

# **Fresno County Public Safety Realignment: One Year of Data Interim Report**

**Prepared by Owen Research & Evaluation  
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## Introduction and Overview

This report presents descriptive data on the offenders released from state prison to Fresno County under Post-Release Community Supervision (PRCS) and those sentenced under Penal Code 1170(h) to county jail in lieu of state prison during the first 12 months of Public Safety Realignment. Preliminary disposition data are also presented and analyzed. Section 1 includes a demographic profile of these offenders and other salient characteristics. It also provides a brief review of Public Safety Realignment in California and its context and impact within Fresno County. Section 2 reports interim data on selected criminal outcomes for these three subpopulations, based on criminal charge filing data provided by the Fresno County District Attorney's Office and court disposition data collected manually by Owen Research & Evaluation (ORE). As discussed in the Cautions and Limitations section, these outcome data should be interpreted with extreme caution. The limits of the utility of these data are discussed in detail. Section 2 can be viewed as a preliminary measure of the impact of Realignment in an examination of new offense outcomes for the PRCS and 1170(h) populations. At the time of this report, 28% of the case filings were pending outcome. The report concludes with Section 3, which is an outline of research, policy, and program recommendations.

All the data in this report are drawn from the first 12 months of Realignment in Fresno County.

These data, however, do not provide a complete picture of these issues, and, as such, are presented as preliminary and interim data for operational planning. As many observers have noted, it is early in the Realignment process to determine the impact of this policy change on public safety, offender outcomes, and county systems. More valid measures of recidivism, for example, require a longer time frame (typically three years) to track all Realignment offenders in terms of new criminal offenses and court dispositions. In terms of program/intervention effect, more concrete measures of program fidelity, specific indicators at the individual offender-level of program participation, and some comparison group data are required to determine whether such program intervention is related to variations in recidivism rates.

For supporting data, see the Appendix of this report.

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## I. Background: Public Safety Realignment in California

The California legislature passed the Public Safety Realignment Act (AB 109) on April 5, 2011. This law shifted responsibility for specific categories of low-level convicted felons from the California Department of Corrections and Rehabilitation (CDCR) to the 58 individual counties. Under this legislation, low-level drug and property offenders committing their crimes after October 1, 2011, are now sentenced to county facilities and programs. State prisoners in these same categories are released to their county of commitment under a version of county probation supervision, known as Post-Release Community Supervision (PRCS), rather than state parole.

Since Realignment, those convicted of low-level offenses as specified in the law serve their sentences in local jails rather than state prisons. Section 1170(h)(5) of the California Penal Code describes these sentencing options. A “straight sentence” or “local prison only sentence” means just that: An individual is sentenced to county jail and, after discharge, is not under any form of supervision. Mandatory Supervised Release (MSR) is a form of “split sentence,” whereby an individual serves some portion of a sentence in county jail custody and is released to community supervision and/or programs.

Public Safety Realignment is based on the idea that these lower-level offenders will be placed in lower-cost custody beds in the county for shorter time periods. The assumption is that counties will develop a greater emphasis on “evidenced-based” programs in local correctional facilities and on community supervision post-release. The legislation is specific on the kinds of “evidenced-based correctional sanctions and programming other than jail incarceration alone or traditional routine supervision” that should be pursued at the local level. “Risk and Needs Assessment” is also integral to this process. The theory is that community correctional services will result in lower custody costs and better rehabilitation outcomes, including reducing recidivism, that will both save money and improve public safety.

Although AB 109 stresses “evidenced-based practice” with its core principle of measuring process and outcomes, there was no mention of fiscal support for such an evaluation. Without such state support, Fresno County planned for the evaluation at the initiation of Realignment, contracting with Owen Research and Evaluation (ORE) to collect and analyze county data to measure a range of elements surrounding this crime policy change.

The Public Policy Institute of California (PPIC) has recently signed a Memorandum of Understanding with the Board of State and Community Corrections (BSCC) to design a statewide study of Realignment. Fresno County is one of 10 counties selected for direct study. It is anticipated that future reports will be developed in partnership with this effort.

### The Data

Data were drawn from the Adult Probation Systems (APS), new criminal charge filing data were developed by the District Attorney’s Office, and ORE staff collected disposition data for these new criminal filings through May 15, 2013, from the Superior Court database (V2). ORE also collected data from four agencies that provide services to AB 109 offenders.

## II. The Fresno County Context for Realignment

To provide some general context for the Realignment data presented below, we examined other measures of criminal justice supervision. These data are presented for general context only. Due to differing time periods, time frames do not align across different substantive areas.

### Probation Caseload and Revocation Data

In 2006, the Fresno County Probation Department supervised 10,660 individuals on probation (including those on bench warrant status) with an 11% revocation rate. This figure declined from 9,873 in 2007 to 8,665 in 2011.

With the addition of more than 1,500 new PRCS cases, the Probation Department expanded significantly in the 12-month period of Realignment.

The probation revocation rate also changed during this time. In 2006–2008, the rate averaged about 11%, declining to about 7% in 2011. Following Realignment, the Probation Department reported separate rates for traditional probation cases at 3.6% and Realignment cases at 3.7% in 2012.

### Crime Rates

ORE examined crime rates from several sources to develop a benchmark for crime rates in Fresno County and throughout the state. We determined that the best source of these comparison data was found in the Federal Bureau of Investigation's (FBI) *Preliminary Annual Uniform Crime Report* for 2012.<sup>1</sup> The *Uniform Crime Report* is a nationwide, cooperative statistical effort of more than 18,000 city, university and college, county, state, tribal, and federal law enforcement agencies voluntarily reporting data on crimes brought to their attention. The program's primary objective is to generate reliable information for use in law enforcement administration, operation, and management; however, its data have, over the years, become one of the country's leading social indicators. Current protocol calls for the publication of a violent crime total and a property crime total. Violent crimes include murder, rape, robbery, and aggravated assault, and property offenses include burglary, theft, motor vehicle theft, and arson. According to this report, California's violent crime rate had been falling over the past 20 years. The 2012 data, however, show that violent and property crimes increased slightly in most large California cities. Here, we draw on FBI data for 68 of 69 of California's largest cities (San Bernardino did not report).<sup>2</sup>

The city of Fresno experienced a slight overall increase in crime in 2012 compared to the first six months of 2011 (a proxy for pre-Realignment crime rates) of 0.3%. When violent crimes are

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<sup>1</sup>FBI (Federal Bureau of Investigation). (2013). *Preliminary Annual Uniform Crime Report, January–December, 2012*. Table 4. Retrieved from <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2012/preliminary-annual-uniform-crime-report-january-december-2012>

<sup>2</sup>Thanks to Dr. Mike Males at the Center for Juvenile and Criminal Justice (CJCJ) for help in examining these data.

examined separately, the city of Fresno experienced a decrease of 6% in violent crimes as compared to the previous reporting period. Property crime increased 1%.

