condition of release, such as a missed appointment with a parole agent, that is not a criminal offense).¹³ From the standpoint

8. Based on information available in October 2010.

9. California Sentencing and Corrections: Significant Issues. Stanford Law School Criminal Justice Center. www.pewcenteronthestates.org/uploadedFiles/CA%20Sentencing%20and%20Corrections.pdf

10. Petersilia, Joan. 2010. "A Retrospective View of Corrections Reform in the Schwarzenegger Administration." *Federal Sentencing Reporter*. Volume 22, No 3. pages 148–152. www.deepdyve.com/lp/university-of-california-press/a-retrospective-view-of-corrections-reform-in-the-schwarzenegger-hKx6ydpriq

11. California Penal Code section 667(b) through (i). 1994. Also referred to as Proposition 184.

12. Petersilia, Joan. pp. 148–152.

13. www.cdcr.ca.gov/Parole/Non_Revocable_Parole/index.html

of reducing prison populations and managing parolees, the NRP program has several benefits, including removing low-level offenders from parole supervision, reducing the number of parolees returned to prison for minor parole violations, and allowing a greater focus on the most serious and violent parolees.¹⁴

In another development, on January 4, 2011, newly elected Gov. Jerry Brown, on his second day in office, proposed a “reordering” of various government programs in which a number of state functions would be shifted to local agencies, and state funds would be directed to local governments as compensation. One element of the proposal was diverting “low-level” criminal offenders from state prisons to local jails and transferring parole programs to county governments. In exchange, the state would provide funds to local governments that they could use to expand their jails and reentry programs. By late February, however, the Governor’s aides told legislators that the proposal had been scaled back because of concerns expressed by local law enforcement officials. Some local officials expressed reservations about the costs of the arrangement and about whether offenders classified as “low-level” might actually include dangerous criminals who had committed serious crimes but had pleaded guilty to relatively minor offenses in plea bargains.¹⁵

A key consideration is that federal courts are involved in various aspects of the California prison system. In August 2009, an unusual panel of two U.S. district judges and one federal appeals court judge found that overcrowding was the primary cause of unconstitutional conditions in California’s prisons, specifically the inability to provide competent and timely health care (medical and mental) for prisoners.¹⁶ The three-judge panel issued a prisoner release order in 2010 mandating a reduction in the state prison population by approximately 40,000 inmates over a 2-year period.¹⁷

On May 23, 2011, the U.S. Supreme Court upheld the population limit ordered by the lower court, in a bitterly contested 5-to-4 ruling. Justice Anthony M. Kennedy, writing for the majority, began by saying that “This case arises from serious Constitutional violations in California’s prison system. The violations have persisted for years. They remain uncorrected.... Needless suffering and death [among inmates] have been the well-documented result.”¹⁸

14. Ibid.

15. “Jerry Brown eases plan to shift prisoner responsibility,” *Los Angeles Times*. <http://articles.latimes.com/2011/mar/01/local/la-me-local-govt-20110301>

16. The case is a consolidation of two class action lawsuits – *Plata v. Schwarzenegger* No. C01-1351-THE, 205 WL 2932253 (N.D. Cal. Oct. 3, 2005) and *Coleman v. Schwarzenegger*. No. CIV-S-90-520, 2007 WL 4276554 (E.D. Cal./N.D. Cal. Nov. 29, 2007).

17. Moore, Solomon. 2009. “California Prisons Must Cut Inmate Population.” *New York Times*. www.nytimes.com/2009/08/05/us/05calif.html

18. *Brown v. Plata*, 563 U.S. ____ (May 23, 2011). Referenced at: www.supremecourt.gov/opinions/10pdf/09-1233.pdf. [No. 09-1233].

Kennedy spelled out in detail the results of overcrowding in California's prisons, noting, for example, that "prisoners are crammed into spaces neither designed nor intended to house inmates," and "because of a shortage of treatment beds, suicidal inmates may be held for prolonged periods in telephone-booth sized cages without toilets." Medical care is lacking, he said, noting that a lower court concluded that inmates suffer an "unconscionable degree of suffering and death," with one inmate dying needlessly every six to seven days on average due to inadequate medical care.¹⁹

However, Justice Antonin Scalia, in a dissenting opinion, said, "Today the Court affirms what is perhaps the most radical injunction issued by a court in our nation's history: an order requiring California to release the staggering number of 46,000 convicted criminals." Scalia warned that the ruling will result in "inevitable murders, robberies, and rapes to be committed by the released inmates." Justice Samuel Alito, in a separate dissent, said that the majority relied on out-of-date information regarding California prisons, citing, for example, a Bureau of Justice Statistics report indicating that California has the 13th-lowest average mortality rate among the 50 state prison systems.²⁰

It was not immediately clear whether the Supreme Court decision would have major implications for other state prison systems. While the California case was pending before the Supreme Court, 18 other states, some of which also have high levels of prison crowding, filed a friend-of-the-court brief supporting the state of California. But one author of that brief said that the opinion was "pretty fact-specific" to California, and thus may have relatively little application to other states.²¹

As California state officials studied the implications of the Supreme Court ruling and various options for reducing prison crowding, local police and sheriffs continued to grapple with the risks and challenges that returning parolees pose to the safety of their communities.

19. *Ibid.*, p. 9.

20. *Ibid.*, Alito dissent, p. 7.

21. Doyle, Michael. 2011. "Ruling on prison overcrowding a warning to states?" *McClatchy Newspapers*, May 24. www.mcclatchydc.com/2011/05/24/114702/ruling-on-prison-overcrowding.html

The View from the Top: CDCR Secretary Matthew Cate

The California Department of Corrections and Rehabilitation (CDCR) has a difficult job, defined in its mission statement as “enhanc[ing] public safety through safe and secure incarceration of offenders, effective parole supervision, and rehabilitative strategies to successfully reintegrate offenders into our communities.”²² Even when the economy is strong, that is a complex endeavor. During the state’s worst economic crisis in decades, it is a challenge of tremendous proportions.

As Secretary of CDCR, Matthew Cate is charged with managing the state corrections system during the current fiscal crisis.²³ At PERF’s Executive Session on Prisoner Reentry, Secretary Cate described his philosophy and approach to handling the task at hand. His comments are excerpted below:

“We have found ourselves in the worst economic crisis since the Great Depression in California. In 2008, my first year as Secretary of Corrections and Rehabilitation, the state government had a \$10– to \$12-billion deficit, the worst ever. And the following year we had a \$40-billion deficit. We thought that if we could just get through that year, things would improve. And so we made a series of cuts, only to find out that the can got kicked a little bit, so once again, we’ve got a \$19-billion deficit to deal with.

There are some very different schools of thought about how these cuts should be made. A large segment of our population in California would like to see that corrections and law enforcement in general be protected against budget cuts, because in their view—and I share this view—public safety is the number one role of government. But others say that public safety accounts for such a large share of our total spending, it just can’t be taken off the table when we’re looking for ways to reduce spending.

We began by setting aside the question of dollars and cents for a moment and looking at best practices and evidence-based programs in the rehabilitation of offenders, in the context of the particular corrections system we have in California. Rehabilitation is seen as a matter of performing an assessment of each offender to identify what their “needs” are, whether it’s job training, drug treatment, or other things they need if we expect them to have a chance at leading a law-abiding life. And then you have to try to meet those needs. California was a bit of an outlier in its sentencing system, in that 100 percent of the people who left prison went on parole. Other states have eliminated or reduced the use of parole. A great number of offenders cycle through our system. Most of those offenders serve about four months, which is enough time for us to give them a medical, mental health, and dental checkup and a full assessment of their risk and needs, and then they are released back into the community before we can do much to help them succeed in the community.

22. www.cdcr.ca.gov/About_CDCR/docs/mission.pdf

23. Matthew Cate was appointed Secretary of CDCR on May 16, 2008.

That had been our reentry pattern in California, so we approached this looking for ways to stop the “revolving door” part of this as it pertains to relatively low-level offenders. Frankly, I don’t hear anybody saying that we can or should reform our way out of our prison crowding crisis by releasing inmates serving time for serious or violent crimes, sex offenses, or three-strikes inmates. It is true that we are terribly overcrowded in our high-security lockups, but in my opinion, the solution to that is construction of more high-security facilities. But we are willing to have conversations about lower-level offenders—the so-called “revolving-door offenders.” That’s where we’ve tried to focus our attention.

We have 110,000 people on some form of parole in California. To reduce that number and generate some savings, we tried to identify the parolees whom we could place on non-revocable parole with the least risk. We cut out the ones who were serious, violent, or sex offenders, or who had a bad score on our risk assessment tool, or who had committed a serious rule violation in prison or were part of a prison gang. We came to about 15,000 to 16,000 inmates who we considered eligible for non-revocable parole.

This results in two forms of savings. There are savings that come from taking those offenders off a parole officer’s caseload, and there are savings that come from offenders not being returned to prison because they committed technical parole violations. And so the legislature and the governor were able to take the funding that we saved and reinvest it into the supervision of the more serious offenders, the other 85 percent. We are reducing caseloads and at the same time we’re increasing training for parole officers, and we have parole apprehension teams to help hunt down absconders. We save a lot of money by not paying for these guys to be in prison and paying the sheriff to house them before they go to prison. Those savings were swept into the solutions to fix last year’s budget.

The key statistic for CDCR is recidivism: whether offenders are committing fewer crimes. As I listen to colleagues around the country, it seems that the path to lower recidivism is a combination of getting smarter in how we police, and providing smarter supervision of offenders in the community. When you compare the impact of community programs against programs for inmates in prisons, you find that community programs tend to have a bigger bang for the buck.

