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Addressing the AB 109 Population in Santa Cruz County: The Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)

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**Addressing the AB 109 Population in Santa Cruz County:
The Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)**

By

Shea Johnson

A Thesis-Quality Research Paper

Submitted in Partial Fulfillment of the
Requirements for the Master's Degree

in

Public Administration

Prof. Frances Edwards, Ph.D.

The Graduate School

San Jose State University

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Introduction

The incarceration rates and the gross number of incarcerated individuals is growing faster than the capacities of federal, state, and local jurisdictions to handle them. California (Stephenshaw, 2011) is no different, operating with state prison populations at over 100 percent capacity and under a mandate to reduce overcrowding, with increasing projections for future populations (Stephenshaw, 2011). The conditions that this volume of incarcerated state prisoners has produced has led the Supreme Court to rule that overcrowded prisons need to be reduced and their conditions improved in order for prisoners to receive adequate constitutional protection. Under the leadership of California's Governor, Edmund Gerald "Jerry" Brown Jr., the legislature enacted major reform legislation in 2011 to address the overcrowding in a variety of manners, most significantly by reclassifying non-violent, non-serious, non-sex-related felonies numbering over 500 in the state, and allowing these individuals to serve their custodial sentences in county facilities instead of state prisons.

Among many objectives, three key goals were served by the 2011 legislation: 1) to reduce the state prison population to meet constitutional standards; 2) to eliminate the costs associated with a reduced prison population from the state budget, which was in crisis, thus improving the state budget solvency for other policy priorities; and 3) to enact a new public policy strategy to treat lower-level offenders differently in order to reduce recidivism, and, by doing so, to facilitate offenders' reentry into society by allowing more prisoners to transition to and serve probation with local facilities rather than within the state system. In the five years since the program has been implemented in all 58 counties, the state's prison population has decreased and projections for future populations have

decreased; therefore, the state budget has been able to reduce the budget for the Department of Corrections due to the reduced prison population.

However, these offenders, having previously been housed in state prisons, have led significantly to the custodial load of county facilities, leading to significant strain on facilities, staffing, and programs, and now, overcrowded county facilities. For decades, programs such as substance abuse diversion programs, various education programs—both vocational and degree—and life skills training have been a mainstay for the management of inmates in federal, state, and local facilities. The goal is to help incarcerated individuals re-enter society with a skill set that is targeted to reducing re-offense, thereby reducing future incarcerated population volumes. These programs have often been evaluated and funded by various jurisdictions based on the predicted likelihood that such programs do, in fact, reduce re-offense and prison populations.

Santa Cruz County, a jurisdiction that has spent several decades using such programs, does not have a clear budgetary metric of how effective such programs are in reducing future prison populations or recidivism rates. Since 2011, the sharp increase in the incarcerated population in Santa Cruz County has placed a burden on these programs to work and a premium on failure/lack of success because there is greatly reduced space to put re-offenders who would otherwise have spent their sentences in state prison.

There are many stated objectives to such programs other than the reduction of recidivism, including intangibles like the rehabilitative aspect, improvements to prison population management, and improved familial connections to an individual who has participated in a program. The value of such objectives, while important to the overall criminal justice system, is not the purview of this analysis. The literature suggests that

such rehabilitative programs are the best tool to deal with recidivism, though recidivism has no uniform definition and, thereby, no uniform metric by which to test this theory across states or from county to county. With California county jail populations at a high and still increasing, can traditional recidivism reduction programs keep pace with the increasing prison population as a whole, and with the rapid increase produced by Criminal Justice Realignment legislation? Do traditional recidivism programs, such as substance abuse, education, and life skills, warrant the current, future, or increasing budgetary commitments if the value of such programs cannot be uniformly measured? Do recidivism programs available in Santa Cruz County reduce prison populations sufficiently to meet capacity projections and comparably address the increase in population caused due to the “realignment” legislation enacted five years ago? Do these programs work in Santa Cruz County to reduce recidivist behavior? At what rate do programs help reduce recidivism in the AB 109 Offender population? Is that rate of reduction high enough to keep up with the influx of prisoners? If it is not, should recidivism reduction programs be increased proportionally to account for the increase in prisoners?

In April 2011, Governor Brown signed into law a major criminal justice reform legislation via The Budget Act of 2011, commonly known as Assembly Bill 109, hereinafter referred to as “AB 109 Realignment” or the “the Criminal Justice Realignment Act,” which became operational on October 1, 2011 (Criminal Justice Realignment Resource Center, 2011a). The act was part of a larger emergency budget control bill and, among numerous provisions, redefined non-violent, non-serious, non-sex-related felonies so that the custodial sentences could be served at county jails instead

of at state prisons (State of California Committee on Budget, 2011). The AB 109 realignment also changed the responsibility for more than 500 “realignment” felonies from state to county facilities (Mashburn, 2011); transferred post-incarceration oversight for felonies served at county facilities from state parole officers to county probation officers; and enacted new procedures for adjudicating probation violations.

Further, the 2011 realignment and subsequent amendments (Proposition 47) built in provisions providing funding to counties based on their ability to keep realignment offenders from returning to the state prison system for re-offenses in the first years following custodial release (Taylor, 2013). The state provides approximately \$1 billion annually to the counties for these AB 109 realignment offenders to serve their custodial sentences in county facilities, to be supervised by local probation officers instead of state parole officers, and to participate in programs that reduce recidivism (BSCC, 2016a). The realignment of the state’s prison population through the Budget Act of 2011 was intended to alleviate the overcapacity of the state prison system (Mischynski, 2011); to meet the mandate of a series of court rulings about the relationship between overcrowding and constitutional protections (United States Supreme Court , 2011); to incentivize counties to reduce recidivism for the enumerated “realignment crimes” while in their custody (BSCC, 2016a), thereby continuing to reduce state prison overcrowding (United States Supreme Court, 2011); and, finally, to serve the public policy objective to treat non-violent, non-serious, non-sex-related offenders so they could serve their time and be more likely to rejoin society without re-offending.

A survey of local jail populations conducted in 2015 (BJS, 2015) noted the sharp increase in county jail populations in California due to realignment, the disproportionate

share that California houses in local jails, and the preliminary effects of realignment. The same BJS (2015) survey also found that local jails in California were operating at 96.1% of capacity (Minton, Ginder, Brumbaugh, Smiley-McDonald, & Rohloff, 2015). Finally, of highest importance in examining realignment in California counties during the first two years of implementation, the number of inmates confined in local jails in California jumped by over 11,000 prisoners from 2011 to 2013, with a percent change of 15.7, but stunningly, accounted for 78.6% change in inmates incarcerated in local jails (Minton, Ginder, Brumbaugh, Smiley-McDonald, & Rohloff, 2015). The massive increase from year end 2011 to year end 2013 coincides with California's implementation of the AB 109 realignment legislation and accounts for "the majority of total national inmate growth and significantly differs from recent national trends," which reflect a decline in local jail inmate populations (Minton, Ginder, Brumbaugh, Smiley-McDonald, & Rohloff, 2015).

California's economy is the fifth largest in the world by Gross Domestic Product (GDP) at \$2.5 trillion in 2015, up 4.1 per cent from a year earlier (Associated Press, 2015). After five years of major reforms to reduce incarceration in California, including transferring more than 30,000 offenders to county facilities for county supervision, reducing mandatory sentencing laws, reclassifying hundreds of felonies, and allowing previously sentenced felonies to be resentenced as misdemeanors with another major reform in 2014 (Proposition 47), California is still the leader in the United States in mass incarceration, spending nearly \$10.6 billion annually on the state prison system (San Francisco Chronicle, 2016).

The goal of this paper and the included "Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)" is to provide a meaningful presentation of

recidivism rates for Santa Cruz County and, in doing so, help Santa Cruz County agencies to better design recidivism reduction programs, highlight the problems every county faces in trying to conduct recidivism reduction studies, and provide a roadmap for what is and is not possible for policymakers who are increasingly demanding more refined data sets and streamlined data for budgeting.

History

Since the implementation of AB 109, the Santa Cruz County Sheriff's Correctional Facility accepted approximately 164 individuals into its local facility who would have otherwise served state prison time (Santa Cruz County Sheriff's Office, 2013b). Between January and July 2013, the Santa Cruz County Jail accepted 56 offenders authorized under AB 109 to serve time at the facility. According to the Santa Cruz County Sheriff's Office, (2013c), future projections estimate that Santa Cruz County will continue to accept approximately seven inmates monthly under AB 109. Table 1 illustrates the growth in population stemming from the enactment of AB 109 and the daily arrest averages. The maximum total system-rated capacity for all three facilities combined is 439 (Santa Cruz County Sheriff's Office, 2013c).

Table 1

Santa Cruz County Corrections Bed Needs for AB 109 Yearly Increases

Year	Total Beds Needed
2014	540
2015	541
2020	544
2025	551
2030	562

Source: Santa Cruz County Sheriff's Office Correctional Needs Assessment (2013)

The AB 109 population includes 1170 (h) inmates and those on Post-Release Community Supervision (PRCS). The 1170 (h) inmates “[mandate] that certain felons sentenced to prison will serve their time in county jails as opposed to state prisons” (Criminal Defense Attorney, 2016). The PRCS population is supervised through probation rather than state parole.

Public Safety Realignment

Public Safety Realignment created two new categories of offenders being supervised by county probation departments. The new class of supervision was called the Post-Release Community Supervision (PRCS). This comprised all offenders who served custodial sentences in California Department of Corrections and Rehabilitation (CDCR) and state prisons, who were either physically transferred to county facilities for incarceration or were transferred from state to county to serve parole with a county probation department under PRCS starting in October 2011. A total of 38,000 individuals, who would have been the responsibility of the state prison system and state parole system prior to AB 109, were shifted to local county probation and sheriff’s departments. In the first years following implementation, 23,000 of that total were offenders being supervised, under the newly created category of supervision PRCS, by county probation departments statewide (Chief Probation Officers of California , 2012).

In the first two years following the implementation of realignment (2011–2013), 199 PRCS offenders were managed by Santa Cruz County (Santa Cruz County, 2011). Since 2011, more than 431 parolees have been released from the California Department of Corrections and Rehabilitation to Santa Cruz County supervision. The average length of supervision for a PRCS offender in Santa Cruz County Probation is 14 to 15 months.

In addition to the increasingly longer length of stays post-realignment, the population of PRCS offenders continues to grow at significant rates.

Custody credit adjustments related to the passage of state ballot initiatives with Proposition 47 resentencing of several personal drug possession offenses and minor property offenses, effective from January 1, 2015, as well as the new good time credits for evidence-based programming participation for AB 109 offenders with Proposition 57, effective from January 1, 2017, indicates the significant shift from state prison and parole systems to county facilities and supervision. These statutory changes to the “who” cohort in recidivism studies, however complete, use the “Start Date” as 2016, there are 57 new PRCS cases in 2016.

Additionally, after the initial period of the implementation of AB 109, where individuals were transferred from state prison, the bill mandated that new offenders committing realignment offenses after October 1, 2011 be sentenced and serve time in county facilities. These offenders are commonly referred to as 1170(h) inmates in publicly available state and local reports. AB 109, through Penal Code Section 1170(h)(5), also provided a third sentencing option for judges, prosecutors, and defense attorneys to negotiate, which allowed for either a “straight sentence” (a period of local prison time with no post-release supervision) or a “split sentence” (a period of prison time in county jurisdictions (Santa Cruz County Probation Department, 2013) followed by a mandatory term of probation supervision for offenders convicted of non-serious, non-violent, and non-sexual offenses) (Chief Probation Officers of California, 2012). Allowing for these split sentences with mandatory supervision, which was previously not

available, provided county jurisdictions with an opportunity to maintain a contact point with offenders in the key transition period of reintegrating into the community.

SB 1022 Jail Project

The SB 1022 Project is an example of how the 1170 (h)/PRCS population will receive services while in custody. Over the past 21 years, I have been employed with the Santa Cruz Sheriff's Office. One of the many assignments I had involved managing the correctional facilities in Santa Cruz County. I have expertise and knowledge about the correctional facilities and the people that are housed inside the facility. AB 109 has challenged Santa Cruz County Sheriff's Correctional facilities in the following ways:

- Housing a growing long-term population at the Santa Cruz County main jail, originally designed in the 1980s for short-term sentences.
- This increasing number has led to inadequate programming space for inmates to receive treatment at the Main Jail and Rountree correctional facilities.
- Overcrowding it beyond 400: the rated capacity of the Main Jail is 311.
- Creating a high volume of daily use of the facilities, which the old infrastructure is unable to support.

On June 27, 2012, SB 1022 became a law, authorizing a state lease revenue bond financing for acquisition, design, and construction of adult criminal justice facilities. The legislative intent was to consider programming needs to manage the adult offender population, and alternatives to incarceration that may affect bed space needs, while utilizing least restrictive options. I managed the application process and oversight of the SB 1022 state lease revenue bond for the Santa Cruz County Sheriff's Office Rountree facility. The plan was to increase the ability to deliver more programs at the Main Jail

and Rountree facilities with the goal of reducing recidivism. In January 2014, Santa Cruz County Sheriff's Office was awarded a bond to renovate and build a new correctional facility at Rountree, totaling \$24,635,000.

The SB 1022 Bond will allow the Rountree correctional facility to permanently close and repurpose a 250-bed facility to a 64-bed transitional housing unit for rehabilitation and reentry. The new facility will allow for the creation of an individual programming plan and behavioral incentives to reside in the Rehabilitation Housing Unit for inmates and will provide adequate classroom space for offering a rich assortment of programs in partnership with probation and community based organizations for the continuity of after-care for reentry planning and post-incarceration resources to reduce recidivism. The Rountree facility will provide needed programs for the 1170 (h)/PRCS population while they are in custody. From Rountree, the 1170 (h)/PRCS will leave custody and continue ongoing programs outside in the community. The split sentencing with mandatory in-custody sentencing provides the probation department with additional time to provide programs and services in the critical time of reintegration. This builds on a basic tenet of all recidivism reduction programming: "people coming out of incarceration without any treatment have a lower likelihood of succeeding and are more likely to recidivate than those who are supervised and case managed," (Chief Probation Officers of California, 2012, p. 10). With the imposition of the option of mandatory supervision as well as PRCS, local jurisdictions can target recidivism while inmates are still in physical custody and some form of probationary case management in a new manner.

AB 109 Jail Impacts

Santa Cruz County is feeling the tension of AB 109 in trying to accommodate more inmates serving longer sentences in local custody. Housing adult offenders in local county jails instead of state prisons heavily impacts the infrastructure, populations, and safety of local facilities. The Legislative Analyst's Office report from 2012 recognized that county jails were not designed to house long-term inmates or to supervise and manage the parolee population at the local level. County departments, like Santa Cruz County Sheriff's Office and Probation, have taken on a new responsibility for the AB 109 population along with the related fiscal challenges. In its report, the Legislative Analyst's Office (2012) examined how realignment impacted local governments, specifically focusing on revenue allocation to county governments to offset realignment costs, program responsibility, and adult offenders being shifted to local jurisdictions.

The AB 109 realignment has been approved by the legislature, the courts, and the voters. It has also been approved and modified by the legislature over the last five years. Provisions have been written into the California Constitution, and it remains a policy priority of Governor Brown to deal with state budgetary and U.S. constitutional problems with the overcrowding of the California State Prison System. Santa Cruz County Sheriff's Office, like all counties, must examine ways in which to address the changing population level, both for inmates who fall under the purview of AB 109 and all other inmates who are not covered for the same high standard of care and protection of public safety.

Since the implementation of realignment, the Santa Cruz County Sheriff's Office Correctional Facilities have seen an increase in the daily jail population. The overall

state-rated capacity for the jail population at the Santa Cruz County Main Jail (311), the Blaine Street Women's Facility (32), and the Rountree Men's Medium Facility (96), equaling 439 combined, grew to a total of 528 as of October 12, 2013, which is 120% of capacity (Santa Cruz County Sheriff's Office, 2013a). By November 2016, the total jail population has decreased slightly, to 450 (Santa Cruz County Sheriff's Office, 2016). These population increases are not sustainable at the county level, just as they were not sustainable at the state level, prompting the AB 109 legislation.

In the spring of 2011, when the Supreme Court ruled that California state institutional prisons had to be operating at a design capacity of no more than 137.5% by June 2013, California state prisons had to shed close to 35,000 prisoners to reduce their population by nearly 40% of design capacity. Santa Cruz County jails have never seen such rapid population increases. For example, in 2012, "the length of stay for an inmate ranged between 5 to 1,750 days, with a peak population of 516" (Santa Cruz County Sheriff's Office, 2013c).

In order to reduce overcrowding in county facilities, strategies to reduce the inmate populations must be formed. Reducing recidivism is one approach to controlling inmate populations. According to studies conducted by the State of New Jersey, when case plans and programs geared toward reentry are managed properly for individuals in custody, those individuals will have better opportunities for maintaining jobs, therefore reducing the likelihood they will return to custody (Greenwald, Johnson, & Nagrecha, 2011). It has become evident, through the changes resulting from AB 109's enactment, that Santa Cruz County will not be able to sustain a continued inmate population growth without addressing recidivism. Building additional jail facilities is not the answer; it is

impractical for many reasons—the pace of growth, the costs of expansion, and most importantly, the fact that such buildings do not address why inmates offend and re-offend in the first place. However, if individual causes of recidivism and criminogenic needs can be properly assessed while inmates are in custody, then the correct levels and types of programming may reduce their likelihood of returning to custody over a period of time. Reentry programs shape offender behavior. For offenders transitioning back to life outside of custody, they offer the ability to proactively deal with violations while on supervision, and programs can lead to better functional lives with family and community” (Latessa & Lowenkamp, 2005).

Jurisdictions must use proper risk-assessment tools and targeted evidence-based programs to determine which recidivism programs have the most positive impact on inmate behaviors, both in and out of custody. With retooling, jurisdictions should be able to determine the behaviors and the programs that target those behaviors best. For example, education level may be the most significant factor in a return-to-custody in a particular jurisdiction. With data analysis, those programs that raised the education level would be focused on. If, instead of the degree, it is the routine of discipline, application, and achievement that lowers recidivism, then jurisdictions could foster programs that are more flexible, which develop those qualities without focusing on a degree.

Literature Review

Beginning Stage

Nine states accounted for more than half of the 731,570 local jail inmate population housed nationally in 2013, and California was the largest local jail population in 2013 at 11% (Minton, Ginder, Brumbaugh, Smiley-McDonald & Rohloff, 2015). Additionally, California was one of only four states, in the 44 included in the census study, that reported an increase of at least 2,000 inmates from 2006 to 2013 serving in local jails across California (Minton, Ginder, Brumbaugh, Smiley-McDonald & Rohloff, 2015). The number of admissions in local jails nationally is sixteen times the size of the average daily population of 757,120 in the calendar year 2013 because the county systems are a catchall for sorting and holding a variety of individuals at different stages of the criminal justice system, not just offenders serving out sentences for convictions (Minton, Ginder, Brumbaugh, Smiley-McDonald & Rohloff, 2015). California marked just over 1.1 million local jail admissions in 2013. Of the 1.1 million admissions, 76,200 admissions occurred in jurisdictions of a similar size to Santa Cruz County throughout California, with a jail design capacity between 250–499 inmates. Santa Cruz County has a design capacity of 439, spread among its three facilities (Minton, Ginder, Brumbaugh, Smiley-McDonald & Rohloff, 2015).

In 2013, *California had one of the highest admission rates nationally to their local jail systems at 10%*. California's average length of stay in its local jails, counting all "admissions," was 26 days in the calendar year 2013, and the ratio of inmates to correctional officers was the highest nationally (Minton, Ginder, Brumbaugh, Smiley-McDonald & Rohloff, 2015).

Local jails admit far more people than they hold on an average day, and as a result the *average sentence length* is a *better* indicator of how realignment has impacted the size of local jail populations in California. According to the annual reports prepared by the Adult Probation Division of the Santa Cruz County Probation Department, the average sentence length has been increasing since the implementation of post-realignment offenders locally sentenced under penal code (1170h). In 2015, as reported by the Adult Services Division of the Santa Cruz County Probation Department, the *average length of sentence* for the locally sentenced Penal Code 1170 realignment offenders serving time in Santa Cruz County was 32.6 months (Fletcher, 2015). This was marginally up from the average length of sentence of 2014 for realignment offenders in the same category in Santa Cruz County. For PRCS offenders, from October 2011 to December 2015, the Average Length of PRCS Supervision by the Santa Cruz County Probation Department was 14–15 months (Fletcher, 2015). The same BJS survey of county jail populations, published in 2015, also found that local jails in California were operating at 96.1% of capacity (Minton, Ginder, Brumbaugh, Smiley-McDonald & Rohloff, 2015).

The “Santa Cruz County Recidivism Study of Post-Realignment Offenders,” completed in satisfaction of this project, did not measure the total population of Santa Cruz County jails or the average length of stay for all offenders, as the focus was not on the functioning of the jail as a whole, but whether the newly added AB 109 population was recidivating across multiple criteria. However, the information obtained can be used in the overall functioning of the jail (Minton, Ginder, Brumbaugh, Smiley-McDonald & Rohloff, 2015).

Prior to implementation, the California Department of Finance (DOF) and the CDCR estimated “that Santa Cruz County [would] see an increase in Average Daily Population (ADP) of 78 non-non-non offenders incarcerated locally at full implementation (BSCC, 2016a) with an average length of “stay” for the majority of new ADP beds at six months and a small percentage at 24 months. The DOF and the CDCR also believe a high rate of low-level offenders (non-non-nons) would be incarcerated for an average of six months or more. However, the implementation plan expressed concerns that because Santa Cruz County already had a low prison commitment rate in the past and projections were based on statewide averages, there was concern that this might result in a larger percentage of high-risk offenders among the PRCS population, who would then be under local supervision (Santa Cruz County Public Safety, 2011).

Realignment

At the start of the Realignment Implementation, in Santa Cruz County in October 2011, it was noted that the Santa Cruz County Sheriff’s Office correctional facilities operated at 115% to 130% of rated capacity (Santa Cruz County Public Safety, 2011). Santa Cruz County had already implemented several programs to reduce historic overcrowding in its local jails beginning in the 1980s and had several model and effective programs in place that it hoped to apply to realignment offenders who may cause overcrowding, including its Pre-Trial and Warrant Reduction programs and its Custody Alternatives Programs. Despite this experience, serious concerns were raised about the influx of AB 109 inmates by the Santa Cruz County 2011 Community Corrections Partnership (CCP) because there were a projected 160 new inmates expected every year due to realignment, and facilities were already operating over the rated capacity. Initially,

due to practical considerations with building new jail facilities and policy priorities to maintain resources in treatment and community supervision, rather than facility expansion in Santa Cruz County, the Sheriff's Office and the CCP determined that the best near-term way to deal with lower-level offenders in the AB 109 group was to assess and enroll them in a Custody Alternative Program to free up existing jail beds (Santa Cruz County Public Safety, 2011). The Santa Cruz Probation Department's 2011–2013 Public Safety Realignment report revealed that the new population of offenders under the first two years of realignment was smaller than the projected number in the October 2011 CCP (at 320 versus the projected 388) (Santa Cruz County Public Safety, 2013). There were several trends in the first two years that taxed the jail's resources and ability to manage the influx of new AB 109 offenders and simultaneously focus limited resources on recidivism reduction programming. The first trend, under AB 109 in the first two years, were the larger number of individuals (a 57% increase) with prison sentences (including both state and local jail incarceration) than the year just prior to realignment. The second one was that sentencing practices, post-realignment, shifted more defendants to a local jail sentence rather than a probationary, non-physical, custodial supervision period. The third trend was the higher female commitment numbers for local incarceration than before AB 109 (Santa Cruz County Public Safety, 2013).

Whether originally "expected" or not, by 2013, the California State Legislature formally recognized that recidivism reduction programs and the shifting of offenders to local supervision was not enough to keep up with the influx of new AB 109 offenders in custody or in mandatory supervision in county facilities. As discussed, SB 1022 attempted to address counties' need to complete some physical jail capacity expansions,

and this provided some relief to California counties to help expand physical jail capacity through the exercise of a grant funding process. Over the next two years, Santa Cruz County applied for and received funding to convert and expand the Rountree Correctional Facility by 64 beds, with an integrated training and programming approach for inmates in certain medium-level classifications. While a necessary component to Santa Cruz County's response to realignment, this increased physical jail capacity will not be completed until late 2017.

Plata v. Brown

In the Supreme Court case of *Plata v. Brown* (United States Supreme Court, 2011), the federal court determined that the conditions of overcrowding and lack of mental health services and proper healthcare violated the Eighth Amendment's protection from cruel and unusual punishment. The Supreme Court ordered that California reduce the inmate population in state prisons to reduce overcrowding and improve living conditions (Californians for Safety and Justice, 2014). AB 109 reduced the number of inmates in the state prison system by realigning the 3-nons convicts to serve their sentences in local county facilities, instead of state prison. Under AB 109 regulations, the California Department of Corrections and Rehabilitation examined the classification of inmates who would be eligible under the law to serve their felony sentences at the local level. In order for inmates to be eligible to serve their sentence locally, they need to be "non-violent, non-serious, and non-sex offender" (3-nons) (CDCR, 2011a) convicts. Inmates who were serving sentences for capital crimes, sex offenses, or violent or other serious crimes would remain in the state prison system.

Second Chance Act

While the state of California and its counties are experiencing inmate reform measures, managing inmate populations at the state and local levels is familiar for other states, such as New Jersey, Texas, Ohio, Kansas, Oregon, Mississippi, and Vermont: “[T]hese states have been recognized by The Council of State Governments Justice Center’s National Reentry and Resource Center as being the leaders in reducing recidivism and promoting reentry back into the community” (Council of State Governments Justice Center, 2013a, para.1). Each of these states has shown a significant reduction in recidivism over a three-year period. Some of their success is due in part to the funding they received from the *Second Chance Act* (PL 110–199), federal legislation supported by both Democrats and Republicans. The *Second Chance* legislation pulls together community resources, faith-based organizations, and task forces geared toward reducing recidivism and promoting successful reentry (Council of State Governments Justice Center, 2013b).

Of the states mentioned previously, New Jersey has been specifically recognized for being a national leader in reducing recidivism by “11.4 percent from 1999–2007” (Drug Policy Alliance, 2011, para.1). A key component of the successful model used by New Jersey was the development and implementation of Regional Assessment Centers, focused on providing services and supervision to low-level parolees out of custody with the goal of keeping them from returning to custody (Drug Policy Alliance, 2011). New Jersey boasts one of the lowest recidivism levels in the nation. Prior to implementation of New Jersey’s successful model, Greenwald, Johnson, and Nagrecha (2011), identified three main problems contributing to high levels of recidivism in New Jersey. First,

parolees were being returned to custody on technical violations rather than serious offenses, deterring any progress being made in rehabilitation efforts. A technical violation is one where a parolee has not checked in with the probation officer, has missed a court date, or was determined to have drugs in his or her system during a probation check. The probation officer would violate the parolee and place him or her back into jail custody for a certain time frame. Second, the effectiveness of current programs was being questioned. Finally, it was determined that incarcerating individuals was too expensive to the public. Once these factors were addressed, a reentry model was designed in which Community Resource Centers were placed in the community for parolees to have a seamless transition from prison to resources on the outside. The resources provided through the Community Resource Centers include “residential programs offering life skills, substance abuse counseling, job readiness, employment counseling, housing assistance, and transitional support” (Greenwald, Johnson, & Nagrecha, 2011, p. 7).

Alternatives to Incarceration

Santa Cruz County considered itself to be an innovator of alternatives to incarceration long before AB 109, using probation and strong partnerships with local community-based organizations and courts to reduce jail overcrowding. A court task force was formed in the early 1990s to address the issue of overcrowding, and it re-committed itself after AB 109’s implementation to working on alternatives to incarceration in tandem with the county Recidivism Reduction through Research-Based Reentry and Rehabilitation Task Force (Santa Cruz County Community Corrections Partnership Data Analysis and Capacity Building Work Group, 2012). In addition to the task force measures, Santa Cruz County has used other alternatives to incarceration to

reduce inmate populations and alleviate some of the overcrowding. These programs include 30-Day Early Release, Custody Alternative Program (CAP), Pre-Trial Release, Sheriff's Own Recognizance, and Sheriff's Parole and Work Release, which have all attempted to alleviate some of the overcrowding (Santa Cruz County Sheriff's Office, 2013c). All of these programs "reduce" the prison population by removing certain offenders from occupying county jail facilities, thereby leaving those beds open for other, more serious, offenders.

Santa Cruz County, like other jurisdictions, is attempting to solve the problem of overcrowding using many tactics. The goal of these programs is two-fold. They address the offender's lower-level criminal justice needs without physical custody, thereby freeing up a present-day bed. Additionally, by being allowed to participate in custody alternative programs, in theory the offender will not reoffend to a higher level offense that would require incarceration in the future, thereby reducing "recidivism" in Santa Cruz County and in the overall population. The custody alternative program also allows inmates to resume their daily lives by returning to work or school, reuniting with family, and focusing on the positive aspects of their lives instead of spending their time inside. Limiting or eliminating the time spent incarcerated, and the individuals' disruption of their daily lives, in theory, prevents them from returning to criminal offenses because the original offense has not separated the inmate from society or exposed him more intimately to other criminal offenders.

Custody Alternatives Program

In October 2011, in compliance with the AB 109 Criminal Justice Realignment Act, the Santa Cruz County Sheriff's Office implemented a new population-reduction

method by creating the Custody Alternatives Program (CAP) to cope with the influx of new low-level felony inmates serving time in Santa Cruz County. The Santa Cruz County Sheriff's Office partnered with the Probation Department in this new CAP to evaluate inmates serving thirty days or more in custody for controlled release, using three alternatives with electronic monitoring: (1) to serve time at home, (2) to serve time in a sober living environment or (3) to serve time in a treatment facility. The goal of the Custody Alternatives Program was to release low-level offenders who had served a portion of their sentenced time in jail to serve the remainder out of custody (Santa Cruz County Sheriff's Office, 2013c). The program allows inmates to resume their daily lives by returning to work or school, become reunited with family, and focus on the positive aspects of their lives. According to Santa Cruz County Jail data, from October 2011 through December 2012, 304 inmates were released from the county jail with electronic monitors. Of those, "231 completed their sentences time served, 38 returned to custody, and 3 absconded, but were later arrested and returned to the jail" (Santa Cruz County Sheriff's Office, 2013c, p. 83). From 2013–November 2016, the CAP Program has served 1,296 inmates with electronic monitors. The Custody Alternatives Program initiative has been successful in reducing some of the overcrowding in the jail, but this is not the overall solution.

Recidivism

One important aspect to note in dealing with reentry and rehabilitation is the definition of recidivism. There have been multiple definitions of recidivism, and not every agency uses the same definition. According to the National Institute of Justice (NIJ), recidivism is "measuring time elapsed until the next crime (e.g., number of days

passed until someone was rearrested after his or her release from prison),” (2008a, para.3). According to the Bureau of Justice Statistics (2013), the three-year mark is used as the most effective time frame at which to measure recidivism rates. The three-year time frame analyzes re-arrest, conviction, and parole violations. However, some agencies measure recidivism from the time the individual began programming and rehabilitation treatment to post-treatment services. According to the California Attorney General Kamala D. Harris, “the definition of recidivism is an arrest resulting in a charge filed by a prosecutor within [three] years of an individual’s release from incarceration or placement on supervision for a previous criminal conviction” (California Department of Justice, 2014).

Since there has been no standard for defining and measuring recidivism, it has become difficult to define and compare research to address the problem (Harris, P. W., Lockwood B., & Mengers, Initial, 2009). Many law enforcement agencies state that “60% of them have no formal definition of recidivism and 34% reported that they lacked any data tracking recidivism,” (California Department of Justice, 2014).

The courts, probation officials, and district attorneys are often in conflict over what constitutes recidivism. Each jurisdiction measures recidivism differently, and it is difficult to determine what standardized services are most appropriate for the individual offender (National Institute of Justice, 2008a). Being able to measure recidivism is important, as it provides the indication of program success and impact on the performance measures of a system. Without being able to measure recidivism within some type of standardized definition among jurisdictions, it is difficult to compare and determine at what level evidence-based programs are successful for individuals (Harris,

P. W., Lockwood B., & Mengers, L., 2009). The AB 109 population is specifically being addressed in state policy as a target group to rehabilitate toward reducing recidivism and inmate population growth.

Harris launched an initiative to reduce recidivism in California in 2016, working on developing “best practices” in partnership with counties and district attorneys to develop “anti-recidivism” programs through the use of data analysis and recidivism metrics. Information will be shared statewide among county agencies to determine levels of offender recidivism rates and services received (California Department of Justice, 2013).

AB 109 specifically recommended that counties manage AB 109 offenders with evidence-based recidivism reduction programming and measure recidivism within this population to better direct programming and further reduce overall inmate populations in California. In 2015, Harris introduced, as part of a multi-pronged “smart on crime” initiative, a plan to spend less money more effectively to reduce recidivism and improve public safety with data-driven, evidence-based programming and budgetary decision-making in the challenging environment of a still overcrowded state prison population and a shifting and increasing community corrections population due to realignment (California Department of Justice, 2015). Harris worked on developing “best practices” in partnership with all stakeholders, including state correctional departments, counties, the courts and probation and District Attorneys’ Offices to develop “long term” “recidivism reduction” programs through the use of data analysis and recidivism metrics and her recently formed California Department of Justice “Division of Recidivism Reduction and Reentry or DR3” (Associated Press, 2013). The first step was to propose

the development and use of a “single statewide definition of recidivism” to be able to see what was working and how well (Associated Press, 2013).

Realignment had given counties tremendous responsibility to supervise and incarcerate without any way to measure at what rate individuals recommit crimes. Harris’s proposed uniform definition of recidivism came from a comprehensive survey of 540 law enforcement, corrections and policy stakeholders to determine how each of the respondents already defined and tracked recidivism across jurisdictions and agencies in the first few years of implementation (California Department of Justice Division, 2014). In 2014–2015, when surveyed, a shocking 60% of the survey respondents reported operating with *no* definition of recidivism and 34% tracked *no data relating to recidivism* for county-level offenders. This survey initiated by the State Attorney General came three years post-realignment while billions of dollars had already been poured into county corrections, courts, and probation to deal with realignment offenders without any objective evaluation standard for county practices. However, when some respondents claimed they did track recidivists in 2013–2014, survey respondents were already tracking whether realignment offenders were recidivating.

The Attorney General acknowledged other core variables that might help counties understand recidivism including “conviction rates,” “the return of rate of offenders to incarceration,” and the rate of “non-technical violations of supervision, which are those violations that would otherwise constitute criminal offenses if not under supervision” (California Department of Justice, 2014). The Attorney General also provided a standardized tool for tracking recidivism across agencies within each county and between counties, called the “The California Recidivism Index,” which suggests tracking

recidivist offender behavior “by three major indicators of seriousness – offense type, frequency and timing,” (California Department of Justice, 2014).

It is significant to note that the attorney general’s proposed definition of “recidivism” did not become the final uniform definition of recidivism for California. Though many aspects of it were consistent with the final version, the differences highlight how many variables can be tracked and are tracked for different programmatic reasons between different agencies from corrections, courts, and probation, and what emphasis is placed on these variables when an offender enters and exits the system.

Prior to and concurrent with the State Attorney General’s Office data initiatives, AB 109 mandates collection and maintenance of data about community corrections practices to reduce recidivism and ties funding in part to these efforts. After two years of realignment, the state legislature recognized that the original realignment legislation did not include even a model of statewide standards for evaluating counties’ best practices to objectively measure whether realignment funding was being used well or the assistance to counties to systematically report and analyze the evidence-based practices that were encouraged to reduced recidivism.

To start to address these issues, in September 2013, effective January 1, 2014, the legislature passed AB 1050 (2013), which amended Section 6027 of the California Penal Code to direct the Board of State and Community Corrections (BSCC) to consult with stakeholders to “identify, promote, and provide technical assistance relating to evidence-based programs, practices, and promising and innovative projects consistent with the mission of the board” and to “develop definitions of key terms, including, but not limited to, “recidivism,” “average daily population,” “treatment program completion rates,” and

any other terms deemed relevant in order to facilitate consistency in local data collection, evaluation, and implementation of evidence-based practices, promising evidence-based practices, and evidence-based programs.” (California Secretary of State, 2013).

After passage of AB 1050, at the start of 2014, the Board of State and Community Corrections (BSCC) Committee then spent 11 months with public safety officials, solicited public comment, and eventually approved the uniform definition of adult recidivism, supplemental measures, and standard periods to measure recidivism rates over 3-, 1-, 2-, or 5-year intervals. (BSCC, 2014a). By November of 2014, a formalized definition of Adult Recidivism was adopted by state statute in accordance with AB 1050 (2013) and approved by the BSCC. (BSCC, 2014b). “Adult Recidivism Definition: Recidivism is defined as conviction of a new felony or misdemeanor committed within three years of release from custody or committed within three years of placement on supervision for a previous criminal conviction,” where ‘committed’ refers to the date of offense, not the date of conviction,” (BSCC, 2014b, pp. 1).

It is important to note that the initial proposal from the California Attorney General’s Office in 2014 focused on an “arrest resulting in a charge,” whereas the finalized uniform definition defined a “recidivist” as a person committing a new offense resulting in a conviction. On a macro level, and in the strictest sense, few people will disagree that if you get *convicted* of a new crime you have recidivated. This narrow field will eliminate a lot of other recidivist behavior that may indicate rehabilitation programs are not working, or whether there are sufficient resources for individuals in county systems. The uniform definition does not necessarily account for how a jail may best manage its resources versus how the courts may handle information to develop their best

practices. Further, even the standard definition of recidivism does not necessarily tell a county how to reflect the different emphasis corrections, courts, and probation may have to reflect recidivist behavior for their role in managing an offender. A full three years after implementation of realignment, the state was still in the process of telling counties how they would like recidivism to be measured and how a law already overcrowding county facilities should be tracked and implemented.

In June 2015, the BSCC recognized the importance of providing guidance to counties and the state budget to help counties uniformly “measure criminal justice outcomes” and published a six-page guideline for recidivism studies, prepared by David Lovell, Ph.D., using key standardized terms defined by BSCC and AB 1050 in 2013 and 2014. These guidelines were supposed to align the disparate variations that already existed in 58 counties post-realignment by providing some cohesive way for each county to use its own variation on recidivism studies without losing the value of standardization within a county and statewide (BSCC & Lovell, 2015). These guidelines had a difficult task to be used in a specific county to suit local needs to best serve realignment offenders and reduce recidivism but be easily discernible to any of the other 57 counties to compare and adopt best practices and to eventually plug back into statewide efforts to make California criminal justice statistics available, like the OpenJustice Web Portal, and help the state to allocate realignment funds as thousands of prisoners continued to flood county facilities at the same time.

The variations of emphasis discussed within the BSCC guidelines and standardized definition of recidivism recognize some practical realities without really providing an answer as to how any one county, or agencies within a county, can

simultaneously account for their needs to count offenders differently but still give meaning to the standard definition of terms provided by the BSCC and statute. Santa Cruz County Jail might need to count all booking dates whether they lead to any other type of return to custody, and the charged offenses in the booking date may or may not result in a conviction for a “new offense” or a disposition at all. An offender may return to custody due to a probation violation, and that is relevant both to corrections and to supervision.