### Community Supervision and Arrests

In 2013, the Council of State Governments Justice Center published a report, *The Impact of Probation and Parole Populations on Arrests in Four California Cities*.<sup>3</sup> This study examines the extent to which people on some form of community supervision drive local arrest. This research examined their overall share of arrests compared to total arrests. Looking at arrest data from four California cities (Los Angeles, Redlands, Sacramento, and San Francisco), this study found the following:

- 1) Approximately one in five arrests involved an individual under probation or parole supervision; the majority of arrests involved people who were not under supervision. People under supervision accounted for 22% of total arrests. Of those under supervision who were arrested, nearly twice as many were on probation as on parole.
- 2) The extent to which people under probation or parole supervision contributed to arrest activity varied by jurisdiction. Arrests involving individuals under supervision varied across the jurisdictions, from 11% of all arrests in San Francisco to 30% in Sacramento.
- 3) People under probation and parole supervision were involved in one in six arrests for violent crime. On the other hand, one in three arrests for drug crime involved someone on probation or parole. Of all types of offenses tracked in this study, people under supervision were more likely to be arrested on drug offenses than violent, property, or other arrests.
- 4) From January 2008 to June 2011, the number of arrests made in the four jurisdictions declined 18%, whereas the number of arrests of people under supervision in these jurisdictions declined 40%. In this period, the number of arrests involving individuals under parole supervision declined 61% and 26% for individuals under probation supervision.
- 5) The assessment of a parolee's risk of reoffense was an effective indicator of the likelihood that he or she would be rearrested, although the assessment of a probationer's risk of reoffense did not effectively predict that individual's likelihood to reoffend in three of the four jurisdictions. Of the total number of individuals under parole supervision who were arrested, the majority (51%) had been assessed as high risk for reoffense. For individuals under probation supervision who were arrested, only 13% had been assessed as high risk for reoffense, whereas the majority of those arrested had been assessed as moderate (35%) and low (33%) risk.

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<sup>3</sup>Retrieved August 5, 2013, from <http://csgjusticecenter.org/law-enforcement/publications/the-impact-of-probation-and-parole-populations-on-arrest-in-four-california-cities/>

## Impact of Realignment in Fresno County

The Center for Juvenile and Criminal Justice (CJCJ)<sup>4</sup> has developed some preliminary analysis data on the impact of Realignment on California counties. Using data provided by the CDCR and the Chief Probation Officers of California (CPOC), the CJCJ calculated a “Realignment percentage”—Realigned Offenders / (Total Realigned Offenders + Total State-Managed Offenders)—to develop a measure of cumulative realigned offenders jailed and supervised by split sentences and probation-supervised parolees, as of September 30, 2012.

Table 1 shows that, statewide, Realignment has shifted about one quarter of all offenders from the state prison and parole system to county probation and jails. Fresno County, according to this calculation, has realigned a somewhat larger percentage of offenders who are now under PRCS supervision or housed in county jails. Fresno County Probation received more than 1,500 new PRCS cases in the first 12 months of Realignment, and the County jail housed 902 1170(h) cases during this time.

Table 1. *Statewide and Fresno County Realignment Data as of September 2012*

	Realignment Percentage	Total Realigned Offenders	Realigned From:		Total	Stage-Managed Offenders	
			Parole to Probation (PRCS)	Prison to Local Jail/Sentencing		In Prison	On Parole
<b>Statewide</b>	<b>25.30%</b>	<b>65,356</b>	<b>36,329</b>	<b>29,207</b>	<b>192,539</b>	<b>133,833</b>	<b>58,656</b>
Fresno	30.00%	2,466	1,564	902	5,749	3,840	1,909

## Arrest Rates Provided by the CDCR

The CDCR examined arrest rates for the 37,448 offenders released to the counties under Realignment for the first six months of this new policy (October 2011–March 2012).<sup>5</sup> These post-realignment arrest rates were then compared to the same period in 2010–2011, as a measure of pre-Realignment arrest rates.

Statewide, the arrest rate for the pre-Realignment cohort (51,910 offenders) at one-year post-release from the CDCR was 62% compared to the somewhat lower arrest rate post-Realignment at 58.7%. The conviction rates (statewide) were 21.3% pre-Realignment and 22.5% post-Realignment. Neither of these measures is statistically significant.

<sup>4</sup>Again, thanks are due to Dr. Males of the CJCJ for this analysis. The CJCJ’s ongoing reports on the impact of Realignment can be found at <http://www.cjcj.org>.

<sup>5</sup>CDCR. (2013, May). *Realignment Report: A One-Year Examination of Offenders Released From State Prison in the First Six Months of Public Safety Realignment*. Sacramento, CA: Author.



For Fresno County, the numbers are slightly higher than the statewide averages. The arrest rate for the pre-Realignment cohort (2,069 offenders) at one-year post-release from the CDCR was 69% compared to the somewhat lower arrest rate among the post-Realignment cohort of 63.2% for a decrease of 5.8 percentage points. However, the conviction rates in Fresno County were both lower than the statewide rates at 13.7% pre-Realignment and somewhat higher at 17.3% post-Realignment, a change of 3.6 percentage points.

### **Parole Violation Rates**

Another aspect of the context is the pre-Realignment parole revocation rate. Representing about 4% of the state total, 4,531 offenders were released to Fresno County in the three-year study cohort from the CDCR in fiscal year 2006–2007. Of this group, 76.3% were returned to some form of CDCR custody in the following three-year period compared to the statewide recidivism rate of 65.1%.

### **Summary**

These contextual data provide some background for interpreting the outcome data presented in this preliminary report. Violent crime rates, as measured by the FBI report, have declined during the early days of Realignment, although property crime rates have increased slightly. As seen in the study of arrest rates and community supervision, those on probation and parole contribute to roughly one fifth of the overall volume in arrests. Most of these arrests are for drug-related crimes.

As measured by the CJCJ Realignment percentage, Fresno County is a “high Realignment” county when compared to the statewide average. The CDCR data suggest that former Fresno parolees had a higher rate of return to prison at 76%, about 10 percentage points higher than the statewide average of 65%. These indicators combine with the cautions and limitations described below to provide a context for this report.

### III. Cautions and Limitations

Although every effort was made to ensure the validity and the reliability of these data, we must introduce several cautions related to the interpretation of these results. This is particularly significant in interpreting the conviction outcome data.