If I could spend a little more money for the offenders on the margin, the ones who have a shot to change their lives, I would. We know that without a trade or skill, parolees have no ability to earn a living wage. My colleagues and I have reported that vocational training reduces recidivism on average about 12 percent. In California we release 110,000 inmates a year, so if those guys have job skills, we’re talking about 10,000 to 15,000 fewer felons. And research shows that on average, each one will commit 10 to 15 crimes before they’re caught.

But it’s a waste to spend money on locking up relatively minor offenders for four months, because that’s not enough time to give them the training they need. Unfortunately, we are not spending enough money on rehabilitative programs. We cut about 40 percent of rehabilitation programs in the last three years because we are broke. That is not the long-term solution we want, but it was an inescapable solution because we ran out of money.

I think that police chiefs and city and county representatives have every right to be concerned about policies that result in more offenders being on the streets, and there are going to be instances where this doesn’t work. I want to learn from the communities how we can make this as safe as possible.

Some states are further along than California on these issues. Indiana, for example, releases people one, two, or three years early when they achieve educational accomplishments, such as a high school diploma or an associate's degree. Recidivism there has dropped dramatically because those being released from prison have enough education to earn a living wage. In California we have taken a much smaller approach. On January 25 we started a program where an inmate can earn up to six weeks off for an educational accomplishment.

At the same time, I think that one of the reasons crime is down in California is our three-strikes law. Not everyone joins me in this conclusion, and many would say I'm off base here. We have warehoused the offenders who we've deemed the most dangerous and those who have proven their inability to comply with society's laws. In my mind that is a good investment.

It's a balancing act. I'll give you an example. By creating non-revocable parole, we saved money, and used the savings to pay for our parolee apprehension teams, which tracked down and incarcerated 700 parolees who absconded. We know that if an offender is willing to abscond, that's an indicator of dangerousness in itself. So finding 700 absconders and putting them in prison—those guys won't commit any more crimes while they're incarcerated. It's a question of focusing our limited resources on the most serious, high-risk offenders.

We also paid for 1,000 high-risk gang offenders to get GPS supervision with that same money. These guys kill people without a thought, and what we have found with GPS for high-risk gang offenders is that none of them escape notice, so they're always caught. Almost as soon as we put the tracking system on them, they break the rules and are incarcerated. They're almost incapable of not committing crimes and violating parole, and with the GPS devices we catch them at it right away.

Impact of the California Reentry Problem on Local Law Enforcement

The fiscal crisis in California is forcing budget cuts at the state corrections system. At the PERF Executive Session, police executives from California cities and counties described some of the effects of these reductions on their communities and their agencies.

A number of chiefs and sheriffs expressed reluctance to take on significant new responsibilities for helping parolees obtain services and become law-abiding members of the community, especially at a time when police agencies are undergoing budget cuts and are straining to maintain their own operations. Others said that “the handwriting is on the wall,” so police need to accept that they may be forced to take on these new duties. And some said that a crisis can open up opportunities to make fundamental reforms in the justice system that would be politically impossible during a time of “business as usual,” so police chiefs should consider that helping to manage parolees might be a means of reducing crime.

Following are excerpts from comments made at the Executive Session:

BERNARD K. MELEKIAN

**Director, Office Of Community Oriented Policing Services,
Pasadena, California, Police Chief (Retired),
and former President, California Police Chiefs Association**

This phenomenon is occurring across the country

California has been dealing with this issue of prisoner reentry and the impact on our communities for many years. It is a complicated issue that started with the Coleman-Plata litigation [class-action civil rights lawsuits dating to 2001, which resulted in a 2010 federal court order to reduce the state’s prison population, upheld by the U.S. Supreme Court in 2011]. The current budget crisis has created more pressure to reduce the inmate population in order to help balance the state’s budget.

The challenges presented by the economic crisis are playing out across the country. We are seeing it in a number of states, both in terms of achieving target numbers for prison populations and determining the impact of cost cutting on correctional budgets. However, we have to ensure that the budget cuts are focused to a strategic end, and not merely targeted to achieve a specific dollar figure. The release of inmates is a social issue with real-life impacts. It should not be approached as a purely financial challenge.

SAN MATEO CHIEF SUSAN MANHEIMER
President, California Police Chiefs Association

The outlook is not good

It used to be that public safety was first in the hierarchy of what we would protect in our budgets. But over the last 4 years, California has been struggling with severe budget shortfalls, and for the first time ever, public safety dollars are a target.

In California, the rate of recidivism is about 70 percent within 3 years of release. Combine that with the estimated 10 to 20 percent cut that the state has inflicted on policing over the last decade, and we have the perfect storm of increasing violent crime and economic crime, high recidivism rates, and now a state corrections system that is looking to reduce the prison population.

As local police chiefs, we are here to protect, defend, and serve the communities that will feel most of the impact of these prisoner releases. As prisoners come back to the local communities, we'll see an increase in crime and an increase in the numbers of crime victims.

Our biggest concern is the short-sighted release of prisoners who then commit new crimes, increasing our workload and clogging local jails that are already over capacity. And these offenders ultimately go back into the prison system, rather than becoming law-abiding [citizens] and achieving what we hoped they would achieve. To help these offenders get the training or [assistance] that they need, we might be able to do more at the local level and do it better than in the state prisons, but we won't be successful unless additional resources are allocated to public safety at the local level.

I believe that [then-Governor Arnold Schwarzenegger] tried to do the right thing, but what happened with the non-revocable parole program (NRP) was not well thought out. NRP means the parolee can't go back to prison because of a technical violation, only for committing a new crime. The state used a risk assessment matrix to identify the offenders who would get NRP—those convicted of crimes that are not “serious,” not violent, and not sex offenses. But because they only looked at the inmate's *last* offense, you may not have a complete picture about who you are releasing. In addition, if you rely upon a self-reporting assessment tool, it increases the chances of a prisoner slipping through the cracks and committing some horrendous crime—which has already happened.

VENTURA COUNTY SHERIFF DAVID TENNESSEN***Police-parole partnerships are very helpful***

Yes, as Susan said, we have a problem because they're using a risk assessment model that is not looking at the entire history of the offender. It's looking at their most recent violations, not their entire history. I run the county jails in Ventura, and when we classify inmates, we don't just look at their most recent arrest, we look at their entire arrest history to determine their classification and how they're housed in the system. That's what I think is missing from this early release program.

I think parole-police partnerships are successful because they give our officers in the field an opportunity to work with parole agents in order to take these people off the streets before they've committed seven or eight or a dozen new crimes. We have a countywide gang unit for the Sheriff's Office that often works with parole officers. The parole officers brought tremendous value because of the intelligence they provided, especially regarding the investigation of new crimes committed by gang members.

RICHMOND CHIEF CHRIS MAGNUS***If I can get a violent offender off the street for a few months for a parole violation, I consider it a victory***

Policing is constantly reinventing itself, and we keep taking on more and more responsibilities. One of the biggest roles we've taken on in Richmond is entering into a real partnership with the community on multiple levels in order to prevent crime.

But frankly, I'm not clear on the specifics of what reinvention always looks like in my community when it comes to reentry.

For us, the problem starts well before offenders ever get sent to a state prison. Many of the people we arrest are involved in serious gang violence, retaliatory shootings, armed robberies, and other criminal activity. Many of the people we arrest are already parolees, and they may have some minor drug charge, as well as the more serious charges, that we arrest them for. Unfortunately, the District Attorney's Office is struggling with the same kind of cuts we are, so a lot of gun and other violent crime cases get pled out on the drug charge alone. So even though we are dealing with a number of serious offenders, they are classified as low-level offenders based on the drug charges, and they end up in county jail, often to be released again in relatively short order.

How are police officers supposed to help these predominantly violent offenders have a successful reentry experience? In my community, we have 20 percent unemployment and virtually no programs for anyone who is released. We in the Police Department keep our neighborhoods from being terrorized by these individuals by working with our parole officers to revoke their parole and get them back in custody.

And even if we are able to get some of these people into programs for some degree of rehabilitation, the only leverage we have for *keeping* them in the programs is the threat of revoking their parole. So the new notion of “non-revocable” parole in our state is a problem. We have a large number of offenders in Richmond who are not making good decisions and are not taking advantage of rehabilitation programs of any kind.

LINDA CONNELLY

President and CEO, Leaders in Community Alternatives, Inc.

Research shows that community-based treatment works

Our mission is working within communities, providing electronic monitoring, GPS, and treatment programs for offenders. The risk-needs assessment being used by the state looks at what they have done, called “static factors,” such as criminal history, level of education, and job history. And it looks at offenders’ needs, called “dynamic factors,” such as what kind of neighborhood they’re going home to, their job skills, and what they need to do to change behavior. It’s an objective, evidence-based measure to determine the services they must receive in order to be less likely to recidivate. Dynamic factors can be changed when matching services to offenders’ needs, and that will ultimately reduce recidivism.

I think these tools have been effective, and there’s a huge body of research over the last 10 to 15 years about programs that do work to change offenders’ behavior. We need to devote our resources to the highest-risk offenders, because they are a greater risk to public safety. And the research clearly shows that low-risk offenders can be placed in some kind of sentencing alternative program; they don’t have to take up an expensive jail or prison bed. In fact, the research says that sometimes placing low-risk offenders in jail or prison can increase their likelihood of recidivism, creating worse behavior. Mandating that non-serious, nonviolent offenders remain in the community working, supporting their families, receiving needed treatment, and paying taxes and fines can actually improve the chances of them being law-abiding.