From a corrections perspective, recidivism reduction must be measured using this more practical metric of “booking dates” and how close in time any new “booking date” may come after the previous “release date,” from either custodial or non-custodial supervision. These returns to custody, without a disposition of a pending judicial case following a booking or a new conviction, would not qualify as recidivist behavior under the uniform definition of recidivism, which counts a new conviction within three years of the original. A probation sanction might be imposed instead of pursuing charges after an arrest (technical violations), so a “new conviction” or “new offense” *might not be recorded*, but for public safety purposes that individual *should be recorded* because the offender has re-entered the county system because of repeated criminal behavior that endangers public safety.

Even more complicated than that, “the uniform definition” would like jurisdictions to record the “*date of the offense*” of the new criminal behavior (*the recidivist offense*) but check first whether there is a *conviction within three years of the original “release” date from custody* or the *date of the start of supervision from the first offense*. That is two dates that may or may not be recorded that way in both the Jail

Management System and the CaseExplorer system administered by Santa Cruz County Probation. In Santa Cruz County, the “booking sheets” data populates the JMS every time a person enters the custody of the corrections department in Santa Cruz County. The most natural date to measure new criminal conduct from is not either conviction or arrest, it is the booking date following a “release date.”

Even “release date” or the date in which “placement on supervision” occurred for AB 109 populations, is not a straightforward field that can be automated. A single person can have multiple returns to custody and multiple “release dates” from custody after the initial conviction. If you recorded one return to custody, which might be a flash incarceration for intoxication, as your measure of recidivism, a county’s recidivism numbers may be overinflated. Currently in Santa Cruz County, you have to scroll down several pages to account for multiple bookings, look at individual custody periods to assess whether an offender was back in custody and for how long. Even the reason for the return to custody has to be implied using training and experience. Generally speaking, a booking date with a day return to custody is likely an intoxication dry-out period, but not necessarily. Moreover, the standard definition wants you to measure the date the recidivist offense was committed and measure from that date to either the first offense date release from custody or the first offense “placement on supervision” date. An offender can be sentenced to a custodial sentence (first) or a mandatory supervisory period only, under many AB 109 offenses, or a combination of both. In addition to these three variations of dates of “placement on supervision,” you can be originally sentenced to a supervisory period, so you can start by digging that date out of the case management database in probation, but as often is the case during the supervisory period, an offender

can then be placed in custody to serve out the remainder of the sentence for first offense. If you just counted from the first “placement on supervision” period and looked for a second recidivist crime, then part or all of your measurement period might be spent under a custodial sentence. An offender is presumably less likely to commit a new offense while under custodial supervision.

This exploration has revealed the possibilities or burdens to what seemingly is just two dates and whether a conviction came between them. That does not even account for the fact that on a single booking sheet there can be multiple charges for multiple offenses relating to the same criminal behavior, and all of the charges can be on the same date. The presumption is that all of the offenses are committed on the same date and that county corrections are consistently recording the multiple dates and that there is a notation in the data system, which imputes the earliest date of a new commitment offense.

A further complication, which seems implicit but does not work that way, is how one offender is tracked from jail admission to a conviction, and the fact that corrections and courts work very differently. On the state level, there is no record between arrest and disposition of a case, if a disposition is even reached (BSCC & Lovell, 2015). If a disposition, meaning a guilty or not guilty, is reached, the data systems “infer” charges were filed, but the system does not record the deposition. This produces a massive hole in tracking recidivism because it is not easy to automate data collection for an infer data field. There is a gap between jail admission and the courts.

A second acknowledged complication from the “uniform” definition is that while “jail admissions” may be an important metric for county jails to count instead of

convictions or arrests as an important subset of “jail admissions” or “booking dates,” it is then up to the courts to record the disposition of the case, and moreover, one person can be readmitted to jail many times for the same case, and many cases can apply to the single admission. (BSCC & Lovell, 2015). Corrections manages people, and the courts tie the administration of the judiciary into case numbers. A person can have multiple case numbers.

The level of meaning a “recidivism rate” has when it takes pages of explanation to just get on the same page, make interpretation of data complex. If this is true for experts and stakeholders in the field, how does the general public or a newly briefed legislator understand whether good recidivism policy is being made without a similarly nuanced and lengthy review of basic terms? The answer is that they probably will not understand, which is why time, resources, and expert data integration and analysis is needed so that when a number is presented by Santa Cruz County or Los Angeles County, by the corrections department, or the courts or probation, it actually means something.

In July 2016, the BSCC issued its fourth annual report to the legislature on the implementation of CCP Plans, which are the county’s spending and programmatic plans to address 2011 Public Safety Realignment populations and reduce recidivism. Though required to generate these CCP plans from the outset of realignment to receive state funding for realignment populations, the California State Budget Act of 2015, AB 93 Chapter 10, appropriated \$7,900,000 for counties to prepare and submit their reports to help the state better allocate the approximately \$1 billion annually given to counties to house and supervise realignment offenders. (BSCC, 2016a).

The BSCC summarizes the implementation plans of the counties in a lengthy

annual report as part of an effort for the state to better understand local approaches, make cost-effective policy choices, and share statewide local best practices or promising evidence-based, data-driven programs. However, the latest annual report published in July of 2016 is 355 pages long. While counties may submit useful information about the implementation of AB 109 and application of recidivism reduction programs, it is buried in a report that is not an easy way to compare county to county programming. The most recent July 2016 report also allowed the BSCC to survey counties on whether counties had adopted uniform definitions such as “recidivism,” “average daily population,” “conviction,” “length of stay,” and “treatment program completion rate” and whether the counties had “evaluated” the “effectiveness of the programs or services offered;” “considered” the evaluations, if completed when funding programs or services; and “allocate[d] a percentage of realignment funds to evidence-based programming.” (BSCC, 2016a). Only 32 out of 58 counties used the BSCC definition of recidivism in fiscal year 2014–2015 and fiscal year 2015–2016.

Unfortunately, the shortcomings of implementing any uniform definition across 58 counties is not that each phase of an individual’s journey back into the county criminal justice system is not recorded from corrections to courts and probation, or that different designations are relevant to each agency to determine if they are managing recidivist behavior. It is much more basic. Within most counties, between corrections, the courts, and probation there is not one compatible computer system and no staff trained within each agency on that computer system or on the other agencies’ different computer systems, to integrate the data.

Santa Cruz County is a perfect example of how even if counties have the policy

mandate to uniformly collect and transmit recidivism data, the organization's will to do so and staffing to identify "common identifiers" and procedures to transfer those common identifiers among corrections, courts, and probation and the automation of those identifiers can be a technical nightmare with three proprietary vendor systems to work between. (BSCC, 2016a).

In Santa Cruz County, in addition to the data integration problems of marrying three proprietary vendor systems between courts, corrections, and probation, the local superior court initiated a new data management system in October 2015 with considerable technical integration issues (BSCC, 2016a). In addition to trying to develop common identifiers to help build recidivism data about AB 109 offenders and recidivism in the county, technical and staff training issues may further slow progress.

Data integration and common identifier data point tracking problems through corrections, courts, and probation are not unique to Santa Cruz County. San Diego County's CCP Implementation Plan discusses how it is successfully navigating the state uniform recidivism data compilation goals and how it is attempting to achieve data integration, sharing, and analytics across probation, the district attorney's office, the sheriff's department and the Health and Human Services Agency in a multi-agency data warehouse known as the "data hub." (BSCC, 2016a). A research partner has been appointed to fully utilize this data to measure and report outcomes for the county and to better meet its AB 109 population needs and track outcomes based on services received. Getting the new technology to manage collected data that communicates across agencies and the budgets to hire research partners like they did in San Diego to analyze that data in order to help stakeholders make further decisions as well as training staff and reducing

turnover in the new data systems and identifying key data points and how they can easily be connected is a time-, technology-, and staff-intensive task.

Even with some dedicated funding to handle the housing and servicing of AB 109 populations in county facilities, county budgets do not have unlimited freedom to dedicate the necessary resources to handle the new data collection and integration demands and evidence-based programming. Yet information gathering is a centerpiece of the California legislature, attorney general, and public policy demand for creating safer communities through recidivism reduction studies and the redirection of policy based on their results. There is a greater danger that policy makers are putting the cart before the horse in ceding data collection, management, and analysis to 58 counties when it previously resided in a standardized repository in the California State Department of Corrections and Rehabilitation (CDCR) with larger economies of scale dedicated to servicing data needs and a long track record of completing such studies.

As is shown, within each county there are multiple data systems that do not communicate with each other. In Santa Cruz County, there were a minimum of three (corrections, courts and probation) and other software systems that could be useful and may hold data necessary to address recidivism reduction. So when AB 109 began flooding county systems with inmates previously housed with the state, the information of those inmates was potentially spread through $(58 \times 3 =)$ 174 different data systems. Additionally, in the first years of implementation and with significant reclassification again in 2014, counties had to follow an offender for recidivism purposes from the state system to the county systems. Without examining whether reclassification was practical, the information collection and data analysis needs traveled with the 35,000 plus state

prisoners “realigned” to the county correctional, court, and probation systems following 2011-AB 109. While realignment proponents argued that shifting program authority and funding to local agencies would result in better programs, services, and outcomes for the lower-level offenders by increasing their access to and accountability with programming better targeted to reduce recidivism than in the state system, there was not sufficient planning or resources dedicated to the technological infrastructure necessary to service, track, and analyze data within a particular county, and little thought was given to the losses of decentralizing data collection and analysis and of maintaining a statewide technology data system with the decentralized county control over the inmate population and programs. (Petersilia & Snyder, 2013).

The attorney general’s “smart crime initiatives,” “DR3,” and the work of the BSCC in promulgating a uniform definition of recidivism and other key terms is a step in the right direction of providing a state umbrella for recidivism reduction, understanding, and planning. Even with 58 counties willingly and systematically participating in best practices of analysis and data collection, it is a massive undertaking. So far, buy-in has been incomplete, which is understandable given the staffing and resources of various counties. While there is high value in data integration, common data identifiers across county systems, and targeted evidence-based resource allocation, counties have to meet the day-to-day needs of serving offenders, and these day-to-day needs will likely trump bigger picture projects when resources are so limited.

There are certainly model programs and evidence that when those model programs are shared and built upon in multiple counties the results can be tremendous, not only for the expenditure of taxpayer dollars but also for the ultimate goal of

protecting public safety by limiting the commission of new crimes.

In 2005, as district attorney of San Francisco, Harris created a “comprehensive reentry initiative for first time, nonviolent drug offenders,” named “Back on Track” (California Department of Justice, 2016, pp.1). Back on Track composed of 80 participants-all male “triple nons”: non-violent, non-serious, and non sexual offenders. The initiative was designed to provide the participants with the critical services needed for a seamless transition from in-custody to out-of custody life, targeting the time offenders are most likely to recidivate,” (California Department of Justice, 2016, pp. 1). The program yielded a “re-offense” rate or “recidivism rate” of “10 percent compared to 54 percent for non participants who committed the same types of crimes,” (California Department of Justice, 2016, pp1). The key was for participants to focus on personal responsibility with benchmarks measured by staff. Participants learned life skills and education and had employment opportunities. (Harris, 2015) Besides lowering recidivism, it also had a highly advantageous cost-benefit ratio. The program cost \$5,000 per person, where it would cost \$43,000 per year for the same offender to return to custody for a year (Harris, 2015).

In March 2015, Los Angeles County launched Back on Track LA, a partnership with the State Attorney General’s Office and the Department of Recidivism and Reentry, which partnered up with the Los Angeles County Probation Department as well as many other public and private entities to expand the model program that yielded successful results for San Francisco a decade previously. Back on Track LA “helps former offenders reintegrate into their communities and assists them with housing needs, child support services, financial literacy training, and employment” and is “structured into four

program tracks: cognitive behavior training, education (academic and career-technical), life skills, and reentry preparation.” (California Department of Justice, 2016, pp. 1).

Criminogenic Needs

Analyzing current strategies for reducing recidivism and establishing a consistent definition of recidivism can provide additional models for counties to consider in the assessment of current programs and the development of new ones geared toward reducing recidivism. According to McKean and Ransford of the Center for Impact Research (2004), understanding why recidivism exists is essential to developing effective programs. In the past, programs geared around the “get tough” initiative were not successful because they did not address the true criminogenic need of the individual inmate; the “one size fits all approach” is not effective (Latessa & Lovins, 2010).

In order to provide programs that will alter recidivist behavior while the individual is in custody, understanding the criminogenic needs of the individual is crucial. A generalized approach does not reduce recidivism; in fact, the probability to recidivate increases if proper treatment and rehabilitative programs are not prescribed.

It has long been realized that people commit crimes for different reasons. These include economic drivers (lack of a job, inability to earn an adequate income for a desired lifestyle), mental health issues, addiction, family relationships, and anti-social ideation, collectively known as “criminogenic needs” (Kelling & Wilson, 1982; Latessa, 2006). Evaluations need to effectively analyze the criminogenic needs of the individual inmate to enhance the likelihood of successful reentry in order to reduce recidivism. Evidence-based programs provide fidelity to measurable outcomes for reducing recidivism over time. Agencies do not have to reinvent the wheel or waste taxpayer dollars and can

instead use effective, nationally recognized programs (Harris, Lockwood, & Mengers, 2009).

Additionally, (Greenwald, Johnson, and Nagrecha, 2011) noted that recidivism reduction was dependent on a strong management system, program accountability with measurable benchmarks, and the identification of key indicators of recidivism reduction. They also discussed contact for agency collaboration and partnerships dealing with in- and out-of-custody programs. The success of programming should be measured through established benchmarks and can be ensured by withholding funding from programs that do not meet measurable goals and/or continue to show high recidivism rates. Finally, the analyses of key indicators and criminogenic needs (behavior and the types of crimes that lead to incarceration) should be conducted in order to provide inmates with specific programs needed for rehabilitation (Greenwald, Johnson, & Nagrecha, 2011).

When researching ways to address recidivism, specific criminogenic factors need to be identified in order to provide proper treatment (Andrews & Dowden, 1999). According to Latessa and Lowenkamp (2005), offenders with the highest risk level should be the focus for gathering treatment services; however, focusing excessive treatment services on low-risk offenders will have an adverse effect on reducing recidivism.

According to criminologist Edward Latessa, services identifying and targeting specific criminogenic needs of the individual are the most effective at reducing recidivism, with cognitive behavioral treatment being one of the best types of effective programming (Latessa, 2006). Having individuals serving long sentences with minimal rehabilitative services or treatment has proven to be ineffective, resulting in a higher rate

of recidivism than those who receive rehabilitative services while incarcerated (Byrne & Miofsky, 2009). Incarceration over time has no added benefit to reducing recidivism either. Instead, higher rates of incarceration lead to higher incidences of recidivist behavior, which is why behavior needs to be actively addressed while individuals are in custody (Byrne & Miofsky, 2009). Likewise, alternative sanctions to incarceration, such as boot camp, intensive supervision, and electronic monitoring (ankle bracelets), do not show a significant reduction in recidivism (Byrne & Miofsky, 2009). Rehabilitative programming is still the more effective tool.

Risk Assessment

One effective strategy for recidivism reduction is the use of the appropriate inmate risk assessment tools for determining which programs to use. Proper assessment will identify individual needs, correct program treatment service dosages, and the resources needed to keep the individual out of custody (Andrews & Bonta, 2007). According to Latessa and Lovins (2010), “assessment is the engine that drives effective intervention with offenders” (p. 204) because it identifies those who are most at risk and need the most intervention as well as crime-producing needs that should be targeted. It also provides a decision-making process to systematically provide more information (Latessa & Lovins, 2010). Risk assessments can be used by many agencies for the establishment of services due to the amount of information they glean about an individual (Holsinger, Latessa, & Lurigio, 2001).

Ohio Risk Assessment System (ORAS)

The Ohio Risk Assessment System (ORAS) is one risk assessment tool that is commonly used by the Ohio Department of Corrections to create a consistent evaluation

method to use during the various milestones in the criminal justice system (Ohio Department of Rehabilitation and Correction, 2011). ORAS, designed by the University of Cincinnati, provides a consistent, standardized method for assessing offenders throughout the state and creates data and information that is meaningful and easily translated within the system (Ohio Department of Rehabilitation and Correction, 2011). The Level of Service/Case Management Inventory (LS/CMI) is a dynamic assessment tool that continually measures initial risk factors as the offender navigates through the criminal justice system (Latessa & Lovins, 2010).

Salient Factors/Wisconsin Management Classification System

Risk assessment tools have changed from their early use in the 1920s, which was mostly “guesswork,” to the second generation of assessments that followed the Burgess model, a more static approach in which the focus in assessing individuals was on past criminal behavior (VanBenschoten, 2008). The most popular second-generation assessment was the Salient Factors Score, developed in the 1970s. The third generation of assessments, known as the Wisconsin Management Classification System, was developed in the late 1970s. The Wisconsin assessment began to incorporate both static and dynamic approaches in which information and programming were constantly changing to fit the needs of the individual (Latessa & Lovins, 2010). Both positive and negative offender changes were measured by the third-generation tool (VanBenschoten, 2008).

The CMC system was based on behavioral studies and research conducted by psychologists to develop a system for identifying offender typologies. From this study, a comprehensive assessment system was designed to score offenders’ behaviors into risk levels for proper treatment and management. Although the CMC was used nationally and

was successful in reducing recidivism, it showed a weakness in the “lack of automation in keeping up with the change in computers and technology” (National Council on Crime and Delinquency, 2013, CAIS, p. 4). The CMC was therefore developed further and changed to meet the needs of the computer age. The CMC became automated and advanced and was eventually renamed to CAIS to “differentiate between the old system and the new” (National Council on Crime and Delinquency, 2013, CAIS, p. 4).

Correctional Offender Management Profiling for Alternative Sanctions (COMPAS)

The Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) system is a statistically driven assessment tool used to identify key risk and need factors. The statistically driven data help staff in the placement, programming, case management, and supervision of offenders (Skeem & Loudon, 2007).

Risk-Needs-Responsivity (RNR)

The Risk-Needs-Responsivity (RNR) Simulation Tool uses three principals of reducing recidivism—risk, need, and responsivity—to guide the assessment of individuals towards treatment and “rehabilitative goals” (Center for Advancing Correctional Excellence, 2013). The Center for Assessment of Corrections Excellence endorses an assessment used for inmates in custody, known as the RNR Simulation Tool, to individualize inmate treatment. The RNR tool is a web-based “decision support system developed to help providers implement the RNR framework. The RNR approach integrates the science around effective screening, assessment, programs and treatment matching to improve individual and system outcomes” (Center for Advancing Correctional Excellence, 2013, pp.1). The “evidence-based practice (EBP) framework emphasizes that justice agencies should match offenders to services and programs based

on their risk and need factors” (Center for Advancing Correctional Excellence, 2013, pp.1).

The RNR principal theory was originally developed by Andrews and Bonta in 1994. Since then, the tool has been further studied and enhanced at the Criminal Justice Department of George Mason University in Fairfax, Virginia. The RNR tool is highly effective when criminogenic needs are properly verified and the appropriate level of programming is provided to the individual (VanBenschoten, 2008). According to Dr. Faye Taxman, the RNR tool is designed to complement the assessment tools currently being used by different agencies (Center for Advancing Correctional Excellence, 2013).

The RNR tool works effectively through a comprehensive analysis of individual criminal behavior by focusing on risk, need, and responsivity: “[a]ssessing offenders for dynamic risk means determining what interventions or services will have the most impact on a particular offender at the time of assessment” (Chief Probation Officers of California, 2013, p. 2). Risk focuses on those individuals who require the most intensive services and are typically classified as medium- or high-risk individuals (Andrews & Dowden, 1999).

Need, or criminogenic factors, determine what types of risk factors need to be addressed (Andrews & Dowden, 1999), such as “cognitive, education, substance abuse, financial, employment and housing” (Chief Probation Officers of California, 2013, p. 3). Responsivity matches program characteristics and offender learning style for the appropriate levels of services (Andrews & Dowden, 1999). According to Andrews and Bonta, “the RNR model has been shown to effectively reduce recidivism by as much as 35% when implemented in certain settings” (Center for Advancing Correctional

Excellence, 2013, para. 8). The RNR assessment identifies how individuals' criminal behavior can be predicted by working within the framework of the three principals, making the RNR tool stronger in individual assessment for reducing recidivism through programming.

The challenge, however, in using the RNR or any other assessment tool is that there will always be correctional institutions with "diverse staff in terms of education, values and experience, conflicting criminal justice policies and management practices that are not conducive to selecting or training staff in effective assessment techniques" (Andrews & Bonta, 2007, p. 15). This variance in implementation and standardization makes it difficult to compare correctional institutions. Regardless, the RNR tool is designed to work in conjunction with other assessment tools to be most effective.

Correctional Assessment and Intervention System (CAIS)/Juvenile Assessment (JAIS)

The fourth-generation assessment tools incorporate case planning and assessment along with an "intervention" or "monitoring" factor to maintain accountability (VanBenschoten, 2008).

Risk assessment tools have changed, and there are many different types of assessments available. Some of the risk assessments being used by federal, state, court, probation, and county agencies include the Correctional Assessment and Intervention System (CAIS) and the Juvenile Assessment and Intervention System (JAIS), both used to identify "evidence based supervision strategies, public safety rehabilitation, accountability and focus on criminogenic needs" (Counsel of State Governments Justice Center 2013a). CAIS is much like the RNR tool in that it individualizes lowering the

criminogenic level by developing a specific case plan for each individual while they are in custody. The CAIS assessment tool was designed in 2004 by the National Council on Crime and Delinquency, updating the Wisconsin classification system by using “statistically derived” risk items located on an assessment form. The CAIS assessment tool replaced the Client Management Classification (CMC) system, which was being used in the 1980s by Florida, Texas, Minnesota, Wisconsin, and South Carolina (National Council on Crime and Delinquency, 2013a).

CAIS assessment risk scoring has predicted recidivism in two states and has been shown to reduce recidivism: “[i]n Texas, 2,551 parolees were randomly assigned to parole, those who were high risk and non-CAIS parolees showed a 23% recidivism rate compared to CAIS parolees that had only a 15% recidivism rate over one year” (Skeem & Louden, 2007, p. 29). An example of the CMC and release outcomes collected from data gathered in the late 1980s from the Texas Board of Pardon and Parole by Eisenberg and Markley is shown in Table 2. The outcomes in the table demonstrate recidivism rates for the three risk levels: high, moderate, and low, thus showing a comparison between those offenders who received the CMC assessment and those who did not.

Table 2

CMC and Release Outcomes, Percent Pre-Revocation: One Year

Case Type	High Risk	Moderate Risk	Low Risk	Total
CMC	25%*	17%**	13%	17%**
No CMC	32%	25%	13%	24%
Total	29%	22%	13%	21%

Source: Texas Board of Pardon and Parole, p. 1 (Eisenberg & Markley, 1987).

*Significant at .05 level. / **Significant at .01 level.

The offenders who received CMC assessment services showed a decrease in recidivism over a one-year time frame (Eisenberg & Markley, 1987). According to National Council on Crime and Delinquency Senior Program Specialist Winnie Ore, CAIS is used during one-on-one interviews with offenders. An officer uses the CAIS form with a series of questions attached to determine criminogenic needs or “underlying motivation” for risk factors (W. Ore, personal communication, December 2, 2013). The form focuses on criminal behavior leading to incarceration and the level of supervision required after incarceration. The categories in the assessment are comprehensive and include “a Primary Case-planning Approach, Specific Client Profile (Risk), Goals of Supervision, Caseworker/Offender Relationship, Supervision, Techniques, and Common Needs” (National Council on Crime and Delinquency, 2013a, pp. 7–10). Once completed, the information is entered into the CAIS database through a subscription service provided to the participating agency (National Council on Crime and Delinquency, 2013a). CAIS identifies “the underlying reason for criminal behavior and classifies the offender into supervision strategy groups for easily managing the offender” (National Council on Crime and Delinquency, 2013a, pp.1). CAIS is designed to constantly evaluate inmate progress throughout incarceration, allowing for “specialized reports in the areas of gender, risk level, needs, ethnicity, work, unit and more” (National Council on Crime and Delinquency, 2013a, pp. 1), which allows for updated information for supervision and program design for reentry.

When the CAIS assessment is entered, the system should identify the amount of treatment and dosage and provide recommendations for a structured plan to reduce recidivism. The CAIS information entered into the system then becomes a unique plan

for the offender. Santa Cruz County uses the CAIS assessment.

A reduction of the future inmate population in counties needs to be addressed by reducing recidivism rates for those currently in the system. By reducing recidivism, the constant cycle of returning inmates can diminish over time, thus reducing overcrowding while rehabilitating individuals, allowing them to thrive in society. Through the use of successful and meaningful assessment tools, inmate needs can be identified and focused on in an effort to achieve individual recidivism reduction goals.

Methodology

Methodology, Part A: What is in a number? Recidivism defined: How to design the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” to serve the dynamic data needs, evidence-based programs, and recidivism reduction policies in Santa Cruz County.

Methodology Research Question: These are the queries that have been raised in the course of answering primary research questions and in designing and conducting the included study.

The “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” was designed and conducted to try to provide a meaningful presentation of recidivism rates for Santa Cruz County, and in doing so, hopefully to help Santa Cruz County agencies better design recidivism reduction programs; highlight the problems every county faces in trying to conduct recidivism reduction studies; and provide a roadmap for what is and is not possible for policymakers, who are increasingly demanding more refined data sets and streamlined data for budgeting. However, the original stated goals of designing, completing, and presenting the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016),” included in this paper, were meant to answer the following primary empirical questions:

1. What are the recidivism rates in Santa Cruz County across key criteria, for AB 109 offenders?
2. What are the key criteria to examine in the realignment context when studying recidivism in Santa Cruz County?

3. Given the recidivism rates in Santa Cruz County post-realignment, what are the lessons for public safety?
 - a. Are recidivism rates low enough to compensate for the increased space, staffing, and programming resources needed due to the rate of increase of offenders to Santa Cruz County jails and probation presented by realignment?
4. What lessons can be learned from the first five years of realignment implementation in Santa Cruz County from this study?
5. How does Santa Cruz County compare with other jurisdictions with respect to recidivism reduction? Is this comparison illustrative of the effectiveness of recidivism reduction programming in Santa Cruz County or in other jurisdictions, or is it instead illustrative of the common problems with the implementation of realignment?
6. How does a database of all realignment offenders who could be verified at the publishing of this study be provided to Santa Cruz County agencies for future use?
 - a. To be a practical tool across dozens of criteria to assist in future tracking of AB 109 populations between multiple incompatible software programs
 - b. To provide a reliable data source to help Santa Cruz County criminal justice agencies to better design recidivism reduction programs in the future
 - c. To provide a reliable starting point for future data collection and analysis to assist in future planning and budgeting

Methodology Research Questions (Raised in the course of answering primary research questions)

When reviewing the literature on previous recidivism studies conducted by the CDCR included in annual outcome reports, the U.S. Department of Justice, the Bureau of Justice Statistics study of prisoners released in 30 states over five years, the Pew Center on the States, the Council of State Governments Justice Center, the Public Policy Institute of California (PPIC) study of realignment, the Board of State and Community Corrections (BSCC) guidelines of recidivism studies in post-realignment California, the two-year process and legislation to come up with the guidelines on California recidivism studies, the variation in emphasis between California agencies among the CA DOJ definition of recidivism, the CDCR definition of recidivism, and the definition published by Santa Cruz County, the central question for this paper became:

Can and how do you design a recidivism study that can be replicated and is meaningfully comparable to other recidivism studies produced by other organizations, other counties in California, and other jurisdictions given the importance that “recidivism reduction” policy has for the criminal justice system and to California’s realignment reforms and that in an interconnected society should be able to directly draw upon to improve public safety throughout society when compared to other counties, states, and criminal justice entities of any size?

In trying to answer the new primary question of whether, and how, a meaningful recidivism study for Santa Cruz County, or any county trying to implement realignment reforms under the weight of increasing caseloads and offender populations can be designed, the following policy questions were raised about the efficacy of recidivism

studies in the current format and their effectiveness and future role in making the realignment implementation policy for Santa Cruz County, California, and criminal justice policy in general:

1. Should recidivism reduction data collection and recidivism study be relied upon so heavily to drive future policies given the great difficulty and labor intensive resources required to produce results and the non-standard ways jurisdictions and agencies within jurisdictions define and use key terms in a recidivism context?
2. Do counties have the resources to complete recidivism studies that are “standard,” “repeatable,” and “timely” to prevent future recidivist behavior?
 - a. How is recidivism defined in recidivism studies at the state and federal levels?
 - b. What definition, if any, does Santa Cruz County use?
 - c. What definition, if any, does California use, so that Santa Cruz County could be compared to it?
 - d. How does Santa Cruz County’s definition differ from other major recidivism studies at the state and federal levels?
 - e. Is there a standard definition of recidivism?
 - f. Can the data collection for this enumeration study of Santa Cruz County post-realignment answer the question presented by the standard definition of recidivism?
 - i. Is the data available for study? Or do jurisdictions first have to ask its agencies to collect certain fields of data functionally necessary to complete a recidivism study, but not always necessary to complete

- day-to-day operations?
- ii. Where do the resources come from to do this “extra” data collection?
- g. What do recidivism studies really attempt to measure?
 - i. Any new criminal behavior, post previous criminal behavior
 - ii. Any new convictions, post previous criminal behavior (tracking new punishment after previous punishments)
 - iii. Any new non-technical probation violations which, if available, are an alternative the justice system might pursue in lieu of a new conviction, due to efficiencies of a violation versus a new trial or plea
 - iv. Any new arrests or returns to custody because however serious a return to custody, such arrests and returns use resources and represent some form of new criminal behavior
- h. Why are recidivism studies completed?
 - i. So that an examination of past offenders, conducted under the custody or supervision of the criminal justice system, will serve as a guide to whether policies are working to prevent future crimes, and therefore, improve public safety.
 - ii. If “who” is being arrested and convicted is constantly shifting, will an examination of the “past” be predicative of the future?
- i. If recidivism studies are so important to improve public safety, why do they not happen on a dynamic basis to address issues in a more timely fashion?
 - i. Will a past cohort of offenders studied in a recidivism study ever be

truly able to help future offender populations at a time when the dynamics around why people commit crimes and who is incarcerated changes as society and its lawmakers constantly set different priorities for who and what should be punished?

- ii. Should “new criminal behavior” be studied at shorter, more regular, intervals to catch and improve outcomes?
- j. What definition should Santa Cruz County use to measure its recidivism?
- k. What definition should all counties in California use to measure recidivism under realignment?
- l. If a recidivism rate is reached, what meaning does that number have to policymakers in the past, present, and future?
- m. How do you define the time parameters for measuring recidivism?
 - i. Is there a standard interval that recidivism is measured under—say, three years of probationary supervision?
 - ii. If so, is it meaningful for Santa Cruz County to adopt the standard interval?
 - iii. If a non-standard interval of time parameters is used, why is that interval more illustrative of “recidivism” in Santa Cruz County?
- n. What has historically driven the choices of definitions, study time parameters, and timing of recidivism studies? Is it a function of:
 - i. Budget timelines?
 - ii. Supervision timelines?
 - iii. Using what was already used?

- o. Can recidivism studies ever be dynamic enough to reconcile the resource priorities of the corrections, courts, and probation departments—to make one study meet the different needs, customs, and recordkeeping needs of each agency?
3. Are recidivism studies ever going to be timely and dynamic and responsive enough, given that the policy and lawmakers can “redefine” who comprises the prison population, making two years not directly comparable? Moreover, if you measure people’s behaviors over three years, but in three years the people who you are measuring are radically different from the past, under different sentencing guidelines:
 - a. When do you publish a study if the comparisons are constantly shifting, as with realignment’s redefinitions, reclassifications, and significant modifications to sentencing and probation in 2011, 2014, and 2016?
4. Can there be a representative recidivism model and dynamic database that all California counties can use?
5. Can this recidivism study provide a roadmap for what is and what is not possible to produce for policymakers, who are increasingly demanding more refined data sets and streamlined data for budgeting?
6. Is it realistic and practical for the state of California to continue to “realign” populations, data collection, and study of such a key demographic in California to counties in the guise of local control when billions of dollars did not solve the same problems on the state level?

Methodology, Part B: *What is in a Number? How can Recidivism be Defined?*

The Dynamic Data Needs and Policy Considerations in Post-Realignment California and in the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016),” completed as part of this paper.

General Overview

Recidivism is one of the most important terms used in criminal justice reform and management and has myriad definitions, even among researchers and experts in the field. As part of a statewide effort to develop best practices with regard to recidivism reduction, the California Attorney General launched a new division of the California Department of Justice, called the “Division of Recidivism Reduction and Reentry” (hereinafter “DR3”), in November 2013 (California Department of Justice, 2014). To the general public, recidivism may mean something simple—an indicator for whether someone previously in jail or prison went back for a new crime. Very simply, if a criminal keeps committing crimes, then the rehabilitative aspect of our criminal justice system is not working. If so, public safety is not adequately protected, and the public wishes to stop this. Similar to the non-evidence-based criminal justice public policies of the 1990s in California, which were intended to be “tough on crime,” recidivism reduction policies may suffer similar fates: applying a well-intentioned idea without a data-based analysis of what has worked and why. For example, sweeping mandatory sentencing laws, like California’s “Three Strikes and You’re Out” (Legislative Analyst’s Office, 1995), were considered “tough on crime.” The idea was to place more people behind bars for harsher, longer sentences that would serve as deterrents for future crimes and keep the streets safer for longer because criminals would be locked up for longer.

However, “tough” is not a term that can be measured and adjusted easily, when and if it is not working. When these “tough on crime” laws or ones like it exponentially increased the state prison population, there was no common metric to determine if society was “safer.” What California concretely produced then was one of the largest prison populations in the world. The Criminal Justice Realignment Act of 2011 was a seismic shift in criminal justice administration in California that partly tried to address mandatory sentencing laws like three strikes that led to California’s exploding prison population.

When the public or policymakers say they wish to pass this bill to reduce recidivism, there is an implicit assumption the public and policymakers make—that such a basic tenet of a criminal justice system has a common definition and can be measured.

The goal of the criminal justice system is to safeguard the public. Keeping people from committing crimes is ideal but not realistic. Short of a zero percent crime rate in a particular jurisdiction, counties and states will work to try to effectively punish offenders to protect public safety and to enact measures to continue to discourage previous offenders from rejoining the criminal justice system. This is where the term “recidivism” comes in. Some jurisdictions state that they wish to target recidivism, and federal and state grant programs are based on reducing recidivism, but there is a debate in the industry about what is the best metric for recidivism. While it might make sense to have different metrics used by federal, state, and local jurisdictions for measuring recidivism, given different resources, staffing, population size, and demographics, when the public or policymakers say we want to pass this bill to reduce “recidivism,” the implicit assumption made by the public or policymakers complicates the issue. When you look at a jurisdiction like Santa Cruz County, even though it is using some uniform definition of

terms from the BSCC and “evidence-based” programs to target recidivism, there is so much variation in “standard” that a recidivism rate to be generated and fairly compared with other jurisdictions is difficult.

Producing a “number” to associate with a particular population of offenders who recidivate or with the aggregate “recidivism rate” is tangible and possible unlike defining and implementing a “tough on crime” legislation. You can produce a number, but how do you make the number meaningful?

Defining the term “recidivism” is tangible and possible; it is not like defining and implementing “tough on crime” legislation. However, it is a shocking revelation that even within national law enforcement and criminal justice administrations, between states, and within states, there is no standard definition of recidivism. Policymakers have increasingly put all their eggs in one basket to improve public safety and reduce expanding prison populations by reducing recidivism but using varied metrics. For example, if the Santa Cruz County budget for the next year is being planned, and one needs to know the number of jail beds that are available from projections, it is natural to perhaps define recidivism based on whether an individual has occupied a county jail bed within the period being examined, for example one-, three- or five-year intervals post original criminal conviction.

The interval length to follow an offender is suggested at three years, but the length that a study waits to see if a new offense has occurred can skew its data positively or negatively.

Even this definition has subjective elements. Three years is the closest to a standard interval to measure recidivism, and usually mirrors the amount of time a person

spends on probation or supervision following conviction and incarceration—i.e. the system already has a reason to be following these individuals. However, while budgetary measurements of the occupation of a jail bed or a slot in county corrections programs may help to easily plan budgets, it does not give a jurisdiction the ability to go to a similar-sized county and measure what programs are working in other counties. Similarly, a return-to-custody definition of recidivism does not help identify why the individual has re-entered the system.

There are small and incremental steps that are dragging California into the 21st century that will use modern technology and standard definitions to use evidence-based programs in our criminal justice systems, including the metric of recidivism. California is the home of Silicon Valley and one of the most important generators of technological information. Yet just a few months prior to this publication, on September 21, 2016, Governor Brown signed AB 2524, requiring the California Department of Justice “to make available to the public information relating to criminal statistics through the department’s OpenJustice Web portal...” (OpenJustice, 2016), which was previously reported in an annually published report to the governor.

No uniformity, because “accepted” variations make “standard” meaningless.

Even if a uniform definition is applied, there are several variables within “uniformity” for county-by-county recidivism rates to be consistent. Unless a dynamic data analysis can be performed with the same variables in each county in real time, such a definition is not comparable and cannot help future policy and budgetary decisions.

A major piece of reform legislation—redefining felonies (2011 Realignment and Proposition 47 in 2014) radically shifted populations of offenders from state to county

jails and from incarceration to probation supervision. Any study that compared 2011 and 2014 would have to account for the fact that the population of offenders is defined radically differently. It would be equivalent to having all male offenders removed from one's recidivism study and not knowing about it when it is compared the following year. These redefinitions changed the basic makeup that counties were following.

Even if every county studied the same cohorts of offenders who are recidivist, year-to-year studies would fail to be comparatively useful to help future budgetary decisions because the legislature and voter initiatives can change the population being studied by redefining what a felony is. California had two major redefinitions of felonies in 2011 and 2014 that significantly changed the population of offenders serving their time in county facilities. Any recidivism studies have to account for how these redefinitions of primarily non-violent, non-serious, non-sex-related felonies considered lower-level offenders with different sentencing and different supervision, completely redefining “who” is re-offending.

The BSCC defines adult recidivism as “conviction of a new felony or misdemeanor committed within three years of release from custody or committed within three years of placement on supervision for a previous criminal conviction,” where “committed” refers to the date of offense, not the date of conviction (BSCC, 2014a). As the BSCC Guidelines for Recidivism Studies warns, in order to suggest some uniformity on recidivism measurement for statewide and local collection of data, it is key to define “who” the population of offenders is when assessing and reporting recidivism rates because recidivism describes the behavior of people, not the operation of a particular department (BSCC, 2014a). The question to be asked, then, is how many people have

committed a qualifying offense for the study period? Further, it reminds researchers and data collectors that a recidivism rate is not the rate for a particular jurisdiction but refers rather to a “cohort” of people. Even if every county applied this uniform definition offered in October 2014 by BSCC, there are so many variables that each county could use in applying the “uniform” definition that it would drastically affect recidivism measurement and rates.