These cautions and limitations include the following:

*Data quality problems.* Numbers differ in this report and may not be consistent across tables and charts due to the specific data available within the specific database used for the analyses. In most tables, we report findings for the cases that we could match across available databases. Additional matching discrepancies arose when we attempted to match such data with provider data that was collected manually. There are multiple reasons for these discrepancies, but they do not change the findings in any statistically significant way. For example, names and file numbers did not match, duplicate entries were found, and case numbers were not found or were unable to be matched. When the data collection is complete, most discrepancies should be resolved. We suggest that the Criminal Identification Index (CII) number be used to match all individual cases in the future.

In addition, much data had to be collected and manually coded. Even within the automated Probation database, many fields were entered as narrative (not numerical) fields and required manual coding.

Missing and incomplete data also undermine this preliminary report. In addition to the 28% of pending disposition data, we were unable to obtain participation data from some referral sources. The lack of unique identifiers that allows matching case-by-case of automated data limits the utility of any aggregate analysis of these data.

*Inconsistent time frames.* True measures of success and failure in corrections have two temporal dimensions missing from these analyses. First, although we report descriptive and outcome data for those offenders who entered Fresno County AB 109 statuses between October 2011 and September 2012, these offenders entered such supervision or custody at various times, resulting in variable “exposure,” “time to failure,” or “risk to reoffend” windows. For example, an offender who was released in October 2011 has 12 months of risk to reoffend, whereas an offender released in August 2012 has only two months of such exposure, given the time frame for this report. It is statistically incorrect to compare cases that have such dramatic differences in exposure (or risk to reoffend) time periods.

*Incomplete disposition outcomes.* The wheels of justice turn slowly, and insufficient time has passed to obtain complete disposition outcomes. As will be seen in Section 2, 28% of all the dispositions had yet to be determined at the time the disposition data collection was halted (May 15, 2013). Although we intend to continue to collect the disposition data, we are reporting the data we have with extreme caution. Thus, with almost one third of the dispositions undecided at the time of the analyses, few conclusions can be drawn from the disposition outcomes.

*Problems in program data.* These data are incomplete and provide little insight into the actual program “dose” in terms of program content or number of sessions. We have some program completion data and provide it in Section 2. In this report, we rely on program referral data as a partial substitute for program participation data. Program fidelity measures are also missing.

These descriptors suffer from the same time frame problem in terms of exposure or “dose” of treatment and other programming. Although individuals may have been referred to a program during the 12-month time frame, the referral data suffer from the variable exposure windows described above. Thus, the dose of the intervention is variable and difficult to both determine and compare. For example, an offender may be referred to a substance abuse program in the second month of a 12-month PRCS supervision period. He might enroll in the program in the third month, begin attending in the fourth month and miss one or two sessions in the remaining months. The clock continues to tick on his required supervision period and, without a serious violation or new arrest, the offender will be discharged from PRCS at the end of the 12-month period. This variable attendance time makes measuring any treatment impact speculative at this juncture.

*No shows and “slow shows.”* National data on treatment participation demonstrate low participation rates across all interventions. A critical issue in measuring program participation is, simply, lack of participation. As described in the data below, the majority of those referred did not report to their assigned programs. ORE briefly investigated this problem and discovered, among other issues, that many of those who did not report to their provider continued to report to Probation, did not “test dirty,” and avoided arrest. Again, anecdotal data suggest that many PRCS offenders were discharged from supervision without program completion. This “no show” rate, combined with the varying time frames mentioned above, compromises any analyses of the efficacy of interventions. Although not fully analyzed here, there were problems with “slow shows” that timed out on the initial referral and required subsequent re-referrals. This issue muddied the program participation data.

*Incomplete conviction data.* In addition to the 28% of cases pending disposition, one additional caution must be issued regarding the conviction data. Section 2 displays the conviction data for the PRCS and both forms of sentencing under 1170(h). With the PRCS population, all cases have lived in the community. Within the sentenced populations, however, some number remains in custody, and, with some exceptions, is not at risk of arrest. This percentage of the sentenced populations convicted post-release cannot be calculated due to variations in time at risk for rearrest. We report only numbers rather than percentages for this population. Similar time frame problems compromise these analyses as well.

*Uneven assessment data.* As stated in the legislation, risk and needs assessment is central to community interventions. In Fresno County, the STRONG instrument is used to establish these assessments. The STR portion of the assessment establishes risk levels by reviewing records and other official information. There is no direct interview of offenders. The STR was available on the majority of the offenders and is reported here. The ONG portion of the assessment establishes needs through personal interviews. There are several problems with the data on assessment that limits the utility of these descriptors; among these problems is the inability of the current data to provide transactional information on the needs as assessed.

*Lack of comparison groups.* Rigorous evaluation requires either a randomly assigned comparison group or one created through statistical matching techniques to measure the true effect of any given intervention—whether delivered as a treatment or a sanction. Without a version of a statistically constructed comparison group, no statements of effect can be accurately made. There are no comparison groups in this study, adding another dimension of compromise to this report.

*Limits on statistical power.* Missing and incomplete data, as well as small sample sizes, prohibited any statistical analyses.

## IV. Section 1: Descriptive Population Data (October 2011–September 2012)

Below, we provide summary descriptive data of the PRCS population and the newly sentenced 1170(h) offenders.

### 1. PRCS Demographics

#### PRCS Released to Fresno County

Fresno County Probation had received 1,581 individuals as PRCS cases as of the end of September 2012. Deducting those who transferred out, did not show up, or were “paper commits,” the APS contains data on 1,567 cases over the 12-month period. In the early months of Realignment, Fresno County received a much larger number of offenders than originally projected, but these cases diminished over time. Chart 1 displays the revised projections developed by the CDCR; please note that their initial projections undercounted the number of PRCS cases significantly.