I’m not saying that low-risk offenders don’t need oversight. Too many misdemeanor cases go through the court system, and the individuals end up staying in the community without any supervision whatsoever. Probation is so overloaded that they have to focus on the felons and higher-risk probationers. We have too many people in the community now without any supervision or accountability for their behavior.

Should the police be involved in prisoner reentry?

Ronald L. Davis, Chief of Police, East Palo Alto, California

In many communities in the United States, the concept of prisoner reentry²⁴ is undermined by a belief that most prisoners are neither deserving nor capable of redemption. Although this view is not supported by any meaningful evidence, the staggering rates at which ex-prisoners reoffend and are returned to prison make this a prevalent view in our society. Compounding these statistics are high-profile crimes involving ex-prisoners that capture national attention. In 2009, for example, the Jaycee Dugard kidnapping case in California stunned the nation when it was learned that Ms. Dugard allegedly was held captive for 18 years by a paroled sex offender, despite numerous home-visits by his parole officer. That same year, a parolee just a few months out of prison shot and killed four Oakland, California, police officers in the most deadly encounter in that department's history. Although such cases are few when compared to the number of prisoners released on parole, the egregious nature of these crimes can cause communities to oppose reentry programs and fear the early release of prisoners. Communities can be especially vocal in opposing reentry programs, such as drug treatment facilities, that are located in their own neighborhoods. It is not difficult to understand why the public often calls for more aggressive law enforcement strategies and stricter sentencing.

However, there is research indicating that enforcement alone is ineffective in lowering recidivism rates,²⁵ and in any case, prisons are far too expensive to be used as a default sanction for many criminal offenders. The exponential costs associated with our correctional systems are bankrupting local and state governments, and that sobering reality is forcing elected leaders to change their traditional views on incarceration as the cornerstone of a public safety strategy.

In short, we can no longer afford to arrest our way out of crime.

Maintaining a narrow focus on incarceration also results in great human costs. Incarceration affects not just the individuals who go to prison; it affects their families and communities as well. We must also acknowledge the harsh reality that existing enforcement policies have contributed to the large-scale and disproportionate incarceration of young men of color. As of June 2009, black non-Hispanic males were incarcerated in state or federal prisons and local jails at a rate more than six times higher than white non-Hispanic males.²⁶ The more that young men of color are incarcerated, the more likely it is that their communities will lose trust and confidence in the criminal justice system. One of the principles of policing attributed to Sir Robert Peel is that "the ability of the police to perform their duties is dependent upon public approval of police actions." Communities are not likely to give the police that approval—even for police actions that are legal—if they do not trust that the justice system is fair and unbiased.

24. For purposes of this article, prisoner "reentry" is defined as the manner in which a community and its government reintegrate those returning home from prison.

25. "Reducing Racial Disparities in the Criminal Justice System." The Sentencing Project, 2008. www.sentencingproject.org/doc/publications/rd_reducingracialdisparity.pdf

26. "Prison Inmates at Midyear 2009—Statistical Tables," Bureau of Justice Statistics. <http://bjs.ojp.usdoj.gov/content/pub/pdf/pim09st.pdf>

All of these factors create a frustrating situation for law enforcement, especially local police chiefs. On one hand, police have little, if any, role in the correctional system, other than a certain amount of discretion in whether or not to arrest a particular criminal offender. That discretion is limited in most cases. On the other hand, high recidivism rates, which could be considered a failure of the correctional system (the very name of the correctional system suggests that its purpose is to help offenders become law-abiding), contribute greatly to the local crime and violence rates for which police chiefs are held accountable.

This situation, in which police are given more responsibility than authority, is exacerbated by decreasing budgets at all levels of government, dysfunctional correctional systems with overcrowded jails and prisons, and the continuing threat of gangs and violence in our communities. One thing is certain: local police cannot think of prisoner reentry solely as a responsibility of state correctional agencies. After all, prisoners are not born in prison; they come from our local communities, and most of them will return to those same communities, whether we like it or not. It is not reasonable to think that prison can somehow change an offender in 16 months (or in most cases, less time than that) when that person spent the majority of their life in a certain community. So the central question for local police chiefs is not “if” they should be involved in prisoner reentry, but “how.”

Law enforcement leaders, including prosecutors, must step off the sidelines of prisoner reentry and engage in non-traditional practices that are based on evidence and intelligence regarding offender behavior. For example, in San Francisco, the District Attorney’s Office created the “Back on Track” reentry program—a non-traditional program for first-time nonviolent drug offenders that reduced recidivism rates for that group from the state average of 54 percent to 10 percent.²⁷ In East Palo Alto, the police and the community partnered with the Department of Corrections to open a day reporting center that provided reentry services, including temporary jobs with the Department of Transportation. The return-to-custody rate for program participants was reduced from 60 percent to 20 percent. Although there is no evidence to make a direct link between this program and the city’s crime rate, the overall crime rate in East Palo Alto dropped by more than 16 percent and the murder rate dropped by more than 40 percent during the time of this program.

Prisoner reentry programs can also enhance the public’s trust and confidence in the police. Instead of being viewed as emotionless enforcers who simply take people to jail, the police are seen as caring professionals who work with all residents, even those returning from prison, to enhance public safety. The more the police garner public trust and confidence, the more likely they will be able to truly engage in community policing, rather than simply policing the community.

Local police leaders are now faced with a choice: view the challenge of prisoner reentry as an opportunity to advance our community policing efforts, or simply worry about looming prisoner releases and budget reductions and wait for the perfect storm to arrive. If we, as a profession, are to become “smart on crime”²⁸ and effectively respond to our current and future challenges, we must not only partner with our communities to address the issue of prisoner reentry, we must take the lead in this effort.

27. Harris, Kamala. 2009. “Smart on Crime.” San Francisco: Chronicle Books.

28. Ibid.

SACRAMENTO CHIEF RICK BRAZIEL

We are seeing the reinforcement of gangs and more violent crime

Not only do we face the early release of prisoners with no supervision, but at the same time we have unemployment of 12 to 14 percent. There are no jobs for these offenders, and meanwhile there have been significant cuts in Sacramento County social services. In this region [the services] are gone; they don't exist anymore. And probation supervision is virtually nonexistent.

So we've got a prisoner population getting out early, with no support system whatsoever, no jobs to go to, and the result that we've seen so far is a reinforcement of the gang ranks. We've been working with CDCR to try to get notification of the gang members who are being released.

It's come to the point where we're trying to identify the gang members and convince CDCR not to release too many of one gang set over another gang set. We're trying to maintain a level playing field in an attempt to keep crime under control.

Sacramento had a three-year reduction in crime, but now we've seen a 21 percent increase in violent crime—from assault with a deadly weapon all the way up to homicide—compared to last year. Resisting arrest and assaults on officers are up 13 percent, and we've seized 25 percent more guns this year than last. We don't see that trend changing, and we expect it to get worse as we see more and more prisoners getting out without supervision, without services, and without jobs. Even if a released prisoner wants to turn his life around, there's no support system. So they go back to what they know and to their peer support groups—which are the gangs.

RED BLUFF CHIEF PAUL NANFITO

Small police agencies are stressed and lack resources to offer parolee services

Most cities in California are very small and have small police departments, and we're in a position where budget cuts are making it difficult to provide *basic* police services. The suggestion that individual police departments or cities are going to provide services to parolees is not realistic for the bulk of the cities in California. In one year's time I've seen 25 percent of my department go away, and I'm barely able to staff the street and handle the response to calls for service. I think that needs to be discussed seriously, because a lot of small cities aren't going to get any funding to provide services to parolees. We need to make sure that local law enforcement agencies are not overlooked in this process.

SCOTT KERNAN

Undersecretary, California Department of Corrections and Rehabilitation

We can't afford to maintain business as usual

We can't continue to do business as usual. Taking a guy who violated parole—tested dirty for drugs—and putting him on a prison bunk bed for four months at a yearly cost of \$50,000 just isn't working. The reality is that we've been using the parole system to send people back to jail, but when that parolee comes back out, he's going to continue to commit crimes to support his habit. It would be better to partner with communities to provide reentry services and address the problem that got the parolee sent to prison in the first place. If we had unlimited dollars, we might be able to keep putting more people in prison. But we haven't built a prison in over a decade, and we're grossly overcrowded.

It's not well-publicized, but our parole agents are working with local law enforcement every day to get people who are committing crimes off the streets. Parole agents working with law enforcement are an effective tool to reduce crime. But we need to adjust what we do with technical parole violators.

SAN JOSE CHIEF ROB DAVIS

Police know how to reinvent themselves, but taking on reentry is a challenge

Herman Goldstein is right: no group or organization in this country has done more to reinvent itself and figure out how to do things better than law enforcement. Community policing has had a significant effect across the country in reducing crime and in solving all types of problems that contribute to crime. Crime rates have gone down because cops have led the way.

We have succeeded when we have focused on what we do well, and have reached out to collaborate with other entities in our communities that are working toward the same goals. Unfortunately, all of our nonprofit and social services partners are having their budgets cut, just as we in policing are making cuts.

In San Jose, we have one of the lowest crime rates of any major city in the country. We've done that by being very progressive and by reaching out to our partners. We use city money to help fund community-based programs that assist with reentry, as well as intervention and prevention programs. The police department has been successful by partnering with these other stakeholders.

Unfortunately, we have stressed our local resources to the breaking point. In fact, some of the funding we've been using for those programs has been taken away by the state. Everybody recognizes (at least at the policy-work level) that these programs will remain effective only if there is a transfer of resources to the local community.