The Who: In Recidivism Studies

Major Legislation Redefining the Who

Given that the last five years of Criminal Justice Reform Legislation in California has shown that even if every jurisdiction in California calculated the “who” in the same way in studies of recidivism, the “who” is so fungible that it has made studies of recidivism rates before 2014 non-illustrative.

Depending on who is preparing the data, the “cohort” of re-offenders is limited by the date range before and after significant legislation (2011 Criminal Justice Realignment Act), redefining felonies, and penalties by type of felony, by number of felonies and by program participation (BSCC & Lovell, 2015).

The re-offenders who compromise the adult population of incarcerated individuals can be redefined by constitutional amendments, legislative changes, or court-mandated reductions. It can be impossible, even year-to-year, to use aggregate numbers defining the same class of felons without accounting for reclassification of crimes. The 2011 Criminal Justice Realignment Act provided a shift of prison populations from the state prison system to local jurisdictions by redefining what constituted felonies and where non-violent, non-serious, non-sex-related sex offenders could serve their sentences

(Criminal Justice Realignment Resource Center, 2011b). Due to the massive difference in the makeup of the adult population post-realignment in Santa Cruz County and all other county systems, it has become “standard” for research to draw this line for analyzing incarceration statistics, including recidivism, in a post-realignment California. However, every year poses a possibility that the legislature will redefine where, who, and what constitutes an offense, which will redefine who is part of the aggregate adult population in Santa Cruz County, and therefore, affect year-to-year recidivism tracking as the understanding of who an “offender” is, committing the offense or re-offense, can change significantly. For example, on November 4, 2014, the California Voters passed Proposition 47, also known as “The Safe Neighborhoods and Schools Act,” (California Voter Information Guide, 2014, pp. 34–37), which, among many other provisions, permitted the re-sentencing of offenses redefined by the proposition as a misdemeanor instead of a felony (CDCR, 2016a). According to the California Department of Corrections and Rehabilitation Spring Population Projections, May 2016, this change in the definition to the adult institution population statewide made comparing prison population data from its own previous year and projections difficult (CDCR, 2016a). State agencies that have collected this data for years have difficulty making year-to-year comparisons of its populations, and projecting what future populations will be comprised of, due to these fundamental shifts in what constitutes a felony.

While the former state prisoners have been dispersed to 58 counties, it seems clear that the data collection, collation, and analysis can still benefit from the resources of a state data collection agency tasked with uniformity, dynamic data analysis, and universal access. The Criminal Justice Realignment of 2011 and the 2014 passage of Proposition 47

shifted a significant population of inmates for qualifying felonies from state facilities to county facilities. In addition to the previous populations of pre-realignment offenders in county facilities, the 2011 and 2014 reforms cemented a larger and increasing population of non-violent, non-serious, non-sex-related felonies to county facilities and reclassified felonies that were previously served in state prison to misdemeanors, which are usually served in county facilities. These two new and increasing inmate populations for custodial and non-custodial supervision at the county level decentralize data collection on recidivism just when recidivism reduction programs relying on evidence-based, data-driven programs are more critical to ensure their effectiveness. The California Department of Corrections and Rehabilitation used to produce reports on recidivism and imposed a statewide data set for all of its facilities in its annual reports to the Governor and special reports on post-realignment for three years.

In August 2016 the CDCR Office of Research published a 73-page comprehensive report titled “CDCR 2015 Outcome Evaluation Report: An Examination of Offenders in Fiscal Year 2010–2011” (CDCR, 2011a), which examined 95,690 offenders who were released from CDCR adult institutions between July 1, 2010 and June 30, 2011 (fiscal year 2010–2011) and tracked them for three years post release to determine the “return to prison” rate to state prison facilities—the recidivism rate (CDCR, 2015). The study population cohort was chosen to examine the effect of “realignment” legislation and Proposition 47 changes on return to prison rates, or state recidivism rates. Prior to realignment, the CDCR measured overall return to state prison rates for offenders released in Fiscal Year 2002–03 through 2010–11 through its comprehensive data collection, reaching a high of 67.5% recidivism in Fiscal Year 2005–

06, and an average state recidivism rate across all categories (three-year return to prison rate) between FY 2002–03 to 2009–10 of 63.78%, (CDCR, 2015). Of the 96,690 offenders released from state prison facilities, post-realignment showed a significant decrease in three-year return to prison rate of 44.6%, (CDCR, 2015) though for the three-year study period, not all post-realignment reforms were fully implemented.

Steady “Who” Or Population Cohort For 12 Fiscal Quarters Needs To Be Studied

Only a data analysis of 12 fiscal quarters within the current framework post-realignment, post Proposition 47 (statistic) will reveal the full extent, if any, that major reform legislation has on state recidivism rates or any county. Further, it bears noting when examining data on state facilities at the county level, or a county-to-county comparison level, that a consistency in comparison depends on not only the year-to-year definitions of recidivism, but also that no new legislative changes alter the framework again on the “re-offenders” of recidivating. In the real world, counties have to budget next year’s programs to protect the public without control over the data or the ability to make one-to-one comparisons every year. Moreover, counties face this task without the requisite resources, yet their benchmarks for county budget analysis and their funding from the state for certain post-realignment prisoners require adherence to evidence-based programs driven by data. While the prisoners have been dispersed to 58 counties, it seems clear that the data collection, collation, and analysis can still benefit from the resources of a state data collection agency, tasked with uniformity, dynamic data analysis and universal access to data.

When studying or analyzing recidivism data at any level, it is important to recognize the potential bias to “sell” the data, to get as low a “recidivism rate” as possible, depending on the stakeholders.

The headlining data about recidivism, even if calculated using uniform definitions like that of the BSCC, accounting for legislative changes that change population cohorts like realignment, and controlling for differences in study criteria (BSCC, 2014b), (i.e. selecting to examine only adult men in in-patient alcohol recovery programs by making available and comparing like populations over one to three years) will be presented to highlight success and minimize the complexity of what “recidivism” is for actual staff on the ground. It is instead about managing people, trying to alter future criminal behavior, and, ultimately, protecting the public. There is a temptation to get as low a “recidivism rate” as possible because stakeholders have an interest in budgetary or policy-related needs. For example, in this statewide study of the 44.6% of state prisoners who returned to state prison within three years post release, the percentage of three-year return to prison rates for “re-releases” in the three-year followup period is 60.9% versus just 34% for first-time releases from state facilities in the same three-year period. The aggregate recidivism rate for all released state prisoners is 44.6%; compared to the pre-alignment rates in the 60-plus percentiles, this appears to be a great improvement. However, the majority of individuals who were not on their first release from prison post-realignment but were re-released returned to prison at marginally smaller rates than the overall recidivism rate pre-realignment, at 60.9%, though the overall recidivism rate is presented in the headlines, albeit true, as having been reduced by over 15% in the aggregate at 44% (CDCR, 2011a).

Research demonstrates what appears to be a hard number improvement in 44.6% three years post supervision compared to 54.3% the year before, and 61% the year before that., much of that decline on the state level is now seen in county facilities or supervision because parole violators for non-serious, non-violent, non-sex-related felonies, like property and drug crime offenders, now serve in county facilities and impact the rates in which these offenders recidivate in each county. Thus, not only have the aggregate numbers of offenders serving in county facilities gone up since the 2011 realignment, it is possible the rates of re-offense have also increased comparably to the declines in recidivism on the state level. This raises two issues: the state and counties should be able to easily compare populations, especially when criminal justice reforms can shift populations, and which is impossible now. On the state level, this report is an imperative to present the reducing recidivism rate as synonymous with safer communities. This variation in uniformly defined return to prison rates, or centralized data collection, is still subjective in its presentation.

Summary

If “recidivism reduction” and its corollary “evidence-based” reduction measures are going to remain the modern lynchpin of criminal justice reforms, then the stakeholders in the criminal justice system need not only serve their specific programmatic and budgetary concerns year-to-year, but also track all commonly relevant data points quarterly in a dynamic data system that is universal and keeps pace with technology. We are supremely interconnected in the wider society, but our criminal justice system still operates in little islands. A county sheriff should be able to sit down in any county and pull up the same statistics, and even more meaningfully, the same interface. The OpenJustice Web portal is a step in the right direction at the state level for the easy availability of some county crime statistics, but it does not replace or mandate uniform county reporting to the state before it reaches this portal or define what data points should be reported or allow for the easy addition of more. Moreover, given the greater responsibilities for more inmate populations, counties should be able to rely on, compare, and learn from the 57 other counties facing similar challenges. At its heart, recidivism is about managing people’s behaviors, and counties, with all of their other burdens, should not have to reinvent the wheel to manage their people simply because they are housed across an arbitrary map line.

Finally, in addition to all of the other problems with studying recidivism and reporting it consistently, and the new responsibilities placed on counties who already take 58 different approaches to collecting data on and targeting recidivism, there is not just a lack of a common definition, but even within high-achieving counties like Santa Cruz County, a legacy exists where three different departments managing prisoners throughout

the process use different computer systems that do not communicate with each other. If there is this legacy incompatibility within old, proprietary computer systems within Santa Cruz County, there is likely a similar problem in many of the other counties in California, further exacerbating the data collection issues.

There are common elements (problems and considerations) to the definition of recidivism and the study of recidivism, not unique to California or Santa Cruz County.

“Assembly Bill 1050 amended Section 6027 of the Penal Code to require the Board of State and Community Corrections (BSCC) to “Develop Definitions of key terms, including but not limited to, ‘recidivism,’ ‘average daily population,’ ‘treatment program completion rates,’ and any other term deemed relevant in order to facilitate consistency in local data collection, evaluation, and implementation of evidence-based practices, promising evidence based practices, and evidence-based programs,” (BSCC, 2016a, pp. 1-355).

As part of the BSCC annual report to the legislature of CCP plans by county published in July 2016, for the first time the BSCC conducted an optional survey of all of the counties regarding various issues related to the implementation of realignment, innovative approaches to offender treatment, diversion, alternatives to incarceration, and the way each county allocated realignment funds between agencies and to evidence-based versus non-evidence based programming for recidivism reduction. This is a dense, difficult-to-navigate and lengthy document, available annually in PDF form, which represents the only collective repository of how counties are managing the implementation of realignment. Yet, it is the best tool that exists to compare the problems and best practices that exist between and within counties. The interesting and potentially

significant effort by San Diego County to manage its data collection and share more dynamically through a managed database between its agencies and with a contract partner was discovered merely because Santa Cruz County CCP was near San Diego County alphabetically. While the document is searchable, every county may name its best practices with different terminology, which may not exactly match the search term, therefore not yield a usable result.

The results of the optional portion of the BSCC survey also showed the immense variation in implementation among counties in California and use of best practices: 1) only 40 of 58 counties evaluate the effectiveness of programs and/or services, 2) only 42 of 58 counties consider evaluation results when funding programs and/or services, and 3) only 50 of 58 counties allocate a percentage of realignment funds to evidence-based programming, and there is variation in the level of evidence-based programming available county to county.

Since the BSCC finalized statutory adoption of most of the standard definitions of key terms for recidivism reduction studies in late 2015, this July 2016 BSCC annual report to the legislature of CCP plans survey outlined the level of adoption of key terms to help the state and counties measure their progress in recidivism reduction.

The results are as follows:

- 34 counties use the BSCC definition of average daily population
- 27 counties use the BSCC definition of conviction
- 24 counties use the BSCC definition of length of stay
- 29 counties use the BSCC definition of treatment program completion rate
- 32 counties use the BSCC definition of recidivism

In previous annual reports, Santa Cruz County has used the BSCC definitions for recidivism, average daily population, conviction, and length of stay.

There are common elements to the definition of recidivism that helped shape the two definitions of recidivism, recidivism by three-year new conviction (based on the BSCC definition of recidivism) and recidivism by three-year new booking or rebooking, used in this “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” completed in satisfaction of this study.

For a detailed look at how these two recidivism definitions were developed, please refer to the following titled Appendix 1, excerpted on the following page.

Appendix 1—DEFINITIONS OF RECIDIVISM METHODOLOGY—“Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)”

BSCC Adult Definition of Recidivism by Conviction—Recidivism is defined as conviction of a new felony or misdemeanor committed (where committed refers to the date of offense, not the date of conviction) within three years of release from custody or committed within three years of placement on supervision for a previous criminal conviction.

Supplemental Measures—This **BSCC Adult Definition of Recidivism** does not preclude other measures of offender outcomes. Such measures may include new arrest, return-to-custody, criminal filing, violation of supervision, and level of offense (felony or misdemeanor).

BSCC Definition of Conviction: Conviction is defined as an entry of judgment of guilty on a plea of guilty or no contest, or entry of judgment of guilty on a verdict of guilty.

Recidivism Rates should be expressed in three-year standard measurement interval periods. However, BSCC Adult Definition of Recidivism adopts a three-year standard measurement period; rates *may also be measured over other time intervals* such as one, two, or five years.

Recidivism based on Treatment Completion Rates (BSCC Definition): Treatment program completion rate is the percentage of people entering a program that go on to complete it.

While this measure provides useful information for the purposes of program evaluation, by itself it does not provide a direct measure of program effectiveness. Measurement: Treatment programs are multifaceted in their design, services, and population served. To avoid unintentionally excluding programs with a narrow definition, respondents are asked to define enrollment and completion prior to calculating the treatment program completion rate.

The definition of **RECIDIVISM BY NEW CONVICTION** for the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016),” is a slight but acceptable variation on the BSCC standard definition to account for data limitations. Recidivism is defined as **conviction** of a new felony or misdemeanor **committed** (where committed refers to **the date of second or new conviction**) within **three years of the first “release” date** from custody or committed **within three years of placement on supervision** for a previous criminal conviction

The selection of a second more inclusive definition of recidivism, recidivism by rebooking, was needed for the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” to capture new criminal activity that requires intervention and redirection of county criminal justice policy and accounts for the use of county criminal justice resources but was not previously captured by the more stringent three-year recidivism by conviction definition.

A secondary, more inclusive metric of **RECIDIVISM BY REBOOKING** for the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” became a variation on the BSCC definition on new conviction with the following modifications: Recidivism is defined as “**a new booking” or “rebooking”** (as a **new arrest** for, a **return to custody** for any reason, **a new jail admission**) for **new criminal activity** within **three years of the first “release” date** from custody or **occurring within three years of placement on supervision** for a previous criminal conviction. Whenever possible, a new booking should be categorized by type of crime (felony or misdemeanor), offense type (e.g. property, drug etc.), **type of violation (technical or non-technical)**, length of stay, and result of the booking (conviction, release, length of stay, violation in lieu of charge for new offense).

How to make the BSCC definition of recidivism by conviction meaningful with all of its acceptable variations

According to a statewide survey published by the state of California Board of State and Community Corrections, “2011 Public Safety Realignment Act: Fourth Annual Report on the Implementation of Community Corrections Partnership Plans,” July 2016, Santa Cruz County uses the BSCC definitions for “recidivism” (BSCC, 2016a, pp.1-355) as do 31 other counties, “average daily population” (like 33 other counties), “conviction” (like 27 other counties), “length of stay” (like 24 other counties) when collecting its data. This disparity in implementation of common terms means that even if all the technological and budgetary constraints on unlimited staffing to populate county-to-county data on recidivism, Santa Cruz County, at best, would be able to compare like figures for similar programs with 24 counties on most key terms in measuring and studying recidivism, and not necessarily 24 counties with similar demographics and programmatic needs.

There is an obvious public policy problem, study integrity, or budget decision to make if Santa Cruz County boasts a recidivism reduction rate of X and County A boasts another rate, but County A has not adopted the uniform definition. Critical data analysis becomes even more problematic to complete county-to-county while comparing evidence-based programs if the uniform terms that make up the definition of recidivism have not been adopted.

The BSCC survey stated only 33 counties adopted the uniform definition of “conviction,” which is defined as “Entry of judgment of guilty on a plea of guilt or no contest; or entry of judgment of guilty on a verdict of guilty”(BSCC, 2016a, pp.1-355).

The uniform definition of conviction assumes the ability to have easy data following through from “new arrest,” or “new custodial stay on a parole violation that would have led to a new conviction if tried.” Ideally, uniform definitions do not preclude the collection of other offender designations useful to a particular county or department, like “criminal filing” or “violation of supervision,” but without this baseline, it is not meaningful to compare rates or programs outside the county. The scale of community corrections’ budgets and volume of prison populations post-realignment necessitates that counties can no longer be individual silos of data, that even like stakeholders in other counties cannot access or decipher without thorough study: it is the numbers we need to study. How do we reduce the number of people committing crimes again? We do not need to study how to study, read and decipher what it is exactly that number means in Santa Cruz County versus Los Angeles County. There is a large enough conformity problem state-to-state with the same issue to glean best practices for other states and the federal system.

Methodology, Part C: *Appendix 1—Review of Definitions of Recidivism across Major Referenced Studies, Consideration of and Refinement of Key Terms, Method of Selection and Application of Recidivism Definitions for “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)”*: 1) three-year recidivism by new conviction, 2) three-year recidivism by rebooking or new booking, 3) percentage of recidivists in the Santa Cruz County AB 109 population for the entire study period (October 1, 2011–November 1, 2016), by status, by demographics and by dosage threshold participation in the substance use disorder programming, by risk type.

Appendix 1 demonstrates the push and the pull of all the definitions of recidivism and answers the question for “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)”: should the practical considerations of whether recidivism’s definitions, which use wider metrics of new criminal activity that better focus on how many resources are being utilized in a county’s recidivism study (re-bookings, re-incarceration, return-to-custody, re-arrest), be considered more appropriate or meaningful than definitions that focus on a clear, resolved, undisputed new criminal act, or a new conviction that is uniformly agreed to threaten public safety? How do you best capture that undisputed new criminal act and still intervene at the appropriate time? Alternatively, how much earlier can you intervene when you capture all new criminal activity earlier in the criminal justice process, which also measures the use of county resources better but is a less precise metric to guide when an intervention is necessary to further public safety because the net has been cast too wide, thereby potentially wasting further resources with ill-timed interventions?

Since recidivism studies double as a public safety metric to determine how much crime is being committed by convicted criminals, and a budgetary planning tool to determine how much money should be targeted, it is hard not to argue for a definition that splits the difference and allows a jurisdiction to do both, like the two primary metrics adopted in this “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016),” which employed the three-year post-release recidivism by new conviction and three-year post-release recidivism by new booking.

The three year post-release recidivism by new conviction is the conservative end of the spectrum, where you know you want to prevent a convicted criminal from having a

new conviction for a new crime but that certainty comes at a price, the time to be certain, the resources to come to a final adjudication, and possibly the lost opportunity to intervene earlier with an offender to prevent even more criminal behavior while the first “new crime” is passing through all phases of our criminal justice process.

The three-year post release by rebooking is the other end of that spectrum. It captures all criminal activity that may be prohibited, like missing a scheduled probation meeting, which may result anywhere from a new booking for a violation or a new arrest and booking that never leads to a conviction because the person is adjudicated innocent all the way to conduct that is as undisputed as a new conviction, like a return-to-custody for a non-technical violation or a new booking that eventually leads to a new conviction. “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” uses the following two metrics as defined in Appendix 1.

Methodology, Part D: *Data Collection, Data Sources, Data Refinement, and Verification, Populating Recidivism Data Fields*

Data Collection

Primary Data Source: Non-public and proprietary databases across multiple software interfaces

The data for this study was collected using non-public and proprietary databases and software interfaces used by the Santa Cruz County Sheriff’s Department (Jail Management System (JMS), Santa Cruz County Superior Court (Tyler’s Odyssey), and the Santa Cruz County Probation Department (CaseExplorer) over a four-month period of time in late summer 2016 and fall 2016. As an active lieutenant in the Santa Cruz County Sheriff’s Department and an administrator at one of the three correctional jail facilities, I

had authorized access to all non-public data about the Santa Cruz County offender population without redaction when the data collection occurred. I also had nearly 21 years' experience and training using the data systems and examining the information related to an offender's intake in Santa Cruz County Corrections (booking), criminal history, and probationary records as a function of the various positions I held in the Santa Cruz County Sheriff's Office. However, my primary expertise resided with the software packages and databases that the Santa Cruz County Sheriff's Office utilizes in the regular course of duties, mainly JMS. The Santa Cruz County Probation Department is required to manage some information related to realignment for county and state officials in order to meet reporting requirements and to qualify for certain implementation funding. The probationary records resided in the Probation Department's proprietary database and software interface, Case Explorer. At my direction, but with a tireless commitment to assist, a staff member in the Santa Cruz County Probation Department, who had participated in the previous efforts of the county to meet previous realignment reporting requirements, helped collect the data that populated a newly created Excel database created for the "Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)" and for possible future county use.

The data collected for this study was assembled and examined in an un-redacted form, including personally identifying information because both my colleague and I had authorized access, and personally identifying information helped verify the offenders as authentic in the data sets through nearly 25 versions. The study results have removed all personally identifying information and grouped offenders by qualification as an AB 109

offender (1170 type or PRCS), and then by date and by basic demographic information as well as offense type, when available.

Identifying and creating a sortable list of unduplicated AB 109 offenders in Santa Cruz County from a potential pool of 3000 entries from 2011–2016.

Collecting and collating the data was not a matter of asking the Corrections Department and the Probation Department for a list of AB 109 offenders with a date of release and how many had a new conviction, a violation, or new bookings within one, three, five years. This is what an ideal countywide dynamic recidivism database might produce quickly without extensive review.

The data collection process began at the end of the criminal justice process by using probation records to track all potential AB 109 offenders who were supervised through the Probation Department for an 1170 offense or sentence, or under PRCS supervision in Santa Cruz County from CDCR. In theory, working back towards Corrections would help validate an offender's journey back to the Corrections Department when they were initially booked, the first entry point for everybody after the first day of implementation of realignment.

The initial selection of potential AB 109 offenders in Santa Cruz County for the study cohort was over three thousand individual entries pulled using internal non-public sources and public annual reports, or the data behind annual reports, which were compiled for various reasons over the first five years of realignment implementation. In addition, though not in one data field in the JMS or in the offender's criminal history, the Sheriff's Department had tracked an ongoing list or set of lists of AB 109 offenders of all types since 2011 who have been incarcerated at a county facility by manually entering

into a barebones spreadsheet that is periodically forwarded to the Probation Department, the S-Number and name of the offender. Many of these ongoing jail lists of AB 109 offenders were in Excel spreadsheets of varying accuracy already but had not been categorized or listed in any way to study recidivism. Additionally, the Probation Department had a baseline list of potential AB 109 offenders because after October 1, 2011, CDCR felons were transferred to county probation for PRCS supervision, which is a category of supervision only operational for AB 109 offenders.

The first 3000+ entries produced an Excel spreadsheet list with a possible AB 109 status type (1170 or PRCS), a first and a last name, a DOB, and potentially a P-Number and S-Number. This initial list of 3000 entries was riddled with empty fields even at this preliminary point. For example, though the list was being drawn from probation, sometimes a P-Number was missing, and although everyone received an S-Number when they first interacted with Santa Cruz County criminal justice agencies even to just get to probation, there was a missing S-Number.

Authenticating and verifying the offender as an AB 109 offender with correct identifying information, starting with first and last name, eliminating or verifying duplicate name entries

The first of over 20 passes at refining and authenticating the individual entries was to sort the Excel spreadsheet by last name and DOB. This was done because at the 3000+ level stage, the S- and P-numbers were too sporadically filled to determine why they were missing or how to fill them in. This first sorting pass of “names” revealed that there were multiple entries for the same name. This is where the labor-intensive process and individual-by-individual review of records stored in multiple software systems began

to authenticate each individual. If an individual had a unique name, DOB, S-Number and P-Number, that individual was kept in the cohort. Before missing fields could be researched, the 3000 entries had to be sorted to a more manageable level. When probation and corrections lists were married, the first filtering occurred and reduced the list of 3000 entries to about 1500 names, S-Numbers, P-Numbers or all three.

Then, all the repetitive names were examined to determine if there could have been 10 AB 109 individuals named John Doe. If the 10 John Doe entries were for non-connected entries, i.e. different people, or if the 10 John Doe entries were for the same John Doe but were not linked, it was because key information was missing. Each duplicate name was entered into the Probation Department's case management proprietary software used to manage its probationers, similar to JMS for the Sheriff's Department. When either the JMS or CaseExplorer Case management system was accessed a duplicate name, fields like an individual offender's P- or S-Number were crosschecked or filled in, if possible. The DOB was checked for all John Does as well. If the DOB was the same for all John Does, it was likely the same person, but then aliases in both probation and corrections systems in the Criminal History or case management profile were individually searched. Sometimes, even a photograph was checked to see if John Doe in each of the entries was the same person. Not all steps were necessary for every repeat name, but individual entry into JMS or CaseExplorer was required by manually entering the S-Number, P-Number or name to pull down the list. This duplicate names process, and verifying if it was a different individual with the same name, an unaccounted for alias, or unpaired records for the same individual culled the master list down to just over a thousand entries with many missing fields of P- and S-Numbers.

Once those numbers were validly associated with a person and then authenticated as a person who received service in Santa Cruz County, the multiple fields of study could be populated, which would involve an individual record-by-record review of two software systems again.

Redundancy procedures to verify offender data as representing unduplicated individuals

At just over 1000 records, the master list was sorted and filtered again by all the P- and S-Numbers entered in the duplicate names authentication process. If there were still two S-Numbers or P-Numbers associated with an authenticated name of a person we had validated above, we went back into Case Explorer and JMS manually to see why. The reasons for these duplicates are both human error and occasional misrepresentation of the offender's name by themselves at the time of booking. Additionally, this stage filled in any missing P- or S-Numbers for the entries that were listed. This filling of a missing P- or S-Number also authenticated the number that was present because both CaseExplorer and JMS were consulted to make sure that the name, and P- and S-Number referred to the same person. Again, this involved manually entering S- and P-Numbers and names into two software systems for about 1200 entries.

This stage of validating S- and P-Numbers with already authenticated names is a seemingly straightforward process which took 8- to 10-hour days for about a month to narrow the data set to a working 1000 entries on an Excel spreadsheet because there was no automated way to generate and authenticate a running excel list from 2011 to 2016 with all individuals being serviced by Santa Cruz County Corrections, Courts, and Probation.

At this stage, the working database of AB 109 offenders is still over a thousand entries and closer to reaching a group of unduplicated individuals, but not yet populated with any of the fields necessary to conduct a recidivism study, except qualification as an AB 109 offender. This is for a practical reason. While the authentication process of an AB 109 offender was labor-intensive, required working knowledge of and interpretation of criminal history and case management profiles in multiple software, the delineation of and collection of “recidivism” fields, like date of second conviction and release date, did not exist in any database and had to be projected or inferred from the information fields that did exist.

At this point there were still over a thousand entries, though it was getting closer to a final authentication of each person as being in county facilities due to AB 109 reforms. Other fields were populated at this point, including status type AB 109 (1170 or PRCS), date of birth (note age had to be calculated from this DOB, as opposed to software tracking offenders by age groupings, since they tend to offend at different, lower rates as they get older), race, gender, and zip codes of the offender.

To authenticate the list of offenders again to make sure that they were really being managed by Santa Cruz County Corrections, Courts, and Probation, there were a set of people who were still not authenticated by all four fields (S-Number, P-Number, name, and DOB). There was no automated way to verify all four data points for these AB 109 offenders. It was another manual, painstaking process where either the JMS system or the CaseExplorer system was accessed. The entry into one of these systems usually was achieved by using the most reliable identifier to gain access. So, if the review of an individual record was taking place in JMS, and there was an S-Number, then the S-

number was the starting point, since all people, including those whose initial sentences was to serve mandatory probationary supervision, should receive an S-Number because they would have been booked originally through corrections. An S-Number was a safe starting point. In the Probation Department's software, CaseExplorer, you cannot search by S-Number; you have to search by P-Number or by name. Thus, there was still a lot of moving back and forth between systems and the criminal history multiple profile pages to validate each name by the four main identifying fields of information before recidivism data was gathered.

There were people at this stage where you wondered what happened to them because experience showed that an offender from A-Z in the criminal justice process would typically have had more information available, and it just did not exist. Of particular importance in this data refinement and authentication of an individual offender was determining where an offender went if they had an S-Number but no P-Number. So the name of the offender was entered into CaseExplorer to get the P-Number associated with the S-Number. If there was no P-Number, there was a process to refine and authenticate the individual by analyzing why that was the case. The first method was to look at CaseExplorer and scroll down to an individual record to see why an offender was not in the system. This field is not a formal uniform field. Rather, it is the equivalent of a comments field where the probation staff fills out that the person has been transferred to CDCR or died. This reconciliation process refined the data almost to the final working list.

Data (Exclusion)—Death, Abscond, Transfers

There were approximately 72 individuals who absconded, fled the jurisdiction, before the case was resolved or were formally transferred to different jurisdictions during the data collection and study period. These individuals appeared in versions of the database from the 3000 original data pulled of potential AB 109 offenders to the final 870 unduplicated individuals in the final study. As the data set became more and more refined, these individuals were still left with, for example, a booking date but not much else in any criminal history fields, or they had all but disappeared from all of the county criminal justice agency databases. Sometimes, a formal transfer or someone who fled the jurisdiction was noted for the 72 AB 109 offenders, but some were eliminated because no one was tracking the individual anymore, which meant that they were out of the system.

The data sets had to be combined for redundancies approximately 25 times, and those redundancies had to be resolved by simultaneously verifying the identity of an individual while eliminating duplicates of individuals as duplicates.

The original data pull was 3000 entries, pulled from multiple data systems with different unique tracking information like the S-Number (corrections), P-Number (Probation), and F-number (case file number) or from providers of recidivism reduction programming with barebones identifiers, or with missing fields that could only be collected manually once a unique identifier (like the S-number) could be entered into a system for an in-depth look at the criminal history to resolve missing fields or redundancies. This process took months just to answer the first question in this recidivism study: Who and how many individuals were realigned to Santa Cruz County under AB 109? This redundancy process yielded 870 unduplicated individuals.

Populating Recidivism Data Fields

While the authentication process of an AB 109 offender was labor-intensive and required working knowledge of and interpretation of criminal history and case management profiles in multiple software packages, the delineation of and collection of “recidivism” fields like “date of second conviction” and “release date” did not exist in any database and had to be projected or inferred from the information fields that did exist, often requiring paging through several screens of a criminal history just to collect whether a case had been adjudicated or the supervision period closed. All of the collections of the “recidivism” criteria fields were less automated than just obtaining a verified set of AB 109 offenders, which would seem to be an easy question.

Of the 870 AB 109 offenders in the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” completed in this study, 388 of the offenders were classified as PRCS and 484 were classified as 1170. The study data encompasses from the effective date of AB 109, October 1, 2011 to November 1, 2016, when data collection ended. However, during an over-four-month data collection and revision process, a massive redundancy process was undertaken to authenticate the 870 offenders represented in the analysis of Santa Cruz County to ensure that 870 represented unduplicated individuals who were AB 109 adult offenders. The redundancy process is described below in detail and took approximately 25 versions of the Excel database—sorting, filtering, merging lists and data points, and drawing information primarily from the Corrections, Jail Management System, and the Probation Department Case Management System. Only as a last resort tool, when necessary to populate necessary missing fields, was the courts software system used. This was also done due to

implementation issues with a new proprietary software system purchased in 2015, with which the court employees are still trying gain proficiency and the courts primarily track cases not people, like probation and corrections, and while cases are linked to people, it is not easily sorted.

Data Limitations Inclusions and Exclusions

Date of Second Conviction and Type of Offense

Extracting the date of the second conviction was not straightforward because the Santa Cruz County court databases were not used unless absolutely necessary for three reasons. First, the courts in Santa Cruz County have the S-Number in their unique software system, but the primary identifier in the court system is a Case File Number, listed as an “F-Number.” The courts primarily track cases, not people, but the “S-Number” is listed within the court’s case file, so theoretically you could track an offender before reaching probation, but information is not as easily sorted by S-Number in the court’s software as it is in corrections. Second, the selected individual would have more than one case file number associated with him or her. Third, the Santa Cruz County courts adopted a new software system that even the court’s regular staff still had major issues implementing. However, the authenticated list of offenders was used in the court software system to pull the first conviction by type for the listed offenders.

Adult Offenders

All of the data included in this study of recidivism in Santa Cruz County refers to all adult persons over the age of 18 who meet the study criteria. There were 870 adult offenders in this “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” completed in satisfaction of this paper.

Complete Enumeration of All AB 109 Offenders in Santa Cruz, with No Sampling Error

The “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” was a complete enumeration of all realignment offenders in Santa Cruz County from October 1, 2011 (effective date of implementation of AB 109) to November 1, 2016, and as such the results were not subject to a sampling error. The redundancy procedures described in the data collection process made every best effort to reach a set of unduplicated individuals, and the included individuals represent that best effort.

The fact that the study cohort is a complete enumeration study from October 1, 2011 to November 1, 2016, and that the “who” in the study could not have existed in Santa Cruz County before October 1, 2011 because AB 109 became effective on October 1, 2011, it became the natural limiting factor to start the study’s data collection. November 1, 2016 was the last date prior to publication where data was being refined, as well as a five-year post implementation demarcation line, so it marked the end of the study data collection.

All Santa Cruz County AB 109 Offenders by status type (1170) and (PRCS)

All of the included 870 adult offenders were sentenced and incarcerated, and/or supervised by Santa Cruz County Agencies under 2011 Criminal Justice Realignment legislation of AB 109 and AB 117 to CA Penal Code 1170(h) and are referred to by two status types within the AB 109 designation, 1170 offenders or PRCS offenders. 1170 offenders were either locally 1) sentenced under CA Penal Code 1170 (h) for a straight sentence, meaning a sentence of incarceration only for Penal Code 1170 felony offenses, and/or 2) supervised by county probation locally following sentencing in a split sentence,

also referred to as 1170 offenders with a period of local mandatory supervision (MS). The second status type of AB 109 offender are those individuals because of AB 109 who would be and are transferred from state CDCR facilities to Santa Cruz County upon release and supervised by county probation in a newly created probationary supervision category of PRCS, referred to as PRCS offenders instead of state parole.

These two status types, 1170 and PRCS, as well as the AB 109 or realignment designation, are maintained for the full length of the study despite significant additional legislative and state ballot initiative changes that alter who qualifies for each status type and adds to or dramatically changes what is an AB 109 offender.

AB 109 legislation was the initial legislation accounting for the significant realignment of felony offenders to counties throughout California, including Santa Cruz County. There have been almost annual companion or extensions of realignment reform legislation and state ballot propositions that reconstituted AB 109 offenders by reclassifying felonies and misdemeanors, provided for standard definitions for recidivism studies for AB 109 offenders, provided grant-based funding for the construction of new jail facilities with certain programmatic requirements for recidivism reduction to respond to the influx of realignment offenders, or otherwise provided structures to help counties respond to the AB 109 population. All of these reforms and the resulting redefined offenders are still commonly referred to by policymakers, the state of California and Santa Cruz County as AB 109 offenders.

Calendar year-to-calendar year comparisons were not made or the one-year interval post release was not selected except in one graphic because of the lack of consistency in “who” constituted the AB 109 population.

The “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” counts all of the AB 109 offenders into two status types, 1170 and PRCS, but it is important to note that though correctly classified, the “who” that is included as a realignment offender from 2011 is not the same as 2015, which made year-to-year recidivism representations and calendar year-to-calendar year direct comparisons, i.e. how many AB 109 population recidivated in shorter post-release intervals, not meaningful for this study except for categorizations which could overcome the differences, like designation as a “high-risk” offender or participation in SUD programming. One-year intervals measurement of recidivism was a desired metric because studies show that the earlier one can intervene in an offender’s life, the more likely the jurisdiction is to prevent a new criminal activity. The changing legal landscape is one main area that demands dynamic real-time tracking of recidivist behavior because shorter intervals could then be examined and it would not matter as much whether there was a change every three years, as an examination and possible redirection of policy could have already taken place.

Process of associating three main categories of recidivist behavior with the record of “new criminal or recidivist behavior” with the 870 AB 109 offenders in the study database by the dates the new criminal event occurred.

To get to the date parameters of when the new conduct occurred, the database had to be narrowed first to see *if there was a record of “new criminal behavior” that could be measured*. Three main study categories of recidivist behavior (new criminal behavior following the initial release from secure confinement or probationary supervision) had to be collected for each of the 870 unduplicated individuals once the list was verified.

1) Record of “Second” Conviction or New Conviction

The initial pull from court databases and Excel spreadsheets included a list of names, basic biographical data, offense descriptions and offenses by Penal Code section and date of conviction. When the start date parameter from which to measure if new recidivist behavior occurred was established at a release date from secure confinement or placement on probationary supervision and recorded in the database, only then could the “new” conviction dates be stored in a column marked “Date of Second Conviction.”

The term second conviction does not necessarily mean that an individual only has two convictions: it is shorthand for an additional conviction after the start date of the observation period for the recidivist behavior has been finalized. If offenders received more than one conviction following the release date, that information would be important for Santa Cruz County to understand the seriousness of the repeat criminal behavior. For this study, it was important only to note whether a new conviction occurred in the study interval of three years, post release. The second conviction date and Superior Court case numbers, offense by Penal Code section, and offense description was pulled for both status types of AB 109 offenders and was one of the few times the court databases were accessed to populate key fields.

2) Record of Non-Technical Probation Violations—returned to custody for a “new offense” that would have likely resulted in a “second” conviction or new criminal behavior

In lieu of a second conviction, an offender may be returned to custody for a “new offense” that would have likely resulted in a “second” conviction or new criminal behavior that a study of recidivism is attempting to measure and ultimately prevent but is

done so through the probation violation process instead of an adjudication of a new case through the courts. These returns to custody for new offenses are termed non-technical probation violations.

There is no way to determine, without a case-by-case examination of chronological records, what type of violation occurred and for what type of criminal behavior. The BSCC guidelines highlight how important and useful such records are but reflect how practically difficult it would be to keep up this level of record keeping in larger jurisdictions. For this Santa Cruz County recidivism study, a case-by-case evaluation and interpretation was completed by appropriate staff to determine whether the 870 study offenders were returned to custody for a probation violation and why. This, again, was a manual process of interpretation and yielded results for many of the offenders but not with enough confidence to exclusively present results based on this variable. Several separate spreadsheets were then merged with a master list, which associated this finding by time with the start date parameter.

3) Record of an Offender's Return To Custody (All Types) By Booking Dates

Returns to custody marked by “booking dates” were important because the process for every offender starts with a booking sheet, so we were most likely to capture the biggest cohort of people of the 870, who are committing new criminal behavior, by examining if they were booked again sometime between the release date and the study date parameters.

Once a “second” conviction and non-technical violation was associated with the 870 study offenders between 2011 and 2016, then the third large category of “new criminal behavior” had to be captured and associated with the 870 study offenders. This

was key for several reasons. First, from a resource management perspective, a return to physical custody means that a jail bed has been occupied in a county correctional facility. There are some returns to custody that would signal that the individual is not necessarily engaged in criminal behavior that greatly endangers the general public but that has to be addressed, like drying out for alcohol or intoxication overnight in custody—a flash incarceration. Sometimes, a person will be booked and spend less than a day in custody because they have been bailed out pending adjudication of charges. The former is not necessarily indicative of a return to crime, and the latter is possibly indicative of a more serious crime, but both use resources that must be tracked. Ideally, there would be no returns to custody after release, so even short stays can offer some insight into recidivism.