Chart 1. CDCR Projections Versus Actual PRCS Releases

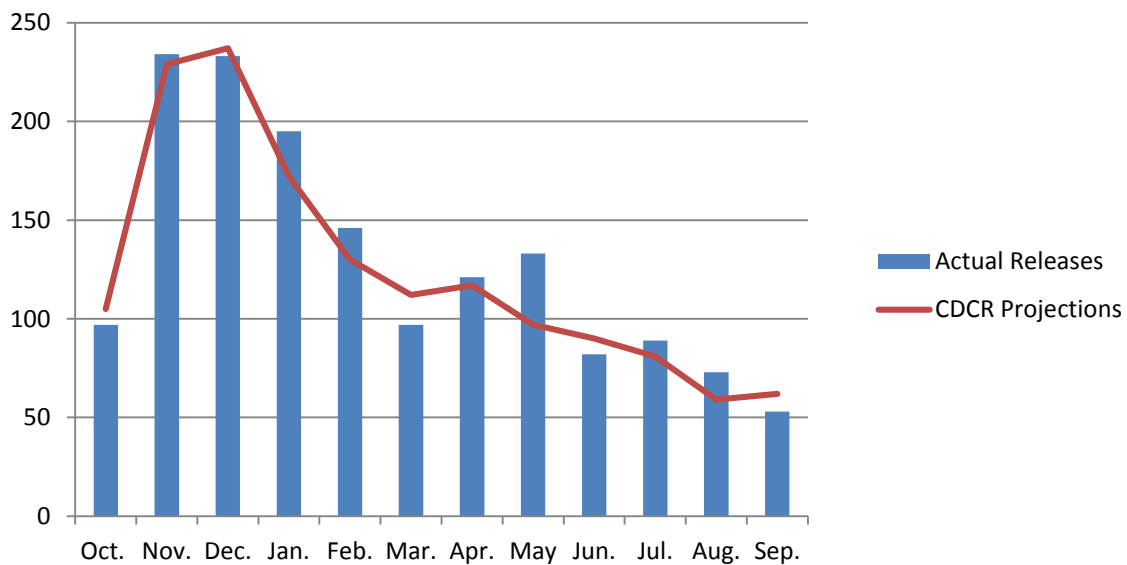
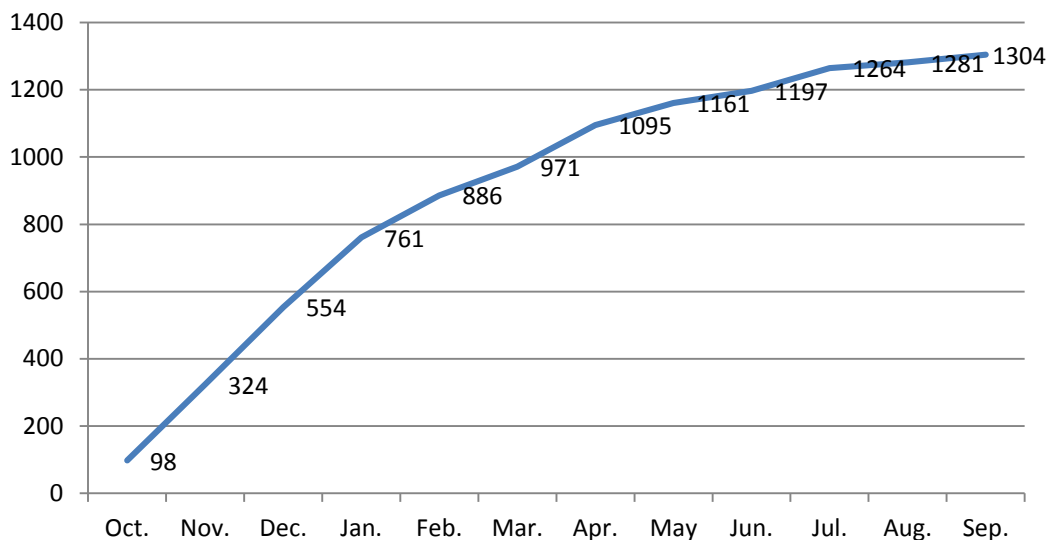


Chart 2 displays the PRCS cases supervised each month from October 2011 through September 2012.

Chart 2. Active PRCS Offenders by Month



Note. Cumulative count of PRCS offenders who are being supervised, as of the last day of the reporting month.

About 15% of the PRCS (245) cases discharged within the first 12 months.

**PRCS Offender Demographic Characteristics (N = 1,567)**

As is typical of criminal justice populations, 90% of those released on PRCS in Fresno were male.

Race and ethnicity of the PRCS first-year cohort, like in Fresno County as a whole, is dominantly Hispanic, as displayed in Table 2. Here, we compare the distribution of the PRCS population and the county as a whole.

Table 2. Race/Ethnicity of the 2011–2012 PRCS Cohort With the Fresno County Distribution

Race/Ethnicity	PRCS Number	Percentage	Fresno County Census Demographics*
African American	260	16.6%	5.9%
Caucasian	343	21.9%	31.9%
Hispanic	861	54.9%	51.2%
Other	103	6.6%	11.0%

\*Based on the 2012 Census data

Age at release. The average age of those released to PRCS during this time period was 34.7 years of age, with a median age of 33. The age range was 18 to 76.

## 2. PRCS Residence

The zip code of residence as listed in the APS data base is displayed in Figure 1.

Figure 1. *Number of PRCS Offenders in the City of Fresno by Zip Code*

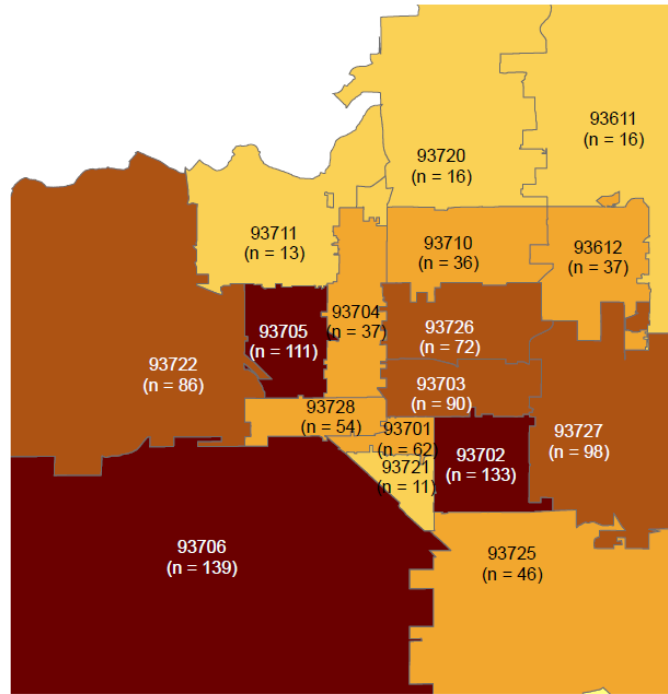


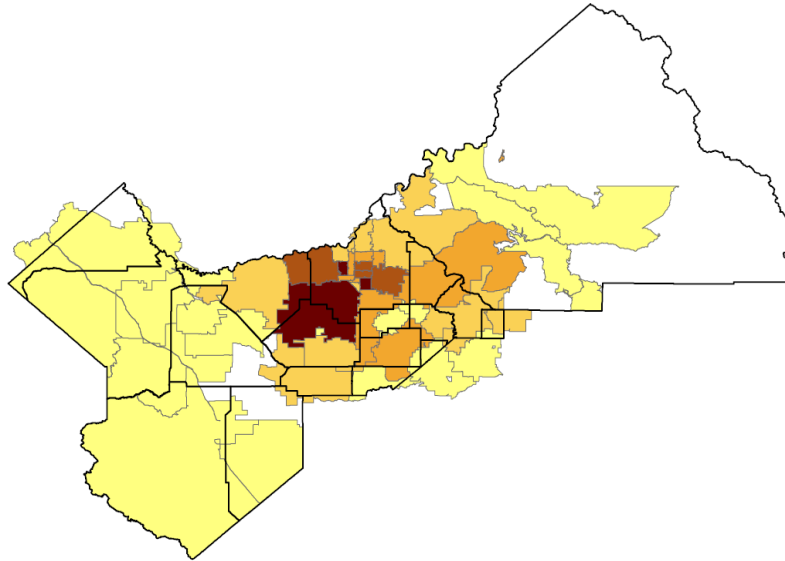
Table 3 displays Fresno County zip codes with the highest number of offenders by count and percentage of the overall PRCS population.