As we see the crime rate go up while our department budgets are being cut, we're going to need to reinvent ourselves again and continue to figure out how to do things differently. There's no question about that. But it is unrealistic to assume that we're going to be able to take responsibility for reentry while we're scrambling to figure out how we can keep doing our basic job of policing with fewer resources. We don't have a coordinated approach here in California. We have local law enforcement, probation, and corrections, and we're not always working together.

Justice Reinvestment

A Presentation by Marshall Clement of the Justice Reinvestment Project at the Council of State Governments Justice Center

Spending on corrections has gone up dramatically in the past 20 years and is the second-fastest growth category in state budgets in the last decade.²⁹ Nationwide, state spending on corrections has increased from about \$12 billion in 1998 to \$52 billion in 2008.³⁰ Despite the amount of money being spent on corrections, recidivism rates remain high across the country and the prison population continues to grow.³¹ In light of shrinking budgets at both the state and local level, there is an urgent need to address recidivism rates and corrections spending. Policymakers are questioning the huge investment in corrections that seems to be returning so little in terms of results.

Justice Reinvestment is an approach that is being used in a number of states across the country to achieve better results for the dollars spent in criminal justice. The process utilizes state-specific data, including crime, arrest, conviction, jail, prison, and probation and parole information, to develop policies that reduce spending on corrections and to reinvest the savings in strategies that can decrease crime and strengthen neighborhoods.³² The strategy includes several steps:

- Analyze data and develop policy options
- Adopt new policies and put reinvestment strategies into place
- Measure performance³³

Marshall Clement is the project director of the Justice Reinvestment Project at the Council of State Governments Justice Center.³⁴ Following is a summary of the presentation that he delivered at the PERF Executive Session in Sacramento, in which he discussed his ongoing efforts to work with state policymakers to advance the justice reinvestment strategy.

How did we get here?

More people are coming out of prison today than ever before, Mr. Clement noted, but that's principally because more people are going into prison. Most offenders who are sent to prison eventually will be released to some type of post-release supervision. Most felony offenders, particularly nonviolent property and drug offenders, are placed on probation and are not sentenced to prison. Crime is continuing to decline across the country, due in part to more arrests and "smarter arrests" by police.

29. www.asca.net/system/assets/attachments/1640/JRI_FS.pdf?1292611261

30. National Association of State Budget Officers, Fiscal Year 2008 State Expenditure Report, Washington, D.C. <http://nasbo.org/Publications/StateExpenditureReport/StateExpenditureReportArchives/tabid/107/ItemId/66/Default.aspx>

31. <http://bjs.ojp.usdoj.gov/content/glance/tables/corr2tab.cfm>

32. Council of State Governments, Justice Center. www.justicereinvestment.org

33. www.justicereinvestment.org/strategy/measure

34. The justice reinvestment project is supported by the U.S. Department of Justice's Bureau of Justice Assistance and The Pew Charitable Trusts.

According to Clement, more people have been placed on probation than in prison during the last 10 years. But the probation system, as well as the parole system, has not kept pace with increasing caseloads. In Clement's view, "probation and parole are taking on enormous caseloads and duties without resources, particularly community resources, and without reinventing themselves. Those systems haven't reinvented themselves in the ways that police departments have done, by using data to target resources where they can have the greatest impact. As a result, failure rates have been going up for those populations."

What can be done to increase public safety?

According to Clement, it has been well documented that certain approaches increase public safety and decrease recidivism. First, it is important to focus on the offenders who are most likely to commit new crimes following their release. Second, funding must be spent on effective programs that have a research base and have been proven to work, and those programs must be delivered in a high-quality and effective manner. Third, supervision must be strengthened. In many jurisdictions supervision is weak, the number of cases being supervised is incredibly high, and imposing a sanction for every violation of supervision is not realistic. Fourth, "place-based strategies" must be used, focusing on where offenders are living and the conditions that are impacting their lives.

1. Focusing Resources

"Our chances of actually being able to make a difference are greatly improved by focusing resources on those most likely to reoffend," according to Clement. He explained that if 100 people are released from prison, roughly half will be rearrested for committing another crime. The problem is that when offenders are released from prison, we don't know for certain whether a certain offender will commit new crimes until he is rearrested, and by then the opportunity to reduce recidivism has been lost.

However, in Clement's view, by using a good risk assessment tool, parole agencies can effectively sort those 100 offenders into three categories: a low-risk group, of whom only 10 percent are rearrested; a medium-risk group, with a 35 percent rearrest rate; and a high-risk group, with a 70 percent rearrest rate. Instead of wasting resources on those whose rearrest rate is low, resources are directed at the high-risk group, where it is likely that seven out of 10 will be rearrested.

Interestingly, research has shown that focusing too much supervision or intensive resources on low-risk offenders can actually *increase* crime, Clement said.³⁵ "Low-risk offenders, by definition, are going to have a shorter criminal history," he said. "They are likely to be older, more likely to have a job and better education, and more likely to have a family that supports them. When you take that individual and put him in jail for six months with offenders who are high-risk, you are essentially disrupting what made them low-risk offenders. They lose their jobs, have limited interaction and connection to their families, and are now engaging in a form of social learning with persons who are still engaged in crime and are likely to continue engaging in crime."

35. Lowenkamp, Christopher T., and Edward J. Latessa. 2004. "Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low-Risk Offenders." <http://nicic.gov/Library/period266>

However, there is a contrary dynamic in play: Probation and parole program administrators would rather work with low-risk offenders. “They show up, they’re easy to work with, they pay their fees, and that’s why they are low-risk,” Clement said. “The high-risk offenders are absconding, they’re harder to work with, they are difficult, and that’s why they’re high-risk.” Nevertheless, resources must be focused on the high-risk offenders, not the low-risk offenders who are easier to manage, according to Clement.

2. High-Quality Programs

It is important to invest in programs that work, Clement emphasized. Drug treatment can work, but it’s nearly twice as effective if it’s delivered in a community-based center than in a prison or jail setting. “Providing good drug treatment in prison but not doing anything on the community side is basically a waste of money, because it’s pretty easy to be clean and sober in a prison setting, but much harder when offenders are back in the community,” he said.

In addition, programs work only if they are delivered in a high-quality fashion, which means that people who have the necessary education, training, and skills are conducting a program for which there is a proven methodology.

3. Strengthen Supervision

In many cases, supervision of offenders is weak, because caseloads are extremely high and it is impossible to impose a sanction for every violation of supervision. According to Clement, there needs to be “wholesale change in how we deliver probation and parole supervision services.” As stated above, that includes ensuring that offenders most likely to reoffend receive the most supervision. It also means focusing on the initial period after release, because offenders gauge “how much they can get away with” according to how they are treated during the first weeks in the community. If supervision is intense initially, offenders generally assume that supervision will remain intense, and they are less likely to violate their conditions of release or commit new crimes. It’s also necessary to have a supervision program that balances observation and monitoring with programming to help the offenders. Finally, there has to be a way to respond to violations the first time they are committed, in a swift sanction that doesn’t require a long revocation process. “Sanctions must be swift, certain, and proportional,” Clement said.

FAIRFIELD CHIEF WALT TIBBET

Economic adversity creates an opportunity for police to call on new partners

Policing has made significant advances in the last 30 years, but now we’re stuck in this situation where the economy is not good, our budgets are being cut, and society is looking to the police to fix social problems that go far beyond our traditional mission. So now we’re talking about police officers taking a role in helping offenders with reentry. It’s a great concept, but as local police entities we are limited in our influence and what we can do with these large social problems.

No one provides for the safety of a neighborhood more than a police department. Nobody goes after the people with the guns other than our officers. But that’s not enough. If we are to be successful in navigating these difficult times, I think we are going to have to take

4. Place-Based Strategies

To maximize the impact of resources, probation and parole must take “place” into account in the same way that law enforcement has focused on “place” through successful strategies such as CompStat and “hot spots” policing. Typically, probation and parole operate from a centralized office. Clement suggested that community-based offices, near where probationers/parolees are living, are in a better position to focus resources on the street conditions that impact a particular offender’s likelihood of rearrest.

How does Justice Reinvestment work?

Clement provided several examples to illustrate how the Justice Reinvestment Project works and is tailored to meet the needs of individual states. In Arizona, a performance-funding mechanism for county probation departments was put in place, to reward them for reducing prison populations. If the county probation system could reduce revocations to state prison, they received 40 percent of the savings realized by the state. According to Clement, in the first 2 years since the policy’s enactment in 2008, revocations to prison dropped 28 percent and new felony convictions dropped 31 percent statewide. The state saved \$36 million in averted costs.³⁶

In Texas, the prison population was projected to increase by 17,000 over 5 years. Instead of building more prisons, Texas reinvested \$225 million to expand intermediate sanction facilities so that instead of prison, offenders are placed in short-term facilities in their community where they receive treatment based on individual needs. Because the alternative was budgeting \$450 million per year for new prisons, over a 4-year period, savings of \$900 million were realized. The result, according to Clement, is that the prison population is not increasing for the first time in recent history, and there are empty beds in the Texas prison system. At the same time, crime in all major cities is down and probation and parole revocations are down.³⁷

Additional discussion about the Justice Reinvestment work being conducted in other states is available at www.justicereinvestment.org.

36. <http://justicereinvestment.org/states/arizona>

37. <http://justicereinvestment.org/states/texas/how-tx/>

an even stronger leadership role. We need to ask, who else is going to come with us into the neighborhoods? How are the schools going to be more involved? Why aren’t we bringing in the other social service agencies more? Why aren’t we reinventing what’s happening when people get into the justice system?