Comparative Error

$$\text{Comparative Error} = 1.96 * \sqrt{(r1(100-r1) \div s1) + (r2(100-r2) \div s2)},$$

where $r1$ is the response rate in the first group, $s1$ is the sample size of the first group, $r2$ is the response rate in the second group, and $s2$ is the sample size of the second group.

For example, in comparing the two felony recidivism rates for male and female AB 109 offenders, there is an actual 5.3 percentage point difference between the male and female cohorts where it appears females are recidivating at a higher rate than males (AB 109 females are at 41.3% versus AB 109 males 36%). Since the actual difference (5.6) is less than the comparative error of 15.41, there is no statistical difference between the two groups.

Data Fields included “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” Database

Santa Cruz County AB 109 Offender un-redacted Excel spreadsheet compiled for the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016),”

which collated the collected data after months of sorting and collecting from the proprietary software systems in corrections, courts, and probation, had the following information fields, which could be sorted, filtered, and analyzed in the study subsets. The collections fields that were chosen were the closest practical data fields to the information demanded by the BSCC guidelines for conducting recidivism studies in California, the closest available data fields needed for previous realignment studies and annual reporting requirements in Santa Cruz County, and the closest practical data fields that were consistently complete information sets available on all study offenders. Every effort was made to collect as much information from the multiple databases and sources for as many fields as could be reliably gathered for this study and for future use because of the authentication and multiple redundancies that resulted in the 870 individual offenders. The main fields included AB 109 offender data relevant to the specific policy and programs issues raised by realignment, including participation in recidivism reduction programming. Extensive program information was compiled, but the records of individual programs varied, so individual program information could not be compared for purposes of this study.

Offender Status Type (PRCS or 1170): available through the criminal history (a listing of a conviction for an 1170 (h) CA Penal Code offense or other realignment offenders of the non-violent, non-serious, non-sex-related type, or a probationary assignment to PRCS found in the case management data software in probation).

Sentence Type (Split or Straight): found in a variety of systems, but the starting point was from the case management data software in probation, which integrates information from the courts. Post-realignment, an offender would again have a listing in criminal history as

an 1170 offense or have received an MS mandatory supervision sentence under realignment. Some reconciliation was done because an offender who may have split his or her time between incarceration and supervision will have an S-Number, and the second part of the sentence will be with probation where the offender will receive a second number. The presence of an S -and P-Number usually meant the sentence was split. If all the other designations for mandatory supervision a category created by realignment, the 1170 penal code crimes in criminal history did not classify the offender properly, this redundancy narrowed the field as well.

S-Number: a unique identifying number issued by the County Corrections department when a person is first booked for anything, pre- and post-realignment, and stays with them for the life of their time in Santa Cruz County Corrections, no matter how many times they return.

P-Number: a unique identifying number issued by the County Probation Department that will stay with an offender for the duration of the time with Santa Cruz County probation and for a person's natural lifetime. Every time one enters or exits the system, new information is associated with the P-Number.

First Name, Last Name: Sorting by S-number, P-Number and first and last name was a way to verify that the list did not have duplicated individuals. When these four elements were brought together, there was still a list of individuals who had variations on their first or last names (for example, John, Johnny, Jonathan Doe). If the P- and S-Numbers did not help verify whether it was the same person, then the date of birth (DOB) was added. When the P- and S-Numbers and DOB and first and last names and a check for aliases did not verify whether someone with a similar name was the same or a different person,

the data collection process required a review of photographs to see if the person matched up. Sometimes, a name with four “unique” identifiers that didn’t identify a person would be resolved because my colleague or I had personal contact with the individual and could match them to their records.

Additionally, lining up the P, S and first and last names, and then, sometimes the DOB too, revealed that some offenders had successfully slipped into the system by lying on intake, and therefore did not have their full criminal history associated with their record. Because these population being studied had redundancies, these duplications, deceptive practices, and incomplete fields became as complete a verified record of an individual in Santa Cruz County as possible. The data redundancy process revealed that even with a field as simple as name, the data collection process required a heavy amount of manual verification because of problems with data retrieval, data entry, data validity, or just incompleteness of data records across multiple systems.

DOB: This refers to the purposes of finding the youngest cohort of offenders, aged 18–24. The data was filtered to determine *the age of the offender on July 1, 2016* rather than until the end of data collection. An offender had to have turned 18–24 years old before July 1, 2016 to be included in the younger cohort. There were only 36 and they were hand counted based on a sorting by DOB.

Race and Gender: Demographic information as collected on the booking sheet or probationary case intake.

Zip Code: Geographic information about the offender’s whereabouts and distributions throughout Santa Cruz County (not applicable to the study but collected for other administrative purposes).

Case Risk Assessment (high, moderate, low, other): An assignment of both static and dynamic risk basic on criminogenic needs and resource needs of the offender to assist in program referrals.

Release Date: (see definitions—differences between release from secure confinement versus release date from probationary supervision or placement on supervision). The Release Date was not always actual and had to be projected based on the type of offense and average length of stay, for example, to mark the start of the PRCS probationary period date of placement, which was assumed a day after the CDCR release, if not actually recorded.

Three Years after Release from Secure Confinement or Probationary Supervision: the date that ended the standard post-release observation period for recidivism study. The actual date recorded if it occurred during a five-year data collection period while some projected as three years plus from the release date, extending into 2017 and 2018.

Years Following Release (October 1, 2011–August 1, 2016): In order to secure a three-year post-release cohort for both the recidivism by conviction and recidivism by rebooking findings, the qualifying group of three years in Santa Cruz County post-release was taken from offenders from October 1, 2011 to August 1, 2016.

Violations within Three Years after Release: Counted the probationary violations (both technical and non-technical) for each offender within the constraint of a three-year post-release observation period per AB 109 offender, when necessary the three-year period was projected as three years post-“release date.”

New Convictions or Second Conviction within Three Years after Release: Counted the first “new conviction” or “second conviction” without regard to type or seriousness for

each offense, within the constraint of a three-year post-release observation period per AB 109 offender. When necessary, the three-year period was projected as three years post-“release date.” The noted offense type and conviction offense were available for some offenders, but information from the court’s system was too cumbersome to reliably populate these fields.

Total New Bookings for AB 109 Offenders in Santa Cruz County 2011–2016: this is an aggregate total of new bookings accumulated by the AB 109 population for the study period. Bookings were counted from the earliest point in the implementation of AB 109 in Santa Cruz County and were recorded by offense type or jail admission type (property, drug and alcohol, person, holds by District Attorney, warrants, probationary violations).

First New Booking Date or Date of Rebooking: A booking date is the date an individual is charged with a crime and fingerprinted or processed for a return to custody. One of the problems with data collection and analysis for Santa Cruz County is that corrections, courts, and probation in Santa Cruz County mark the date of entry into the criminal justice system with different markers that do not always line up, the date of a jail admission, the date of an arrest, and/or the date of the start of probationary supervision. So while all three agencies may generally agree about an individual’s entrance into the system when they are booked and/or processed, they do not always express it in the same way and sometimes will use different dates, which makes it hard to follow individuals from a starting point into the criminal justice system in Santa Cruz County to an endpoint, which is needed for recidivism studies. The public assumes the date of a new crime or new criminal conduct is easy to collect and that when an offender comes in and

is released is linear. One time in, one time out. One time back, recidivism, which is not the case.

Not only is the entrance point different for offenders, it is often not linear for an offender. An offender often has multiple entrances and exits into the criminal justice system for different reasons, some procedural, some substantive, but there is rarely one date of arrest, or return to custody or jail admission. As a result, the first “new booking date” is used as an umbrella term to capture all of these entrances and exits and marks the first one.

Bookings within Three Years after Release: Counted the first “new booking” or “rebooking” without regard to the seriousness of each offense. Within the constraint of a three-year post-release observation period per AB 109 offender, multiple bookings were associated with each offender when applicable, which often occurred. When necessary, the three-year period was projected as three years post “release date.” The noted offense type and conviction offense were available for some offenders, but information from the court’s system was too cumbersome to reliably populate these fields.

Bookings were also tallied in the following category types, as a percentage of new bookings by category for the AB 109 population: Narcotics and Drugs, Warrants, Court Commitment, Property, All Others, Probationary Violations (all types), Hold, Alcohol (Crimes against a Person), or another administrative category.

All Re-Bookings (for the cohort of AB 109 offenders who had three years post-release from secure confinement or supervision): every booking for an offender was tallied and used to calculate recidivism by new booking within three years post release.

Offenders with no conviction with 3+ years post-release: tallied the number of AB 109 offenders who had no conviction within three years post-release.

Offenders with new bookings but no convictions with 3+ years post release: tallied the number of AB 109 offenders who had no conviction but new bookings (where 1–7 or more was tracked per offender) within three years post-release.

Offenders with successful outcomes by both metrics (no new convictions or no new booking within 3+ years post release: tallied the number of AB 109 offenders who had no conviction and no new bookings within three years post-release, a successful outcome.

Total recidivism reduction programming category dosage hours: this was a field populated by reviewing the records of about three dozen providers of recidivism reduction programming across the key criminogenic criteria in Santa Cruz County, and cross-referencing the participation lists, which varied greatly in completeness with the dosage information provided and verifiable offender information and dosage hours. A dosage hour is an hour of programming on offender completion across seven main categories that service key criminogenic needs. The total number of dosage hours that the AB 109 offender population completed during the study time parameters was tallied and associated to the offender by total number of hours per offender and by seven categories of programming types.

Mental Health Recidivism Reduction Programming Category: Programs, services and activities that address the mental health needs of the offender population.

Employment Recidivism Reduction Programming Category: Programs, services and activities that address the employment needs of the offender population.

Substance Use Disorder (SUD) Recidivism Reduction Programming Category:

Programs, services, and activities that address the range of needs of the offender population that relate to addiction, recovery, in-patient, and out-patient medical programs and community meetings to assist in addressing substance use disorders.

Education Recidivism Reduction Programming Category: Programs, services, and activities that address the educational needs of the offender population.

Re-entry Recidivism Reduction Programming Category: Programs, services and activities that address the “post-release re-entry into society needs” of the offender population.

CBT (Cognitive Behavioral Therapy) Recidivism Reduction Programming Category: programs, services and activities that provide the offender population with Cognitive Behavioral Therapy.

Findings

Analysis: Section A–D “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)”: *Presentation of Study Findings, Tables, Graphics, and Analysis*
A: PRIMARY RESEARCH QUESTIONS

The primary purpose of the designed study was to present the empirical results of a recidivism study of post-realignment offenders in Santa Cruz County, California from the start of implementation, October 1, 2011 to November 2016, the end of data collection. The original stated goals of designing, completing, and presenting “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016),” included in this paper, were meant to answer the following primary research questions to help manage the Santa Cruz County AB 109 offender population:

1. What are the recidivism rates in Santa Cruz County across key criteria, for AB 109 offenders?
2. What are the key criteria to examine in the realignment context when studying recidivism in Santa Cruz County?
3. Given the recidivism rates in Santa Cruz County post-realignment, what are the lessons for public safety?
 - a. Are recidivism rates low enough compared to physical facility capacity, staffing, and programming resources for the rate of increase to Santa Cruz County jails and probation presented by realignment?
4. What is the impact of realignment on Santa Cruz County?
5. What lessons can be learned from the first five years of realignment implementation in Santa Cruz County from this study?

6. How does Santa Cruz County compare with other jurisdictions with respect to recidivism reduction? Is this comparison illustrative of the effectiveness of recidivism reduction programming in Santa Cruz County or in other jurisdictions?
7. Are the findings of the enumeration study in its design or results, “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016),” illustrative of common realignment implementation issues with the other 57 counties within California?
8. To provide a database of all realignment offenders that could be verified at the publishing of this thesis to Santa Cruz county agencies for future use:
 - a. To be a practical tool across dozens of criteria to assist in future tracking of AB 109 populations between multiple incompatible software programs
 - b. To provide a reliable data source to help Santa Cruz County criminal justice agencies to better design recidivism reduction programs
 - c. To provide a reliable starting point for future data collection and analysis to assist in future planning and budgeting

Every recidivism study answers three basic questions about a person’s criminal behavior, “who”, “what” and “when”—and this study has added the question of “why” to each study cohort comparison subset to deepen the policy analysis of the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” findings. Standard or common “recidivism” study metrics were used whenever available as discussed previously in the methodology. The BSCC provided detailed guidelines for how the state of California wished for counties to conduct recidivism studies post-realignment. The “who”, “what”, “when” prompt questions that appear at the start of each

figure and comparison cohort were modeled after the BSCC guidelines for recidivism studies published in June 2015 and drafted by Dr. David Lowell, research director.

The “who” in each set of graphics and tables is every AB 109 offender in Santa Cruz County from October 1, 2011 to November 1, 2016. However, the subset of the cohort of AB 109 offenders is presented for comparison by status type (1170 and PRCS), between status type (1170 and PRCS), between AB 109 offenders with successful outcomes and new recidivist conduct by two metrics (by new conviction and by new booking), by risk type and between status types, and with the cohort as a whole, by demographic criteria (gender, age (18–24 years old), race or ethnic origin), by new offense type (property, drug and alcohol related, or probationary violations), by participation of SUD-related recidivism reduction programming between status types (1170 and PRCS), and by demographic criteria (race or ethnic origin) for reasons particularly relevant to Santa Cruz County.

The “what” in each set of graphics is spelled out as expressing the two standardized metrics for measuring recidivism, three-year post-release recidivism by new conviction, and three-year post-release recidivism by new booking or re-booking. In certain instances, the recidivist conduct of an AB 109 offender is expressed as a percentage of the whole cohort of AB 109 offenders, like the recidivism rates by percentage of rebooking categories, of percentage of recidivism based on completion of recommended dosage levels of 200 dosage hours or less than 200 hours.

The “when” in each comparison cohort in the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016),” is an interval for how long it was determined meaningful to observe the conduct of AB 109 offenders before marking

whether there has been new criminal behavior that requires intervention to protect public safety or redirect county resources. The standard definition suggests an interval of three years, and the two primary recidivism definitions adopted for this “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” include a three-year post-release period. So the goal was to capture as large a group of AB 109 offenders who had the same “exposure period” in the community post release, after the start of implementation of AB 109, October 1, 2011 that totaled at least three years. This is a much smaller total than the aggregate total of all AB 109 offenders in the study.

The two date parameters within this observation period were: a starting date after October 1, 2011, which was the first “release date from Santa Cruz County incarceration or probationary supervision” following the implementation of realignment and a stopping act, such as a new criminal activity (conviction or rebooking), or a program completion of 200 hours or more and whether any new criminal activity subsequently occurred.

Summary of The Overall Findings of the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)”

By designing, completing, and presenting the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” included in this study, I showed that there is no standard mandated definition of recidivism in California, or in the implementation of evidence-based recidivism reduction programming post-realignment. Even if counties like Santa Cruz, who have adopted the “suggested” standard BSCC definition of recidivism, developed after realignment took effect, there are so many acceptable variations to make “one number, this many people recidivated in Santa Cruz County” somewhat meaningless to laypeople and policymakers unwilling to dig down

into the complexity and subtleties of recidivism studies before making the next criminal justice reform. It is perhaps too costly in terms of money, staff, and resources to rely on a “non-standard number” to direct criminal justice policy in Santa Cruz County and in California post-realignment when the demands on county resources for the daily management of folks continue to rise as a result of AB 109 reforms. Further, even well-meaning and dedicated staff, like that of Santa Cruz County, will collect and produce data about recidivism when mandatory reporting and budgetary timelines dictate it and to suit the needs of the reporting agency and to whom they are reporting to. There is no fault that Santa Cruz County Corrections places a different priority on returns to custody versus Probation Department new convictions or non-technical violations, or the courts system centering on the adjudication of cases, not people. Further, though all criminal justice agencies have the common goal of improving public safety and serving the community better by reducing the outlay of resources on corrections, courts, and probation to manage offenders, they will functionally always have different priorities when it comes to recidivist behavior.

An examination of realignment in Santa Cruz County has shown how difficult and resource intensive it is to complete a meaningful recidivism study, and that the information management of offenders must be overhauled to follow an offender “holistically” and “dynamically” through the criminal justice process, regardless of where the offender is in the system. The overall data collection and analysis must provide interconnected data about offenders to overcome the herculean and archaic “software” and technology barriers within a county and the state and trigger more meaningful checkpoints in analyzing offender behavior so that patterns of re-offense or trends can be

identified and course-corrected closer to when present offenders are returning to crime, leading to a better utilization of recidivism reduction and rehabilitative programming. Additionally, the data about recidivism *should be collected, stored, and connected on an ongoing basis with the purpose of studying recidivism* (offender behavior). The historic data approach that is currently in use is haphazardly stored and hidden in multiple software packages and researchers are forced to answer the recidivism study questions after the fact regarding offender behavior.

AB 109 forced CA counties to track and treat realigned offenders differently, and in doing so revealed, on a massive scale, the problems and efficacy of tracking current data sets about all offenders in California and recidivism studies generally. If recidivism reduction is to remain a mainstay of criminal justice policy, there are sets of questions that facilitate answers to whether and when criminals are committing new criminally relevant behavior to public safety. However, what this recidivism study of Santa Cruz County has revealed is that answering how many are people are recidivating is just the initial step one. Step two is the more important part of the process that protects public safety, reacting to and intervening in an offenders' life at the right point and right level so that recidivist behavior can stop. Evidence-based recidivism reduction is a mainstay in Santa Cruz County and has been further emphasized by realignment legislation in California, but it appears that an initial investment in information reengineering and data management may need to happen so that the recidivism reduction programs themselves and the interventions in an offender's life themselves can produce the desired results—no new criminal activity in the interests of public safety. However, the “cost” of recidivism in Santa Cruz County is not just a question of public safety. According to a case study

from the Pew-MacArthur Results First Initiative published in 2015, Santa Cruz County spends \$40,000 for every person who re-offends in Santa Cruz County. The realities of fiscal cost puts a premium on every new offense that is committed by an AB 109 offender or any individual in Santa Cruz County who has previously committed a crime.

OVERVIEW OF SANTA CRUZ COUNTY AB 109 OFFENDER**DEMOGRAPHICS BY STATUS, GENDER, AGE, AND THE REASON FOR**

SELECTING THE STUDIED COHORTS included in the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)”

FIGURE 1: Santa Cruz County AB 109 Offender Demographics

(Total Study Cohort n = 870) by Status, Gender, Age (2011–2016)

Santa Cruz County AB 109 Study Demographics by Status Type

Santa Cruz County received 870 total AB 109 offenders between the start of implementation of realignment (AB 109) on October 1, 2011 and the end date of this recidivism study (November 2016). Of the 870 total AB 109 offenders, 386 unduplicated individuals (44%) are classified as 1170 type, and 484 unduplicated individuals (56%) of the aggregate number are classified as PRCS type.

Why the offenders by status type were selected for comparison

AB 109 offenders who were classified as 1170 status type and PRCS status type were compared for two primary reasons. The first is that the PRCS offenders were and are transferred from California State Prisons and are subject to an intensive supervision period created by realignment. It was instructive to learn about recidivist behavior within this *new* supervision type because it was a new program from realignment and it was, by statute, resource intensive, which raised the bar for its success from the outset. Secondly, for a similar reason, AB 109 created brand new “sentencing” provisions under which an 1170 was sentenced and therefore classified as a 1170 offender, and any data about the conduct of an 1170 offender could be instructive about the new sentencing provisions of AB 109. Further, a mandatory supervision period was also created as part of the realignment, though not immediately in effect for 1170 offenders. It was instructive to compare recidivist behavior between these two new types of mandatory supervision for those 1170 offenders who were sentenced to supervision as well as incarceration.

Santa Cruz County AB 109 Study Demographics by Gender: *86% or 748 individuals of all AB 109 offenders in Santa Cruz County during the study period were male and 14% (144 individuals) were female offenders.*

In the California state prison system, in FY year 2010–2011 just prior to implementation of realignment, of all the released prisoners, an even more staggering majority of offenders *were male (90.5%) or (86,571) and 9,119 offenders were female or (9.5%)*. Of this male and female release cohort combined, realignment was in effect for varying lengths of time during each of the offender’s three-year followup period, and when a parole a violation occurred, instead of returning to a state prison for the violation, the offender was supervised or returned to a county facility, including Santa Cruz County.

The U.S. Department of Justice BJS published, in its December 2015 “Census of Jails: Population Changes, 1999–2013,” at year end 2013, that approximately 86% of inmates across the country, representing an estimated 731,570 inmates nationwide, were male and 14% female (BJS, 2015, p. Table 6), which aligns exactly with the Santa Cruz County AB 109 study cohort male/female ratio.

Why Gender Was Chosen as a Comparison Cohort

Males are arrested for more crimes and tend to recidivate at higher rates regardless of the offense type than females (Durose, Cooper, & Synder, 2014). In a December 2015 study Census of Jails (Minton, Grinder, Brumbaugh, Smiley-McDonald, & Rohloff, 2015) conducted by the BJS, of the estimated 727,150 jail inmates in local jails across the country, 86% of them were male (an estimated 626,560) and 100,580 were female (Minton, Grinder, Brumbaugh, Smiley-McDonald, & Rohloff, 2015). What is notable, however, is that in the 15 years of the census of local jails being studied, female inmates were on the rise nationally, increasing by 48% percentage points from 68,100 to just over 100,000. However, this significant increase in local female jail

populations from 1999–2013 only yielded 14% of all local jail space. During the same time, though at a much smaller rate, local jail populations also increased for men by 17% (about 93,000 inmates), but in the aggregate led to a slight decline of male jail populations from 89% to 86% (Minton, Grinder, Brumbaugh, Smiley-McDonald, & Rohloff, 2015).

According to the same census, local jail populations throughout the state of California, at year end, December 31, 2013, had an estimated 75,842 inmates and 87% male (65,743) and 13% female (10,009). The Santa Cruz County AB 109 offender population maintains the approximately 85–90% male to 10–15% ratio exhibited by multiple recidivism studies across jurisdictions. As a result, results from this study about males and females may be insightful if not directly comparable to other gender outcomes in other jurisdictions.

Santa Cruz County AB 109 Study Overview of Demographics by Age

In Santa Cruz County post-realignment, 96% of the study cohort of AB 109 offenders were 25 years old and older (834), and only 4% of the study cohort of AB 109 offenders in Santa Cruz County was 18–24 years old (36). (Figure 1, Santa Cruz County AB 109 Offender Demographics (Total n = 870) by Status, Gender, Age (October 1, 2011–2016).

Why Age was selected as a study cohort and why young offenders were singled out

Age was included as a special cohort to study in Santa Cruz County because the literature and federal and state studies show that, regardless of type of offense, recidivism rates tend to decline with the age of the offender and be highest with the youngest offenders (Durose, Cooper, & Synder, 2014).

In the CA state prison system, in FY year 2010–2011 just prior to implementation of realignment, similar to other release cohorts, cohorts by age—particularly the youngest adult offenders between 18–24 years old, were subject to realignment for varying lengths of time during each of the offender’s three-year follow-up period. When a parole violation occurred, instead of returning to a state prison for the violation, the offender was supervised or returned to a county facility, including Santa Cruz County. As a result, a portion of the CDCR FY year 2010-2011 release cohort has relevance to Santa Cruz County Recidivism of AB 109 populations and demographic makeup.

CDCR in the FY 2010-2011 just prior to realignment (CDCR, 2015), offenders aged 25-29 comprised the largest number of releases at 19.4% (18,550 offenders), followed by offenders aged 30-34 (17.1%), 35-39 (13.1%); nearly 90% of the total releases were between the ages of 20 and 49. Younger offenders (18-19 years old) comprised the smallest release cohort at 0.8 per cent or 744 offenders statewide, and all offenders aged 18-24 comprised 14% of the release cohort from CDCR, just prior to realignment.

Santa Cruz County’s 18-24 year-old realignment offenders comprise 4% of the total of 870, at 36 individuals compared with the CDCR release cohort of 14% or 744 offenders.

Key demographic finding: There is a statistically significant difference between the makeup of the Santa Cruz County younger cohort versus a comparable cohort released from CDCR due to realignment at 10 percentage points difference.

Santa Cruz County’s 25-and-older realignment offenders comprise 96% of the total (834 individuals), compared with the release cohort from CDCR just prior to

realignment at 86% of the total cohort above 25 years of age.

Key Demographic Finding: The Higher Age Breakdown Of Santa Cruz County AB 109 Offenders Is Likely A Byproduct Of Longer Incarceration Periods For Half Of The AB 109 Offenders Released From CDCR Due To Realignment.

It is of note that by age, the CDCR release cohort does not have the same parallel percentage rates as by gender in the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” demographics. However, a possible reason for that is a practical one: the implementation of the realignment was an arbitrary one, reduce California’s prison populations to 137.5% of design capacity within two years, starting in 2011, to comply with constitutional standards. It was not a natural release of prisoners, by offense or completion of parole, but all prisoners who qualified at the deadline and going forward for AB 109 offenses (1170(h)) and PRCS probationary supervision. Moreover, one of the key problems realignment proposed to correct was the prevalence of *long* prison sentences for non-violent, non-serious, non-sex-related felony offenders. The makeup of Santa Cruz County’s AB 109 population would likely be, on average, a few years older than the makeup in the CDCR cohort because the group released during the start of implementation had probably already spent a portion of their sentences in CDCR.

Overview of Santa Cruz County AB 109 Study Demographics by Race or Ethnic Origin

FIGURE 2: “All Santa Cruz County AB 109 Adult Offenders (n = 870) 2011–2016 by Race or Ethnic Origin”

The racial and ethnic make up of the Santa Cruz County AB 109 offender population is shown in Figure 2 for the three largest groups comprising 96% of the offenders in the study, and the all additional designations are included in the “other” category, and not specifically listed.

Why race and/or ethnic origin was selected as a comparison cohort for “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)”

Please note that the percentage of AB 109 offenders by race or ethnic origin are discussed as another metric to compare the offenders of the status type 1170 or PRCS, to determine if offenders under the more intensive supervision class of PRCS may recidivate or return-to-custody at higher rates than 1170 offenders who may have varying levels of supervision, if at all. Further, race and ethnic designations were used as metrics to determine whether substance use disorders may disproportionately affect offenders of a specific racial or ethnic group differently than the aggregate. Finally, each racial or

ethnic origin participation rates in SUD programming was different than the aggregate and whether demographics had a correlation, positive or negative, to recidivist behavior by SUD participants.

Overview of Study Cohort of All Santa Cruz County Realignment Offenders (2011–2016) Who Committed Property Offenses and the Importance of Recidivism by Property Offense Type to Recidivism in Santa Cruz County and AB 109 In General

Why the study of property offenders is critical to the long-term planning of AB 109 responses in Santa Cruz County

Santa Cruz County has one of the highest property crime rates in the state. Therefore, there is a larger proportion of county correction, courts, and probation individuals who have committed a property crime and may re-offend in this category.

A property offense is a category of crimes that includes burglary, fraud or forgery, larceny, motor vehicle theft, and other miscellaneous or unspecified property offenses. There were over 500 felonies (Harris, H., 2015) reclassified under AB 109 Realignment Legislation and are now sentenced under AB 109 reforms.

Property crime in Santa Cruz County is consistently higher than state average for the state offenses (Hoppin, 2013). FBI Statistics placed Santa Cruz city with a property crime rate at the highest of all Californian cities in 2011 at the start of realignment (“1 reported incident for every 18 residents”) (Hoppin, 2013, A Run of Mayhem, para. 4), and crime statistic trends reported by the California Department of Justice, OpenJustice web portal operated by the California DOJ places arrests in Santa Cruz County for property crimes as being steadily above State averages of all other counties. The most recent year of data available shows that Santa Cruz County made 2983 arrests for property offenses versus the state arrests for property at 2455 (Department of Justice &

Irwin, 2016).

Property Offenses comprise a significant number of reclassified realignment offenses under the original AB 109 and AB 117 felonies, designated as “non-violent, non-serious, and non-sex-related” offenses. Further, Proposition 47, an extension of realignment reforms, significantly extended the number of property offenses handled by counties. Property offenses reclassified under Proposition 47, a subsequent realignment reform passed by state’s ballot initiative in 2014, placed an even more profound burden on counties by changing sentencing for certain minor drug offenses and several property crimes to misdemeanors, instead of felonies, for a series of property offenses and gave more inmates a higher chance for parole consideration (California Proposition 47, 2014). Starting in 2015, every future recidivism study of California counties and Santa Cruz County specifically will need to account for the fact that the cohort of realignment offenders will not be directly comparable in the period October 2011–December 31, 2014 and after January 1, 2015 with regard to recidivism for realignment offenders as a group and with this significant portion of property offenders and minor drug offenders that are usually linked to property offenses.

A major federal study, released on April 22, 2014 by the BJS, tracking recidivism in 30 states including California for five years following release in 2005 (Durose, Cooper, & Synder, 2014), found that “prisoners released after serving time for a property offense were the most likely to recidivate” (Durose, Cooper, & Synder, 2014). Within five years of release from state prison, the BJS found that *82% of property offenders* were arrested for a new crime. Moreover, prisoners released for property crimes “were *more likely than other released* inmates to be arrested for a similar type of crime” if they re-

offended (Durose, Cooper, & Synder, 2014). Moreover, across the five-year study, the pattern of recidivism showed that property offenders' rate of re-offense in 30 states was consistently higher at each benchmark (6 months, 1, 2, 3, 4, 5 years) than all other offense categories, including violence, drug, or public order offenses (Durose, Cooper, & Synder, 2014).

AB 109 Promised To End "The Revolving Door" Of Prisoners Returning To State Prison, But Was It Just A Knowing Shift Of The "Revolving Door" To County Corrections Before The First Prisoner Was Even Realigned?

Property offenders ("low level offenders") (Office of Governor Edmund G. Brown, 2011) are at the heart of reclassified felonies targeted by AB 109 in 2011 and, to some extent, Proposition 47 (2014). The bill of goods that was sold to the legislature and the citizens was that realignment would solve our state prisons' overcrowding problems and allow lower-level offenders to exit the criminal justice system and "to stop the costly, ineffective, and unsafe "revolving door" of lower-level offenders and parole violators through our state prisons" (Office of Governor Edmund G. Brown, 2011, pp.1–2). The refined presentation of this idea was that AB 109 would give "local law enforcement the right and the ability to manage offenders in smarter and cost-effective ways." (Office of Governor Edmund G. Brown, 2011, pp.1–2). At its most stripped down and pragmatic descriptor, according to multiple law review articles and public policy papers, AB 109 was an emergency solution to a mathematical problem: there were too many people in state prisons, created by 20 years of mandatory sentencing and the *Plata v. Brown*, ruling that California had two years to get more than 30,000 prisoners out of its prison facilities and be operating at 137.5% of design capacity. The immediate solution to that problem

was to ship the offenders to county facilities or county supervision. The lauded policy goal was that these offenders now in the county systems would not commit crimes again because they would not be enveloped in the state correctional system with higher-level offenders, and local control would yield more effective policies and supervision. The results of realignment have shown that the pragmatic math goal of reaching 137.5% of design capacity propagated an elaborate “shell” game, shifting the burden of overcrowding and “revolving door” offenders on county systems, instead of the state systems for the realigned offenders.

The truly stunning revelation of studying recidivism and post-realignment in California and Santa Cruz County is that the shell game was not some unintended consequence of a well-meaning criminal justice reform policy but perhaps a predictable and highly likely consequence given that one of its core groups, “Property Offenders,” are the most likely to recidivate and account for a large portion of realignment offenses.

Counties are the last stop for incarceration and to protect the public from criminals who may not be lawful members of society after being incarcerated. Counties cannot shift their responsibilities to deal with overcrowding or recidivism like the state of California did in 2011. The truly stunning revelation of studying recidivism and realignment in California and Santa Cruz County is that the shell game *was not some unintended consequence of a well-meaning criminal justice reform policy but perhaps a predictable and highly likely consequence* that the counties in California should have been given fair warning and adequate resources to deal with “overcrowding” and “revolving door” problems that the state has yet to find a workable solution for, other than applying the old adage in the form of AB 109, “robbing Peter to pay Paul.”

The federal BJS data from its 2014 study of recidivism across 30 states shows that prior to the passage of realignment there were strong indicators that large portions of the realignment offenders would not leave the county systems swiftly because recidivism for property crimes is one of the highest rates among all crimes. While the 2014 BJS study was not available to the California state legislature at the time of the initial AB 109 realignment, annual reports from the California Department of Corrections were available, and they show a similar pattern, property offenders will likely re-offend at staggering percentages, and therefore, “never leave” the county system. Just prior to realignment, these prisoners revolved back into the state correctional systems, contributing to continuous state overcrowding.

In the aggregate, across all 30 states, in this federal BJS study, 38% of the released prisoners were arrested within five years for a property offense (Durose, Cooper, & Synder, 2014). As a result, critical to the outcomes of the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” was a critical examination of property offenders, who recommit similar types of property offenses and would keep serving time under county supervision.

Overview of Study Cohort: (Realignment Offenders All Sentencing Types In Santa Cruz County (2011–2016) Who Consumed Substance Use Disorder (SUD) Programming and Why SUD Programming Was Selected

Why SUD PROGRAMMING participation was chosen to study over other criminogenic needs or a specific program offering to determine whether recidivism in Santa Cruz County for AB 109 offenders was lower among this cohort of AB 109 offenders as a metric for the effectiveness of an important programming category or

higher as a proxy percentage of the AB 109 population who have a substance use disorder:

1. Substance use disorders were identified by the Chief Probation Officers of California (CPOC) in the first two years of realignment in a 2013 Issue Brief, as one of the “Big Four” criminogenic need areas in probationary case plans by applying in part the concept of Risk-Need-Responsivity (RNR), which evaluates the “static risk” of re-offense against the “dynamic service needs of the offender” to determine which program referrals will best reduce the offender’s risk of recidivating (Chief Probation Officers of California, 2013). Using this RNR approach, the 2013 CPOC brief found that 61% of AB 109 offenders had a high or medium need for substance abuse programming.
2. With nearly two-thirds of PRCS offenders assessed as requiring SUD referrals, it was important to determine based on programming and usage how Santa Cruz County was meeting this particular programming need and how many of the total number of AB 109 offenders in Santa Cruz County availed themselves of SUD programming.
3. During the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016),” of the 870 AB 109 offenders, 302 participated in some dosage level of SUD programming (at 35% participation). Of the 302 offender participants from 2011–2016, 44.3% or 172 participants were classified as 1170, and 26.7% were classified as PRCS. In this initial phase of determining how large the cohort was and the degree to which this study cohort would be examined, a critical point for policy re-evaluation was revealed before any recidivism data was

- examined: that perhaps Santa Cruz County needs to reevaluate, reconfigure, or refine the case assessment RNR process, referrals or programming, or all three, so that if in 2017 61% of the AB 109 still has a high or medium need for SUD programming as evaluated in 2013 by the CPOC as the baseline need for realignment offenders for this programming type, and only 35% of the dosage hours that offenders participate in are SUD programming, then the difference can be made up to meet the actual substance use disorder need in Santa Cruz County.
4. Incarcerated people have a substantially higher rate of substance abuse than the general public (Chief Probation Officers of California, 2013). According to the State Department of Health Care Services, SUD estimates the prevalence rate in Santa Cruz County was 7.98%—the second-highest among medium-sized counties in California and 0.74% higher than the statewide prevalence rate of substance use disorders (Santa Cruz County Alcohol and Drug Program, 2014). According to DHCS, SUD costs the county over 207 million dollars a year, with 96% of this to “downstream” untreated SUD in health, criminal justice, social services, and property costs. Only 3.3% of the total costs to Santa Cruz County in 2014 went to the actual treatment of SUD, yet it is continually affirmed to have a positive return on investment in costs, including to criminal justice costs downstream (Santa Cruz County Alcohol and Drug Program, 2014). Additionally, in surveys of state prisoners, only 22% of state prison inmates received treatment during their prison terms. If 35% of dosage hours are SUD-related, and there is a comparable percentage of offender participants, then the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” could

- demonstrate that Santa Cruz County is doing significantly better than the state prison system and therefore possibly reducing the high costs of managing this offender population. This might be an area where counties can in fact perform better to meet the needs of the prisoner population and save taxpayer dollars.
5. Santa Cruz County AB 109 offenders of all types (870 individuals) across the study period consumed approximately 84,381 dosage hours of recidivism reduction programming. SUD programming is a robust offering in Santa Cruz County to target recidivism reduction and rehabilitation. Of all of the recidivism reduction dosage hours in all program types consumed in Santa Cruz County during the study period, Substance Use Disorder Programming was the most consumed type of programming (at 75.9%) for a total of 64,057 dosages hours, which made it the most appropriate category of programming to single out to determine if the rate of recidivism was different in this cohort. Further, for the offenders who participated in SUD programming of all types, 81.5% of the recidivism-reduction dosage hours were dedicated to programming classified as SUD programming, and only 19.5% were dedicated to the other five categories of recidivism-reduction programming offered in Santa Cruz County, including Mental Health (1.7%), Employment (2.6%), Education (6.7%), Reentry (3.4%) and CBT (Cognitive Behavioral Therapy) (9.6%).
 6. Drug offenses and offenders were a key subgroup of the original AB 109 cohort of offenders sentenced to or transferred to counties to serve felony sentences, in county facilities and with county probation, and therefore a likely group to determine the rate of recidivism in Santa Cruz County post-realignment and the

impact of realignment on Santa Cruz County.

7. Drug or alcohol use or “substance use disorders” are linked not only to drug offenses themselves, which are a significant subgroup of realignment offenders and subsequent reforms, but also serve as a critical link to other crimes; including property crimes, our other focus group. In the first two years after the implementation of realignment, the Santa Cruz County Probation Department, in a publicly available report, noted that while a complete study of recidivism could not be completed at the time of the report’s release (three years was considered the necessary timeframe), the first year of data showed that most of the new criminal offenses committed were similar to the crimes that led to their original prison incarceration, and much of the new criminal activity was “a continuation of drug-driven criminal behaviors that needed to be addressed through drug treatment and cognitive-behavioral interventions.” (Santa Cruz County Public Safety, 2013). Similarly, through my 20 years working in the Santa Cruz County Sheriff’s Department on the streets and with inmates in the jails, I have learned that substance use disorders (SUD) are a nexus point for much of the criminal activity that lands offenders in jails and courts.
8. It was not practical for this study to examine dosage hours by program or among all programming types or to evaluate a specific program for its effectiveness in reducing recidivism. This subset of recidivism findings is presented and was selected to attempt to do what staff in Santa Cruz County are trying to do every year: determine which programs and program areas are best serving the needs of the community on a variety of factors, including, but not limited to, the programs’

ability to prevent future criminal behavior.