Table 3. *Top Residential Zip Codes*

Zip Code	Number	Percentage
93706	139	10.3%
93702	133	9.9%
93705	111	8.3%
93727	98	7.3%
93703	90	6.7%
93722	86	6.4%

Figure 2 displays the concentration of the PRCS across the county.

Figure 2. Number of PRCS Offenders in Fresno County



Almost 70% of the PRCS cases listed the city of Fresno as their home, with less than 4% reporting a home address in Clovis. The next three cities were Selma (2.7%), Sanger (2.0%), and Reedley (1.7%).

### 3. CDCR Commitment Offense Categories for PRCS Offenders

AB 109 dictates that low-level offenders be released to county supervision (PRCS) rather than state parole. Table 4 displays the initial CDCR offense for the PRCS population.

Table 4. Original Offense Categories (CDCR sentence; N = 1,565)

Offense Category	Number	Percentage
Property Crime	525	34%
Person Crime	464	30%
Drug Crime	385	25%
Other Crime	191	12%
<b>Total</b>	<b>1,565</b>	<b>100%</b>



#### 4. Risk Assessment

Assessing the “risk to reoffend” is a key element of Realignment. Fresno County uses the STRONG assessment tool. This tool is administered in two sections. The STR is routinely administered to all probation cases and is based on a clerical review of official records without a personal interview. According to the STR risk levels listed in the APS database, slightly less than half (46%) of the PRCS scored as risk level of “high violent” for the 1,490 cases that had such an assessment available. Risk assessment was not available on all cases in the APS database.

Table 5. *PRCS Risk Assessment*

Risk Assessment	Number	Percentage
High Violent	727	46%
High Property/High Violent	266	17%
High Drug	120	8%
Moderate	248	16%
Low	129	8%
<b>Total</b>	<b>1,490</b>	<b>100%</b>

Please note that the STR assessment only scores official records and does not represent problems and needs. For example, even though only 8% of the cases have a high potential for repeat drug-offending according to the STR risk assessment and based on past criminal records, this measure does not take into account drug use, mental health, and/or other treatment needs.

Automated data on needs assessment were not available in the APS database.

#### 5. PRCS ACT Contacts

In Fresno County, the Adult Compliance Team (ACT) has been created to supplement intensive supervision and provide an additional level of offender accountability and public safety. During the first 12 months of Realignment, the ACT made 2014 contacts. ACT contacts can be initiated by the ACT or at the request of the Deputy Probation Officer. Details are displayed in Table 6.

Table 6. 2012 ACT Contact Summary

<b>ACT-Initiated Activities</b>	<b>Number</b>	<b>Percentage</b>
Attempt to Contact	261	26.3%
Compliance Checks	204	20.6%
Residence Verification	141	14.2%
Self-Initiated Activities	102	10.3%
Arrest(s)	67	6.8%
Assist Other Agency	47	4.7%
Attempt Arrest Warrant Service	32	3.2%
Warrant Service	21	2.1%
Mitigating Incarceration Contact	15	1.5%
Others	101	10.3%
<b>Total</b>	<b>991</b>	<b>100.0%</b>

<b>DPO-Directed Activities</b>	<b>Number</b>	<b>Percentage</b>
Attempt to Contact	322	31.5%
Residence Verification	203	19.8%
Compliance Checks	106	10.4%
Arrest(s)	100	9.8%
Attempt to Flash Incarcerate	63	6.1%
Attempt to Revoke	56	5.5%
Mitigating Incarceration Contact	56	5.5%
Notify Appointment	37	3.6%
Business Card Left	30	2.9%
Others	50	4.9%
<b>Total</b>	<b>1,023</b>	<b>100.0%</b>

*Note.* The summary data were drawn from the 2012 ACT Year-End Report.

## 6. PRCS Sanctions

About half (784) of all PRCS offenders had sanctions issued during the first 12 months of Realignment. The APS database listed reasons for about half of these sanctions, as shown in Table 7. Substance abuse and failure to report, again, make up the majority of reasons for sanctioning.

Table 7. *Reasons for PRCS Sanctions*

Reason	Number	Percentage
Offense: Felony	12	2.4%
Offense: Misdemeanor	9	1.8%
Offense: Other Charge Type	19	3.9%
Failed to Obey All Laws	10	2.0%
Non-Compliance With Probation	11	2.2%
Failure to Report	152	31.1%
Program Failure	22	4.5%
Substance Abuse	203	41.5%
Violent Activity/Gang Related	11	2.3%
Weapon Violation	5	1.0%
Absconding	23	4.7%
ICE/Deported	8	1.6%
Contact With Victim	2	0.5%
Vehicle Related	2	0.5%
<b>Total</b>	<b>489</b>	<b>100.0%</b>

## 7. PRCS Flash Incarcerations

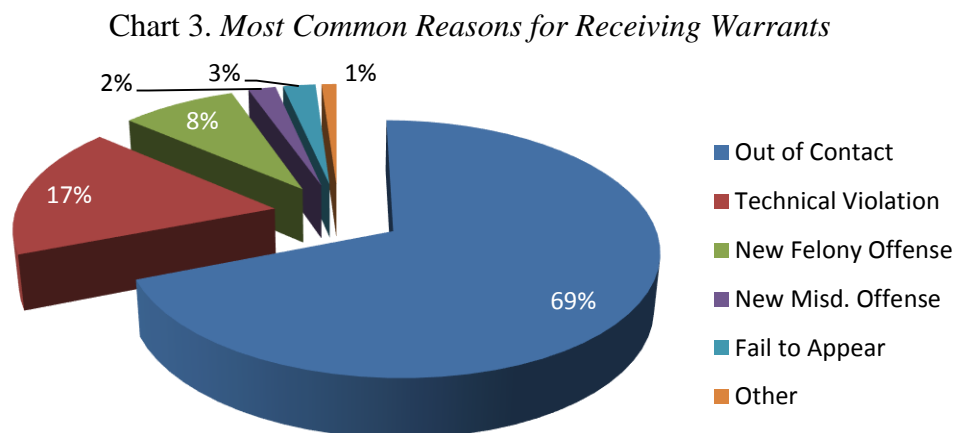
Under AB 109, probation staff can issue an intermediate sanction of a “flash” incarceration of up to 10 days for noncompliance, arrests, failure to report, or other documented reasons. Of the 1,567 PRCS cases, 14% (225) received flash incarcerations. Table 8 lists the available reasons for 172 cases (no reasons were recorded for the remainder of the cases). Substance abuse was the most common cause of flash incarceration at 33%, with failure to report representing more than one quarter (26%).