Nevertheless, I’m struck with the idea that this is an opportunity for us to reinvent ourselves, and police leaders need to be at the forefront of it. I think the adversity that we’re facing creates the opportunity for us. Look at the bottom line: Police have been effective in bringing crime down significantly since the 1990s. Police are an example of what works in government. Those of us who are held accountable have to produce something every day. So now the question is, how do we bring the other partners in for effective solutions in this era?

VENTURA CHIEF KEN CORNEY

We need to reinvigorate our relationships with probation and parole

The famous George Kelling, author of the Broken Windows theory, has written that the core of policing is still to prevent crimes and reduce crime rates. We can't revert to the response-oriented approach of past decades, when we were focused on responding to calls and investigating crimes after the harm was done. As police agencies, we should rely on the lessons we have learned, the strategies that have made us effective. The challenge is to find ways to do it in this new economy.

In Ventura we have had some success in reducing recidivism, especially with hard-core gang members, by working closely with probation and parole. We have a very strong relationship with probation; they have worked and been located in our station with us. But as the economy turned sour, budgets were cut and their caseloads increased, and we lost a lot of the day-to-day working relationships that made our efforts so successful. Probation has become less of a field operation and more a "just show up and report" agency. The same goes for parole. I think it is important that we find ways to go back to those collaborations now, even though we're all struggling with budget reductions.

FOLSOM CHIEF SAM SPIEGEL

We have to approach this problem in its totality

We can't approach this problem in a piecemeal fashion. If we have a community that's willing to do reentry programs, and right next to it is a community that can't or won't do those programs, we will end up with islands where criminal activity can breed. Criminal activity will go where there is less resistance.

Another example of the piecemeal approach is the role of district attorneys. Too many district attorneys came to rely too much on status violations; when we arrest someone and find out he's a parolee, the easiest way to get him back into prison is to revoke his parole. Police and prosecutors thought they were doing the right thing, because we're getting offenders off the street. And doing it this way allowed district attorneys to save money. But it also created problems for the prison system, producing an influx of status offenders.

Reentry and early release have to be approached comprehensively, in a way that allows all communities to address the problem in the same manner.

CHIEF ALEXANDER YIM**Los Angeles County Sheriff's Department*****Many jail inmates can be turned around***

In Los Angeles County, we just took a \$140-million cut out of a \$2.4 billion budget. Nevertheless, we are creating more programs within our custody facilities, because the Los Angeles County Sheriff's Department believes education is the most effective way to combat recidivism. There are a percentage of inmates who do belong in jail for a long time, but there are also many inmates who can be turned around. These people sell drugs because they don't know any better. Their script from childhood has been, "I sell drugs, I make money, and the cost of doing business is going to jail."

We are keeping inmates in custody for shorter periods of time, but the question remains, "What do we do for them while they are in our custody?" We can put them in a cell and let their mind waste away—or listen to the car burglar in the next cell, so they can learn to be a better burglar when they get out—or we can educate them and fill their minds with positive things that will ultimately lead to success. We are creating an atmosphere in which the reentry plan of an inmate starts the first day they arrive in the Los Angeles County jail system. We use our Inmate Welfare Fund, which generates money through the use of phones and the commissary, for inmate programs. We offer a broad array of academic, vocational, and life skills programs, GED classes to help offenders get their high school diploma, English as a second language programs, behavior modification and moral reconnection therapy, drug education, domestic violence prevention, training on effective parenting skills, and teaching inmates how to fill out job applications through our Department's Education Based Incarceration program. We are presenting the inmate with an alternative way of life, so when they are released, they will be more employable and successful.³⁸

38. For more information about the Los Angeles County Sheriff's programs of Education-Based Incarceration, go to http://file.lacounty.gov/lasd/cms1_145553.pdf

A Community-Based Model for Parole Reintegration

By Brian Biery, Director of Community Organizing, The Flintridge Center, Pasadena, California and Commander John Perez, Pasadena Police Department

The question of how public safety is impacted by prison policies and early release initiatives has become an issue of national debate. But it is local elected officials, police chiefs, and other local leaders who are grappling with the issue, trying to maintain public safety in spite of severe fiscal challenges. And in many communities, residents must confront the impact of formerly incarcerated offenders being released back into their neighborhoods, even as they read that police officers are being laid off and public safety programs are being cut. The challenge of reducing victimization and criminal recidivism rates is a public safety matter requiring collaboration by all community stakeholders. Local police departments cannot wait for the state budget or the overburdened parole system to solve this problem for our communities.

Police departments have taken pride in the sharp reductions in violent crime. The theories and strategies behind crime reductions include intelligence-based policing and technology-based applications that assist in crime reduction.

However, as we look at the causes of crime reduction, less attention has been paid to police agencies' efforts over the last 2 decades in the areas of youth outreach, which have assisted in teaching life skills and providing mentorship to youth. These efforts include various city-sponsored programs such as the Police Activity Leagues (PALS) and restorative justice programs for juveniles.

During this same period, there was minimal discussion of reentry programs to improve the chances of success for those paroled back to their communities. Reentry initiatives can be complex, because parolees have a wide range of needs, most of which can be difficult to meet—job training, education, drug and alcohol treatment, medical and mental health care, and so on. It was much easier to focus on returning parolees to prison for new crimes, which increased recidivism rates but lowered crime rates.

In 2008, the Pasadena Police Department (PPD) recognized the need to develop a collaborative community effort to assist offenders returning to Pasadena from the state prison system. The PPD realized early on that the state budget crisis would impact the prison population and bring pressure to establish early release programs. The police department knew that it was a state government priority to reduce overcrowding in the largest prison system in the country by releasing tens of thousands of inmates through a variety of methods. The outcome of this prison release effort would impact all communities in California, potentially threatening the safety of the public and of police officers. The situation was exacerbated by the lack of organized community resources to assist in reentry efforts.

Police are well aware that a lack of jobs, hope, and involved communities contributes to the lure to return to criminal life, and the end result is that approximately 70 percent of prisoners who are released commit crimes sufficient for their rearrest within 3 years of release. This imposes enormous costs and stress on the law enforcement and justice systems.

In response, the PPD, along with representatives from various other public and private sectors, joined forces to identify possible methods for the effective reintegration of formerly incarcerated persons. The term “reintegration” was adopted by everyone participating in the program, as opposed to the more widely used term “reentry.” Our consensus was that the word “reentry” simply meant to place a person back in the community. “Reintegration” reflects a more comprehensive strategy of reengaging people, improving their lives, and reducing victimization.

In November 2009, the Pasadena Police began the effort by training two officers from the Special Enforcement Section, a specialized group of 20 uniquely trained officers whose mission was gang- and crime-suppression along with neighborhood policing and SWAT responsibilities for the city. The newly formed unit, known as the Parole Reintegration and Enforcement Program (PREP), focused on offenders released to Pasadena from state prisons. These two officers coordinated efforts with community organizations and the local parole office to provide outreach services to parolees. The intervention effort occurred during parolees’ monthly compliance meetings. The police officers conducted interviews and made referrals during compliance checks, encouraging offenders to take advantage of community and citywide outreach services. To date, over 20 individuals have utilized the services based on the initial referrals by the PREP officers.

We understood that this approach was very limited in size, but it offered a starting point for a viable reintegration program that would be a collaborative community effort, not just a program coordinated by the police department. Organizational and community transformation would be needed to achieve this vision.

The community mobilization plan was spearheaded by the PPD. The initial effort included law enforcement leaders from the PPD, the Pasadena Parole Office, and the National Organization of Black Law Enforcement Executives (NOBLE). There was also an effort to solicit the assistance of the faith-based community and numerous community outreach organizations.

The police department believed that the effort needed to be coordinated by a community organization. The nonprofit Flintridge Operating Center graciously agreed to serve as the institutional home for this effort, as well as for many other anti-violence initiatives in the Pasadena/Altadena communities.

On May 13, 2010, the San Gabriel Valley Chapter of NOBLE, in conjunction with the PPD, coordinated a town hall meeting on parole reintegration. David Lewis, who helped establish the successful East Palo Alto reintegration program, introduced the concept of reintegration to more than 200 participants. Many offered their experiences, insight, and recommendations on reintegration. Based on the comments and crowd attendance, it was clear that Pasadena’s parole reintegration effort had widespread community support.

The Pasadena/Altadena Parole Reintegration model has made several achievements. The reintegration council, through one of its partners, received grant funding to assist 24 recently released offenders in the City of Altadena. The funds will be used to provide life skills training and drug and alcohol counseling. The goal is to employ eight of the 24 participants (a realistic goal). The council was also successful in placing a recently released offender in a job for 90 days. The Pasadena Health Department began free HIV testing and has become an integral part of the overall reintegration effort.

The reintegration initiative is still young and will continue to seek new collaborations with community partners and search for grant funding to provide the program with outreach and caseworker services. Training, education, and wellness efforts for those released from prison, and the same for their family members, will be essential in breaking the trajectory of those who come from families marked by generations of incarceration, and will provide a chance for a new way of life for these families. Communities should not wait for the state to solve their local problems. A collaborative effort must be undertaken to establish safer communities and expand access to opportunities to improve the quality of life.