9. Drug offenses reclassified under Proposition 47, a subsequent realignment reform passed by state ballot initiative in 2014, placed an even more profound burden on counties by changing sentencing for certain minor personal use drug offenses to misdemeanors, instead of felonies, for a series of property offenses, and gave more inmates a higher chance for parole consideration (California Proposition 47, 2014). Though this complete recidivism study of Santa Cruz County cannot account for the degree to which these statutory reclassifications are misdemeanors for many personal use drug felonies of most illegal drugs, starting in 2015, every future recidivism study of California counties and Santa Cruz County specifically will need to account for the fact that the cohort of realignment offenders will not be directly comparable from October 2011–December 31, 2014 and after January 1, 2015 with regard to recidivism for realignment offenders, as a group as a whole and with this significant portion of drug offenders with minor drug offenses who are also usually linked to property offenses, our other singling out of “offender type” in this recidivism study. In January 2015, at the start of implementation of Proposition 47, it was announced that “as many as 1 million Californians may be eligible to change past felony convictions on their records under Proposition 47” in either the primary categories of property crimes or personal use drug offenses (California Proposition 47, 2014).
10. Drug Offenses comprise a significant number of reclassified realignment offenses under the original AB 109 and AB 117 felonies, designated as “non-violent, non-serious, and non-sex-related” offenses, and therefore recidivists in Santa Cruz

County would likely re-offend in the same offense type.

“Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)”

Findings and Analysis

SECTION A: FINDINGS AND ANALYSIS OF RECIDIVISM BY NEW FELONY CONVICTIONS, BY STATUS TYPE, BY GENDER, BY AGE

“Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)”

Santa Cruz County Three-Year Post-Release Felony Recidivism Rate by New Conviction, By Percentage And Number, By Status Type (PRCS & 1170), By Gender, By Age (18-24 Years).

Figure 3: Three-Year Post-Release Felony Recidivism Rate by New Conviction by Status Type, Gender, Age

Figure 4: Three-Year Post-Release Felony Recidivism By Percentage, Status Type, Gender, and Age

KEY STUDY FINDING:

Figure 4 shows that 36.8% of offenders in the “Santa Cruz County Recidivism Study Of Post-Realignment Offenders (2011–2016)” recidivated with a new conviction within three years of their first release.

36.8% rate of recidivism by new felony conviction for AB 109 offenders is used as the baseline comparison for the other selected demographic cohorts by status type, by gender, and by age.

Figure 4 also shows for comparison the felony rate of re-offense by status type at 36.6% for PRCS offenders and 37.1% for 1170 offenders.

There is no statistically significant difference in the percentage of recidivism between the status types and with the overall level of recidivism for this aggregate look at recidivism in Santa Cruz County. However, the differences between recidivism in the PRCS population and the 1170 population are compared in detail using the further refinements of race and ethnic origin and participation in or referral to SUD programming. In those findings and analysis presented later in this thesis, there are statistically significant and higher percentages of recidivism in the PRCS population versus the 1170 population across multiple criteria, suggestive of a trend.

Figure 4 also shows for comparison of felony recidivism by male offenders at 36.0% and females at 41.3%.

Overview of Comparison First Demographic Cohort Findings:

Who: Male versus female recidivism versus the Santa Cruz County felony recidivism rate

What: Recidivism (by new conviction and new booking) and by offender type (PRCS and 1170)

When: Start of implementation of realignment, October 1, 2011 (index date) and grouping of male offenders with three years or more post release in Santa Cruz County from secure confinement or probationary supervision

Why: Does the AB 109 female population recidivate at higher rates than its male

counterpart, in contrast to trends?

- According to a 2016 30-state study of state prisoners conducted by the Department of Justice BJS, males are arrested for more crimes and tend to recidivate at higher rates, regardless of the offense type, than females (Durose, Cooper, & Synder, 2014).
- Adult Male Prisoners are the largest demographic group of offenders in every type of jurisdiction county, state, federal prisons and every type of offense type.
- In major recidivism studies at each of these levels, the ratio of male-to-female inmates is approximately 85–90% male to 10–15% for women. Similarly, the Santa Cruz County male-to-female ratio of AB 109 Realignment populations is 86% male to 14% female (122).

Any recidivism study must examine male offender behavior because of males' overwhelming share of all incarcerated and supervised populations. Further, this research cohort was pursued as a possible point of differentiation in Santa Cruz County if:

- Santa Cruz County disproportionately received more women than men in its AB 109 population from the CDCR upon implementation of realignment in October 2011 to November 2016.
 - No. The Santa Cruz County ratio of male-to-female was within the same range (85–90% male and 10–15% female).
- The Santa Cruz County rate of recidivism among men and women and between genders, and the group as a whole, is statistically significant
 - No. For example, in comparing the two felony recidivism rates for male and female AB 109 offenders, there is an actual 5.3 percentage point

difference between the male and female cohorts, where it appears females are recidivating at a higher rate than males at 41.3% versus 36%. Since the actual difference (5.6) is less than the comparative error (15.41), there's no statistically significant difference between the two groups.

Key Finding by Gender Of Santa Cruz County AB 109 Felony Recidivism Rate Of Occurrence Of New Felony Conviction: There's no statistically significant difference between the male and female three-year recidivism by reconviction in the "Santa Cruz County Recidivism Study Of Post-Realignment Offenders (2011–2016)."

Who: Comparing between male and female three-year post-release rates of Santa Cruz County AB 109 Realignment Offenders in this study.

What: Felony three-year post-release recidivism rates.

When: Three years post-release.

In comparing the three-year post-release recidivism by new felony conviction, there was no significant statistical difference between the felony recidivism rates for males (36.0%) and female AB 109 offenders (41.3%) in Santa Cruz County. Although there is an actual 5.3 percentage point difference between the male and female cohorts for three-year reconviction recidivism rates, where it appears females are recidivating at a statistically significant higher rate than males (at 41.3% versus 36%), when applying the formula used for calculating comparative error, the actual difference (5.6) is less than the comparative error rate of this study (15.41), and this difference is not significant.

Key Finding For Male Offenders Alone: There is no statistical difference between the rates for men and the overall felony three-year reconviction recidivism for all AB 109 offenders in Santa Cruz County, as seen in Figure 4.

The overall three-year reconviction recidivism rate in Santa Cruz County for all status types of AB 109 offenders in Santa Cruz County is 36.8%. The three-year reconviction recidivism rate is 36% for the male cohort (only 0.8% actual difference in percentage points).

Key Finding for Female Offenders Alone: When comparing the three-year felony reconviction recidivism rate of female Santa Cruz County AB 109 Realignment Offenders in this study to the whole cohort represented in Figure 4, there is no statistical difference between the rates for women and the overall felony three-year reconviction recidivism rate for all AB 109 offenders in Santa Cruz County.

The overall three-year post-release felony recidivism by conviction in Santa Cruz County for all status types of AB 109 offenders is 36.8% compared to 41.3% for the female cohort (only 4.5% actual difference in percentage points), which also is not statistically significant.

Figure 4 also shows new recidivist behavior for the youngest cohort of Santa Cruz County offenders who are 18–24 years old at 40%.

Overview of Recidivism for Young Offenders (18-24 years old) in California State Prison and in a 30-State Comparison study of Recidivism

In a five-year federal study by BJS of 30 states following prisoners released from state prisons, although 68% of the 405,000 released prisoners were arrested for a new crime within three years of release from prison, and 77% within 5 years, the youngest cohort in the study of inmates, who were 24 or younger, were arrested within five years at a recidivism rate of 84%. The 7% percentage point increase in recidivism for 18–24 year old offenders is above the recidivism for offenders of all other ages and does not seem

significant when the overall recidivism rate across 30 states finds three out of every four prisoners who are released are re-arrested for new crimes. Any increase is significant given that California prisons are overcrowded, that county correctional facilities are operating at or above design capacity, and that every prisoner in the CDCR costs an average of \$63,848 per year to house, clothe, feed, and provide medical care for each prison inmate (Harris, 2015). According to a case study from the Pew-MacArthur Results First Initiative, Santa Cruz County spends \$40,000 for every person who re-offends in Santa Cruz County (Pew-MacArthur, 2015). The young offender cohort among Santa Cruz County AB 109 offenders is a very small percentage of the 870 in total, at 4% or 36 individuals. The recidivism rates for young Santa Cruz County cohorts may not be significantly expressed at such a small percentage, but if this youngest cohort of AB 109 Santa Cruz County realignment offenders re-offends at higher percentages like other trends in these studies and other jurisdictions, or at comparable rates to other studies and the cost per individual “re-offender” in Santa Cruz County is \$40,000, then there are perhaps some lessons to be learned from this youngest cohort despite its small size. Similar to previous outcome reports produced by the CDCR, the younger offender cohort (18–24 years old), released in FY 2010–2011, returned to CA state prison at much higher rates than other age groups by the CDCR standard measure.

In the CDCR release cohort, 18–19 comprised a small portion of the cohort at 744 offenders for the entire state released in FY 2010–2011, out of nearly 96,000 state prisoners released, but the “Three-Year Return to Prison Rate” (CDCR, 2016b) was higher than any age group, at 59.1% in the three-year follow-up period.

Offenders in the CDCR release cohort, aged 20–24 years old, had the second

highest three-year return to prison rate among all adult offender age groups at 50.5%, followed by the 25–29 year-olds (48.8%), 30–34 year-olds (44%), and 35–39 year-olds (42.8%). There is a slight rate increase at 0.3 of a percentage point at 40–44 (43.1%) followed by 45–49 (42.4%), 50–54 (39.4%), 55–59 (34.6%), and 60 and over (31.1%). The oldest cohort group of 60 and over, of just 573 offenders, had the lowest three-year return to prison rate (CDCR, 2015).

Again, the number of 18–24-year-old AB 109 offenders in Santa Cruz County is only 36 individuals. With a group that small, the percentage difference between the rate for 18–24 AB 109 offenders in Santa Cruz County is 40% compared to the overall felony three-year reconviction recidivism rate for all AB 109 offenders in Santa Cruz County at 36.8%. There is an actual percentage point increase for the youngest adult offenders in Santa Cruz County as there is for other jurisdictions of 3.2 percentage points. However, because the study size of young offenders is too small compared to the total number of offenders who were examined for the overall felony three-year reconviction recidivism percentage for all AB 109 offenders in Santa Cruz County, there is no statistically significant difference in the findings of recidivism using this metric.

Key Finding: Santa Cruz County's felony three-year recidivism by new felony conviction for AB 109 offenders in Santa Cruz County who are 18–24 years old can be compared with the CDCR rates for the same groupings because of the overlap in populations. When doing so, young offenders in Santa Cruz County re-offend statistically less than their CDCR counterparts.

The average three-year rate of return to prison from state prisoners between 18–24 year-olds is 54.8%. Santa Cruz County, in comparison, for 18–24 year-olds is at 40% for

the felony three-year reconviction recidivism rate for all AB 109 offenders in Santa Cruz County. Though the whole CDCR cohort comprises AB 109 offenders, there is a 14.8% percentage point difference in the three-year return to prison rates for Santa Cruz County for all young offenders.

Key Finding: “Santa Cruz County Recidivism Study Of Post-Realignment Offenders (2011–2016)” recidivism by new felony conviction for younger offenders is significantly higher at 40% than the percentage of recidivism by new bookings at 30%.

When you use the recidivism metric by re-booking in this “Santa Cruz County Recidivism Study Of Post-Realignment Offenders (2011–2016),” which is a truer comparison with the state return to prison rate, which includes all returns to prisons, no matter the discharge status or reason for return, as long as a person is returned to prison, felony recidivism by new conviction for young offenders in Santa Cruz County is 40%. When compared to recidivism by re-bookings within three years of release at 30% of all AB 109 offenders for this period, it appears that Santa Cruz County’s youngest cohort of AB 109 offenders do re-offend at a higher rate than a comparable return-to-custody (rebooking) rate within three years, by 10 percentage points.

SECTION B: ANALYSIS AND FINDINGS FOR HIGH- AND MODERATE-RISK OFFENDERS

“Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)”:

*HIGH-RISK OFFENDERS IN SANTA CRUZ COUNTY, RECIDIVISM BY RISK TYPE
AND BY PARTICIPATION IN RECIDIVISM REDUCTION PROGRAMMING*

Overview of Study Cohort Subset: High-Risk Offenders in Santa Cruz County

Who: AB 109 High-Risk Offenders by participation hours (greater or less than 200 hours) in recidivism reduction programming

What: Number who recidivated versus percentage of those who reached the recommended dosage of 200 hours versus those offenders who did not; recidivism by new conviction at 200 hours above and below, at 1, 2, 3+ Years

When: Index Date (October 1, 2011), Release Date (incarceration or probationary supervision); Time Parameter (for the entire study period 2011–2016)—Rates at 1–2 years, 2–3 years, and greater than three years).

Figure 5: Total Santa Cruz County AB 109 Population by Status Type (1170 or PRCS) and by Risk Level

Why Study High-Risk AB 109 Population Cohort

The Chief Probations Officers of California (CPOC) in their Fall 2013 Issue Brief on assessing the risks of the post-realignment populations in California emphasized the importance of conducting static and dynamic risk assessments to manage the realignment probationary population because of the intensity of resources needed for the new and growing AB 109 populations, particularly high- and moderate-risk offenders (Chief Probation Officers of California, 2013). If recidivism is a measure of people's new criminal behavior, risk levels of an offender population, as a whole, give insight for

county planning purposes for the amount and type of services needed. For example, research shows that lower risk offender populations have better outcomes when the supervision is less intense.

In the first 15 months of realignment in California, the CPOC and county Probation Departments conducted both individualized and population-wide risk assessments to help direct probationary resources in California and by jurisdiction for the PRCS population targeting the most intensive supervision on high- or moderate-risk offenders. Of the AB 109 prisoners released to all 58 of California's counties for PRCS probationary supervision, 80% were high and moderate risk with 53% at high risk and 27% at moderate risk.

Key Finding: 66% of the Santa Cruz County AB 109 PRCS offender population requires higher resources and a high intensity of probationary supervision

In the "Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)" completed in satisfaction of this paper, high- and moderate-risk offenders in the Santa Cruz County AB 109 PRCS population also comprised the vast majority of individuals at 66% with a greater resource need and a higher intensity of supervision.

However, the risk score is not simply an aggregate county planning tool, but also has dynamic needs assessments in case planning individual-by-individual at the time of the assessment, including the Risk-Need-Responsivity (RNR), which helps match an offender with the best available evidence-based programs that will lower the risk of the offender recidivating as well as adapt the referrals "dynamically" to the offender's temperament, culture, and gender (California Probation Officers of California, 2013).

Through Santa Cruz County's participation in the Pew-MacArthur Results First Initiative

case study, published in September 2015, Santa Cruz County demonstrated that when it used the RNR principles to assess offenders' risk and to match offenders to recidivism reduction evidence-based treatment programming, it produced returns of \$2.85 in benefits for every dollar invested (Pew-MacArthur, 2015).

Forty-nine percent (236 individuals) of the Santa Cruz County AB 109 population were assessed as high risk, using a combination of probationary case management tools, including COMPAS, RNR, CAIS and other staffing and research resources. While high-risk offenders virtually matched statewide assessment percentages in the first two years of realignment, this study of Santa Cruz PCRS offenders had a slightly lower percentage of moderate-risk offenders at 17%, or 82 individuals. Additionally, while this study focused only on AB 109 offenders in Santa Cruz County, and high- and moderate-risk offenders are generally the most resource intensive of the AB 109 population or any probationary population, low- or other-risk offenders still require probationary resources, which are limited. Low-risk offenders in Santa Cruz County should take fewer resources than high-risk offenders. However, a 2015 report by the Santa Cruz County Probation Department noted that its low-risk PCRS population is comparatively large, high need, and challenging to manage (Fletcher, 2015).

While the total AB 109 population only comprises approximately 8–10% of the total probationary caseload in Santa Cruz County between 2011–2016, all of the offenders in each risk category require a resource-intensive approach or a greater than average use of probationary resources, which puts a premium on the effectiveness of the resources allocated (BSCC, 2016a). Santa Cruz County is facing an uphill battle with a limited pool of resources and a growing demand for these resources due to realignment.

Since resource needs tend to go up with the risk level of an offender, and the AB 109 probationary population grew year-to-year in Santa Cruz County during the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” both by numbers and percentages, and virtually half of all of the probationary population was assessed high risk, the Santa Cruz County recidivism reduction programming needs: 1) to be effectively matched to offenders, 2) offender participation to reach appropriate dosage levels, 3) program offerings that are evidence-based whenever possible.

Key Finding: Only 61–80% of Santa Cruz County programming is evidence-based, as defined by Santa Cruz County staff.

The implementation of AB 109 has placed a premium on county resources to reduce recidivism but made some additional grant and research funding available to improve criminal justice outcomes with use of evidence-based programming. According to a voluntary statewide survey of AB 109 implementation conducted by the BSCC, and published as part of the annual report on Public Safety Realignment Act (BSCC, 2016a) in July 2016, Public Safety Realignment funding from the state, dedicated to manage the AB 109 population and provide recidivism reduction programming, *is allocated equally between Santa Cruz County corrections, community supervision, and treatment and intervention services.*

Commensurate with an equal allocation of realignment funding, all Santa Cruz County departments have been proactive in participation in multiple pilot and grant projects to improve the effectiveness of recidivism reduction programs that improve public safety and shift county priorities to evidence-based efforts. This includes the high profile “Results First Initiative” sponsored by the Pew-MacArthur Foundation: 1) to

catalog all currently funded programs to identify gaps and duplicative services 2) to use a one-stop online resource called the “Results First Clearinghouse Database” to see which of the county’s offerings were evidence-based and which of the Santa Cruz County’s inventory matched evidence-based interventions that had been proven successful nationally, and 3) to develop, with the help of Results First staff, a “customized benefit-cost model” that estimated the long-term costs and benefits of the currently funded programs, the county’s costs for every person who re-offends, \$40,000 per offender in Santa Cruz County, and finally compared the return on investment of each evidence-based program on reducing recidivism, for Santa Cruz County itself, and against the results from similar programs across the country (Pew-MacArthur, 2015).

The establishment of the high cost of \$40,000 per offender who recidivates in Santa Cruz County by the Results First Initiative has placed a greater importance on evidence-based practices at all stages, including case assessments of risk, ongoing staff training with turnover in all agencies in evidence-based practice, communication and coordination of service goals in evidence-based practices across dozens of service providers, and the obtainment of buy-in from the community and community leaders that legacy programs that are not evidence-based should be replaced by those that are (BSCC, 2016a).

Figure 6: Total Participation Rate by High-Risk Offenders In Recommended Threshold Dosage Of 200 Hours Or More

Key Santa Cruz County Finding: Only 21% of all AB 109 High-Risk Offenders participated in more than 200 dosage hours and 79% participated in less than 200 dosage hours. Given research evidence on dosage hours and county goals to reach 200 or more dosage hours per high-risk offender, in participation alone, it appears recidivism could be improved for this population if high-risk offenders can reach a higher rate of participation in needed evidence-based recidivism reduction programming.

This lower participation rate in this figure could be attributable to two factors: 1) the offender choice to participate, and 2) the offender's time under county custody or supervision. In other words, the offender might not have had time post-release (e.g. three months post-release) in the Santa Cruz County to participate in offerings. This graphic encompasses all high-risk offenders regardless of how long they have been in Santa Cruz

County post-release. As a result, full trends cannot be extrapolated for all programming types. Also, the dividing line for participation of high-risk offenders is 200 dosage hours. This graphic does not distinguish between 199 hours and 1 hour of dosage service. Calibrating the number of hours and the correct programming is an individualized case assessment. However, in the aggregate, it appears as though more dosage hours do improve the successful outcomes in Santa Cruz County recidivism among high-risk offenders.

Figure 7: Number of AB 109 high-risk offenders by successful outcome and recidivism with more or less than the recommended dosage of 200 hours or more

Figure 8—Percentage of high-risk offenders who recidivated by level of participation in recommended threshold dosage of 200 or more hours

Figure 8 Key Finding: In accordance with accepted corrections research, of the high-risk offenders who recidivated in Santa Cruz County who voluntarily participated in 200 dosage hours and above, fewer high-risk offenders re-offended (at 7% of the total who recidivated) and reached the recommended dosage versus 23% who did not reach the recommended dosage.

According to the research consensus in this field (NIC, 2014), which indicates that high-risk offenders require at least 200 dosage hours of programming before recidivism outcomes improve, 200 dosage hours appears to be sufficient in Santa Cruz County for achieving better outcomes for Santa Cruz County high-risk AB 109 offenders as well, provided three factors are met: 1) the threshold dosage is achieved through voluntary participation, 2) the 200 dosage hours are primarily or totally comprised of

evidence-based programming, and 3) the offender's time post-release in the community allows enough time to reach the dosage level before recidivism is measured.

The Santa Cruz CCP plan annually reports a service objective for AB 109 offenders to receive a benchmark of at least 200 dosage hours for high-risk offenders and above 100 dosage hours for moderate-risk offenders. As a result, this study was designed to incorporate this recommended dosage line for high-risk offenders and determine whether Santa Cruz County programming provided high-risk offenders with the opportunity to participate in over 200 dosage hours across key criminogenic criteria, and if the dosage threshold was reached, whether there was a corresponding successful criminal justice outcome, a reduction of recidivism in Santa Cruz County.

After 200 or more dosage hours for high-risk offenders, and 100–200 hours for moderate-risk offenders, the field diverges as to what is the best way to provide programming to high-, medium- and low-risk offenders varying on multiple factors, including the duration of programming, frequency of programming, quality of programming (whether a home exercise in life skills counts if the person is engaged in the lesson, versus the same dosage for an in-patient treatment session where an offender is checked out of the treatment session) (NIC, 2014). Some research indicates that high-risk offenders may need up to 300 hours before successful outcomes are produced.

In January 2014, the National Center for Effective Policy published a report for National Institute of Corrections (NIC) that proposed the next step in probation policy by implementing a “Dosage Probation” model of supervision, which advocates through a rigorous differential dosage along multiple criteria and individualized case assessments, the assignment of appropriate levels of evidence-based dosages along criminogenic

needs. When the appropriate dosage is reached, *that is when* the probationary period ends. Instead of the traditional model of three and five years of supervision, the timeframes will be based on achieving the correct participation in dosage hours.

While Santa Cruz County cannot adopt the “Dosage Probation” model as AB 109 prescribes mandatory supervision for realignment offenders, Santa Cruz County Probation agrees that the greater the use of evidence-based principles in probation supervision and services, the greater the recidivism reduction (Fletcher, 2015). The Probation Department has previously reported in 2011 through 2014 a targeting of reaching dosage principle objectives for all realignment offenders. In a published probation department report in 2014–2015, reaching at least 200 dosage hours showed a felony reconviction rate 19% points lower than those who did not receive the adequate dosage of 200 hours for high-risk offenders.

Similarly, the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” showed a 16-percentage point difference between high-risk offenders who reached the 200 hours or more mark versus those who did not for the three-year post-release reconviction recidivism rate. However, there is no agreed research that delineates how many hours above 200 high-risk offenders need to produce successful outcomes. Above 200, it is suggested that the particular criminogenic needs of the offender be evaluated based on which area of programming above 200 hours of total dosage might need to be supplemented.

The realignment caseload continues to grow in Santa Cruz County, and it is a resource-intensive specialized group of offenders, where funding from the state for realignment offenders does not meet the needs of all of its offenders.

Figure 9: Growing Probationary Caseloads by % change for the Santa Cruz County Probation Depart Post-Realignment (2011–2015)

Additionally, to manage a growing high-needs group included in Figure 9, in 2012–13, the Santa Cruz Probation Department was the fourth-lowest-funded probation department in the state, and caseload sizes in the adult division were too large to effectively employ evidence-based practices across all populations. Presently, AB 109 funding still does not fully address the inability to use evidence-based programming across the entire adult

probation division caseload. In the Santa Cruz County Community Partnership Plan, collated and published by the BSCC in July 2016, Santa Cruz County noted that in 2014–2015 100% use of evidence-based programming was still not possible with the available AB 109 Realignment funds allocated to recidivism reduction services. Only 61–80% of the programming offered in Santa Cruz County qualified as evidence-based.

Key Finding: Recidivism reduction programming at greater than 200 dosage hours is helping high-risk offenders in Santa Cruz County not to re-offend.

Based on the comparisons between high-risk offenders who have more than 200 dosage hours of any type of recidivism reduction programming of all types and less than 200 dosage hours, programming at greater than 200 dosage hours is helping high-risk offenders in Santa Cruz County to avoid re-offending. Using the comparative error formula, there is a statistical difference between high-risk offenders who received more than 200 hours and those who received less. Only 7% of the Santa Cruz County AB 109 offenders who had more than 200 dosage hours regardless of type recidivated. The percentage of Santa Cruz County AB 109 offenders with less than 200 dosage hours recidivated 16 percentage points more, at 23%. With a comparative error of 12.39, this is a statistically significant finding.

Limitation of this Finding: The positive differences between percentages of high-risk offenders who recidivated with more or less than 200 dosage hours did not hold up when calculating the rates of recidivism by conviction three years post-release for the group as a whole at these service levels, as demonstrated in the following Figure 10.

Figure 10: Recidivism by New Conviction among Santa Cruz County AB 109 High-Risk Offenders by Total Service Hours (greater than or less than 200 hours) and by Time at 1, 2, and 3 + year intervals

Figure 10 Key Finding: No statistically significant difference between the rates of recidivism by conviction three years post-release for offenders who participated in 200 or more hours and those who participated in less than 200 hours.

High-risk offenders' three years post-release, when taken as whole, had a modestly smaller rate of recidivism by conviction—at 30% for high-risk offenders who had more than 200 dosage hours and 33% for high-risk offenders with less than 200 services hours (1–199). However, this small difference had no statistical significance.

Limitations of the Figure 10 Key Finding: Too few AB 109 high-risk offenders reached the recommended dosage of 200 or more hours; participation hours were not limited to evidence-based programs; and no delineations of the type of service hours beyond the category of participation were made, or the number of hours offenders participated in, which limits the findings of “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” that there is no statistical difference between rates of recidivism and participation in more (30%) or less than 200 dosage hours (33%).

While “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” found that reaching the recommended service dosage threshold of 200 or more hours did not prevent new criminal behavior at a statistically significant rate—with a 33% recidivism rate by new conviction with less than the recommended dosage of 200 service hours and the slightly lower but not statistically significant lower recidivism rate by new conviction at 30% with more than 200 service hours. The research in the field suggests that for high-risk offenders, until they reach 200 hours or more of the “right” kind of dosage hours, it has little or no impact on criminal behavior for the AB 109 population. Figures 8 and 10 illustrate this finding for Santa Cruz County as well.

So while taking the group as a whole there is no correlation between taking more or less than 200 hours, this finding is not necessarily reflective of the effectiveness of dosage hours in Santa Cruz County as a whole because this study did not refine dosage hours to evidence-based-only dosage hours, which is only 61–80% of offerings in Santa Cruz County; calculate how many evidenced-based program hours were consumed by our high-risk group; or delineate what should count as an hour (a home exercise versus inpatient treatment), equalizing them all.

Further, research in the field suggests no matter what services or programming Santa Cruz County provides or any jurisdiction provides, this study cohort of high-risk offenders will have high rates of recidivism by new convictions or new bookings. Additionally, the cohort who had less than 200 hours could have only had one hour of programming, further skewing whether programming has a positive correlation with recidivism reduction in Santa Cruz County. Furthermore, not only are high-risk offenders in this cohort not reaching the recommended dosage of 200 hours or more, but also many are not participating at all in any programming, which further limits the importance of this finding.

For all of these reasons, examining those high-risk offenders at this unrefined 200-hour mark, it is notable that of the small group of about a hundred who did recidivate, 23% of them did not reach the correct dosage level of 200 hours while 7% of them did reach the correct dosage of 200 hours. There is a statistically significant difference between these two percentages. From a policy perspective, it lends credence to the accepted research that if a high-risk offender reaches 200 or more hours, they are less likely to offend and to the policy priority of Santa Cruz County that all high-risk

offenders receive more than 200 dosage hours of service.

Figure 10 also illustrates that for Santa Cruz County AB 109 offenders, like all other offender types, the longer an offender is released in the community, the more likely he or she is to return to criminal conduct.

Key Figure 10 Finding on 1-, 2-, and 3-year intervals: The numbers of high-risk offenders who recidivated by new conviction, from one to two years post release (15.9% < 200 hours, 16.7% > 200 hours), two to three years post release (41.3% < 200 hours, 38.5% > 200 hours), and three or more years post release (54.8% < 200 hours, 52.6% > 200 hours), show that the longer an offender is released into the community, the more likely he or she is to return to criminal conduct.

However, any conclusions beyond this small assertion cannot be drawn from the data because when taken as a whole group, high-risk AB 109 only participated at below and above 200 hours at roughly the same levels, which, for the high risk, has been proven insufficient at 30% recidivism rate by conviction at more than 200 hours and 33% at less than 200 hours. Of note is that at each level of dosage, below and above 200 hours, recidivism increased at 1, 2, and 3 years post-release at roughly parallel percentages between dosage categories, but the overall percentages at each dosage level were significantly higher at the three-year mark than the overall felony recidivism as shown in Figure 3.

The numbers of high-risk offenders who recidivated by new conviction are: from one to two years post-release (15.9% < 200 hours, 16.7% > 200 hours), two to three years post-release (41.3% < 200 hours, 38.5% > 200 hours), and three or more years post-release (54.8% < 200 hours, 52.6% > 200 hours). The longer an offender is released into

the community less than five years, the more likely that offender is to have recidivated in addition to having dosage hours to prevent return to criminal conduct. It appears that Santa Cruz County is similar to other jurisdictions in working on curbing future criminal conduct with recidivism reduction programming, and calibrating the right programs and dosages is difficult and may not be meeting the needs.

Key Figure 10 Finding: High- and moderate-risk offenders recidivate at higher rates than the Santa Cruz County AB 109 population as a whole and that the felony recidivism rate for Santa Cruz County at three years was 36.8% (299) versus 54.8% and 52.6% for those with less than 200 hours and more than 200 hours, respectively, of 140 high-risk offenders.

The felony recidivism rate by new conviction three years post-release for Santa Cruz County is 36.8%, representing 299 Santa Cruz County AB 109 offenders of all types. When compared with high-risk offenders with more than two hundred hours of dosage hours, which is the recommended threshold for effectiveness, there is still a 15.8 percentage point difference, a higher rate of recidivism by conviction at 52.6% with a comparative error of 9.91. This is a statistically significant increase in rates of recidivism for high-risk offenders in this category. When high-risk offenders with less than 200 hours are compared with the Santa Cruz County felony recidivism rate by conviction, there is also a statistically significant difference (18 points higher) and a comparative error of 9.91.

Figure 11: Total Three-Year Post-Release Number of New Multiple Bookings by Category or Risk in the 1170 Santa Cruz County AB 109 Population

Key Figure 11 Finding: While all types of offenders may have more than one new booking when measuring recidivism by new booking, when measuring the multiples of new bookings for high- and moderate-risk offenders, high-risk offenders have the highest

numbers of multiples followed by moderate risk with the second highest numbers of multiples and the low-risk offenders with the lower numbers per offender.

Figure 12: High-Risk AB 109 (1170)% of Multiple New Bookings (1 to 7 or more)

Figure 13: Moderate-Risk AB 109 (1170)% of Multiple New Bookings (1 to 7 or more)

A topic outside the scope of this paper is to determine how to get Santa Cruz County participation above 200 hours for all high-risk offenders with limited resources; to make all dosage hours evidenced-based programs or services; and then, with the same adherence criteria, to compare these high-risk offenders to those who did not reach the criteria and examine recidivism, and then go program-wise to see whether participation or completion yields improved outcomes. The size and scope of such a project is very likely beyond both the time and resources of the county when Santa Cruz county probation is simply trying to deal with a growing AB 109 caseload and manage the daily affairs of hundreds of resource-intensive individuals. The Pew-MacArthur Foundation Results First Initiative has started this process and it is a valuable one, saving over \$400,000 with the evaluation of one Cognitive Behavior Therapy program's effectiveness. This privately funded grant research project is a proactive solution outside the county's normal budgeting, and while Santa Cruz County has always been an innovator and leader and will likely continue to be, the practical realities of this labor-intensive process will always supersede application of ideal criminal justice theories, like reaching the 200-hour threshold for high-risk offenders.

***SECTION C: FINDINGS AND ANALYSIS OF PROPERTY- AND DRUG-RELATED OFFENSES BY
% OF NEW BOOKINGS AND A COMPARATIVE ANALYSIS OF RECIDIVISM RATES BY TWO
METRICS (NEW CONVICTIONS AND NEW BOOKINGS) VERSUS PARTICIPATION IN SUD
PROGRAMMING AND AGGREGATE TOTALS BETWEEN OFFENDER TYPES (1170 OR PRCS)
AND BY RACE OR ETHNIC ORIGIN AND PARTICIPATION IN SUD PROGRAMMING***

*“Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)”
Cohort Examined and Compared: RECIDIVISM BY TYPE OF OFFENSE (PROPERTY-
AND DRUG-RELATED OFFENSES) BY PERCENTAGE OF THREE-YEAR NEW
BOOKINGS and COMPARATIVE ANALYSIS OF RECIDIVISM RATES BY TWO
METRICS (NEW CONVICTIONS AND NEW BOOKINGS) VERSUS PARTICIPATION
IN SUD PROGRAMMING AND AGGREGATE TOTALS BETWEEN OFFENDER TYPES
(1170 OR PRCS).*

Figure 14: Total% of Three-Year New Bookings for Santa Cruz County AB 109**Population by Booking Category or Offense Type**

“Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016),” demonstrates in Figure 14, the volume of re-bookings (1581 re-bookings in total) for the three-year post-release period versus the number of people, AB 109 offenders, who account for those re-bookings (299 individuals). For context, there were a total of 4259

bookings for all realignment offenders for the study period, of which this 1581 represented in Figure 14 represents 36.3%.

Figure 14 also illustrates that Drug- and Alcohol-Related Crimes and Property Crimes are the top two categories of offenses for Santa Cruz County AB 109 offenders who recidivate by booking category and three years post-release.

Of the 500 reclassified AB 109 felonies in the initial legislation and the further reclassifications in ballot initiative Proposition 47 (2014) of minor drug crimes and property crimes under \$950 as misdemeanors, drug- and alcohol-related crimes and property crimes comprise a significant portion of the AB 109 offenses and the most important primary category of offenses that AB 109 offenders recidivate. Though this measure of recidivism deviates from the BSCC standard definition of recidivism by conviction, “three year rebooking” as used in “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” is an accepted alternative, and the three-year post-release period is adhered to for this “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” illustration.

Figure 15: Percentage of Multiples of Three-Year Recidivism by New Bookings for High-Risk Offenders from 1 to 7

Key Finding: Furthermore, as Figure 15 demonstrates, the volume of new bookings as a measure of recidivism for Santa Cruz County must account not only for the fact that the total volume of bookings for the AB 109 populations might be high at 1581 as shown in Figure 14, but the number of bookings will not likely be equally distributed among offenders in the recidivism cohort, but instead clustered around certain individuals in various subgroup cohorts for the majority of re-offenders.

Figure 15, “High-Risk AB 109 (1170)% of Multiples of New Bookings Three-Year,” demonstrates that 57% of all of the new bookings for high-risk offenders (1170) are distributed in groupings of new bookings that consist of multiple bookings per offender type from more than 1 to more than 7 per high-risk 1170 offender post-release for the standard three-year follow-up period. For offenders designated high-risk 1170, who were locally sentenced in Santa Cruz County, 9 percent, or 17, of the new bookings

consisted of 7 or more bookings per offender. Thirteen percent (25 of the new bookings) consisted of 4 to 6 new bookings per offender, and 35 percent, or 67 new bookings, consisted of groupings of 1–3 bookings per high-risk 1170 offender post-release for the standard three-year follow-up period.

(Figure 11)

Figure 15 in conjunction with Figure 11, repeated for clarity above, both illustrate that county facilities process a high volume of bookings, and it is important to associate all of the bookings with an individual offender to determine the severity of the recidivist

conduct and to calibrate the second metric for Santa Cruz County recidivism re-booking to target new criminal activity that threatens public safety. This helps avoid overvaluing recidivism rates based on rebooking without discounting the frequent returns by some offenders before publishing a final rate. If one offender is rebooked (returns to custody) seven different times on potentially seven different grounds, that offender may drive up recidivism statistics on this rebooking metric.

Key Finding: When there are clusters of multiple re-bookings around certain individuals or subgroups of individuals in the Santa Cruz County AB 109 population, the risk level alone does not seem to address why this clustering of multiple bookings occurs for offenders of high- and moderate-risk levels but not at statistically different levels, or as a whole, whether persons with multiple or the most bookings can be targeted with recidivism reduction programming or different tactics during incarceration or probationary supervision, which may contribute to multiple bookings per offender.

Future Research Question: At the heart, the point of recidivism reduction programming is to target an individual's criminal behavior for change. Further, in the interests of public policy, Santa Cruz County may want to do a manual case by case assessment for the type of offenders who have the highest volume of re-bookings (re-arrests, returns to custody due to violation, jail admissions) and determine why there is clustering around certain individuals or subgroups of individuals. To further this inquiry, when moderate-risk offenders AB 109 (1170) three-year post release is examined for this same clustering of multiple bookings around types of offenders, just under half of all re-bookings for moderate-risk 1170 offenders at 48% of new bookings were multiples, which is only marginally better than the high-risk offenders whose multiples amounted to 57% of all re-

bookings. This difference is not statistically significant. Policy analysts and probation case officers need to examine why certain offenders have so many repeated jail admissions or returns to custody (re-bookings).

Figure 14 also illustrates that in the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016),” Warrants, Violations, and Holds are grouped together as the second-largest category of recidivism by type of offense, with re-booking as the primary measure of recidivist behavior, three years post-release.

Figure 14 also illustrates that in the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)”: Warrants, Violations, and Holds are grouped together as the second-largest category of recidivism by type of offense with re-booking as the primary measure of recidivist behavior, three years post-release. This category includes probation violations, including non-technical ones, that include a significant portion of new crimes that are also drug, alcohol, or property offenses but were pursued as a probationary non-technical violation (return-to-custody/re-booking), rather than through a case adjudicated through the courts. These non-technical violations are labor-intensive to extract and categorize by type of offense, and as such they likely create an underreporting of the already large drug-, alcohol- and property-related crimes in the AB 109 population because of these “new offense” violations.

Though some initial information is available on violations, there was not enough accuracy with regard to technical and non-technical to break down the violations by categories of crimes to report the data individually. However, some effort was made to break down the non-technical violations by type, particularly including whether a non-technical violation included the designation of “new offense” committed. However, that

assignment process was done individually using each offender's case history. The data set for violations did not consistently include primary offense type by category with the same level of redundancy as the numbers that are presented. However, there were 326 total probationary violations of all types within the three-year post-release period.

Figure 16: 47.3% of the Recidivism by Percentage of New Bookings for the AB 109 Population are Alcohol- and Drug-Related or Property Crimes

This “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” analyzed property- and drug- and alcohol-related crimes because they are such an important component of the AB 109 population and the likelihood to reoffend in these two categories is quite high in most jurisdictions, including Santa Cruz County.