Table 8. *Recorded Reasons for Flash Incarceration for PRCS Offenders*

Reason	Number	Percentage
Offense: Felony	1	0.6%
Offense: Misdemeanor	8	4.7%
Offense: Other Charge Type	24	14.0%
Failed to Obey All Laws	6	3.5%
Non-Compliance With Probation	4	2.3%
Failure to Report	44	25.6%
Program Failure	11	6.4%
Substance Abuse	56	32.6%
Violent Activity/Gang Related	5	2.9%
Weapon Violation	6	3.5%
Absconding	1	0.6%
Contact With Victim	4	2.3%
Vehicle Related	2	1.0%
<b>Total</b>	<b>172</b>	<b>100.0%</b>

### 8. PRCS Warrants

Twenty-eight percent (440) of the PRCS cases have had probation warrants issued, revoking their community supervision, as seen in Chart 3. Out of contact was overwhelmingly the primary reason for warrants.



### 9. PRCS Referrals

More than half (55%) of the PRCS cases were referred for services. Many individuals received multiple referrals for service. It appears that the majority (991) were internal referrals for drug testing, as seen in Table 9.

Table 9. *Number of Referrals by Month*

Referrals by Month	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Total
<b>Total Number of Referrals</b>	<b>72</b>	<b>160</b>	<b>179</b>	<b>198</b>	<b>451</b>	<b>444</b>	<b>295</b>	<b>219</b>	<b>180</b>	<b>161</b>	<b>157</b>	<b>144</b>	<b>2,660</b>
Probation	49	99	105	88	207	191	86	46	26	22	28	44	991
County Behavioral Health	1	11	30	35	139	126	91	47	0	0	0	0	480
Job Placement	2	0	7	13	9	19	13	8	0	0	0	0	71
Turning Point	2	2	0	1	0	3	0	19	104	94	92	58	375
Day Reporting Center	0	0	0	0	0	4	16	15	7	10	2	3	57
Universal Health Network	0	0	0	2	14	16	14	13	3	9	16	12	99
Comprehensive Counseling Services	0	0	0	0	4	8	14	29	25	8	9	14	111

## 10. New Offenders Sentenced to Fresno County Jail

### 1170(h) Offenders: Local Prison Only and Mandatory Supervised Release

A total of 882 individuals were sentenced to either Mandatory Supervised Release (MSR, also known as split sentence) or Local Prison Only (LPO, also known as straight sentence), or both. The majority of these sentences were LPO at 66%, as shown in Table 10. This section examines the characteristics of these offenders.

Table 10. *1170(h) Sentences*

	Number	Percentage
Local Prison Only (straight)	578	66%
Mandatory Supervised Release (split)	280	32%
Both	24	3%

## 11. Local Prison Only Characteristics

### Characteristics of the LPO Population (N = 578)

Offenders receiving sentences under the new law were most likely to be male at 79%, with an average age of 33. As Table 11 shows, Hispanics were the modal ethnic and racial group.

Table 11. *LPO by Race/Ethnicity*

Race/Ethnicity	Number	Percentage
African American	52	9%
Caucasian	164	28%
Hispanic	317	55%
Other	45	8%

Drug and property offenders made up the majority of these newly sentenced offenders, with property crimes slightly higher than drug-related crimes. Table 12 displays these offenses.

Table 12. *LPO Offenses*

Offense	Number	Percentage
Property Crime	256	44%
Drug Crime	243	42%
Person Crime	32	6%
Other Crime	40	7%
Probation Violation	1	>1%

We also examined the sentence length of the LPO offenders. On average, these offenders were sentenced to 22.4 months (or 672 days) in jail. They also received, on average, 203 days credit

for time served. Note: These data were listed in narrative format in the APS database and required manual coding to reach these numbers.

## 12. Mandatory Supervised Release Characteristics

### Characteristics of MSR Offenders (*N* = 280)

Like the LPO population, the MSR population was 79% male and predominantly Hispanic. The average age was 34. Table 13 provides details on the racial and ethnic distribution of the MSR population.

Table 13. *MSR Race/Ethnicity*

Race/Ethnicity	Number	Percentage
African American	38	14%
Caucasian	77	28%
Hispanic	142	51%
Other	23	7%

In terms of offenses, property offenders made up the majority (55%) of the MSR offenders, with drug offenses coming in at about one third. Table 14 shows this offense distribution.

Table 14. *MSR Offenses*

Offense	Number	Percentage
Property Crime	153	55%
Drug Crime	90	32%
Person Crime	18	6%
Other Crime	16	5%

We also examined the sentence length of the MSR offenders. On average, these offenders were sentenced to 15.8 months (or 473 days) in jail. They also received, on average, 152 days credit for time served. Unlike LPO, MSR provides for a period of supervision at release. In the first 12 months of Realignment, the period of MSR was almost the same as the time sentenced to jail (422 days, or 14 months.)

### 13. Summary of Section 1

Section 1 of this report provides a brief review of Public Safety Realignment in California and its context and impact within Fresno County. According to analysis conducted by the CJCJ, Fresno County is a “high Realignment” county, with almost 2,500 offenders now under post-prison release custody or in custody in the local jail. The statewide impact of Realignment has been judged to be about 25%; Fresno County is somewhat higher at 30%.

Cautions and limitations of the present data are discussed as a framework for this preliminary report; these include problems with matching data across automated systems, lack of automated data in several critical areas, inconsistent time frames that hinder analysis, incomplete data on program fidelity and program participation, the need to manually collect disposition and other outcome data, and insufficient time to assess all dispositions.

All data in this report are drawn from the first 12 months of Realignment in Fresno County. The first section includes basic descriptive data of the more than 1,500 offenders released to PRCS during the study period. Highlights here include the following:

The CDCR initially underestimated the number of PRCS offenders released to Fresno County, but later estimates were more accurate.

During this 12-month period, 1,567 offenders were released to Fresno County.

- The majority were male and Hispanic, with an average age of 35.
- About 70% had been sentenced to the CDCR for nonviolent offenses, with the remainder having been sentenced to state prison for crimes against persons.
- Most of these offenders lived in the city of Fresno.
- Risk assessment by the county Probation Department found that just above 70% had been assessed at future risk for “high violence” (46%) and “high property” (17%). (Needs data were not automated at the time of this report.)