MICHAEL MILAS

Executive Director, Silicon Valley Regional Interoperability Authority

Jails afford a good opportunity to help offenders

As a former sheriff, I think that reentry programs are potentially the best application of resources that could have the most positive impact. And I think that the more than 2,000 county correctional facilities are a good place to focus some of those dollars, because these jails tend to get offenders the first time they're in the system, as opposed to later when they've been in the state prison system and have done a lot of associating with other criminals. In county jails, you get offenders and sober them up, and it may be the first time they've been sober in months. It's in jails that you can potentially address the underlying reasons why these people are in the justice system, and you can work on some of the behavior management issues before they become too hardened in the state system. As for funding, I had a jail commissary fund and could use that to pay for internal programs, and nobody complained because we weren't using tax dollars. We saw a reduction in recidivism. I think that more research into programs like this and showing what works could be helpful in developing long-term solutions.

RICHARD JEROME

Project Manager, Public Safety Performance Project, Pew Center on the States

Money used to incarcerate violent offenders is well spent

Part of the reentry discussion has to be about costs and benefits. We have to look not just at the financial costs on the corrections side, but also the social costs of people being victimized by crime. I believe the money spent on incarcerating violent offenders is money well spent, because they are not out in the community committing more crimes that harm society. But if we're talking about drug possession and other low-level, nonviolent offenders, we can do a more effective job and spend less money supervising those offenders and holding them accountable in the community.

ELK GROVE CHIEF ROBERT LEHNER*I'm concerned that we are sowing the seeds of increased crime*

Crime rates have been driven down substantially compared to where they were in the early 1990s. From my perspective, I think that community policing and the partnerships we've built with other people, as well as the increase in the numbers of people incarcerated, all played a role in that.

But here's the problem. We're now undoing the things we did to bring crime rates down, and very quickly. Crime rates are relatively low now, but the question is: Ten years from now, will we look back at this point in time, when budget cuts changed a big piece of the complicated puzzle, and realize that the cuts caused crime to increase again?

I don't think any of us are opposed to the concept that most prisoners eventually are going to be released. What I have a problem with are the offenders who aren't ready to be released. Recidivism is very high at about 70 percent, but even if recidivism were only 20 percent, that would still be big numbers of repeat offenders committing more crimes. When those people land in your community, they're going to commit crime, and we're going to do our jobs and put them back in prison.

CDCR Budget Reductions and Local Law Enforcement

San Mateo Police Chief Susan Manheimer,
President, California Police Chiefs Association

California has been grappling with the issues of prisoner release and parole reform for several years, narrowly averting massive prisoner releases. However, that is all about to change. Whether through a federal court order requiring massive releases due to findings of inhumane levels of overcrowding and inadequate medical care, or through pending state budget cuts, we are facing the harsh reality of public safety decisions being made based on the dire fiscal conditions at all levels of California government.

Over these past few years, the California Police Chiefs Association has been part of a law enforcement coalition trying to focus the discussion on long-term meaningful policy decisions. But the proposals we've been dealt have always been based on short-term fiscal decisions, with dire public safety impacts. It is unfortunate that the discussion turns on trying to stave off prisoner "dumps" on the back of local governments, rather than discussion of best practices and policies that could bring true prison and parole reform—*while also achieving budget savings for public safety needs*.

Representing the California police chiefs at these budget discussions during the past few years, I have often felt much more like a firefighter trying to put out a three-alarm fire with a water pistol. Police chiefs have been trying to mitigate what we knew would yield bad long-term public safety consequences as state officials formulated proposals based only on budget targets. There were several isolated attempts to bring in experts and craft good public safety and policy decisions; however, they were usually at the 11th hour, amid a landscape of fiscal emergencies and draconian cuts.

Not wanting to be seen as obstructionists, and recognizing that we would need to get ahead of the deadlines, last year the California Police Chiefs Association brought together a rare coalition of all the law enforcement statewide groups (labor as well as executive associations), and crafted a compromise proposal that looked at ways to release the lowest-risk prisoners and provide resources to the local governments for community corrections. Unfortunately, this proposal never gained traction, and the coalition opposed the Governor's proposal for cuts in corrections, which then failed to pass the legislature for lack of support.

This year, against the backdrop of our state and local law enforcement funding diminishing, the newly elected Governor put forward another radical corrections budget. The Governor proposes transferring tens of thousands of prisoners back to impacted local jails, while eliminating the state resources for parole and juvenile prison functions. One of the hardest changes for California law enforcement during these past few years of economic crises has been the frightening realization that public safety is no longer the first priority of our communities and elected leaders. Increasing public safety costs have caused a "budget fatigued" California to look at law enforcement as one of the primary targets for budget reductions.

Law enforcement leaders in California are increasingly concerned that our arguments for safety and security resources are no longer considered compelling. Ultimately, we are the ones who will be held responsible for increases in crime and the breakdown of quality of life in our communities, should these cuts realize our worst fears. It is striking that our law enforcement leaders have become one of the only voices at the state level to advocate for the safety and quality of life in our communities.

Recognizing that these proposals likely had legislative support in this environment, the California Police Chiefs met with Governor-Elect Brown and his staff and proposed an early intervention approach, aimed at finally bridging the gap between bad policies based on fiscal targets and public safety policies based on meaningful reform that might successfully rehabilitate prisoners. Frankly, lacking the legislative support, we felt that continuing to fight for the “broken” state correctional system, with its existing 70 percent recidivism rate over 3 years, was simply not the right fight to engage in any longer.

Fortunately, the current Governor, himself a past mayor of a major city plagued with violent crime, agreed to commit the staff and time to have those discussions. It is in this environment that we are now sitting at the Governor’s policy table yet again, with our public safety partners and the state corrections and finance staff, working on reforms that may ultimately garner better success in preparing prisoners to successfully rejoin our communities. We fully understand that the proposals we face are tenuous at best; and we are fighting for the resources, rehabilitation programs, and jail capacity linked to the proposals. Without them and evidence-based practices and policies, this could yet become another attempt at a “prisoner dump” tied to fiscal numbers and sure to raise crime in our local communities.

We remain committed to getting the right stakeholders and experts to the table, and continuing to push back against the state impulse to look at this as simply a “dollars and cents” decision. There is a lot at stake, for this may well be the last chance to finally get it right: to craft sound, tested community corrections and reentry strategies aimed at successfully rehabilitating and monitoring the criminal offenders who ultimately do return to our communities.

If California is an early indication of what national trends may be for other state correctional systems, I would encourage leaders in law enforcement to consider the following factors that I believe are critical to successfully changing bad public safety budget cuts into sound public policy proposals:

- Identify the issues early, and drive the issues proactively. As our lobbyist says, “If you’re not at the table, you’ll be on the menu!”
- Get an early commitment that the policy discussions with all stakeholders can truly influence the outcome; ensure legitimacy of the discussions.
- Set goals and outcomes based on sound policy and tested practices, not purely fiscal decisions.
- Insist on broad stakeholder representation, including experts in the field and academicians to identify implications and keep the discussion focused on policy and best practices.
- Identify true budget target numbers and obtain a commitment from the policy makers that other proposals will be accepted if they can meet the budget targets.

Our “new normal” of resource constraints driving public safety decisions has created choices that we’d all prefer not to deal with. However, this may well be the opportunity to be innovative and turn the discussion back to sound public policy and practices that can drive successful outcomes while reducing costs.

Regardless of the outcome of our state corrections cuts this time around, I am satisfied that we have put our very best efforts forward to influence the decisions in defense of our communities and our law enforcement agencies. Hopefully this process will yield successful and meaningful reentry of our prisoners.

Early Lessons from the California Experience

The severe fiscal crisis that began in 2008 has forced budget cuts in corrections, not only in California but in many other states across the country as well. In California, the reductions in the corrections budget are being met in ways that leave local law enforcement and the community feeling uneasy and uncertain about the impact that those cuts may have on public safety. However, we learned that local law enforcement is looking for ways to turn the challenges into opportunities to develop major reforms, which sometimes are politically feasible only in an atmosphere of crisis. The experience in California offers some insight that may be helpful to others, and a number of these lessons are presented below.

What have we learned so far from the California experience?

- Public safety budgets, including those of police departments, may no longer be off-limits during a fiscal crisis.
- Offender reentry is a complex, difficult issue that must be seen in the broader context of a public safety policy discussion, and not simply a budget discussion. That is, making policy decisions based solely on fiscal concerns may be short-sighted, and any short-term financial gains may be offset by a reduction in public safety.
- Policy discussions about corrections spending and budget reductions should begin before the problem becomes a crisis. This may require that law enforcement officials raise any concerns they may have about potential public safety consequences early in any discussions.
- Local elected officials should be involved from the beginning and should be informed by law enforcement officials about the potential impacts on public safety. Communities should be included in discussions to garner and sustain support.
- One of the causes of prison overcrowding may be policies in prosecutors' offices that focus on parole status violations rather than new criminal offenses. It is usually much easier for prosecutors to use parole revocation as a means of returning an offender to jail or prison, rather than pursuing a new criminal case against the offender that may lead to more prison time.
- One of the greatest fears among law enforcement officials is that the short-sighted release of some prisoners will have unintended consequences, because many parolees will quickly commit new crimes and be returned to jail or prison, negating the intended savings, and adding social costs that will result from additional victims.