From 2011 to 2015, nearly 75% of all new crimes felony and misdemeanor have been drug- or property-related. Additionally, as part of the “Santa Cruz County Public Safety Realignment and Post-Release Community Supervision 2011 Implementation Plan, hereinafter Santa Cruz County CCP (Community Corrections Partnership) plan, a renowned researcher in the field of corrections and population projections, Dr. James Austin of the JFA Institute, made an assessment of the projected Santa Cruz County AB 109 makeup by demographics, type of offense, and risk level using the California Static Risk assessment Instrument developed by the CDCR with researchers at U.C. Irvine and the Washington State Institute for Public Policy (Santa Cruz County, 2011).

Note the entire projection graphic included below is drawn from (Santa Cruz County, 2011), prepared just prior to the Realignment Implementation plan submitted to the Santa Cruz County Board of Supervisors on October 4, 2011.

Figure 17: AB 109 Inmates Now in CDCR as of 7/1/11: Crime, Risk, and Other Data

(Source: CDRC, JFI Institute) PROJECTIONS (DR. AUSTIN) (SANTA CRUZ

COUNTY CCP, 2011)

PRIMARY CRIME	N OF AB 109 PROJECTED OFFENDERS SANTA CRUZ COUNTY	%	N OF AB 109 OFFENDERS IN CDCR	%
PERSON	24	19%	8265	20%
DRUGS	42	33%	13510	33%
PROPERTY	27	21%	13592	34%
OTHER	33	26%	5324	13%
RISK LEVEL				
HIGH-RISK DRUG	18	14%	4794	12%
HIGH-RISK PROPERTY	30	24%	7854	19%

Fifty-four % of projected Santa Cruz County AB 109 offenders with primary crime (drug- and or property-related)

In his population projections, Dr. Austin predicted that of the initial cohort of AB 109 offenders either sentenced in Santa Cruz County or supervised in Santa Cruz County from the CDCR, *an estimated 54%* would have as their *primary* sentencing *crime* in the first year *a drug- or property-related* offense. Of those individuals with drugs or property as their primary crime, *38% were considered high risk* to reoffend and to be resource-intensive individuals.

These Dr. Austin projections were considered non-final at the time of the CCP plan submission to the county and were published in the CCP for purposes of preparing for the number of people who would use county resources. For purposes of this “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016),” these projections closely match the aggregate totals of bookings in these two important realignment categories of drug- and alcohol-related offenses and property offenses with a combined total of *47.3% of all re-bookings in these two categories versus the 54% population projection*. While Dr. Austin’s 54% initial year projection is not perfectly matched, this comparative insight is critical to resource management and budgeting for county stakeholders.

If Santa Cruz County is receiving approximately 54% of drug- or property-related offenders from October 1, 2011–December 31, 2014, and if projections held for three years, at least 54% of the Santa Cruz County PCRS population would be from these categories. In 2015–2016, this reclassification number cannot be adequately measured yet by the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–

2016)” but likely goes radically up in Santa Cruz County because of the reclassification of so many drug and property crimes as misdemeanors only handled at the local level. In the 2015 Adult Probation Annual Report issued by Santa Cruz County, probation already reported that while Proposition 47 may have lowered overall adult caseloads, the PRCS AB 109 population continued to grow, increasing 26% from 2014 to 2015.

Moreover, the annual report noted that nearly 75% of all new crimes across the board in Santa Cruz County were drug- and property-related. And the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016),” shows that nearly half of all bookings for new criminal activity are in drug- and property-related crimes.

Key Finding: Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)”

If 3 out of 4 crimes in Santa Cruz County are drug- and alcohol-related and/or property crimes and 2 of 4 AB 109 offenders reoffend in drug- and property-related crimes, and there is further underreporting of property and drug crimes buried in labor-intensive fact-finding for non-technical violations of new offenses in this category, using the re-booking measure of recidivism, the math quickly places resources at a premium for targeting property and drug- and alcohol-related crimes in Santa Cruz County and a primary focus for recidivism reduction.

Figure 18: Property Crime by % of Three-Year New Bookings for AB 109 Santa Cruz County Population 2011–2016

Fourteen percent of all re-bookings for AB 109 offenders are for property crimes, which is second only to alcohol- and drug-related crimes at 33% in Santa Cruz County, as illustrated by Figure 18. Property and drug-related crimes are often interconnected, therefore, the 47.3% combined total for new bookings may be more significant than the total %. Further, with nearly half of all new bookings and given that a large share of AB 109 offenders already are individuals who commit property and drug crimes under the qualifying AB 109 code sections, the projections for future AB 109 population growth in Santa Cruz County could grow at even higher rates as recidivism increases and revolves

back for offenders studied in this initial five-year period post-implementation for these top two categories of offenses. Further, every year, the state continues to realign more offenders in these categories to counties, with measures like Proposition 47 effective from January 1, 2015, placing no upper limit on the way in which these top two categories will cycle and grow.

Figure 19: Drug- and Alcohol-Related Crime by % of Three-Year New Bookings for AB 109 Santa Cruz County Population

Overview of Findings SUD Programming Participation and its Relationship to Recidivism in Santa Cruz County by Multiple Criteria

There is a wide variety of SUD programming in Santa Cruz County, and it has evolved significantly throughout realignment to try to improve outcomes along multiple criteria. However, it is the wide variation of evidence- and non-evidence-based programming in SUD programming Santa Cruz County, the ongoing addition of new

initiatives and pilot programs throughout the study period, the uneven participation by AB 109 offenders in the study—both by choice and by insufficient time post release to participate—that makes drawing conclusions based on the category of SUD programming recidivism versus the whole difficult for the entire study period. This also makes comparing outcomes year-to-year difficult because the offerings are so different.

Substance use orders are so integral to the volume of realignment offenses, the type of realignment offenders, and the interconnected impetus behind so much recidivist behavior in general. The qualified results are presented as follows:

This “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” examined the recidivism outcomes based on the use of SUD programming (however varied and non-comparable year-to-year) because substance use orders are so integral to the volume of realignment offenses, the type of realignment offenders, and the interconnected impetus behind so much recidivist behavior in general. The costs associated with a recidivist offender and the growing demands of the AB 109 offenders in Santa Cruz County, SUD programming, among five other program categories, was singled out to determine if it has a positive impact on the rates of recidivism in the Santa Cruz County AB 109 population.

Findings And Analysis Of SUD Programming

\$40,000 per offender who recidivates in Santa Cruz County by the Pew-MacArthur Results First Initiative

The establishment of the high cost of \$40,000 per offender who recidivates in Santa Cruz County by the Pew-MacArthur Results First Initiative has placed a greater

importance on evidence-based practices at all stages, including case assessments of ongoing staff training with turnover in all agencies in evidence-based practice, communication and coordination of service goals in evidence-based practices across dozens of service providers, the obtainment of buy-in from the community and community leaders that legacy programs that are not evidence-based should be replaced by those that are (BSCC, 2016a). SUD programming is one such programming area in Santa Cruz County where deficiencies along key criteria has decreased the successfulness of this type of programming.

Thirty-three percent of all three-year re-bookings in Santa Cruz County for AB 109 offenders (returns to custody, violations, new crime arrests) are for drug- and alcohol-related crimes

A rebooking for a drug- and alcohol-related crime does not necessarily indicate that the offender has a substance use disorder, but there is significant overlap between those who get convicted for drug and alcohol offenses and substance use disorders (SUD). It is notable that 33% of all the three-year re-bookings (returns to custody, violations, new crime arrests) are in the drug- and alcohol-related crimes. Further, there are many offenders who are convicted for non-drug- and alcohol-related crimes like property offenses (14%), but who have a substance use disorder and would likely be good candidates for Santa Cruz County substance use disorder programming and services.

Research shows that the most effective programming: 1) is evidence-based, 2) targets an offender's criminogenic needs based on an individualized case assessment, and, 3) is applied at the correct dosage. There is consensus in the research community, and Santa Cruz County has applied this principle with regard to dosage in order to

achieve a reduction in recidivism, high-risk offenders must participate at a dosage of 200 hours or more, and moderate-risk offenders must participate at a dosage of 100–200 hours to achieve the best outcomes. Further, if the program hours are not evidence-based, positive outcomes are significantly reduced or not evident at all.

Only 61 to 80 of Santa Cruz County programmings, including SUD programming, is evidence-based and therefore the included “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” findings on SUD programming may reflect the lack of a full complement of evidence-based SUD programming.

According to a statewide survey published by the BSCC, only 61–80% of evidence-based programming meets the local Santa Cruz County definition of evidence-based programming (BSCC, 2016a). Substance use disorder programming varies widely in California for realignment offenders and for Santa Cruz County Realignment Offenders from in-patient-dedicated facility programs to community-based meetings. Santa Cruz County officials have acknowledged that not all the programming is evidence-based, but there is reluctance in Santa Cruz County to eliminate a program or service without first finding an adequate replacement for that service (Pew-MacArthur, 2015). In a September 2015 case study by the Pew-MacArthur Results First Initiative, the Chief Probation Officer for Santa Cruz County illustrated innate tension in the cultural struggle between good intentions and evidence-based practices and changing institutional behavior: “We have dozens of legacy programs that have been put in place over the last 20 years that are well intentioned but have no evidence to support them” (Pew MacArthur, 2015). However, as a partner with the Pew-MacArthur Results First Initiative, strides have been made in this area of programming to prioritize programs and

strategies that have proven effective in reducing recidivism and enhancing outcomes with regard to substance use and that are also cost-effective.

Throughout the study period, there were ongoing improvements to SUD programming in Santa Cruz County to shift to more evidence-based programs that better meet Santa Cruz County needs.

In 2015, a pilot Recovery Maintenance Program in SUD treatment changed the emphasis from “an episodic, acute response model to one of ongoing support for chronic health condition” (Santa Cruz County, 2014). The pilot extended the follow-up period up to a year following discharge, and a “rapid/priority return to treatment as needed in response to relapse triggers” (Santa Cruz County, 2014). The work with Pew Results First Initiative continues and may continue to help Santa Cruz County’s plentiful offerings be more targeted to the service needs of the populations.

Another example of the evolving and varied nature of SUD-related programming and services offered in Santa Cruz County during the study period is a pilot project in 2014–2015 that was a partnership between Probation, the Corrections and County Health Services Agency, and the jail medical services provider, Janus of Santa Cruz, to improve an individual’s chance post release and to reduce cravings for Opioid-abusing offenders by using a time-released injection of Naltrexone a few days prior to release and allowing them the few days’ time necessary to enter treatment programs and curb cravings to stop chronic relapse patterns (Fletcher, 2015).

There were too many year-to-year improvements in SUD programming to determine effectiveness of SUD programming, as a whole, on recidivism in Santa Cruz County.

Substance use disorder (SUD) programming is key to recidivism reduction, and Santa Cruz County has remained proactive year-to-year to try to provide the best collection of programs and services in this area. This proactive evolution of programs in Santa Cruz County year-to-year during the study period was necessary to better improve outcomes for the AB 109 population but has the unfortunate side effect for this study that SUD programming, as a whole from 2011–2016, cannot be fairly evaluated as an effective or ineffective means to reduce recidivism in Santa Cruz County.

In late 2015, the Pew-MacArthur Results First Initiative reported the results of a comprehensive program-by-program inventory of SUD programming in Santa Cruz County and multiple criteria evaluation, which revealed that many drug treatment programs performed poorly and there is a legacy resistance to eliminate an ineffective program before a new one can be created, which indicates pre-existing poor SUD program outcomes for four of the five years of the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016).”

While the Pew-MacArthur Results First Initiative provided detailed information to key staff in Santa Cruz County who participated in the case study published in September 2015, the specific programmatic evaluations were not available to the public or for this paper. The results are from the published summary, and the quotations are included. However, from this publicly available information, there were two key insights from Santa Cruz County’s participation in this initiative that inform why the results of the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” indicate that not only does Santa Cruz County SUD programming not have a positive correlation to recidivism reduction, but according to the blunt metric used in the study of

any SUD programming (evidence-based or not, 1 hour or 200 hours) versus no SUD programming, that AB 109 offenders tended to recidivate at a higher percentage than the total percentage of AB 109 offenders across the entire study period (2011–2016).

The first insight is that after completing a thorough inventory of all SUD programming offered in Santa Cruz County in the Results First Initiative, evaluating the offerings against a national clearinghouse database of effective evidence-based programs, and performing a cost-benefit analysis, was the revelation of “how poorly drug treatment programs did, at least in terms of the cost benefit analysis” (Pew-MacArthur, 2015). The second insight is that because of the premium placed not only on costs, but also on community priorities in Santa Cruz, “some programs should be preserved in the absence of an effective alternative” (Pew-MacArthur, 2015).

The included “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” findings are not necessarily a good indicator of the effectiveness of SUD programming on which to redirect county resources because participation could not be measured by key criteria in the same statistically or demographically relevant cohort by 1) the same program or group of programs and people for three years post release, whether the dosage hours were evidence-based or not, and the variation among dosage hours (what type of program (in-patient hour versus community meeting) counted).

The variation in programming both evidence- and non-evidence-based, because of the yearly differences, and because AB 109 offenders in the study were observable for varying periods of time post release, it was too complex a matrix of information to track participation by a specific program for all of the three-year post-release offenses and then find a statistically or demographically relevant group within the same post-release

timeframe and among that program's participants. As a result, this "Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)" was not able to collect information program-wise and year-to-year, the names of program participants across dozens of program offerings and providers, and the dosage levels in each program if a program existed for the entire release period as well as select a three-year cohort who participated in the same program, not a similar type of program. As a result, the included findings are not necessarily a good indicator of the effectiveness of SUD programming. With the appropriate level of resources like with the Pew-MacArthur Results First Initiative, a program-by-program evaluation could yield more specific results.

It was not possible to sort AB 109 participation by evidence-based or non-evidence-based programs for the "Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)," so the effectiveness of SUD programming may not be instructive.

Not every dosage hour counted in this recidivism study should be counted the same. There should have been designations of evidence- and non-evidence-based hours because of the importance that the corrections' research says evidence-based programming has on recidivism reduction. However, the portfolio of programming offerings each year and the differing criteria for every offering made this evaluation beyond the scope of this study. Designing and executing this study of recidivism in Santa Cruz County yielded the first phase of a comprehensive database in which future years can add whether a program is evidence-based by countywide Corrections criteria, and then link participation if it still exists when a program is evaluated to the offenders already listed in the database produced for this study.

No distinction was made between an AB 109 offender's participation between one hour of SUD participation or 200+ hours of SUD participation in "Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)," so the study's results may not be instructive on the effectiveness of SUD programming.

No distinction was made between an AB 109 offender's participation between one hour of SUD participation or 200+ hours of SUD participation because the cohort represented in the "Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)," for this criteria of offender had to be taken as a whole for the entire length of the study from October 2011 to November 2016 because of the reasons described above in matching a cohort in which evidence-based program participation in SUD could be singled out for the same sets of programs, for the same types of dosage hours, and finally for the same period of time to accumulate those hours (three years post release). Key Finding: Despite all of these limiting criteria listed in this analysis, this "Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)" still attempted to examine recidivism outcomes based on the use of SUD programming (however varied and non-comparable year-to-year) because substance use orders are so integral to the volume of realignment offenses, the type of realignment offenders, and the interconnected impetus behind so much recidivist behavior in general. *There is no positive correlation, in the aggregate, between participation in SUD programming (however varied and non-comparable year-to-year and at various levels, one hour versus greater than one hour) in "Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)" and the reduction in recidivism.*

The following sets of recidivism evaluation by type, by demographics, and by participation in SUD programming take the entire study cohort over the approximately five years in which data was collected for Santa Cruz County between October 2011, the start of implementation of the realignment, and November 2016. These groupings do not conform to the standard post-release follow-up period of three years, and as a result not every offender has had the same length of time to have a successful outcome, to participate in the recommended dosage of SUD programming, or to recidivate.

Comparison Cohort 1: Baseline Comparison between recidivism by status type of offender (PRCS versus 1170). A comparison between the recidivism rates of all 2011–2016 Santa Cruz AB 109 offenders by type (PRCS and 1170) and by two metrics of recidivism (by percentage of new convictions and percentage of new bookings).

Figures 20 and 21: 2011–2016 Santa Cruz AB 109 Offenders Recidivism by type (PRCS) and (1170)

2011–2016 Santa Cruz AB 109 Offenders Recidivism by type (PRCS)			2011–2016 Santa Cruz AB 109 Recidivism Offenders by type (1170)	
Total PRCS	484		Total 1170 Offenders	386
New Convictions (n =)	117		New Convictions (n =)	75
New Bookings (n =)	267		New Bookings (n =)	169
Recidivism by Conviction%	24%		Recidivism by Conviction%	19%
Recidivism by Bookings%	55%		Recidivism by Bookings%	44%

Figure 20 and 21 Comparison Cohort: A comparison between recidivism of all 2011–2016 Santa Cruz AB 109 Offenders Recidivism by type (PRCS) (Figure 20) and (1170) (Figure 21) by two metrics of recidivism (by % of new Convictions and % of New Bookings)

Key findings of recidivism by new conviction for PRCS offenders versus 1170 offenders: No statistically significant difference in recidivism by new conviction between PRCS offenders and 1170 offenders

When comparing the recidivism rates by type of offender between PRCS offenders and 1170 offenders, there is no statistical difference between the recidivism rates by new conviction at 24% for PRCS offenders and 19% for 1170 offenders.

Key Findings of recidivism by new booking for PRCS offenders versus 1170 offenders: A statistically significant higher rate of recidivism by new booking than for 1170 offenders.

When comparing between recidivism based on rebooking (return to custody due to probation violation, jail admission for a hold, re-arrest for a new crime), *there is a*

statistical difference between the rate of recidivism for PRCS offenders based on new bookings at 55% and only 44% for 1170 offenders. The 11 percentage point difference has a comparative error of 6.65.

The close resource-intensive supervision of PRCS offenders by the probation department could account for a higher rate of recidivism by new bookings. However, without doing a manual case-by-case evaluation of the reason for each rebooking, it is not possible to determine. Further, as with all of the other cohorts in this study, the rebooking metric for recidivism casts a much wider net for new criminal behavior, some of which is prohibited (like public intoxication or missing an appointment) but may not rise to the level of new criminal activity in which county policy should be changed to prevent.

However, if PRCS offenders continue to trend higher for rates of recidivism for PRCS versus 1170 offenders, this key finding from this study may help Santa Cruz County better manage the PRCS population.

The takeaway for county officials that AB 109 offenders who serve a PRCS probationary period may be a higher risk offender upon transfer from CDCR (though the conviction recidivism rate is not statistically different) and may be more likely to recidivate, or the intensity of the supervision period may catch more recidivist behavior, some of which should redirect county resources to protect public safety. Additionally, because the cohort does not follow offenders for the same periods of time, it could be that the reconviction rate among PRCS offenders may rise to a level of statistical significance as the new booking metric does, when the criminal justice process adjudicates each booking for a new crime, or that bookings for non-technical violations for new offenses may be higher in the PRCS offender group because of the intensity of the supervision in this category.

2016 Santa Cruz AB 109 Offenders Recidivism by type (PRCS) and (1170) with SUDS programming participation in any type or any dosage level versus all 2011–2016. Santa Cruz AB 109 offenders recidivism by type (PRCS) and (1170) by two metrics of recidivism (% of new convictions and % of new bookings) and then: A comparison cohort 2 & 3 to establish a baseline for further criteria: The comparison of 2011 between the recidivism rates of 2011–2016 Santa Cruz AB 109 offenders recidivism by type (PRCS) with SUDS programming participation in any type or any dosage level versus 2011–2016. Santa Cruz AB 109 offenders recidivism by type (1170) with SUDS programming any type, any dosage hour by two metrics of recidivism (by % of new convictions and % of new bookings).

Figures 22: 2011–2016 Santa Cruz AB 109 Offenders Recidivism by type (PRCS)

with **SUDS programming any type, any dosage hour** and **Figure 23: 2011–2016**

Santa Cruz AB 109 Recidivism Offenders by type (1170) with **SUDS programming**

any type, any dosage hour

Figure 22: 2011–2016 Santa Cruz AB 109 Offenders Recidivism by type (PRCS) with SUDS programming any type, any dosage hour		Figure 23: 2011–2016 Santa Cruz AB 109 Recidivism Offenders by type (1170) with SUDS programming any type, any dosage hour	
Total PRCS	129	Total 1170 Offenders	170
New Convictions (n=)	58	New Convictions (n=)	46
New Bookings (n=)	103	New Bookings (n=)	95
Recidivism by Conviction%	45%	Recidivism by Conviction%	27%
Recidivism by Bookings%	80%	Recidivism by Bookings%	56%

*Comparison Cohort: 2011–2016 Santa Cruz AB 109 Offenders Recidivism by type (PRCS) with **SUDS programming any type, any dosage hour** versus 2011–2016 Santa Cruz AB 109 Offenders Recidivism by type (PRCS) by two metrics of recidivism.*

No positive correlation between SUD program participation at any level and the level of recidivism for the PRCS offender.

All AB 109 PRCS offenders who participated in any type of substance use disorder programming of any dosage level was examined (129) and compared to the aggregate totals for all PRCS offenders in the study (484) to see if there was any correlation between participation in SUDS programming and the rate of recidivism by new convictions or new bookings. For all of the reasons highlighted previously in the analysis,

it was expected that this blunt dividing line between any level of programming (0 hours versus any hours (1+)), and no distinction between evidence- and non-evidence based, or participation in the same SUD program, it was expected that the results may not be conclusive or positive.

Key Finding: There is a significantly higher level of recidivism for PRCS offenders who participated in SUD programming, indicative that participation in SUD programming may represent the presence of a substance use disorder.

The statistically significant difference in recidivism by conviction was quite marked (45% recidivism for PRCS offenders who were also SUD participants versus 24% reconviction for the group as a whole, with a comparative error of 9.39. This 21-point difference in new convictions for PRCS offenders with any voluntary participation in SUDS programming is not only statistically significant, but also may be indicative of the relationship between substances use disorders and recidivism generally.

Key Finding: Recidivism by new bookings for PRCS with SUD programming: There is a statistically significant 25 percentage-point difference between recidivism with some SUD programming at 80% versus 55% without any SUD programming.

When comparing recidivism by new bookings for the same category, there is a 25 percentage point difference between the rate of recidivism with some SUD programming at 80% versus 55% without any SUD programming. Corrections research shows that substance use disorders are the lynchpin fueling new criminal behavior of all types, and the presence of any level of SUD programming for this cohort of Santa Cruz County AB 109 offenders may show this correlation for the AB 109 population because a referral to a SUD program by probationary staff in Santa Cruz County is indicative of some type of

disorder. So while the study does not appear to be able to relay any significance about the effectiveness of recidivism reduction programs in Santa Cruz County, it may suggest that offenders with drug- and alcohol-related issues will recidivate at higher rates than those offenders without an disorder.

Comparison Cohort: 2011–2016 Santa Cruz AB 109 Recidivism Offenders by type (1170) with SUDS programming any type, any dosage hour versus 2011–2016 Santa Cruz AB 109 Recidivism Offenders by type (1170), by two metrics

No positive correlation between SUD program participation at any level and the level of recidivism for the 1170 offender, but participation appears indicative of the presence of a substance use disorder.

All Santa Cruz County AB 109 1170 offenders who participated in any type of substance use disorder programming of any dosage level was examined (170 individuals) and compared with the aggregate totals for all 1170 offenders in the study (386) to see if there was any correlation between participation in SUDS programming and the rate of recidivism by new convictions or new bookings for this offender type. For all of the reasons highlighted previously, it was expected that this study's blunt dividing line between any level of programming participation and no distinction between evidence- and non-evidence-based, that the results may not be conclusive or positive with regard to recidivism reduction.

There are parallels in the comparisons between the PRCS populations in the aggregate versus 1170 offender populations in the aggregate with participation in any type of SUD programming. Both show much higher rates of recidivism based on new convictions and new bookings for those 1170 offenders who did participate in SUD

programming in Santa Cruz County at any level versus the aggregate totals for all 1170 offenders, similar to PRCS offenders in the same comparison.

Key Finding: There is a higher level of recidivism for 1170 offenders by new conviction who participated in SUD programming indicative that participation in SUD programming may represent the presence of a substance use disorder.

AB 109 offenders in Santa Cruz County were convicted for new offenses at a marginally higher but statistically significant higher rate at 27% for 1170 offenders with SUD programming and only 19% without any SUD programming. The comparative error was 7.74, but there was an 8 percentage point difference.

Key Finding: Recidivism by new bookings for 1170 offenders with SUD programming, there is also a statistically significant percentage point difference between recidivism with some SUD programming at 56% versus 44% without any SUD programming.

For recidivism based on new bookings, there was also a statistically significant higher rate of recidivism for AB 109 1170 offenders with any type of SUD programming at (56%), 12 percentage points higher than all 1170 offenders in this cohort at (44%), with a comparative error of 8.96.

Key Finding: It is notable while AB 109 1170 offenders with SUD programming had a higher level of recidivism by both metrics. AB 109 1170 offenders with any type of SUD programming in Santa Cruz County were convicted or booked again for new criminal activity at significantly lower recidivism rates than AB 109 PRCS offenders with any type of SUD programming.

While AB 109 1170 offenders with any type of SUD programming recidivated at statistically significant higher rates using both metrics than the aggregate without SUD programming, *AB 109 1170 offenders with any type of SUD programming* in Santa Cruz County were convicted or booked again for new criminal activity at *significantly lower recidivism rates than AB 109 PRCS offenders with any type of SUD programming*. 1170 offenders with SUD program participation were convicted at a statistically significant lower recidivism rate by conviction of 27% (170) versus 45% (129) for PRCS offenders with SUD programming. 1170 offenders with SUD programming were convicted 18 percentage points lower, with a comparative error of 10.87. Similarly, there was a statistically significant 24 percentage point difference between the lower rate of recidivism by new bookings for 1170 offenders with SUD programming (56%) versus an 80% rate of recidivism by booking for PRCS offenders with SUD program participation, with a comparative error of 10.17.

Summary of three key findings can be gleaned from the first comparison cohorts using SUD programming participation for and between status type of offenders.

1) Participation in SUD programming appears to be a de facto categorization of AB 109 offenders who have substance use disorders to some degree based on the criminogenic needs in order to generate a program referral in this category. The study trends seem to highlight the importance in appropriately treating substance use disorders because study participants with substance use disorders are recidivating at higher rates.

2) While the SUD program participation was selected as a study cohort in the hopes of seeing a positive correlation between participation and lower rates of recidivism in Santa

Cruz County, i.e. the programming is working and lowering recidivism, for the reasons stated above this study's limitations did not allow for a solid finding on those grounds.

3) It appears that PRCS offenders in Santa Cruz County have comparatively and statistically significant higher rates of recidivism based on both new convictions and new bookings than 1170 offenders, and these higher rates may point to a need to manage the PRCS population differently or simply reflect the higher risk AB 109 offender present in the PRCS population versus the 1170 offender.

Overview Description of Comparison Cohorts by Race or Ethnic Origin and participation in SUD programming at two levels and by two metrics of recidivism (new conviction and new booking), and between status types (PRCS or 1170) offenders:

A further attempt was made to analyze whether any type of SUD programming at any dosage level varied demographically using both the rebooking and reconviction criteria and between by offender types (PRCS and 1170) by race or ethnic origin.

White adult offenders comprise the largest demographic cohort in the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” completed for this study, at 229 of 484 PRCS offenders 226 of 386 (1170) offenders. As they do with the general population of incarcerated individuals in California and nationwide, white male adult offenders comprise the largest group of AB 109 offenders in both types in this study. Hispanic/Latino/Mexicans comprise the second largest demographic in Santa Cruz County and Blacks/African-Americans the third.

Figures 24–27: White Santa Cruz County AB 109 offenders by new conviction, new booking, and by participation in SUD programming at any level and over 200 hours

WHITE	
2011–2016 (PRCS) White	
Total PRCS (White)	229
New Convictions (n=)	65
New Bookings (n=)	139
Recidivism by Conviction %	28%
Recidivism by Bookings %	61%

2011–2016 (PRCS) White with SUDS programming	
Total PRCS (White) with SUDS	72
New Convictions (n=)	20
New Bookings (n=)	57
Recidivism by Conviction %	28%
Recidivism by Bookings %	79%

2011–2016 (1170) White	
Total 1170 (White)	226
New Convictions (n=)	31
New Bookings (n=)	105
Recidivism by Conviction %	14%
Recidivism by Bookings %	46%
2011–2016 (1170) White with SUDS	
Total 1170 (White) with SUDS	112
New Convictions (n=)	32
New Bookings (n=)	68
Recidivism by Conviction %	29%
Recidivism by Bookings %	61%

Comparison Cohort: between the white PRCS AB 109 population and the 1170 population with multiple levels of SUD programming

There was a participation rate of approximately 31% or 22 white PRCS offenders in any type of SUD programming participation at any level. Of the 72 white PRCS offenders who participated in SUD programming, 31%, or 22 offenders, participated at greater than 200 hours of SUD-related programming. Participation levels are noted above 200 hours because just as participation in SUD programming appears to be an indicator of substance use disorders present in the AB 109 population because of the RNR case assessment that generated the original program referral, participation in hours above 200 dosage hours is indicative of two additional inferred offender characteristics, the seriousness of the substance use disorder of the offender and the likelihood that the offender has been classified as a “high-risk” offender per the criteria discussed in this study because 200 dosage hours is the minimum required threshold for effectiveness of programming for high-risk offenders.

The statistically significant higher rates of recidivism *between the PRCS AB 109 population and the 1170 population* with SUD programming and between the two groups in the aggregate, a demographic comparison by race/ethnicity began with a comparison of recidivism rates between white PRCS offenders and white 1170 offenders with SUD programming because the trending insight seemed to be the dramatically higher rates between the group of offenders originating in CDCR and transferred to county for intensive probationary supervision in the PRCS category and all other types of AB 109 offenders (1170), who were sentenced locally and served their time locally.

Key Finding: No statistical significance for white PRCS offenders by the standard measure of recidivism by new convictions between PRCS offenders (28%) and 1170 offenders (29%) who participated in any type and level of SUD programming or participation above 200 hours of programming.

For both white PRCS offenders with any level of participation in SUD programming (72) and for PRCS offenders with more than 200 hours of SUD-related program participation (22), there was no statistical difference in recidivism rates by the standard measure of recidivism by new convictions between PRCS offenders (28%) and 1170 offenders (29%) who participated in any type and level of SUD programming, and between PRCS offenders with more than 200 hours of programming (23%) versus (29%) with less than 200 hours of programming, with the comparative error far in excess of the actual percentage point difference for these small sample sizes.

Key Finding: When comparing recidivism by % of new bookings between PRCS offenders and 1170 offenders, there were staggeringly higher rates of recidivism for PRCS offenders than for 1170-type offenders, with the same cohort limitation of white and program participation levels in SUD programming.

For whites with any level of SUD participation, PRCS offenders had an 18 percentage point higher recidivism by new bookings at 79% (White PRCS) compared with the much lower rate of 61% for 1170 offenders, with a comparative error of 13.04.

When the subset of white PRCS offenders with more than 200 hours of SUD-related programming is compared with 1170 offenders with the same program participation, the statistically significant difference is even higher for the comparative rates of recidivism by booking where 95% of white PRCS offenders with more than 200

hours of SUD programming recidivated compared with *61% of white 1170 offenders*, with a comparative error of 16.42, and a 34 percentage point difference.

Key Finding: As with other cohorts, for the white demographic and by offender type, recidivism rates are comparatively higher for the PRCS population by new bookings versus 1170 offenders.

There are even higher rates of recidivism at 95% of white PRCS offenders with more than 200 hours of SUD programming than the comparatively higher rates of recidivism between PRCS offenders and 1170 offenders. This finding for participants over 200 dosage hours also supports corrections research that these individuals are likely high risk and have a serious substance use disorder that is chronic and difficult to correct even at this highest level of programming.

Again for the white demographic and by offender type, recidivism rates are comparatively higher for the PRCS population particularly when using the wider metric of new bookings versus 1170 offenders and when using SUD programming as a proxy for the potential presence of substance use disorders. These substance use issues are present in the 1170 population as well at significantly lower but still high levels with nearly 6 out of every 10 1170 offenders with more 200 hours recidivating.

Figures 28–31: Hispanic, Latino, or Mexican-American Santa Cruz County AB 109 offenders by new conviction, new booking, and by participation in SUD programming at any level and over 200 hours

Hispanic, Latino or Mexican-American	
2011–2016 (PRCS) Hispanic, Latino or Mexican-American	
Total PRCS (Hispanic)	195
New Convictions (n=)	33
New Bookings (n=)	93
Recidivism by Conviction %	17%
Recidivism by Bookings %	48%

2011–2016 (PRCS) Hispanic, Latino or Mexican-American with SUDS programming	
Total PRCS (Hispanic) SUDS	45
New Convictions (n=)	9
New Bookings (n=)	36
Recidivism by Conviction %	20%
Recidivism by Bookings %	80%

2011–2016 (1170) Hispanic, Latino or Mexican-American	
Total 1170 (Hispanic)	120
New Convictions (n=)	21
New Bookings (n=)	54
Recidivism by Conviction %	18%
Recidivism by Bookings %	45%

2011–2016 (1170) Hispanic, Latino or Mexican-American with SUDS	
Total 1170 (Hispanic) SUDS	42
New Convictions (n=)	9
New Bookings (n=)	20
Recidivism by Conviction %	21%
Recidivism by Bookings %	48%

*Comparison Cohort Overview:**Hispanic/Latino/Mexican Recidivism Rates by demographic, by type, and by programming participation*

An analysis of the difference in the recidivism by booking and by new conviction for Hispanic/Latino/Mexican cohort of PRCS offenders versus 1170 was performed first because of the previous statistically significant findings of dramatically higher rates between the group of offenders originating in CDCR and transferred to county for intensive probationary supervision represented in the PRCS category and all other types of AB 109 offenders (1170) who were sentenced locally and served their time locally. Additionally, since recidivism in the other previously examined cohorts were higher for the subset of offenders who participated in SUD programming at any level, this cohort was examined to determine if the same held true.

Comparison Cohort: between the Hispanic/Latino/Mexican Recidivism for PRCS AB 109 population and the 1170 population with any level of SUD programming, with 200 or more hours of SUD programming and by two metrics (% of new conviction and % of new bookings)

There were 195 PRCS Hispanic/Latino/Mexican PRCS offenders in Santa Cruz County AB 109 population and 120 total 1170 Hispanic/Latino/Mexican offenders. Only 45 or 24% of the Hispanic/Latino/Mexican PRCS offenders participated in SUD programming of any type, at any level, and only 42 or 35% of Hispanic/Latino/Mexican 1170 offenders participated. As with other cohorts' participation percentages in SUD disorder programming, these percentages may also be indicative of a substance use disorder in Hispanic/Latino/Mexican Offender population. However, like the standard offender

population, not every person is perfectly matched with the appropriate program or type of programming, and not every person in the AB 109 population, including the Hispanic/Latino/Mexican offender population, will have been identified as having a substance use disorder at the initial case assessment. This percentage will likely underrepresent the number of substance use disorders in the AB 109 population for this cohort rather than over represent them.

Key Finding Consistent with and Indicative of a Trend: when comparing recidivism by % of new bookings between PRCS offenders and 1170 offenders using the wider metric, there were staggeringly higher rates of recidivism rates for Hispanic/Latino/Mexican offender population PRCS offenders than for 1170 type offenders, with the same cohort limitation of Hispanic/Latino/Mexican offender population and participation level in SUD programming.

For a Hispanic/Latino/Mexican offender population with any level of SUD participation, PRCS offenders had an 32 percentage point higher recidivism rate by new bookings at 80% (Hispanic/Latino/Mexican PRCS) compared with the much lower rate of 48% for 1170 offenders, with a comparative error of 19.1. Again, this trend for higher rates of recidivism for the PRCS population can be attributed to numerous factors including but not limited to the higher risk population sent from CDCR to Santa Cruz County to begin, which will recidivate at a higher level or the level of intensity of the supervision in this category by the Santa Cruz County probation.

It is notable that it is the booking metric of recidivism that consistently creates the higher comparative rates between the PRCS and 1170 populations, and since new bookings include probationary violations of all types or jail admissions for holds that may

review the charging route of probation violations versus adjudication for new offenses reviewed by the DA, this may account for the comparatively higher differences.

By New Conviction and participation in SUD

Similar to other comparisons between recidivism by new convictions, by offender type, and participation in SUD programming, there was not a statistical significance in the comparative rate of recidivism by new conviction for Hispanic/Latino/Mexican AB 109 Offender population in Santa Cruz County in this study. Twenty percent of PRCS Hispanic/Latino/Mexican offenders versus 21% of Hispanic/Latino/Mexican 1170 offenders recidivated by new conviction, and at the marginal difference of 1 percentage point and a comparative error of 16.98.

Key Trend Finding: When the subset of Hispanic/Latino/Mexican population PRCS offenders with more than 200 hours of SUD-related programming is compared to 1170 offenders with the same program participation, there is only a marginally statistically significant difference between the higher rates of recidivism by booking between PRCS offenders and 1170 offenders in this cohort, but the rates of recidivism by booking for the PRCS population do remain higher across all criteria for Hispanic/Latino/Mexican PRCS offenders.

PRCS Hispanic/Latino/Mexican offenders with more than 200 hours of participation in SUD programming, 17 total (or 88%), recidivated with at least one new booking compared to 14 total (or 57%), for the 1170 cohort. Though there is a 31 percentage point difference in the recidivism rate for new bookings, the comparative error rate at 30.19 is only slightly smaller.

Overview of Comparison Cohort: Black/African-American Recidivism Rates by demographic, by type, and by SUD programming participation in Santa Cruz County

Figures 32–35: Black/African-American Santa Cruz County AB 109 Offenders by new conviction, new booking, by participation in SUD programming at any level and over 200 hours

Black/African-American Population	
2011–2016 (PRCS) Black/African-American Population	
Total PRCS (Black)	45
New Convictions (n=)	17
New Bookings (n=)	28
Recidivism by Conviction %	38%
Recidivism by Bookings %	62%

2011–2016 (PRCS) Black/African-American Population with SUDS programming	
Total PRCS (Black) SUDS	10
New Convictions (n=)	4
New Bookings (n=)	8
Recidivism by Conviction%	40%
Recidivism by Bookings%	80%
2011–2016 (1170) Black/African-American Population	
Total 1170 (Black)	25
New Convictions (n=)	4
New Bookings (n=)	7
Recidivism by Conviction %	16%
Recidivism by Bookings %	28%

2011–2016 (1170) Black/African-American Population with SUDS	
Total 1170 (Black) SUDS	10
New Convictions (n=)	2
New Bookings (n=)	3
Recidivism by Conviction %	20%
Recidivism by Bookings %	30%

For the last demographic cohort of offenders, *Black/African-American*, with only 45 PRCS offenders and 25 (1170) offenders in the study cohort of that demographic classification, it was first assessed whether there was a statistical significance for samples that small between the PRCS population and the 1170 population. For this demographic cohort of Black/African-American AB 109 offenders in Santa Cruz County, there was a statistical significance in the rates of recidivism between the PRCS offenders and the 1170 offenders by both recidivism by new conviction and recidivism by new bookings, unlike other cohorts, which found a higher rate only by new booking.