Assisting the Probation Department in compliance checks, residence verification, and arrests, the Adult Compliance Team (ACT) made more than 2,000 contacts with Realigned offenders in the 12-month study period.

About half of all PRCS received some form of sanction for noncompliance with their conditions of PRCS. Substance abuse violations accounted for the largest share of these sanctions at just above 40%, with “failure to report” to Probation staff at about one third.

Just under 15% of all PRCS offenders received a short jail sentence known as “flash” incarceration. Substance abuse violations and failure to report accounted for the majority of these flash sanctions.

In the 12-month study period, 440 PRCS cases had warrants issued. “Out of contact” with Probation accounted for the largest share at 69%, with technical violations at 17%.

More than half of all PRCS offenders received referrals in the first year of AB 109. Many received multiple referrals, and almost 1,000 of these 2,660 referrals were internal for drug testing.

A total of 882 individuals were sentenced under 1170(h) to either MSR or LPO, or both. The majority of these sentences were LPO at 66%.

Like the PRCS population, almost 80% of the 1170(h) offenders were male and about half were Hispanic. Drug and property offenses made up above 85% of these crimes. On average, straight sentenced offenders were sentenced to about 22 months in local jail; split sentenced offenders got on average about 16 months in jail, with 14 months on MSR.

The next section of this report makes some preliminary statements about the new criminal offense outcomes for these Realigned offenders.



## V. Section 2: Preliminary Findings on Dispositions and Other Outcomes

### 1. Introduction

One measure of the impact of Realignment is an examination of new offense outcomes for the PRCS and 1170(h) populations. To establish interim and preliminary disposition data, ORE worked closely with several data partners to develop a database that captures factors salient to these outcomes.

First, Probation IT staff provided a list of all offenders who entered PRCS or received an 1170(h) sentence during the first 12 months of Realignment. This list included case characteristics and included Criminal Identification Index (CII) numbers. Second, this list was given to the District Attorney's Office, which provided detailed data on all new criminal case filings, including the criminal case number on all PRCS and 1170(h) sentenced offenders. Third, ORE staff researched each of these cases between March 1 and May 15, 2013, in the Superior Court public database, coding case disposition and type and length of sanctions for those found guilty (or *nolo contendere*).

As noted in the Cautions and Limitations section in the Introduction to this report, we are able to provide percentages for the PRCS subsamples but 1170(h) subsamples may have remained in custody during this reporting period and not typically subject to arrest. Thus, we only supply numbers of new convictions and not percentages as the base rate of those free in the community and thus the total number of those subject to arrest is unknown.

We also remind readers that, at the time of this report, 28% of the case filings were pending outcome. ORE continues to collect these outcomes and will update these findings as they become available. In addition, there a number of offenders in the District Attorney's new charge filing database that we could not match in the Superior Court database.

Given these cautions and limits, these data should be viewed as preliminary and subject to revision.

### Total Requests for New Criminal Filings and Actual Filings

The District Attorney's Office provided submittal and case filing data on all individuals (PRCS, Straight and Split sentenced offenders) whose names and other identifying information appeared in the APS data of 109 offenders during the first 12 months of Realignment. Table 15 shows the total numbers of requests for new criminal filings and actual number of criminal filings made by the District Attorney's Office. The majority of the report focuses on the actual filings, and in most cases, the single most serious offense committed by an individual in the case of multiple criminal filings.

There were a total of 1,060 new criminal case filings. Please refer to Appendix 1 for the detailed AB 109 offender summary.

Table 15. *Total District Attorney Activity: All Realignment Offenders*

	1,565 PRCS		583 Straight (LPO)		303 Split (MSR)	
	Requests	Filings	Requests	Filings	Requests	Filings
<b>Total</b>	<b>1,225</b>	<b>887</b>	<b>125</b>	<b>94</b>	<b>103</b>	<b>79</b>
Felony Case Filings	759	552	68	53	59	44
Misdemeanor Filings	466	335	57	41	44	35

## 2. New Criminal Case Filing Offense Categories

For the purposes of this report, we examined the 1,060 new criminal case filings (not requests for such filings). Our goal was to describe these new criminal case filings, and, later in the report, to determine 1) the disposition of these filings and 2) explore factors that might be salient to these outcomes.

There were 1,060 new criminal case filings against all Realignment Offenders:

- 887 were filed against PRCS.
- 79 were filed against previously adjudicated split-term offenders.
- 94 were filed against previously adjudicated straight-term offenders.

ORE examined the offense categories of these new case filings. In consultation with the District Attorney's Office, we coded these offenses into general offense categories.

ORE examined the offense categories of these new case filings. Using DOJ offense coding schemes and in consultation with the District Attorney's Office, we coded these offenses into general offense categories. Overall, the distribution of these new criminal filings is displayed in Table 16.

Table 16. *New Criminal Case Filings by Criminal Offense Category*

Category	Total
Person Offense	31%
Drug Offense	31%
Property Offense	15%
Vehicle Offense	22%
Other	1%

The Appendix 2 provides a more detailed breakdown of these offense categories by individual Penal Code or other violation.

Drug possession was the most common offense category for 179 of all criminal filings during this 12-month period. Domestic and other intimate partner violence accounted for about one fifth of these filings. Weapons offenses, "other" property offenses, and auto theft were other high-volume filings.

## Disposition Data

In all disposition analyses, we follow the rule of taking the most serious case with a disposition for our analyses. Recall that the data collection on outcomes was concluded on May 15, 2013. At that time, more than one quarter of the filings on PRCS and MSR offenders were pending disposition.

1. Of those PRCS cases with a disposition (643 of 893), about 71% were convicted or pleaded *nolo contendere*. Less than 1% were found not guilty, and 29% had individual charges dismissed. A similar pattern was found for the MSR cases.
2. For the 94 straight sentenced cases, a different pattern emerges. Almost half of the 94 cases were pending, with almost all of the filings resulting in a guilty or *nolo* disposition.

We next examined the disposition of these filings by offense type. We did not find any pattern in completed or pending disposition across offense types, with one exception: Vehicle crimes had a much higher rate of pending dispositions than other crimes.

## 3. New Criminal Filings per Individual

Here, we examine all the new case filing data per individual:

1. The preliminary data show that 43% (676) of the 1,567 PRCS individuals had one or more new criminal cases filed during these 12 months.
2. Of the PRCS individuals, 424 had one felony case filed, with 101 receiving multiple felony case filings for a total of 525 offenders receiving felony filings. A smaller number (148) of the PRCS population received misdemeanor filings.
3. Of those who had served 1170(h) sentences, 56 individuals who had been sentenced to a “split” (MSR) sentence and 61 who had received “straight (local jail time only) sentences”<sup>6</sup> received a new criminal filing.

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<sup>6</sup> There were some cases that had both PRCS and straight (7) or split (5) Realignment statuses. For this analysis, they are included in the 1170(h) counts.