- Having local police officers and sheriffs' deputies assume roles that were traditionally accomplished by parole officers, even informally, creates financial challenges for law enforcement agencies when their budgets and those of social service agencies are being cut as well. But this is part of the "new normal" in criminal justice, so police, out of necessity, may have to find ways to assume some of the responsibilities for monitoring parolees as parole and probation resources diminish.
- Police agencies in some jurisdictions may be required to take on new responsibilities for reentry of offenders, and many law enforcement officials express a willingness to make good-faith best efforts in this area. Some officials note that a time of crisis can serve as an opportunity for the police and other criminal justice components to make structural changes and "reinvent themselves" in ways that would be politically impossible during a strong economy and atmosphere of calm.
- Local law enforcement, probation and parole, and corrections agencies do not generally have a history of working in a coordinated manner, due to the fragmented nature of the criminal justice system. One of the opportunities resulting from the reentry crisis may be creative and productive efforts to create links between these agencies and forge policies that make sense on a system-wide basis.
- Reentry initiatives administered by correctional institutions should begin on the first day of incarceration, not the last day of incarceration. Some criminal justice officials have noted that offenders have much stronger incentives to embrace reentry programs (and perhaps benefit from them) while they are incarcerated.

What challenges and opportunities remain in California?

- Generating the political will to confront the reentry issue.
- Determining the right roles and responsibilities for police in reentry strategies and reinventing law enforcement organizations to meet those roles and responsibilities.
- Developing a comprehensive strategy for intelligently investing in reentry.
- Determining why California has such a high recidivism rate and finding policies and programs that reduce recidivism without compromising public safety.
- Managing the impact on local communities if offenders are transferred from state prisons to local jails or are released on parole. These policies may overcrowd local jails and may increase police workloads in trying to prevent crime while responding to crimes committed by released offenders.

- Law enforcement may out of necessity be required to assume additional responsibilities, ranging from increases in investigations and arrests, to taking on additional responsibilities in helping to oversee those who are released to the community from prison.
- State corrections officials must track their reentry programs and evaluate what's working and what's not working. Research is especially needed to track what is promising and what doesn't work as states and counties experiment with new approaches.
- At a time when many police agencies may be scaling back on community policing efforts, this may be exactly the time to reinvent how a consortium of agencies (i.e., courts, prosecutors, parole and probation), led by the police, would work toward a model of community oriented government to both streamline and focus existing resources on the issue of reentry. The intent is to develop a comprehensive approach that would work in a coordinated way to monitor offenders returning to the community.
- Probation, parole, local jails, other community-based residential facilities for offenders, and other community resources will increasingly be required to take on more responsibility for reentry. These communities will need greater assistance from police, business, and political leaders to be effective. Effective programs must be identified and established in more communities.
- Police must strive to maintain the success of community policing efforts when budget shortfalls are impacting both police and community resources.
- Policymakers must determine the best use of correctional resources, in terms of which offenders should be incarcerated, and whether state prisons or county jails are better for certain types of offenders.
- Law enforcement agencies must enhance their training, technology, and coordination with other police agencies at the local level in order to manage unfunded mandates and increased liability.

What are the implications for other states?

Economic recovery in the United States may have begun, but it is likely to be a slow and arduous process. State budgets probably will continue to be reduced in coming years, and policymakers will likely continue to face decisions about where to cut spending. When cuts are made to state corrections budgets, local police and jurisdictions will certainly be affected. A number of states are engaged in policy debates about these very issues. In New Jersey, for example, Governor Chris Christie is working to repeal an early release program, citing two recent murders committed by individuals who had been granted early release. Colorado is facing similar concerns. From June 2010 to March 2011, 10 felons were charged with murder for crimes that authorities said they committed while under the supervision of state probation officers. Clearly, these policy choices have deep implications for police agencies.

According to the federal Bureau of Justice Statistics, in 2009, state prisons held just over 1.4 million inmates, a slight drop of 2 percent since 2008.³⁹ In 2009 we also saw the first decline in the number of state prison inmates released since 2002, and so the drop in state prison population was attributed to an even larger decrease in 2009 prison admissions.⁴⁰ This decrease in prison population was not spread uniformly across states. Twenty-four states reported a decrease in prison admissions in 2009, 23 states reported an increase in admissions,⁴¹ placing additional stress on already tight state budgets.

Currently, in efforts to save money, some inmates are being released sooner than expected, sometimes with little or no supervision. While it is too early to predict the outcomes of these types of decisions, the collective voices of police chiefs in California and the concerns that they raised as well as the experiences they shared deserve thoughtful consideration.

- The Justice Reinvestment approach can inform policymakers as decisions are being made about prison and public safety policy. Research into reentry and early release programs, and their effects, should be supported by all justice agencies, and research findings should be considered when developing local programs.
- The police are a key stakeholder and must be involved in the development of reentry strategies that affect their communities.
- Releasing prisoners due to budget cuts will require the development of effective strategies to mitigate the impact that may result in major public safety challenges for police and sheriffs' agencies.

39. West, Heather C., William J. Sabol, and Sarah J. Greenman. December 2010. "Prisoners in 2009." Bureau of Justice Statistics Bulletin. <http://bjs.ojp.usdoj.gov/content/pub/pdf/p09.pdf>.

40. Ibid.

41. Ibid.

- Consistent with existing research findings, police agencies should work with other criminal justice and community-based service providers to ensure that resources are directed more at high-risk, rather than low-risk, offenders. This should include increased support and coordination of resources as well as enhanced investigative efforts when those are warranted. Agencies should not expend their limited resources on low-risk offenders.
- When working with community supervision agencies, police leaders should emphasize the importance of adopting promising practices and programs that are proven to reduce recidivism.⁴² Additionally, police leaders should attempt to track the effectiveness of programs implemented in their communities, engaging a third-party evaluator when practical.
- Police leaders should emphasize the importance of strengthening relationships with community supervision agencies in order to enhance those agencies' efforts to establish strict accountability for those they supervise, as well as to increase the number of offenders who successfully reintegrate into society.
- Probation and parole officers should adopt more of a "decentralized" approach that enables them to provide supervision to the parolees at the street-level with place-based strategies and interventions. Police departments can assist in these efforts by offering office space in police facilities to promote strong partnerships between police and probation and parole officers.
- Corrections funding saved by reinvestment and early release options should be transferred back into the community for community corrections, and for community-based parole and probation programs.
- "Reinvention" of justice agencies—new thinking about their structure, mission, and basic policies—may well be a key component of the solution to this problem. However, reinvention must include all components of the criminal justice system, not just the police.
- Police agencies should insist on broad stakeholder representation at discussions, including experts in the field and academicians to identify implications and keep the discussion focused on policy and best practices. Police should obtain an early commitment that the policy discussions with all stakeholders can truly influence the outcome.
- Correctional policy reforms may serve as the impetus for improved working relationships among various segments of the criminal justice system, such as between police and parole officers.

42. For example, see the Boston Reentry Initiative www.hks.harvard.edu/var/ezp_site/storage/fckeditor/file/pdfs/centers-programs/centers/rappaport/workingpapers/braga_BRI_final.pdf

- Police leaders should identify existing offender reentry efforts in other communities and determine whether those programs have applicability to the early release of prisoners in their own communities. Community organizations that work with returning offenders may have programs in place, or know of other programs, that could assist in managing early-release inmates.
- Police agencies and their community partners should discuss the opportunities for collaboration in managing early-release inmates. This should include discussing and agreeing on their respective roles in reentry and early release programs and, when necessary, exchanging information about relevant laws, policies, and information-sharing protocols, etc. Local and state agencies should consider how their respective resources can be used in developing regional approaches to managing reentry.
- Police executives should ensure that their officers and other employees are aware of the early release programs, and should receive training on any agency policies about reentry and early release programs.

Conclusion

Prisoner reentry and the early release of prisoners are not new issues, but the discussion today is much different than it has been in the past. Reentry and early release decisions are being driven by a budget crisis that most states are confronting, rather than on the policy issues or merits of various alternative sanctions such as community-based corrections.

In 2010, in response to the weakened economy, 23 states reduced their corrections budgets.⁴³ In an attempt to ease budget shortfalls, some states have implemented policies to reduce the prison population, notably by the early release of offenders back into the community. Of all the states, California appears to be experiencing some of the most significant budget cuts, and is modifying many correctional programs in response to budget cuts. California's correctional system will also be significantly affected by a May 2011 U.S. Supreme Court decision upholding a lower court order that the state prison population be reduced drastically.

Not only is California releasing prisoners ahead of schedule, but it has lifted parole restrictions for some nonviolent criminals, reducing the likelihood that they will be sent back to prison for minor parole violations. At the same time, and without additional resources, there is an increasing burden on local police and communities to absorb the demand for services and support systems for returning inmates.

The reality is that other states are facing situations comparable to those in California and will find themselves having similar discussions. Examining how early release and reentry are unfolding in California provided the opportunity to learn how these policy and budget decisions are affecting local law enforcement, and to identify lessons that may help law enforcement executives in other states. This publication identified some of the emerging issues that California chiefs and sheriffs identified based on their personal experiences. Increasingly there is talk of a "new normal" in policing. In terms of this issue, the experiences and insight of police chiefs in California afford us a glimpse of what other law enforcement executives across the country may encounter as they look for ways to turn these challenges into opportunities for themselves, their officers, and their communities.

43. "The Continuing Fiscal Crisis in Corrections: Setting a New Course." Vera Institute of Justice, October, 2010. www.vera.org/download?file=3072/The-continuing-fiscal-crisis-in-corrections-10-2010-updated.pdf

If California is an early indication of what national trends may be for other state correctional systems, law enforcement leaders in other states should consider the following factors that could be critical to successfully achieving sound public policy proposals:

- Identify the issues early, and drive the issues proactively.
- Get an early commitment that the policy discussions with all stakeholders can truly influence the outcome, in order to ensure the legitimacy of the discussions.
- Set goals and outcomes based on sound policy and tested practices, not purely fiscal decisions.
- Insist on broad stakeholder representation, including experts in the field and academicians to identify implications and keep the discussion focused on policy and best practices.
- Identify true budget target numbers and obtain a commitment from the policy makers that other proposals will be accepted if they can meet the budget targets.