Comparison Cohort: between the Black/African-American recidivism rates in Santa Cruz County, by PRCS AB 109 population and the 1170 population with any level of SUD programming, with 200 or more hours of SUD programming, and by two metrics (% of new convictions and % of new bookings)

By New Conviction (PRCS versus 1170)

Thirty-eight percent of the PRCS Black/African-American AB 109 offenders in Santa Cruz County recidivated with a new conviction compared to 16% of the 1170 population in this cohort. Again, the PRCS population recidivated at a statistically

significant higher rate than the 1170 population with an actual difference of 22 percentage points and a comparative error of 20.19.

By New Booking (PRCS versus 1170)

Using the more inclusive metric of recidivism by new bookings, the PRCS Black/African-American AB 109 offenders in Santa Cruz County again recidivated at a higher percentage than those by new conviction at 62% and a statistically significant and comparatively higher rate of recidivism by booking for 1170 offenders at 28%. The 34 percentage points in actual difference between the rates of recidivism by booking between the PRCS Black/African-American AB 109 offenders in Santa Cruz County and the 1170 offenders in the same subset represent another drastic difference between the PRCS rebooking rate and the 1170 rebooking rate, with a comparative error of all 22.61.

The sample sizes were small for participation by the PRCS and 1170 Black/African-American AB 109 offenders in Santa Cruz County in SUD-related programming, at 10 offenders in each offender type. As a possible indicator of the presence of substance use disorders, this offender group is included in the results for study completeness, but findings for this cohort alone should be presented on their own.

Trend line for higher recidivism within the PRCS population across all demographics upheld for the PRCS Black/African-American AB 109 offenders in Santa Cruz County

Of note is that despite the small sample size, PRCS Black/African-American AB 109 offenders in Santa Cruz County have comparatively higher recidivism rates with their 1170 counterparts by at least one metric of recidivism, recidivism by % new bookings holding up the trend for higher rates of recidivism for all PRCS offenders in

Santa Cruz County AB 109 population versus the 1170 cohort by demographics, by offender type, and by participation in SUD programming. Eighty percent of PRCS Black/African-American AB 109 offenders in Santa Cruz County recidivated with a new booking compared with 30% of 1170 offenders. This 50 percentage point difference has a high comparative error of 37.7 but remains statistically significant for this sample cohort.

Section D: Findings of Successful Outcomes for AB 109 Populations By New Conviction and New Bookings; Reverse Comparison of Recidivism by New Conviction and New Bookings and the Policy Implications of the Difference

Figure 36

Key Finding: Successful Outcomes for the AB 109 Santa Cruz County Offender:

Santa Cruz County has *successfully released 63% of the AB 109 population with no new convictions within three years of release. Santa Cruz County has successfully*

released 33% of the AB 109 population with no further re-bookings of any kind (technical and non-technical probation violations, new crimes, warrants etc.) within three years of release.

Definition of the Comparison Cohort presented in this Criminal Justice Outcomes Analysis

Who: All AB 109 offenders in Santa Cruz County by status type

What: Three years post release by new conviction and three years post release by any new booking

When: Three years post release

Why: Recidivism studies often focus on the negative outcome, but this first presentation reminds county policy makers that nearly 2/3 of the AB 109 population is successfully reintegrating into the community post release.

Figure 37: Number and Percent of AB 109 Individuals with Three Years or More in the Community Following Release from Secure Confinement by Realignment Status Type, by Gender, and by Age

Why using a three years post-release observation period was important to make this study comparable to other studies using the BSCC definition, despite the narrowing of the sample sizes from the already small 870 to 299.

This study period covers just over five calendar years between October 2011 and November 2016. The total number of AB 109 offenders in Santa Cruz County through the entire study period is 870 unduplicated individuals. While it is illustrative to take 870

individual offenders as a group and draw some insight from the AB 109 population as a whole by demographics and program participation as has been completed in the previous analysis, the BSCC standard definition, the CDCR, and Santa Cruz County has used three years as the timeframe with which to observe whether new criminal activity is occurring and to calculate criminal justice outcomes successful or otherwise, including recidivism. In 2015–16, the DOJ BJS, CDCR and other major researchers have encouraged the collection of data with shorter than three-year follow periods because the recidivist behavior appears to occur at the highest percentages in the first six months post release, and the longer from release an offender is the more likely they are to have already committed a recidivist offense and therefore policy directives need to be formulated earlier in an offender's release. However, the central problem with recidivism studies, and more specifically of recidivism policy for realignment offenders, is that the variation in definition and terms makes the “number” meaningless. As a result, unless otherwise indicated, this study has tried to present its findings with the subgroup of AB 109 populations that have a three-year or more follow period post release because it is the observation period most comparable to other counties and other jurisdictions.

Though there have been AB 109 offenders who have been a part of Santa Cruz County criminal justice since October 2011, within the 2011–2016 study period each individual has a different period of time post-release from secure confinement or probationary supervision, so unless stated as the total AB 109 study population of 870, it is this subgroup at three years that is 299 unduplicated individuals for the successful outcomes Figure 36 included at the start of this section. Further, an effort was made wherever possible to make this study directly comparable to other recidivism statistics

that use a three year or more follow period within that state of California or with the other 32 counties in California who use the BSCC standard definition for managing its AB 109 population. Whenever a three-year post-release period is referred to, the following breakdowns show how many individuals have been released for long enough to measure recidivist behavior by the standard definition of three years.

Key Santa Cruz County Finding—There is a statistically significant difference between measuring successful outcomes and its converse, recidivism, using the BSCC standard definition of new conviction versus the more inclusive one of new criminal activity (new booking) adopted as the second metric for the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016).”

Santa Cruz County has successfully released 63% of the AB 109 population with no new convictions within three years of release. Therefore, only 37% of the AB 109 Santa Cruz County population has committed a new recidivist offense resulting in a new conviction in three years post release.

Santa Cruz County has successfully released 33% of the AB 109 population with no further re-bookings of any kind (technical and non-technical probation violations, new crimes, warrants etc. within three years of release.) Therefore, only 67% of the AB 109 Santa Cruz County population has committed a new recidivist offense resulting in any new booking in three years post release.

There is a statistically significant difference between measuring successful criminal justice outcomes (no new criminal activity) by the standard BSCC definition of no new conviction, “63 percentage points” or the more inclusive measurement of new bookings at “33 percentage points,” which is the umbrella term used in Santa Cruz County

dictated by data availability signifying new arrests, returns to custody, and jail admissions for all reasons.

Key Santa Cruz County Finding: The “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” successful outcome findings presented in two statistically different ways show how fungible statistics about recidivism can become depending on the “seller’s” bias.

What these two findings show is that depending on how you want to spin the current policy directives, each metric tells the reverse story, either the county is doing fantastic using the BSCC definition with only 37% *recidivating* based on new conviction or a major policy shift must be undertaken because nearly 2/3 of AB 109 offenders are recidivating using the new bookings metric.

Unlike other measurements in this study where the sample size is too small to present a statistically significant difference, the 30 percentage points difference between the number of people who had any type of new booking as a benchmark of recidivism versus the more stringent but standard mark of recidivism of any new convictions only had a comparative error of 11.5 of these two successful outcomes, which is less than the difference between the two.

Key Finding: The statistical significance of the difference in successful outcomes of using “New Convictions,” 63%, versus “New Bookings,” 33%, to measure recidivist behavior demonstrates that good policy probably comes with interventions that split the difference between these two metrics.

Some of this statistically significant difference of 30 percentage points can be accounted for by the practical realities of the criminal justice system.

New bookings that lead to a new conviction outside the three-year window is also a category of “new criminal activity” policymakers and the public can agree should be stopped.

First, not every arrest and/or booking is for a new crime, whereas a new conviction represents a completely adjudicated new crime through the Santa Cruz County Court system, which has varying lengths to process to conclusion and an entered plea of guilty or a trial outcome resulting in a conviction. From a stakeholder and policymaker’s perspective, *a new conviction is the most indisputable measure that an offender has returned to criminal activity* from which the public needs protecting. A county court’s system does not move at the same pace for everyone and in the three-year period in which recidivism is measured, a person might have been arrested and charged with a new crime but the case may not have come to a final adjudication yet. Therefore, to produce a more optimal protection of public safety, the study widened the net of new criminal activity to include all new bookings, which in theory might be still in process but not complete within the three-year period. Stakeholders would agree these new crimes and re-offenses should be captured. *This subset of new bookings leading to a new conviction but outside the three-year window is also a category of “new criminal activity” policymakers and the public can agree should be stopped.*

“Re-booking” does catch more criminal activity than is instructive to craft policy to reduce recidivism and protect public safety, but it is the best option if its limitations are known. The county system is not just an incarceration facility, it is a high-volume holding and processing facility, and the study’s use of “re-booking” does catch more

criminal activity than is instructive to craft policy to reduce recidivism and protect public safety, but it is the best option if its limitations are known.

The problem with refining recidivism studies is that there is not a software package in Santa Cruz County for the purpose of measuring and making recidivism policy by helping to mark new bookings that are new crimes; marking in a field the type of offense and the date of the most serious offense, and then converting the charges into an adjudication type (guilty, non-guilty, no contest) and date when it is adjudicated in the courts; and tallying the number of new convictions by date, so that it can be dynamically measured, and then following the convict to the supervision stage. If this was technically possible in Santa Cruz County with existing technology, which is it not with current software systems, then the recidivism rate would be an organic number constantly tracked throughout the process instead of retroactively measured. Both sides of the criminal justice system must have the time and resources to adapt their behavior to better protect public safety. If the tracking of offender behavior became less labor intensive and more dynamic, then Santa Cruz County Corrections, Courts, and Probation could be more agile in its budgetary and planning directives.

Secondly, the statistically significant difference between no *new bookings* and no new convictions as a metric of success is over inclusive because it not only includes individuals who may be adjudicated innocent, but also selects *all new criminal activity regardless of the severity*. For example, the study standard of new bookings incorporated individuals who might have been picked up for public intoxication and held for short period of a few hours. The type of new booking included in the 67% of people who have recidivated in Santa Cruz County adds to the imperfection of the new booking standard

because this new criminal activity type, while prohibited, is not likely worthy in most people's eyes of refining countywide policy.

The metric of new booking was needed to capture new crimes processed through probation violations rather than through the courts.

However, *widening the net of inclusion of new criminal activity to all "new bookings" does capture another important metric of recidivism similar to a "new conviction," which is a non-technical probation violation.* However, not every new rebooking (arrest, jail admission, return to custody) for a probation violation is for a non-technical violation (criminal activity that constitutes a new crime that could otherwise be charged and tried separately, or new criminal conduct of another type). Again, with an ideal data set and software that works with you rather than against, where a person does not have to painstakingly retrieve information, probation violations would be dynamically categorized as they happen, sorted by non-technical and technical probation violations. More importantly, if the offense is non-technical, the dynamic data would list it by new offense type and the date that the most serious new offense was committed that triggered the violation and that automatically tracked like new convictions when the violation occurs and the offender is returned to custody. There is no way to automatically distinguish between violations that are technical (e.g. a person does not show up for an appointment and receives a flash incarceration) and those that are new offenses. The metric of new booking was needed to capture new crimes processed through probation violations rather than through the courts. Like pending charges, it both captures new criminal conduct that is relevant to study and unnecessary prohibited conduct (technical violations) that obscures the data.

Of the 215 probation violations in this thesis study, 98 of them, or 45.5% of the total probation violations by aggregate violations for AB 109 offenders, were in part for new offenses.

In the process of collecting data for this recidivism study, of the 870 study individuals, a manual one-by-one determination was made, if the data was available, of which violations were technical and non-technical. Further, offenders could have multiple violations, for different reasons, and hop in and out of custody (multiple re-bookings). The sorting and classifying of probation violations was beyond the scope of this paper and would be so labor intensive as to make future tracking too prohibitively labor intensive to reproduce with current technical constraints. However, 215 probation violations were noted for AB 109 offenders who were observed for three years. *Of the 215, 98, or 45.5%, of the total probation violations for AB 109 offenders were in part for new offenses.* However, it is important to note that of the 215 violations, many offenders had multiple violations, and therefore potentially multiple new offenses could have been attributable to one person. Ninety-eight simply represent the number of new offenses that resulted in a probation violation, not the number of individuals. Additionally, there were too many missing data fields to have confidence in making any other conclusion about violation types and totals. *However, for purposes of calibrating the right metric to capture new criminal activity in the future, this division and recording of at least non-technical violations due to new offenses should be as readily available as new convictions* because both provide the same confidence that countywide policy is being aimed at criminal conduct that should be prevented.

The burden of the right metric for the high-volume processing functions of a county incarceration facility is capturing too much “prohibited” conduct versus criminal activity that most readily impacts the safety of the county.

Further, it is important to note that county correctional facilities are a hub for processing individuals, and the “re-booking” numbers that lead to the 30 percentage point differential between new convictions and new bookings might be because it has captured “prohibited” conduct that is processed through Santa Cruz County through the booking process but is not adjudicated in the county like a warrant or transfer, or is some other type of criminal booking like a hold or a court commitment, which would produce a booking in this study. *For example, 30% of the three bookings are for warrants (14%) (223), holds (5%) (72), court commitments, and other (6%) (101).* The 30% will include new criminal activity that countywide policy should prioritize to help reduce recidivism, but not all of it will be.

Key Finding: Presentation Of A Recidivism “Number” Matters

The successful outcomes findings or overall recidivism percentages presented in this “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” finding amplifies the overarching problems with recidivism studies and presentation bias. Recidivism measured by “new conviction” is a standard that everyone can agree is new criminal conduct that should be prevented to protect public safety, but it is not inclusive enough to capture all of the new criminal activity that recidivism studies try to measure, target, and correct. The problem is that while “new booking” was the best standard to use in Santa Cruz County because it captures relevant criminal conduct and it accurately accounts for all of the resources used to administer these returns to custody, it casts too

wide a net and radically shifts at 63% success rate in Santa Cruz County with its AB 109 population to a 67% occurrence of recidivist criminal conduct with its AB 109 population.

Figure 38: Three-Year Criminal Justice Outcome for All Santa Cruz County AB 109 Individuals with Three or More Years in the Community Following Release from Secure Confinement

Who: All AB 109 offenders in Santa Cruz County, three years post release. The percentages are a section of individuals who satisfied one of three criminal justice outcomes for AB 109 offenders.

What: Whether there was no new recidivist conduct, whether there was at least one booking, a measure of recidivist conduct, and whether there was a conviction.

When: Three years post release.

Why: To see if any outcome positive or negative was reached that was statistically

significant when compared with another or definitive as to how and when to direct Santa Cruz County Public Policy.

Key Finding: The above figure illustrates in one last way that “recidivism” studies, even well-crafted ones, are merely a tool sharpened by their designer to describe what “has” happened, when the more critical question is what should happen and how does Santa Cruz County or any county achieve the ultimate positive outcome, the protection of public safety.

Similar to the first graphic presenting the successful outcomes for the Santa Cruz AB 109 population, this graphic perfectly depicts that outcomes, successful or otherwise, do not seem to depend on the current intervention points in an offender’s reintegration being better than another or that one metric gives the right insight into how Santa Cruz County policy should be redirected.

Key Statistical Finding: Each criminal justice outcome is approximately divided into equal thirds with no statistically significant difference.

There are roughly 1/3 of AB 109 offenders that have not recidivated at 33%, with no convictions or bookings three years post release, a successful outcome. There are roughly 1/3 of AB 109 offenders that have recidivated at 37% based on new criminal activity resulting in a conviction and about 1/3 who have recidivated at 30% with at least one new booking.

A recidivism study is conducted not to accurately measure and reflect offenders’ new criminal conduct, though it should, but to give insight into how future populations of offenders will be managed. Unfortunately, this final graphic demonstrates no clear future policy direction for management of the offender population. It illustrates in one last way

that “recidivism” studies, even well-crafted ones, are merely a tool sharpened by their designer to describe what “has” happened when the more critical question is what should happen and how does Santa Cruz County or any county achieve a positive outcome, the protection of public safety.

When and What: For this presentation of the study of realignment offenders in Santa Cruz County 2011–2016, only offenders who could be followed for a three-year term post-release were included. The study also includes re-booking, which in Santa Cruz County is an umbrella term inclusive of re-arrests for a new crime followed by a return-to-custody (jail admission) in Santa Cruz County, or a violation followed by a return-to-custody (jail admission) following a probation violation. A rebooking could also include the first new conviction episode within the suggested BSCC standard definition of adult recidivism and its guidelines for recidivism studies, including the first re-arrest, jail admission, return-to-custody, or first new conviction.

This figure denotes only the first new criminal event following release and the percentage of AB 109 offenders who were successful following release. The BSCC suggests that the “date of and type of first new offense by applicable statute” should be recorded and is more “reliable” generally. For Santa Cruz County, the BSCC recommendation is applied somewhat differently because the date the new crime was committed was not easily pulled from corrections, courts, and probation software systems. However, the booking date is the second most inclusive and reliably present data field for Santa Cruz County corrections, courts, and probation software to track all “new recidivist behavior types,” including a new conviction for a new felony to a one-day holding period, all of which would have produced a “booking date.”

Justice is not linear. The first new offense might not be the most serious offense, and there could be multiple offenses with different dates with different levels of seriousness. It is the most serious offenses that Santa Cruz County would wish to focus on and that recidivism studies are supposed to help counties prioritize limited resources for in furtherance of public safety.

In county facilities, including Santa Cruz County, there is an issue with the fact that the first “new criminal behavior” may not be the most serious and an offender may be arrested multiple times, incurring multiple charges and triggering multiple case numbers. Recording the “first event” for an offender *may inflate the overall percentage of recidivist behavior measured* for the county and may make the “number” less useful for policy and program planning. While the offense type was available for “new bookings and convictions,” and realignment predetermined an offender in this study cohort would have at least one non-violent, non-serious, non-sex-related felony in his criminal history, the database collected for this study did not have the ability to rank the reasons based on levels of seriousness for why an offender was “rebooked” other than by type of crime, which yielded the insights analyzed previously in this study. The frequency and type of “new criminal activity” should be measurable according to the priorities of Santa Cruz County, so that Santa Cruz County Corrections may decide to take a different criminal justice approach to personal use drug offenses or Santa Cruz County Probation may do the same for certain types of probationary violations. This need was identified during data collection, but the technical hurdles overcame the refinement of this study on this basis.

From the above figure it appears that by new conviction, by new booking, or by no booking or conviction, the criminal justice outcomes are evenly distributed in Santa

Cruz County. However, if the seriousness of the offense by conviction was discernable, then perhaps the 37% of new recidivist convictions might provide insight into how to redirect Santa Cruz County policy toward the most frequent and most serious of the new convictions. Alternatively, if every new booking could be ranked by seriousness of the booking reason, then from the 30% of new recidivist bookings measured in this study, a new policy new direction could be garnered. In part, the categories of bookings in the aggregate by category of crime attempted to help this policy direction in early figures provided in this analysis. However, recidivism studies are studies of people's behavior. For the 91 people who had a new booking but not a new conviction, it would be helpful to know what each of the most serious offenses or violations were for all 91 people and also to rank the number of new bookings by person and by where the most serious offense fell in the ranking. The gross difficulty in defining and collecting the information in this study revealed how many different data sets would be needed to make the "best" policy. However, it was only in the completion and analysis of the compiled data that the ideal data sets became apparent despite best efforts. It should be noted the recidivism information completed as part of this study tried to adopt the "best practices" in the field and took this research of recidivism in Santa Cruz County further than any available published study on multiple key criteria.

The point of a recidivism study is to point county policy and programs in the right direction to improve public safety by intervening at the appropriate time in an offender's life to prevent new criminal conduct. Ultimately, even the "perfectly" designed study with dynamically updated data fields are meant to provide insight into *future* management of offender populations by examining the behavior of the *past* or previous

set of offenders. This final graphic demonstrates no clear future policy direction for management of the offender population based on the criminal justice outcomes of this recidivism study because they are evenly distributed in the aggregate. The study illustrates in one last way that “recidivism” studies, even well-crafted ones, are merely a tool sharpened by their designer to describe what “has” happened when the more critical question is what should happen and how does Santa Cruz County or any county achieve the ultimate positive outcome, the protection of public safety.

Conclusions

Modern criminal justice policy and policymakers have put all their eggs in one basket to make an overfilled, slow, non-linear justice system work by reducing “recidivism.” California made the biggest leap in this direction with the biggest basket when AB 109 and subsequent legislation was passed to shift a large percentage of custodial and non-custodial supervision of realigned offenders from state prison populations, the largest in the country by a staggering margin, to county agencies and facilities. The goal was a laudable one, giving counties’ local control over a group of offenders who are overcrowding the state prison system and who, in an ideal world, might have a better opportunity to succeed after incarceration and reintegrate back into society as law-abiding citizens if that incarceration was in the offenders’ local communities and the follow-through resources were in the local communities during mandated supervision periods. The reforms introduced through realignment not only shifted the physical burden of an overcrowded state prison system to county facilities but also provided a new “mandated supervision” period with the targeted goal of providing

“evidence-based programs” across criminogenic needs both during secure confinement and in the non-custodial period, in the offender’s community. The statutory shift in focus to “evidence-based programs” was also backed by millions of dollars with special financial incentives to counties that showed the most comprehensive moves towards recidivism reduction through the use of “evidence-based programs.”

The packing of realignment as part of the Emergency Budget Act, with the stated laudable overall goal, narrowed the timeframe for consideration and review and helped state lawmakers who supported the measure pass the reactionary test of “fix that problem of prison overcrowding” but “not in my back yard” (NIMBY), which might otherwise have stopped even the non-violent, non-serious, non-sex related offenders included in realignment from being sent to counties. Additionally, the emergency nature of the initial legislation and the pressing constitutional and state budget crisis pushed a massive undertaking on counties without the full tool set to comprehensively address the new population and the problem of recidivism. Given the enormity of the burden, the lack of comprehensive implementation rules, i.e. the element of local control initially became a top selling point to local jurisdictions as they were mandated to take on this burden at lightning speed on October 1, 2011, just six months after passage. However, “the selling point” of local control soon was overtaken by the need for comprehensive, statewide guidelines and implementation policies to make realignment work in 58 counties with billions of dollars in expenditures. Every year brought new legislation to modify and improve the implementation of realignment, so that state lawmakers could justify the large expenditures and the continuation of the realignment policies.

In the five years since implementation, the revolving door of state prisons seems to have evolved into a revolving door in local facilities, and that problem appears to have been a known consequence prior to passage. A large portion of offenses and offenders covered by realignment include drug and property crimes, which have the highest likelihoods of recidivism among all crimes, including among realignment offenses. Recidivism studies like the one undertaken in Santa Cruz County show that the systemic problems that kept a portion of society committing crimes seem to be too entrenched to turn around in a year's time, or three years', or before the state legislature decides to reboot again. Further, realignment gave counties an incomplete toolset to combat the problem of "prison overcrowding," which the state had not solved in 2011 when it "realigned" the burden of solving "overcrowding" to counties. Even with Santa Cruz County working as hard as it can to help, being innovative and trying to effectively implement evolving new state directives and accurately measuring recidivism to help direct future policy, by shifting the burden of a previously intractable problem was too tall an order, while counties had to simultaneously and effectively manage the new population with limited resources.

In addition to the systemic day-to-day management problems, realignment asked counties to function in a new role, a recidivist researcher, and analyst. How is a county responsible for the daily housing, processing, programming, and supervising of custodial release of hundreds of individuals—with thousands of interactions with the criminal justice system across multiple agencies over the course of a year—also supposed to become full-time data processors, analyzers, and reflective policy thinkers about recidivism? The study has shown this is an impossible task without proper resources and

a full technological overhaul. Even if perfect data analysis and real-time recidivism studies were possible in Santa Cruz County, realignment has asked each county to operate independently without the real-time feedback of the other 57 counties who are also independently dealing with the same or similar issues with the AB 109 offenders. Certainly, there are shared problems and solutions that could have been shared by all 58 counties if implementation had been less hurried and more thoughtful in its implementation. Recidivism studies are just one tool that should be a “common” tool, a “comparable” tool through which local solutions can be implemented but common solutions can also be extracted.

The problem of recidivism, and perhaps its solution, lies in the full-time, real-time analysis of an individual’s journey through and back into crime and its consequences. The heart of every recidivism study includes people and their behavior. It seems like common sense, but policymakers and lawmakers do not always use the principle of Occam’s razor; the simplest explanation is usually the best one. If targeting recidivism is the key policy directive, and good data is needed and the technological infrastructure does not exist county by county, then that should become a prime directive until it ceases to be an impediment. Starting years after the initial shift to counties, statewide efforts are starting to focus on what is needed in all counties to collect commonly shared data, like the BSCC uniform definitions and guidelines for recidivism studies.

However, the ability for 58 counties to become helpful, synergistic partners in implementation of realignment, recidivism reduction, or any other major policy initiative rests on the ability to effectively share the data and the experiences within each county and among all counties. The beauty and the burden of California’s criminal justice system

are its size and scale. The recidivism study of Santa Cruz County, including its participation in the Pew Results First Program, shows the value in collective, well-funded yet individually applied resources towards the goal of measuring recidivism and redirecting policy to reduce recidivism. The annual reporting to the legislature of each county's CCP plans is not enough sharing of model programs or best practices in the management of realignment offenders. The latest 344-page report to the legislature collating CCP plans of each county to help understand realignment efforts and recidivism reduction programs and to allocate some funding is like asking county staff to undo a Russian nesting doll with 58 dolls just to glean the tiniest morsel of information when you get to the 58th one. The report does ask counties to highlight model efforts to reduce recidivism and manage AB 109 reforms and problems, but if model efforts and the true mechanics of model efforts were available to authorized staff across counties, then the 58 live case studies that AB 109 created could truly yield fruitful and implementable information.

From a recidivism perspective, real-time and dynamic data analysis within six months of custodial release or non-custodial supervision is needed to redirect care in the period of time that is most likely to help deter future criminal behavior. In turn, useable data is needed to chart recidivist behavior in the same time period. In this study, the data consolidation and review process undertaken by Santa Diego County, available in the CCP plan published in summary in the 2016 BSCC 344-page report, seems to indicate that San Diego County has allocated funding for (a) dedicated researcher(s) and an attempted to use a modern data analysis system for analysis of recidivism and realignment offenders in San Diego County. The effort sounds like a major step in the

right direction, but it was buried in an annual report, and the mechanics of its success or failures were equally hidden. The expenditures in San Diego County could help a county with fewer financial resources develop its own data model and recidivism database.

Recidivism studies look backward, not forward. In the current data collection model, different timelines for collecting and reporting information about recidivism and the effectiveness of recidivism reduction programs to the county board of supervisors or the state legislature does not match with timelines best for helping people stop criminal behavior or providing the right kind of help in the right timeframe. If the first six months is key to every offender's chance to change their behavior, which studies back up, then the questions raised in recidivism studies about offenders' new criminal behavior need to be easily answered to help these offenders in the present and future. Further, recidivism studies and data collection cannot be tied to variable annual and budgetary reporting requirements within Santa Cruz County and among the 58 counties. The study of recidivism showed that better data collection could help with budgetary decisions, but collection of data has to be ongoing and look beyond budgetary questions.

Analyzing what AB 109 offenders did in the previous year seems like a simple turn of phrase. How many came back to jail? How many people commit new crimes? The review of recidivism studies and the Santa Cruz County study of recidivism post-AB 109 conducted for this thesis show how complex the question is and how malleable the answer is. Moreover, the trend lines for counties mirror the trend lines for criminal justice systems across the country.

Right now, counties are required to compile and report data on offenders who are incarcerated under AB 109, who are supervised under AB 109 and subsequent modifying

legislation. Santa Cruz County Corrections, Courts, and Probation complete budgetary planning on a fiscal year basis, which is 12 months, from June 30 to June 30. An examination of totals for offenders in various programs and the effectiveness of those programs presumably are completed during this budgeting process. At a different time of year, Santa Cruz County and the other 57 counties have to complete multiple reporting requirements to the state legislature and other statewide departments, like the CA DOJ, as part of meeting realignment requirements and in order to apply for and receive funding available to counties who submit cost-benefit analysis on recidivism reduction. These reports, including Community Corrections Partnership Plans submitted to the BSCC, are the only central repository to connect what one county is doing to the next. However, the dates of submission of this data do not always line up with the county and departmental requirements for local budgetary decision-making. Yet both rely on the county's ability to step back and be reflective and use labor-intensive data analysis without adequate time and resources. When the federal DOJ and BJS issues a report, there are full-time statisticians that isolate the data fields and analyze the data. They produce reports covering information usually 18 months to two years removed from the last data collection.

While counties such as Santa Cruz County certainly have capable personnel, they are often lacking time and logistics. In California, especially so close to the technology brain trust in Silicon Valley, it seems ludicrous that a digital link cannot be created to easily follow one individual as they make their way through corrections, courts, and probation. One individual does not make one stop in jail, one in the courts, and one in probation even in the simplest of cases.

Counties should be able to focus on managing people in their care both in the community to preserve public safety and in the criminal justice system, so that they might gainfully rejoin the community. There will always be multiple appearances and multiple interactions that require data entry and reconciliation to follow one person's behavior. It seems obvious that a research and data analyst and then a computer programmer should find the best way in each county to link multiple proprietary data systems without the staff person having to complete fields of information, look through several screens, and apply 20 years of experience to make assumptions such as the reinstatement of probation. At some point, an individual left the non-custodial supervision system, but there is no date that is recorded for a computer to take and automatically start a clock for the county to see if that individual re-enters the system and is arrested/booked for a new crime and that any authorized personnel can check at regular intervals in the first year or even six months following release. AB 109 created a touch point for supervising offenders and placed more focus on programming during custodial supervision to reduce recidivism.

Justice is not linear; it is a complex matrix of interactions, overlapping, multiple starts, and stops, with different emphasis on different information in corrections, courts, and probation and to the DOJ and the legislature just to perform the basic mechanics of each entity's daily responsibilities. Now, add on another matrix of complexity to record this process, which constitutes the adoption of information technology to varying degrees with incremental changes or sudden changes to the criminal justice system to record this process. Even in the best-case scenarios, where there are no data entry errors, turnover with staff, incomplete training on a new software system, old legacy software systems, or software that cannot speak to each other to follow a person through a 1-, 3-, 5-year or

lifetime journey in their care, the technology cannot record “implied” data wrought through experience and interpretation, such as some people slipping an alias through the system so that they would not be associated with past crimes to avoid a reinstatement of their probation. This implies that the person was released from probation at some point before, but an appropriate data field does not exist or was not filled out so that each agency can tell a date by which to measure a return to criminal behavior.

Technology and the data it holds is like unmolded clay. Well-intentioned policymakers may have wanted counties to operate in a streamlined fashion after October 2011 and to study and manage recidivists like the California state prison system was able to do from a data perspective for years, but counties had to handle the bureaucratic administration of physically receiving and processing over 30,000 prisoners and applying the newly created standard, scaling up the county operations with increased volumes, mastering a new legal framework, and simultaneously doing what the federal and state systems have not been able to do, which is prevent offenders from committing new crimes at alarmingly high rates. Moreover, AB 109 asked counties to comprehensively apply a new legal framework, without any guarantees that that framework would be static for five or ten years, to work on and apply policy principles year-to-year with consistency to the same groups of people. County criminal justice has become a live case study. While outside the scope of this paper, since AB 109’s passage in 2011, there have been two other major reforms of the legal framework of who will be serving custodial and noncustodial sentences in local jails, which further increase the difficulty of answering the question, “How often do criminal offenders commit new crimes?” By changing the

answers to who is in state prison, who is under state supervision, who is in county jail, and who is being supervised under county probation departments.

Proposition 47 and its accompanying legislation changed an additional range of felonies to misdemeanors, including minor drug possession offenses and property crimes under \$950 dollars, and qualified even more individuals to serve time locally by allowing every person already serving felony sentences for these reclassified crimes to be resentenced, potentially increasing the responsibilities of corrections, courts, and probation, once again. In November 2016, the voters of California approved another proposition, Proposition 57, strongly supported by Governor Jerry Brown in continued service of his original AB 109 legislation and policy initiatives to lower state prison populations, to further fine-tune the levels of punishment and supervision for lower-level, lower-risk criminal offenses, and finally to reinstate incentives for inmates to improve themselves and to stop using narcotics or re-engaging in gang activity and otherwise “misbehaving” (Myers, 2016).

Counties should be able to focus on managing people in their care both in the community to preserve public safety and in the criminal justice system so that they might gainfully rejoin the community. There are two dates that most recidivism researchers choose to look at if the data was uniform and available across all corrections systems—the first six months after a person has been released from incarceration and six months after a person has been released from supervision from a corrections department (parole or probation). Usually, but not always, like many of the offenses realigned by AB 109, whether that six-month period post release from incarceration occurred with some type of

touchstone with the criminal justice process is the most important as to whether a person will return to criminal behavior again.

California's overcrowded criminal justice system in the form of mandatory sentencing laws like "Three Strikes" resulted in California having one of the largest incarcerated populations in the world and, by a large factor, in the country. It took several decades of implementing such policies to reverse course. Recidivism reduction policies and new sentencing and supervision laws seem to be moving at a breakneck pace without a clear path of whether any of the stated goals are achievable or have been achieved. Santa Cruz County has had to profoundly shift its corrections, courts, and probation practices three times since 2011, with no guarantee that a new policy priority would not shift the county responsibilities again.

Change is hard for every human being. It is certainly hard for a complex organization trying its best to manage offenders and it's hard for offenders to change their behavior, despite being given more and more opportunities to help draw their behavior away from crime. How can counties like Santa Cruz County be expected to measure change when the benchmarks are vaguely defined, then defined but not consistently, and if uniform, then adopted inconsistently, then changed again? Additionally, the information required to answer those questions is buried in incompatible technology systems, and there is neither the organizational impetus, practical ability, nor financial backing to commit to data systems that talk to each other easily or the research staff to re-engineer the information intake process so that necessary data fields are captured in real time and do not distract from daily duties.

Recidivism studies always ask *whether people who commit crimes can change their criminal behavior* and look back at people who did not commit a new crime and see how they can help the next set of people under the custodial care of the criminal justice system to do the same. This look back traditionally happens for a three-year period and is published 1–2 years after that. The information is useful in a prospective capacity for future policy and budgetary choices, but only if the next population of people is similar to the last. What a review of recidivism studies and the completion of a five-year study in Santa Cruz County revealed is that even with the best of intentions, with motivated staff, with organizations willing to adopt change by participating in pilot programs or applying for grants, *how can the institutions that support offenders change their organizational behavior quickly enough* to better help the public they are serving when the sands keep shifting under their feet with ever-changing offender populations, policy priorities, legal frameworks, and technology systems? How can offenders' behaviors and the organizational behavior of the entities within the criminal justice system, and the system as a whole, change in the right direction without a massive investment in re-engineering how and when data is collected and funneled into a dynamic system that will allow Santa Cruz County to follow the model of San Diego County and in turn be modeled by all 58 California counties trying to answer the same key questions: How do we stop people from committing crimes? How do we manage people better?

Appendix 2—Methodology Part C: *Review of Definitions of Recidivism across Major Referenced Studies, Consideration of and Refinement of Key Terms, Method of Selection and Application of Recidivism Definitions, for “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016).”*

The following is a list of “recidivism” definitions used by major referenced studies or reports by the U.S. Department of Justice, BJS, the CA Department of Justice, the BSCC, the CDCR, and other publications about realignment and recidivism produced by major charitable researchers like the Public Policy of Institute of California (PPIC) and PEW Charitable Trusts. The list was assembled and reviewed while attempting to design the “2011–2016 Study of AB 109 Realignment Offenders in Santa Cruz County” in order to find a practical definition for analyzing the available non-public data fields in Santa Cruz County data systems and departments and to find a “uniform” or “standardized” definition for recidivism in post-realignment California so that this “2011–2016 Study of AB 109 Realignment Offenders in Santa Cruz County” could be subsequently compared to previously published Santa Cruz County reports and statewide reports examining realignment recidivism on the state and county level. This list illustrates the lack of uniformity across jurisdictional type for the term “recidivism” or “rate or recidivism” and the complex variations between studies that make comparisons very difficult and the term “recidivism” too variable and subtle to interpret just from the headlines, “The recidivism rate for post-realignment offenders in Santa Cruz County is...”

Public Policy, including criminal justice policy, is made by people, and while it may seem silly to begin with a dictionary definition of recidivism, this commonplace

understanding of recidivism is probably closer to the place from which lawmakers and the public operate from when evaluating and deciding on the next big criminal justice reform based on recidivism. Further, the majority of recidivism studies will be gleaned from a summary sheet or headline, not the methodology section of a study. As a result, the first and obvious place a definition of recidivism was sought was in public dictionaries because the general voting public will read a headline that “Realignment Targets Recidivism” or “Santa Cruz County is Targeting Recidivism” and they are a critical constituency with regard to making and understanding recidivism policy on the state and local levels. Two of the major extensions of realignment goals, including recidivism reduction, occurred via state ballot propositions on the November 2014 Ballot with the passage of Proposition 47 and the November 2016 Ballot with the passage of Proposition 57 and required the voting public to support the proposed policies that included understanding how the proposals reduced “recidivism” and California prison overcrowding post-realignment. Further, to enact proposals to improve public safety including “reducing recidivism,” the public will often lobby lawmakers to stop new crime and criminals from going back to jail or prison with a commonsense approach.

The listing and the **color-coded variation** among these definitions of recidivism is meant to show that if recidivism is to stay a modern lynchpin of the criminal justice system, then the number has to mean the same thing county-to-county, state-to-state, and when talking about incarcerated individuals returning to criminal activity in general. The extreme difficulty it takes to reconcile all of these varying definitions is why embarking on any study of recidivism is so difficult and the results not directly comparable.

An overview of dictionary definitions of recidivism show that though expert researchers and policymakers refine and complicate the definitions of recidivism in order to measure them across important criminal justice indices, at its heart the basic definition of “recidivism” still applies—a criminal who continues to commit crimes even after they have been caught and punished before.

1. Overview of Dictionary Definitions of “Recidivism/Recidivist”

- “A criminal or group criminals who continue to commit crimes even after they have been punished.”
 - (Definition of “recidivism” from the Cambridge Advanced Learner's Dictionary & Thesaurus © Cambridge University Press)
- “A tendency to relapse into a previous condition or mode of behavior; especially: relapse into criminal behavior.”
 - Merriam-Webster.com Dictionary
- “Late 19th century: from French *récidiviste*, from *récidiver* fall back, based on Latin *recidivus* falling back, from the verb *recidere*, from re- back + *cadere* to fall.”
 - Origin of the Word “recidivism,” English Oxford Living Dictionaries

After obtaining a base of understanding how the public might view “recidivism,” I made every attempt to find and use a standard definition from previous public policy research or by the state of California, if one existed, for the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” included in this paper. The BSCC definition of adult recidivism is the closest to a “standard” definition of recidivism for post-realignment offenders. It should be noted that while the BSCC definition of adult recidivism does exist in 2016 and is used in some form in 32 counties

in California, it is not used in 26 other counties and was not adopted until late 2015, several years post-realignment implementation and after several years of data collection that did not easily conform to the demands of the BSCC definition. Also, the use of the BSCC definition of adult recidivism is not required by statute; it is simply defined by statute pursuant to Section 6027 of the California Penal Code and suggested for use, along with a set of guidelines issued by the BSCC in 2015, to help counties apply its variations and help consistency in data collection.