The publication also highlighted Justice Reinvestment, a data-driven approach that provides for a comprehensive, independent analysis of criminal justice data that is used by policymakers in making decisions about public safety. A number of states are currently engaged with Justice Reinvestment and the results are promising.

Finding a balanced public safety and fiscal solution is a complex and challenging issue that requires meaningful policy decisions at the state level, and strategic and innovative use of resources at the local level. Many of the debates around this issue are taking place on shifting ground. The dynamics associated with state and local budgets cuts change constantly, so the reality of tomorrow may be quite different from today's situation. Police executives should continue to monitor developments in their states, and should be prepared join the debate about the effects of prisoner releases on their communities.

Criminal justice in this country is at a critical juncture. Over the past 2 decades we have seen enormous progress in reducing crime. But the economic crisis has placed what had once been "untouchable" public safety budgets back in play. All facets of the community are suddenly faced with reinventing how they deliver services. Corrections budgets across the country also are being slashed, and nowhere is that having a more profound effect than in California. Policy makers at the state level are under pressure to reduce correctional spending, and this means accelerating the release of prisoners back into the community. This presents both a challenge and an opportunity. The challenge of managing this population is formidable. But the opportunity to develop a more comprehensive community-government based model led by the police to oversee those released from prison could very well determine whether we see crime revert to the levels of the 1990s or continue to decrease. The issues are still emerging in California, but how California deals with this challenge may be revealing for the rest of the country.

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Appendix

Participants at the PERF Executive Session "A New Dialogue on Prisoner Reentry" *Sacramento, CA, October 7, 2010*

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Captain Gene Balentine
MODESTO POLICE DEPARTMENT

Deputy Chief Andrew Bidou
BENICIA POLICE DEPARTMENT

Mr. Brian Biery
FLINTRIDGE CENTER

Commander Mark Boettger
CITRUS HEIGHTS POLICE DEPARTMENT

Chief Rick Braziel
SACRAMENTO POLICE DEPARTMENT

Secretary Matt Cate
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION

Project Director Marshal Clement
COUNCIL OF STATE GOVERNMENTS
JUSTICE CENTER

President & CEO Linda Connelly
LEADERS IN COMMUNITY ALTERNATIVES,
INC.

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VENTURA POLICE DEPARTMENT

Patrol Commander Kitt Crenshaw, Sr.
SAN FRANCISCO POLICE DEPARTMENT

Chief Ronald Davis
EAST PALO ALTO POLICE DEPARTMENT

Chief Robert Davis
SAN JOSE POLICE DEPARTMENT

Jail Administrator Russell Davis
SANTA ANN POLICE DEPARTMENT

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OAKLAND POLICE DEPARTMENT

Captain Alec Griffin
RICHMOND POLICE DEPARTMENT

Chief Michael Harden
MODESTO POLICE DEPARTMENT

Deputy Chief Dave Hober
SAN JOSE POLICE DEPARTMENT

Chief Eric Hopley
ONTARIO POLICE DEPARTMENT

Chief James Hyde
ANTIOCH POLICE DEPARTMENT

Project Manager Richard Jerome
PEW CENTER ON THE STATES

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FRESNO COUNTY SHERIFF'S OFFICE

Chief Pete Kerns
EUGENE POLICE DEPARTMENT

Chief Robert Lehner
ELK GROVE POLICE DEPARTMENT

Chief Deputy James Lewis
SACRAMENTO COUNTY SHERIFF'S OFFICE

Executive Director Daniel Macallair
CENTER ON JUVENILE & CRIMINAL JUSTICE

Chief Chris Magnus
RICHMOND POLICE DEPARTMENT

President Susan Manheimer
CALIFORNIA POLICE CHIEFS ASSOCIATION

Director Bernard Melekian
OFFICE OF COMMUNITY ORIENTED
POLICING SERVICES

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NAPA POLICE DEPARTMENT

Executive Director Michael Milas
SAN JOSE POLICE - SVRIA

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SAN JOSE POLICE DEPARTMENT

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FAIRFIELD POLICE DEPARTMENT

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SACRAMENTO POLICE DEPARTMENT

Chief Paul Nanfito
RED BLUFF POLICE DEPARTMENT

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LONGMONT POLICE DEPARTMENT

Commander Gary Peterson
MARTINEZ POLICE DEPARTMENT

Commander Darryl Qualls
PASADENA POLICE DEPARTMENT

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Lieutenant Gina Yabuku
CITY OF SANDY SPRINGS POLICE
DEPARTMENT

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LOS ANGELES COUNTY SHERIFF'S OFFICE

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Debra Hoffmaster, *Senior Associate*

Kevin Greene, *Research Coordinator*

About the COPS Office

The Office of Community Oriented Policing Services (the COPS Office) is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, and tribal law enforcement agencies through information and grant resources. The community policing philosophy promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime. In its simplest form, community policing is about building relationships and solving problems.

The COPS Office awards grants to state, local, and tribal law enforcement agencies to hire and train community policing professionals, acquire and deploy cutting-edge crime-fighting technologies, and develop and test innovative policing strategies. The COPS Office funding also provides training and technical assistance to community members and local government leaders and all levels of law enforcement.

Since 1994, the COPS Office has invested more than \$16 billion to add community policing officers to the nation's streets, enhance crime fighting technology, support crime prevention initiatives, and provide training and technical assistance to help advance community policing. More than 500,000 law enforcement personnel, community members, and government leaders have been trained through COPS Office-funded training organizations.

The COPS Office has produced more than 1,000 information products—and distributed more than 2 million publications—including Problem Oriented Policing Guides, Grant Owner's Manuals, fact sheets, best practices, and curricula. And in 2010, the COPS Office participated in 45 law enforcement and public-safety conferences in 25 states in order to maximize the exposure and distribution of these knowledge products. More than 500 of those products, along with other products covering a wide area of community policing topics—from school and campus safety to gang violence—are currently available, at no cost, through its online Resource Information Center at www.cops.usdoj.gov. More than 2 million copies have been downloaded in FY2010 alone. The easy to navigate and up to date website is also the grant application portal, providing access to online application forms.

About PERF

Founded in 1976, the Police Executive Research Forum (PERF) is a police research organization and a provider of high-quality management services, technical assistance, and executive-level education to support law enforcement and the criminal justice system. As a private, nonprofit organization, PERF was formed to improve the delivery of police services through:

- The exercise of strong national leadership
- Public debate of police and criminal justice issues
- Research and policy development
- The provision of vital management and leadership services to police agencies

PERF's founding principles include improving police service by continuing to professionalize police executive management; fostering research, growth, and knowledge of police science and administration; and supporting the continuing development and implementation of standards to improve police performance. PERF has an extensive history of measuring all aspects of police agency performance, striving to find the best policing practices, and disseminating that knowledge to police agencies.

PERF conducts innovative police and criminal justice research and provides a wide variety of management and technical assistance programs to police agencies throughout the world. PERF's groundbreaking projects on community and problem-oriented policing, racial profiling, use-of-force issues, and crime reduction strategies have earned it a prominent position in the police community.

PERF also works toward increased professionalism and excellence in the field through its training and publications programs. PERF sponsors and conducts the Senior Management Institute for Police (SMIP), which provides comprehensive professional management and executive development training to police chiefs and law enforcement executives. Convened annually in Boston, SMIP offers instruction by professors from leading universities, including many from Harvard University's Kennedy School of Government, as well as by leading police practitioners.

PERF has also developed and published some of the leading literature in the law enforcement field, including the following:

2011 Electronic Control Weapon Guidelines (2011)

Police and Immigration: How Chiefs Are Leading Their Communities through the Challenges (2011)

Is the Economic Downturn Fundamentally Changing How We Police? (2010)

It's More Complex Than You Think: A Chief's Guide to DNA (2010)

Guns and Crime: Breaking New Ground by Focusing on the Local Impact (2010)

Gang Violence: The Police Role in Developing Community-Wide Solutions (2010)

Law Enforcement Preparedness for Public Health Emergencies: An Executive Summary of the Resources Series (2010)

Violent Crime and the Economic Crisis: Police Chiefs Face a New Challenge, Parts I & II (2009)

Comparing safety outcomes in police use-of-force cases for law enforcement agencies that have deployed Conducted Energy Devices and a matched comparison group that have not: A quasi-experimental evaluation (2009)

The Stop Snitching Phenomenon: Breaking the Code of Silence (2009)

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Violent Crime in America: "A Tale of Two Cities" (2007)

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Strategies for Intervening with Officers through Early Intervention Systems: A Guide for Front-Line Supervisors (2006)

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Citizen Involvement: How Community Factors Affect Progressive Policing (2000)

Problem-Oriented Policing: Crime-Specific Problems, Critical Issues and Making POP Work (3 volumes, 1998–2000)

To learn more about PERF, visit www.policeforum.org

The Early Release of Prisoners and its Impact on Police Agencies and Communities in California is based on a collaborative effort between the COPS Office and the Police Executive Research Forum (PERF). In October 2010, an executive session comprising police and researchers convened in California. This publication is intended to offer the views of many police leaders about how tomorrow's law enforcement agencies may need to assume a new leadership role, working with other criminal justice agencies as well as social service and private organizations, in solving the problem of high recidivism among persons released from prisons.



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e081122393
ISBN: 978-1-935676-40-9
September 2011