2. BSCC Statutorily Adopted but Suggested Definition of Adult Recidivism (2014).

BSCC Adult Definition of Recidivism by Conviction

Recidivism is defined as **conviction** of a new felony or misdemeanor committed (where **committed** refers to **the date of offense**, not the date of conviction) **within three years** of **release from custody** or committed **within three years of placement on supervision** for a previous criminal conviction.

Supplemental Measures—This BSCC Adult Definition of Recidivism does not preclude other measures of offender outcomes. Such measures may include **new arrest**, **return to custody**, **criminal filing**, **violation of supervision**, and **level of offense** (felony or misdemeanor).

BSCC Definition of **Conviction**: **Conviction** is defined as an entry of judgment of guilty on a plea of guilty or no contest, or entry of judgment of guilty on a verdict of guilty.

Recidivism rates should be expressed in **three-year standard measurement interval periods**. However, although BSCC Adult Definition of Recidivism adopts a three-year

standard measurement period, rates may also be measured over other time intervals, such as one, two, or five years.

Recidivism based on Treatment Completion Rates BSCC Definition—Treatment program completion rate is the percentage of people entering a program that go on to complete it. While this measure provides useful information for the purposes of program evaluation, by itself it does not provide a direct measure of program effectiveness.

Measurement: Treatment programs are multifaceted in their design, services, and population served. To avoid unintentionally excluding programs with a narrow definition, respondents are asked to define enrollment and completion prior to calculating the treatment program completion rate.

For purposes of selecting a definition for the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016),” the BSCC standard definition was used as a starting point with some notable variations because uniformity is necessary for achieving meaningful comparison as an overall policy objective, for accurately measuring the success of realignment in all 58 counties that will conduct separate recidivism studies, for making future comparisons between counties, and for improving the field of recidivism studies generally. Further, the BSCC data collection, the OpenJustice Web portal, and the attorney general’s smart justice initiatives are all encouraging more dynamic and accessible data collation as part of improving criminal justice outcomes generally and improving realignment policy by sharing realignment information county to county.

When the acceptable but numerous variations on the standard quickly became evident, the second hurdle was practical—to try to apply a “standard definition” while

being forced to use available data fields that did not always match up with what was requested in the “BSCC/standard definition of recidivism” from the mainly non-public data sources in Santa Cruz County data and software systems for corrections, courts, and probation with information on realignment offenders.

The first practical hurdle in using the BSCC definition of adult recidivism began with the first word. Recidivism is defined as a “conviction”... and the definition of “committed”

- “Conviction” implies that a new criminal conduct has been adjudicated and does not account for the fact that the criminal justice system processes cases at varying rates of time. For example, a trial may postpone an adjudication of guilty longer than a DA striking a plea deal that results in a guilty plea and then conviction, leaving the open question and therefore the data field empty for varying lengths of time.
- “Conviction” is an open question through three proprietary data systems as well as two agencies (Corrections and Probation) that track people (albeit in different ways) and the courts who track cases, who then have to link back to people through Corrections or Probation.
- “Conviction” assumes at some point that someone or some software is then marking a case as adjudicated and linking it back to the person, which then updates all relevant fields across agencies that a person has been convicted of a new crime, which in turn resolves the open question months or years after the date of the actual new crime and triggers the collection of the “date of the crime” on which the person was convicted and makes a sortable field when collecting a

- cohort of offenders by time for a recidivism study based on the now relevant date of the crime with a conviction.
- It is logical to measure recidivism based on the **date the crime** was committed as the BSCC definition suggests because it allows a jurisdiction to better figure out when to intervene to protect public safety. However, a **“conviction”** happens *long after the date the crime was committed, if at all*. Unless a data system allowed for dynamic collection that would make a pending charge with the date of the recidivist crime—active when a conviction was obtained and null when it was discharged or dropped—and keep a running tally, **the date the crime was committed** is not practical because of the delays in the criminal justice system and the limitations of current technology.
 - In addition, the BSCC use of **“conviction”** and **“committed”** assumes that an offender is convicted *of only one crime* or set of crimes *that occurred all on one date, the date the crime is committed*.
 - The BSCC guidelines ask jurisdictions to **sort by the most serious offense if there is more than one conviction**, but *there could be two equally serious offenses committed on different dates but included in the same set of charges*. Then the BSCC guidelines would say to take just the first of the most serious offenses and record that date. Unless there were real-time updates or automated counting, it would be hard to record the correct date the offense was committed for the most serious crime.
 - BSCC definition uses conviction to refer to both a felony or misdemeanor, and it could easily be the case that a misdemeanor might be the “first new

conviction,” and the date of that offense recorded, and sometime after than a more serious offense that took longer to adjudicate would result in a conviction. The date the crime is committed, even if it was recorded, would count the person as recidivist with a misdemeanor conviction, even though a felony conviction might soon follow.

Most policy makers would argue that the new felony conviction and date that felony was committed is the point in which jurisdiction would want to intervene. Yet presently it is an analyst who would have to make this determination using multiple software packages. Date of the first new conviction post-realignment was difficult enough to pull from the Santa Cruz County Court system’s new data system that the subtleties of collecting the date the offense was committed exceeded its practical difficulties.

The BSCC definition for recidivism based on “conviction” had to be altered in the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” to the “date of the second conviction or the date of the new conviction” because practically speaking it was the only data field that could be reliably and consistently pulled from the Santa Cruz County non-public databases.

- Recidivism is defined as conviction of a new felony or misdemeanor committed (where committed refers to the date of the second or new conviction) within three years of release from custody or committed within three years of placement on supervision for a previous criminal conviction.

The second major modification of the BSCC standard definition of adult recidivism based on **conviction** came from the definition of release. Release from custody or incarceration.

A person can have multiple “release” dates from secure confinement or physical custody or incarceration during the three-year observation period, and the BSCC guidelines suggest that the way to resolve what the “release date” is for an offender is to use the **first “release” date** from secure confinement for the study cohort. The “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” resolved the issue of multiple releases by using the first “release” date.

For this “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016),” the release date became the **first “release” date** from secure confinement (county correctional secure facility or the CDCR) after October 1, 2011 for a realignment offense or to serve a probationary period created by realignment, such as PRCS.

October 1, 2011 will always exist as the natural limitation for the study of realignment offenders, after which the first release date can be taken. However, the more years that pass since 2011, the more likely a new “release date” other than the first after realignment will need to be set for recidivating realignment offenders. It is feasible five years post-implementation that an offender could have been released from custody or placed on supervision, observed for three years post-release for study purposes, and then “released” again and place on supervision again and observed for study purposes for another three years.

An individual who has recidivated once is likely to recidivate again and in theory could continue to commit realignment crimes servable in county facilities. The next person who studies realignment offenders in Santa Cruz County from 2017 and beyond will have to face the question of whether to take the release date or the date of placement on supervision from the last recorded conviction of a realignment offense and observe an offender's conduct from that release date forward as opposed to the very first offense that qualified under AB 109 for this "Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)." This shift of focus will be necessary because a study is meant to help determine if a person is engaging in new criminal behavior so that an intervention can occur or programming can be improved to help reduce future recidivism. It is beyond the scope of this study to set this next "release" date for future studies of realignment offenders in Santa Cruz County.

The second area of possible difference or interpretation of the BSCC definition is between the first "release" date from secure confinement and "the date of placement on supervision."

In Santa Cruz County, there was likely consistency but not absolute consistency within a 24-hour range with respect to the first "release" date from secure confinement post-realignment and the "date of placement" on supervision for the majority of individuals in the "Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)" because an individual has to directly report to supervision if it is mandated after the secure confinement, as it is for PRCS offenders in the realignment offender population. Given that the differences might have been a matter of a day or so, they were considered the same interval of three years. The real difficulties in consistent analysis of

time intervals for placement dates is in “the date of placement on supervision” that may differ from the release date from secure confinement by more than a day or so or in the “release dates” that were recorded from probationary supervision in Santa Cruz County instead of the date of placement on supervision because of the way an offender entered the system in Santa Cruz County. As the study was defined after the four-month data collection and reconciliation process, it was impossible to know whether the “release date” recorded on the Excel database for the study recorded the start of placement on supervision or the release from probationary supervision. There might be a significant time gap between these two dates. The majority of AB 109 offenders will have a release and placement date that is the same. From the data analysis of the PRCS offenders who began in probationary supervision in Santa Cruz County, it appears as though the “release” date recorded reflects the “date of placement” or start date of supervision rather than the end date because PRCS supervision is a period of high-intensity supervision, and the number of re-bookings for this cohort is consistently higher across all criteria than their 1170 counterpart. Part of this difference is the type of offender released from CDCR, but part is because of the intensity of supervision, which supports the “placement date” and “release date,” referring to the same date.

The definition of recidivism by new conviction for the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” then became another slight variation on the BSCC standard definition: Recidivism is defined as **conviction** of a new felony or misdemeanor **committed** (where committed refers to **the date of second or new conviction**) within **three years of the first “release” date** from custody or committed **within three years of placement on supervision** for a previous criminal conviction.

The last qualification to the BSCC-recommended definition of adult recidivism is that recommended **three-year interval** date post release. For the relatively small group of AB 109 offenders in Santa Cruz County, 870, it was difficult to separate out smaller and smaller statistically significant subsets of the whole to examine, for example, young offenders or high-risk offenders or female offenders or offenders who participated in SUD programming of the 299 individuals who could be observed for study purposes for three years post release. Whenever possible, the three-year mark was observed and delineated. However, for some subsets, the BSCC guidelines indicate that different intervals could be observed if clearly defined and the remaining cohort shared comparable characteristics.

Since the entire “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” consisted of AB 109 offenders, the entire interval of approximately five years since implementation of realignment (2011–2016) was an acceptable **variation** on the BSCC definition of recidivism based on **“new conviction or second conviction”** and was used in some instances instead of the three-year recidivism by conviction.

The following is a review of the definitions and metrics included in various leading recidivism studies to develop what became a secondary, more inclusive metric of **RECIDIVISM BY REBOOKING** for the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016).”

The selection of a second, more inclusive definition of **recidivism by rebooking** was needed for the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” to capture new criminal activity that requires intervention and redirection

of county criminal justice policy and accounts for the use of county criminal justice resources but was not previously captured by the more stringent three-year recidivism by conviction definition.

A more inclusive metric of **RECIDIVISM BY REBOOKING** for the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” became a variation on the BSCC definition on new conviction with the following modifications:

Recidivism is defined as a “**a new booking**” or “**rebooking**” (as a **new arrest**, a **return to custody** for any reason, or **a new jail admission**) for new criminal activity within **three years of the first “release” date** from custody or occurring **within three years of placement on supervision** for a previous criminal conviction. Whenever possible, a new booking should be categorized by type of crime (felony or misdemeanor), by offense type (property, drug etc.), by **the type of violation (technical or non-technical)**, by the length of stay, and by the result of the booking (conviction, release, length of stay, violation in lieu of charge for new offense.)

The practical realities of collecting the database of information for the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” made using one of the suggested BSCC variations of **“re-arrest”** or **“return to custody”** as a second broader metric of recidivism untenable. Yet **“re-arrests”** or **“returns to custody”** needed to be included in the metric. However, use of booking date is a disfavored practice because **“booking date” or “rebooking”** limits the preciseness of the data by capturing prohibited conduct (like missing a probationary appointment) and treating it the same as the arrest for a new crime, or treating a non-technical violation return to custody for

conduct that would lead to a new conviction if separately charged the same as a return to custody for a flash incarceration for public intoxication.

An analysis of the following recidivism definitions found the use of a **“new booking date”** or an **“additional booking date”** or a **rebooking** as the best second metric to determine the level of resources used by the corrections department when an offender is returned to custody several times but is not necessarily ever convicted of a new crime in the observation period.

“Booking date” does indicate a **“re-arrest”** or a **“return to custody or new jail admission”** combined because in Santa Cruz County a new **“booking date”** marks an offender’s **return to custody** for multiple reasons, including the **arrest for a new crime**, **probation violations**, and **holds** for reviews of pending charges for the District Attorney’s Office from several hours counted as a day to several years. Moreover, an individual is often **re-booked** several times during the post-release period, and it was too difficult to individually sort out “flash incarcerations” for less than 10 days, which might not be indicative of a true return to more serious criminal behavior. At the end of the day from a resource standpoint, **“every new booking”** adds to the average daily population of Santa Cruz County jails, and virtually every individual processed will be booked through the Santa Cruz County Jail at some point, so it is most likely to capture the most new criminal activity to use the **“booking date”** or **re-bookings** as the second metric after a new **conviction** within three years of release. Some effort was made to analyze the length of stay for each booking, where multiple bookings existed, to determine if the flash incarcerations or limited holds where charges were dropped, or non-technical violations,

could be sorted out, but ultimately this was too complex a process with too many missing fields from multiple software systems.

Other Recidivism Definitions In Post-Realignment California and Santa Cruz County

The first hurdle in comparing data from the start of realignment in October 2011 was that for the first two years of realignment, California did not even develop a standard definition by which counties were to measure recidivism and the success of recidivism reduction programs, though billions of dollars were funneled into counties. For example, it was difficult to compare publicly available or previously submitted recidivism rates in reports to the state and county board of supervisors because of the lack of even a proposed uniform definition.

Before adopting the BSCC definition of adult recidivism, the Santa Cruz County Adult Probation Department prepared an annual report and for its submission of its CCP plan. The report was submitted to the Santa Cruz County Board of Supervisors for approval pursuant to penal code 1230.1 and then collated along with the CCP plans of the 57 other counties by the BSCC in a lengthy annual report to the governor and the legislature on the implementation of realignment (BSCC, 2015).

Original Definition of Recidivism used by Santa Cruz County in the first two years of Realignment Implementation (2011-2013),

- As published by the Santa Cruz County Community Corrections Partnership (CCP) in its plan and used by the Santa Cruz County Probation Department in its report “Public Safety Realignment Santa Cruz County Implementation, 2011–2013).

“Recidivism has been defined as new criminal behavior within three years following conviction and release to the community from secure incarceration, as measured by conviction for a new law violation.”

However, this original post-realignment recidivism definition also proposed to track, “re-arrest, violations of probation, and re-incarceration” and to do so by felony, misdemeanor, offense type, and population type (1170(h), PRCS, CAP). The standard definition from the BSCC adopted in 2015 does allow for the tracking of new arrests and violations of probation but advises against a “return to prison” or “re-incarceration standard,” which has been used and is still used by the CDCR.

CDCR Definition of Recidivism—Three-Year Return to Prison

The primary measure of recidivism in the CA state prison system is still expressed as a three-year return-to-prison rate: “An individual convicted of a felony and incarcerated in a CDCR adult institution who was released to parole, discharged after being paroled, or directly discharged during Fiscal Year (FY) 2010–11 and subsequently returned to state prison within three years of their release date” (CDCR, 2015).

The CDCR three-year return-to-prison definition was key to consider and possibly incorporate into Santa Cruz County’s second more inclusive metric of recidivism because CDCR used this definition of recidivism for over 10 years in outcome evaluation annual reports and remained the largest repository of recidivism studies of prisoners in California prior to realignment. In addition, these annual reports and recidivism studies previously tracked the very realigned offenders that would be transferred to Santa Cruz County starting October 1, 2011 with a three-year return-to-prison metric and are still counted in this manner for California state prison recidivism reports. Every year, new

PRCS probationary supervision offenders are transferred to Santa Cruz County and are remanded to county custody for violations of probationary supervision instead of returning to prison. As a result, the study had to find a metric that would allow Santa Cruz County corrections department to capture a comparable “return-to-prison” recidivism metric to compare the resources used by a realignment offender in county versus state corrections.

The definition that the California Department of Corrections and Rehabilitation used to track offenders released through realignment reforms was the starting point for most researchers trying to measure the immediate impacts of realignment reforms because over 35,000 prisoners were transferred to county facilities either for confinement or PRCS. For many years, from at least 2002 to 2011, the CDCR used a “return-to-prison” within three years of their release date from the state prison system.

The primary measure of recidivism in the California state prison system is still expressed as a three-year return-to-prison rate and does not discriminate as to “why” a person was returned to the state prison system, which could include new convictions and technical and non-technical violations. The inclusion of technical violations to revoke state parole back to a state prison made sense to the CDCR because a person was being returned to custody and using the state’s resources (Bird & Grattet, 2014). However, this broader definition added to the “higher” rates of recidivism to CDCR, above 60% before the first of the reforms to reduce California overcrowded prisons in 2009 to 2011 and at 44.6% in 2010–11, just prior to realignment (CDCR, 2015). Further, when realignment was implemented, “returns to prison” for technical state parole violations no longer returned an offender to state prison but to county jail, thereby further revealing the flaw

in the CDCR's three-year "return-to-prison" definition because these individuals would not be tracked by the CDCR central office of research anymore but by one of 58 counties. This demonstrates the push and pull of all the definitions of recidivism. Practical considerations of how many resources are being utilized in a county's recidivism study (bookings, incarceration, return to custody, re-arrest) trump the "real" recidivist behavior that is being measured, a return to criminal behavior. Further, since recidivism studies double as a public safety metric to determine how much crime is being committed by convicted criminals and a budgetary planning tool to determine how much money should be targeted, it is hard not to argue for a definition that splits the difference and allows a jurisdiction to do both.

The Bureau of Justice Statistics (BJS), an office of the U.S. Department of Justice, released a study of recidivism across 30 states from 2005 to 2010 and used as its definition of recidivism: "an arrest for a new crime following release." (Durose, Cooper, & Synder, 2014). In April 2014, the Bureau of Justice Statistics (BJS), an office of the U.S. Department of Justice, released a study of recidivism across 30 states, from 2005 to 2010 (Durose, Cooper, & Synder, 2014). There are four critical outcomes for the purposes of this paper to come from that study and the analysis tool called Prisoner Recidivism Analysis Tool (PRAT-2005) Federal Definition of Recidivism (Durose, Cooper, & Synder, 2014). In order to find a measurement tool that was consistent and used widely enough within the 30 states in the study, recidivism had to be backed up to the first concrete step marking new criminal behavior, a "new arrest." While functionally necessary to find a recidivist behavior that could be measured across 30 states, a new arrest catches a lot of new criminal behavior that may never lead to a charge, or a charge

that may never lead to a return to incarceration or a conviction. So it is too fuzzy a metric to fully capture the use of resources like a return to custody, return to prison, or rebooking might to justify the wider, less precise net than a second conviction.

The other insight from this major 30-state study from the DOJ BJS is that even the most sophisticated researchers and statisticians cannot control for the wild variations in who is included in recidivism studies because of legislative changes like realignment. In this “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” the “who” even among the realignment population was ever changing, making year-to-year comparisons in the first five years of implementation difficult, resulting from legislative changes like Proposition 47 (2014) and Proposition 57 (2016). The ever-changing prison population was also subject to major changes so much so that the Bureau of Justice Statistics could not even compare its latest findings in 2015 with its last major study in 1994 because the methodology had changed too significantly due to many factors, including who was included in the prison population. Further, a major study on “reducing recidivism” conducted by the Council on State Governments Justice Center, which also compared recidivism across 10 states, “discouraged” further studies that compared recidivism between states because there are too many variations in each state’s methodology, each state’s prison population composition is too distinct, and the administration of prison facilities is too varied (between smaller and larger states) to make the results meaningful (Council on State Governments Justice Center, 2014). Even after California Attorney General Kamala Harris helped spearhead the statutory efforts of the BSCC to uniformly measure recidivism among the realignment population county to

county, the office of the attorney general has a variation on the standard definition, which reflects the needs and resources of the CA DOJ.

Primary Definition: An **arrest** resulting in a charge within **three years** of an individual's release from incarceration or placement on supervision for a previous criminal conviction. Supplementation measures include measurement on a **conviction**, a **nontechnical violation of supervision**, or a **return to incarceration**.

Finally, guidelines for measuring recidivism issued by the US DOJ were reviewed for solidifying the second more inclusive metric of **recidivism by booking** in "Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)" all of the alternatives account for the resource need to capture the returns to custody, or new arrests, and non-technical violations, but they do not reflect the data availability, which does not easily lift these markers from existing databases.

The National Institute of Justice, Office of the U.S. Department of Justice defines recidivism and highlights measurement guidelines for researchers. (Maltz, 1984).

- "Recidivism refers to a person's relapse into criminal behavior, often after the person receives sanctions or undergoes intervention for a previous crime."
- "Recidivism is measured by criminal acts that resulted in **re-arrest**, **reconviction** or **return to prison** *with or without a new sentence* during **a three-year period following the prisoner's release**."

The National Institute of Justice guidelines for studying recidivism state that: "Recidivism is delineated by starting and *stopping events*. The starting event can be the entry into a program or the release from prison. Other criminal justice events such as starting probation or the beginning of parole also qualify as *starting events*. The stopping

event is typically a criminal justice action such as an arrest or revocation of supervision,” (National Institute of Justice, 2008a, para.10).

“Recidivism refers to both the type of stopping event (such as the arrest) and the amount of time between the starting and stopping criminal justice events (such as between entering a program and re-arrest). Sometimes researchers report only statistics on the stopping event, such as the percentage of people arrested,” (National Institute of Justice, 2008a, para.10). The National Institute of Justice illustrates a combination of re-arrest, reconviction, and return to prison and cautions against the pitfalls already discussed. Further, since recidivism studies double as a public safety metric to determine how much crime is being committed by convicted criminals and a budgetary planning tool to determine how much money should be targeted, it is hard not to argue for a definition that splits the difference and allows a jurisdiction to do both.

As a result, the second more inclusive definition of recidivism for “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” also attempted to split the difference between over-inclusiveness and under-inclusiveness and practical data realities.

A secondary, more inclusive metric of **RECIDIVISM BY REBOOKING** for the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” became a variation on the BSCC definition on new conviction with the following modifications and tries to capture the needed conduct within the heavy constraints of the data systems:

Recidivism is defined as a “a new booking” or “rebooking” (as a new arrest for, a return to custody for any reason, a new jail admission) for new criminal activity within

three years of the first “release” date from custody or occurring within three years of placement on supervision for a previous criminal conviction. Whenever possible, a new booking should be categorized by type of crime (felony or misdemeanor), by offense type (e.g. property, drug etc.), by the type of violation (technical or non-technical), by the length of stay, and by the result of the booking (conviction, release, length of stay, violation in lieu of charge for new offense.)

Appendix 3—Methodology Part D: DEFINITIONS OF KEY TERMS FOR “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016).”

AB 109 – Assembly Bill 109, passed in April 2011, Signed by Governor Jerry Brown Jr., and implemented starting October 1, 2011. Also known as the Criminal Justice Realignment Act or Public Safety Realignment Act, offenders sentenced under its provisions are known as AB 109 offenders, realignment offenders, or by their sentencing or supervision classification under Realignment because this major criminal justice reform legislation modified CA Penal Code 1170(h). AB 109 offenders, for purposes of this study and in common parlance, refers to all offenders included in the initial seismic reform legislation (AB 109) and the whole series of subsequent companion and implementing legislation, multiple state ballot initiatives including the most recent in November 2016.

1170 Offenders or AB 109 1170 Offenders—refers to the CA Penal Code 1170(h) modified by AB 109, and a list of offenses under Penal Code section 1170 which qualify for realignment to county facilities. 1170 also refers to the offenders who were therefore locally sentenced or supervised by county probation, locally, or received a split sentence, also referred to as 1170 offenders with a period of local mandatory supervision (MS).

PRCS (Post Release Custodial Supervision) or PRCS offenders—refers to the class of offenders under Realignment who qualified for realignment to county facilities from CDCR to serve a mandatory newly created category of county probationary supervision called PRCS, instead of state parole, and who would then be remanded to county facilities if a violation occurred instead of state prison system.

Adult Offender – Any person over the age of 18 who has been booked, adjudicated, or processed formally by a correctional department, a court process, or a probationary or parole department, and or served a previously adjudicated sentence for a prior crime.

S-Number – A unique identifying number issued by the County Corrections Department when you are first booked for anything, pre- and post-Realignment, and stays with you in the life of your time in Santa Cruz County Corrections, no matter how many times you return.

P-Number – A unique identifying number that the Santa Cruz County Probation Department created when a case file is opened for an offender under supervision, regardless of type of non-custodial supervision. The P-Number is constant for the life of the offender's interactions with Santa Cruz County Probation.

BSCC Definition of Average Daily Population – Daily population is the number of inmates housed in a facility in a day. Average daily population is the daily population divided by the number of days in the period of measurement. For a monthly average daily population take the daily inmate count (usually at or near midnight), add these daily counts together and divide by the number of days in that month.

BSCC Definition of Conviction – Conviction is defined as an entry of judgment of guilty on a plea of guilty or no contest; or entry of judgment of guilty on a verdict of guilty.

BSCC Length of Stay Definition – The length of stay for each inmate is the number of days from date of intake to date of release, regardless of changes in classification, housing, or sentencing status during that period. Any part of one calendar day counts as one day. If an inmate is released from detention multiple times during the quarter, they will have multiple separate lengths of stay. Periods spent under an alternative form of

custody will not be counted towards Jail Length of Stay – including Electronic monitoring, Work Release, Residential Treatment, Non-Residential Treatment, County Parole, Work Alternative Programs, and Day Reporting Home Confinement.

BSCC Adult Definition of Recidivism – Recidivism is defined as conviction of a new felony or misdemeanor committed (where committed refers to the date of offense, not the date of conviction) within three years of release from custody or committed within three years of placement on supervision for a previous criminal conviction.

Supplemental Measures – This BSCC Adult Definition of Recidivism does not preclude other measures of offender outcomes. Such measures may include new arrest, return-to-custody, criminal filing, violation of supervision, and level of offense (felony or misdemeanor).

Recidivism Rates should be expressed in three-year standard measurement interval periods. However, BSCC Adult Definition of Recidivism adopts a three-year standard measurement period, rates may also be measured over other time intervals such as one, two, or five years.

Recidivism based on Treatment Completion Rates BSCC Definition – Treatment program completion rate is the percentage of people entering a program who go on to complete it. While this measure provides useful information for the purposes of program evaluation, by itself it does not provide a direct measure of program effectiveness.

Measurement: Treatment programs are multifaceted in their design, services and population served. To avoid unintentionally excluding programs with a narrow definition, respondents are asked to define enrollment and completion prior to calculating the treatment program completion rate.

“Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)”

definition of three-year recidivism by new conviction – The definition of recidivism by new conviction for the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016),” is a slight, but acceptable variation on the BSCC Standard definition to account for data limitations.

Recidivism is defined as conviction of a new felony or misdemeanor committed (where ‘committed’ refers the date of second or new conviction, NOT the date of the offense) within three years of release of the first “release” date from custody, or committed within three years of placement on supervision for a previous criminal conviction.

“Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” definition of three-year recidivism by new booking or rebooking – The selection of a second more inclusive definition of recidivism by rebooking was needed for the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” to capture new criminal activity that requires intervention and redirection of county criminal justice policy and accounts for the use of county criminal justice resources, but was not previously captured by the more stringent three-year recidivism by conviction definition.

A secondary, more inclusive metric of RECIDIVISM BY REBOOKING for the “Santa Cruz County Recidivism Study of Post-Realignment Offenders (2011–2016)” became a variation on the BSCC definition on new conviction with the following modifications:

Re-Incarceration (jail admission) definition of recidivism—Classifies a person as recidivist when an arrest resulted in a prison or jail sentence.

Return-to-custody definition of recidivism—Classifies a person as recidivist when an arrest resulted in a conviction with a secure confinement sentence, when a person has returned to custody because of a technical violation of probation (failing a drug test) or a non-technical violation of probation (new criminal activity that if separately charged would likely result in a conviction).

Non-technical violation of probation—New criminal activity that if separately charged would likely result in a conviction.

Technical violation of probationary supervision—Prohibited conduct that resulted in a return-to-custody or new booking because of a missed appointment or failed drug test.

Dosage hour—An hour of programming that an offender completes across seven main categories that service key criminogenic needs.

Average Daily Population (ADP)—The Santa Cruz County Realignment Implementation plan defined average daily population “as the system capacity needed to house one inmate for one year.” (Santa Cruz County Probation Department, 2013). Unless otherwise noted, when ADP is presented for Santa Cruz County, it is expressed in this way. The BSCC standard definition defines “Average Daily Population” as “the daily population divided by the number of days in the period of measurement.” The daily population is the number of inmates housed in a facility in a day. So for an annual ADP, the daily population would be divided by 365.

Probation—It is administered by Santa Cruz Probation Department, which supervises released offenders usually for a period up to three years, provided there is no new offense

or violation that may extend the supervision period. PRCS is a subset of offenders and a legal framework for supervising offenders who were either sentenced under AB 109 or had their probationary period following custodial release from CDCR transferred to county probation departments. Probation in this thesis is used to describe both traditional county probation functions and the newly created probationary category of PRCS under AB 109.

Corrections—Refers to the legal entity administered by the Santa Cruz County Sheriff's Office, which staffs three custodial facilities housing inmate offenders at various stages of the criminal justice process. The three custodial facilities in Santa Cruz County include the Mail Jail, Blaine, and Rountree.

Courts—Refers to the Santa Cruz County Superior Courts who adjudicate cases for individuals accused of crimes in their jurisdiction.

First New Booking Date—The date an individual is charged with a crime and fingerprinted or processed for a return-to-custody.

Booking Date was chosen because it is a better indicator of whether a person has engaged in criminal behavior warranting custodial supervision and is a matter of managing resources from a corrections standpoint. It matters overall whether an offender is convicted multiple times from a criminal justice and rehabilitative perspective, but from a resource management perspective for jails it matters how many times an individual occupies a space in the county correctional facilities. This can take place multiple times for various periods and not necessarily lead to a new conviction. So a person will have recidivated but not by the standard BSCC definition.

One of the problems with data collection and analysis for Santa Cruz County is that corrections, courts, and probation in Santa Cruz County mark the date of entry into the criminal justice system with different markers that do not always line up: the date of jail admission, the date of an arrest, the date of the start of probationary supervision. So while all three agencies may generally agree about an individual's entrance into the system when they are booked or processed, they do not always express it in the same way and sometimes use different dates, which makes it difficult to follow individuals from a starting point into the criminal justice system in Santa Cruz County and to an endpoint. The public assumes that this would be an easy marker to collect—an offender comes in and is released once when a sentence is completed, which is not the case. Not only is the entrance point different for offenders, but also it is often not linear for an offender. An offender often has multiple entrances and exits into the criminal justice system for different reasons—some procedural, some substantive—but it is rare there is only one date of arrest or return-to-custody or jail admission. As a result, the first “new booking date” is use as an umbrella term to capture all of these entrances and exits and mark the first one.

Probation—Administered by the Santa Cruz Probation Department, which supervises released offenders for periods up to three years, provided there is not a new offense or violation that may extend the supervision period

Corrections—Administered by the Santa Cruz County Sheriff's Office, which staffs three custodial facilities housing inmate offenders at various stages of the criminal justice process

Community Correction Partnership (CCP)—This is chaired by the County Probation Chief and includes leaders of local law enforcement, the courts, county mental health, and victim and community advocacy.

Community Correction Partnership (CCP) Plan—Every County CCP pursuant to section 1230.1 of the Penal Code must prepare a plan that is submitted to the state, which articulates a local response to the Public Safety Realignment Act, Assembly Bill 109, and describes how Santa Cruz County will allocate its realignment funding, which is supposed to address the costs of the adult population shifts from CDCR through realignment, as well as some funding for other agencies for hearings and the implementation of recidivism-reduction programming.

BSCC Annual Report to the Legislature of CCP plans by county—Effective July 1, 2013, all 58 counties' CCPs are collected in a Community Corrections Partnership Plan Annual Report to the Legislature on 2011 Public Safety Realignment Act. The fourth annual report, published in July 2016, is referenced in this thesis and is a lengthy legislative annual report of nearly 350 pages. It describes how each county uses realignment allocations to invest in varied approaches to offender treatment, including mental health services, education, diversion, and alternatives to incarceration, pursuant to SB 92 (Chapter 36, Statutes of 2011), organized by the county.

BSCC, The Board of State and Community Corrections Data Collection and Standard

Definitions—Among other functions, as part of implementation of realignment, Assembly Bill 1050 (2013) amended Section 6027 of the Penal Code to require the BSCC to: “Develop definitions of key terms, including, but not limited to, ‘recidivism’, ‘average daily population’, ‘treatment program completion rates’, and any other terms

deemed relevant in order to facilitate consistency in local data collection, evaluation, and implementation of evidence-based practices, promising evidence-based practices, and evidence-based programs.” BSCC definitions are the only definitions adopted by CA state statute.

BSCC, The Board of State and Community Corrections—Was established in statute effective July 1, 2012 to serve as an independent body providing leadership and technical assistance to the adult and juvenile criminal justice systems. A central part of its mission is to oversee Gov. Jerry Brown Jr.’s prison and public safety realignment goals that keep non-violent, non-serious, non-sex-related offenders in local control where support services can help them successfully re-integrate into their communities.

High, Moderate Risk—A risk category assigned by the probation department as part of the case planning process on both a static and dynamic basis. Using a concept called RNR, the static risk of re-offense and dynamic service needs of the offender inform program referrals as well as the temperament of the offender, culture, and gender (Chief Probation Officers of California, 2013).

Male and Female—Any persons designated by gender on admission paperwork.

Transgendered individuals have been subsumed in either the male or female designation.

Substance Use Disorder (SUD) programming—Assessment, detox, outpatient, intensive outpatient, residential, medically assisted treatment and sober living environments provided by Encompass, Janus of Santa Cruz, Sobriety Works, and New Life Community Services.

Re-Booking—The secondary measure of recidivism in Santa Cruz County, which encompasses an offender’s re-admission of county jail for a new conviction, an arrest, or

a violation of probation. It also includes all other types of returns to custody as well as an entry point into the supervision portion of an offender's time with Santa Cruz County.

Release Date—For the purposes of this study, release date is the date in which offenders leave custodial supervision from Santa Cruz County Corrections or they leave one of the many alternatives to serving a full-time custodial sentence provided by the CAP (Custodial Alternatives Programs). The BSCC definition suggests that the measurement for recidivism start from the start of supervision, not the release from supervision. Santa Cruz County looks at the periods of incarcerations, alternative custody and probationary supervision, either PRCS or MS, as the period of time when offenders still have a touch point with the system and are easier to reach with programming and activities because of the regulated check-ins. So the critical time to examine, for this study and for Santa Cruz County, is after a release from incarceration, physical custody, or a release from a probationary period.

In addition to this policy priority, the start date of supervision is a difficult thing to pull from the county databases and was not sought when the record-by-record examination yielded the “release from supervision.” There is no hard file that marks each benchmark. If there was a jurisdiction that could look at recidivism after three years of starting supervision as the state suggests, or three years after the end of supervision as this study represents, it could determine through comparison if the touch point of mandated supervision yielded better results than a simple release for incarceration and a straight sentence. This is an important sentencing policy question for Santa Cruz post-realignment, especially given that supervising PRCS is resource intensive.

Criminal History—Refers to a digital data record of an offender’s interactions with the criminal justice process in Santa Cruz County. Relevant fields for data collection for this thesis included review of general biographic information, name and known aliases, address, date of birth, sex, race, booking information for every criminal offense (date crime was committed, date of arrest, type of offense) and any information on prior convictions (particularly, convictions for a 1170 (h), offense).

Release Date or “First” Date of Release—Release date is another difficult term when trying to reconcile data provided by corrections, courts, and probation in Santa Cruz County. “Release Date” is used in at least three ways to describe an individual in each of the data systems. For corrections, this is the date on which offenders leave custodial supervision from corrections facilities for the last time or for the last offense they were booked on, or they leave one of the many alternatives to serving a full-time custodial sentence provided by CAP (Custodial Alternatives Program) both pre- and post-trial, pre-sentencing, and in lieu of a custodial sentence following a conviction, including electronic monitoring, work release, and ROR (release on own recognizance).

Courts use and record release date in a way that is hard to reconcile with the corrections marker and the probation marker, which has a tangible connection to a person, not a case. The complexities of how the courts in Santa Cruz County use release date are secondary to this study except that they highlight once again that it is extremely difficult to easily track someone with the same designation through all three agencies, and Santa Cruz County does not have one check box that marks a person who is classified as an AB 109 offender through all three systems. The software systems have a field that marks people who commit Penal Code 1170 offenses, which were the majority

of offenses redefined under AB 109, but because courts associate their data with cases, one offender can have multiple pending cases at the same time, so there is not one “release date” that marks a person exiting courts and into probation or back to corrections. The courts will leave indicators that a person is still being processed, like an upcoming court date, and the absence of an upcoming court date can indicate the court process is over, but it does not necessarily indicate that it is over for a particular offender. Probation does not often record the release date from PRCS. When it is recorded, it is recorded deeper in an offender’s file in the last probationary case assessment report as “case closed,” and the date of the report is used as the release date of an offender’s probationary supervision. In the decade prior to realignment, recording of a case closed was highly variable from staff member to staff member, and the level of training and proficiency staff received on the importance of this disposition date. From 2013 on, with the increasing demands of realignment, probation has placed a higher value on recording the release date and having that date be available to other Santa Cruz County agencies in addition to the annual state reporting on the status of recidivism required by AB 109 and subsequent legislation. Unless you go individual offender by individual offender, you cannot easily tell why someone has returned to custody several times but does not have a conviction.

If you look at data on a person-by-person basis with trained staff in the field, you can glean information that is not spelled out by a specific data field. For example, for an offender who had been released from corrections from a custodial sentence or CAP, the data field showed no convictions within three years of release from corrections (which by the state definition would mean that a person has not recidivated), but still has a record of

returning to custody within those three years for some criminal behavior, which did not result in a conviction. The most common of these would be a flash incarceration for a parole violation, a hold for a public intoxication charge, a warrant, or a review period by the District Attorney's Office:

Flash Incarceration—Takes place when an offender violates probation and is placed back into custodial supervision for a short period of time to correct or realign his behavior. Not meant to set the offender on a formal course for a “new offense” or full-time return to a custodial sentence.

Held for a Public Intoxication—Usually a short period, a matter of hours to wait out the intoxication, so there is no conviction on the time spent back under custodial supervision, though they have “technically” engaged in criminal behavior.

Warrant—For a previously existing charge either in Santa Cruz County or another jurisdiction in the period before they were released from custody on their original AB 109/1170 conviction.

Hold/District Attorney Office Hold while Review—DA's office reviews the reason an offender was readmitted to custody in county corrections and declined to pursue the case further, thereby not having a new record of conviction, though time was spent back in a county facility.

Projected Release based on Sentence—This data refers to the projected date an offender is set to be released from a custodial correctional facility or custodial alternative program based on the usual length of sentence for the committed offense.

Day Reporting Center—Santa Cruz County has been studying whether a day reporting center can be created to serve released individuals. A day reporting center is a place

where offenders can continue to access programming, services, job training, and resumes and do mock interviews. Day reporting centers help offenders get back on their feet and relearn or learn for the first time skills to navigate society post-custody. Skill sets taught in day reporting centers can help individuals learn how to get and use a cell phone, how to get and use a bank account, how to get and use email. Policymakers often just focus on whether individuals can stay away from criminal tendencies, but there are more practical barriers to reintegrating offenders into everyday life.

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