## Disposition Data

As of May 15, 2013, we were able to match 676 individuals across the three databases. (Note that there are numerous individuals who were listed in the District Attorney's filing list for which we could not find any court case data in the V2 Superior Court Data Base. Research on these cases continues.) Table 17 shows the current status of these individuals.

Table 17. *Current Disposition Status for All AB 109 Individuals*

Category	Number
Dismissal	73
At Least One Conviction	417
At Least One Pending	186
<b>Total</b>	<b>676</b>

*Note.* As of August 5, 2013, ORE has found disposition data for about one third of the pending cases. We continue our search and expect to produce a complete outcome report in the future.

Recidivism statistics are typically based on the single most serious offense by an individual. Ratings of the most serious offense were made using the California Department of Justice Charge Code list. In cases with multiple new criminal charges, ORE used the most serious charge for the analyses.

Subtracting the pending cases (which make up about 28% of all cases filed), 490 individuals had dispositions at the end of May 15, 2013. Of these 490, just under 15% (73) had their cases dismissed, with 85% convicted of at least one new offense during this time. The majority of these individuals (348) were on PRCS during the first 12 months of Realignment. Of the 1,567 individuals released to PRCS during the first 12 months, 37% (348) had new convictions as of May 15, 2013. Table 18 shows these details:

### 4. Conviction Status of the 12-Month PRCS

Of the 1,567 individuals released to PRCS during the first 12 months, 37% (348) had received new convictions as of May 15, 2013. Table 18 shows these details:

Table 18. *Number of Individuals With at Least One Conviction by AB 109 Status*

Category	Number
PRCS	348
Split (MSR)	32
Straight (LPO)	27
Both PRCS and Straight	7
Both PRCS and Split	3
<b>Total</b>	<b>417</b>

Thus, our conviction analysis reports on factors related to the conviction of 417 individuals.

### a. PRCS Demographics

#### Age of Convicted PRCS Individuals

Those PRCS who were convicted as of May 15, 2013, are somewhat younger with an average age of 32 (median of 30) than the overall PRCS population, which had an average age 34.7 and median of 33.

#### Race and Ethnicity of PRCS Cases by Conviction Status

Table 19 compares this demographic detail to that of those convicted as of May 15, 2013, and suggests that there is no racial or ethnic disparity in these convictions compared to the racial/ethnic distribution within the PRCS population.

Table 19. *Conviction Status of the PRCS Individuals by Race (N = 1,567)*

	All PRCS	Convicted PRCS	Fresno County Census Demographics
African American	260 (17%)	51 (14%)	5.9%
Caucasian	343 (22%)	82 (23%)	31.9%
Hispanic	861 (55%)	199 (56%)	51.2%
Other	103 (7%)	25 (7%)	11.0%
<b>Total</b>	<b>1,567 (100%)</b>	<b>357 (100%)</b>	<b>100.0%</b>

*Notes.* 153 individuals (AA = 30, C = 37, H = 80, and Other = 6) with pending status excluded. Missing data and multiple Realignment statuses (e.g., both PRCS and 1170(h) sentences) account for the difference in totals.

### b. PRCS Sentences for New Convictions During the Study Period

Table 20 displays the number and types of sentences received by the AB 109 offenders who received new convictions during this study period. Note, again, that a single offender can receive more than one type of sentence or other sanction (e.g., of the 417 offenders, 894 sentences and sanctions were given by the courts).

Table 20. *Sentences Received by AB 109 Type (N = 894)*

Category	PRCS	MS Split	Straight
<b>Total No. of Sentences/Sanctions</b>	<b>747</b>	<b>65</b>	<b>82</b>
Local Prison Only (Straight)	94 (13%)	21 (32%)	12 (15%)
Mandatory Supervised Release (Split)	36 (5%)	10 (15%)	8 (10%)
Both LPO/MSR	3 (—)	—	—
Misdemeanor Probation	76 (10%)	6 (9%)	11 (13%)
Felony Probation/Cont. PRCS	34 (5%)	6 (9%)	7 (8%)
State Prison	98 (13%)	6 (9%)	4 (5%)
State Alternative Program	92 (12%)	2 (4%)	6 (7%)
Prop 36 Program	51 (7%)	1 (2%)	—
Jail	233 (31%)	12 (18%)	30 (37%)
Suspended	21 (3%)	—	1 (1%)
Other (Fine, DL Suspended, GPS)	9 (1%)	1 (2%)	3 (4%)

*Note.* As of May 15, 2013, the type or name of the sentence in the Superior Court database (V2) might not always indicate an 1170(h) status. With about one third of the sentences listed as “jail,” it is possible that the sentence received is a straight or split sentence although not noted in the sentence description in the minute order.

These sentences and sanctions for new criminal convictions of those in the one-year study period are summarized below.

For the 747 new sentences and sanctions given to PRCS-status guilty dispositions:

- About one third (233 cases) received some kind of jail sentence.
- Another 13% (94) received LPO sentences.
- About 13% received new CDCR sentences.
- A combined 20% received Prop 36 or another state alternative program.
- Another 15% were directed to continued PRCS.
- Only 5% received MSR.

For the 65 new sentences and sanctions given to prior MSR status guilty dispositions (again, not individuals):

- About half (33) received some combination of time served and LPO.
- Another 15% received an additional MSR sentence.
- Six or fewer (10% or less) received any other form of sanction, CDCR, or Probation/PRCS).

For the 82 new sentences and sanctions given to prior LPO status guilty dispositions:

- More than half received some combination of jail and LPO again.
- About 20% received some form of Probation.
- Another 10% received MSR.
- 10% or less received some other form of sanction.

Overall, of the 894 sentences and sanction given by the courts:

- Combining straight, split, and all other jail sentences, 456 cases resulted in a Fresno County Jail sentence or about 59% of all sentences.
- Across all Realignment statuses, 98 individuals were sentenced to state prison or about 11% of all the sentences.
- Some form of Probation or continued PRCS was given 248 times (about 28%).
- Other non-custodial sentences were given 152 times (about 14%).

### Average Length of Sentence

Table 21 displays the average length of sentence for the primary sanctions for the largest group, those on PRCS at the time of their new criminal filing.

Table 21. *Average Length of Sentence (PRCS Convictions Only)*

Category	Felony Conviction (Months)	Misdemeanor Conviction (Months)
LPO	24	6
MSR	12	—
Misdemeanor Probation	—	32
Continue Probation/PRCS	34	34
State Prison	31	—
Prop 36 Program	25	—
Jail	12	3

On average, new felony jail and split (MSR) sentences were about one year, with straight (LPO) sentences about two years. New state prison sentences were just above two and a half years on average. Alternatives to incarceration (including Probation, continued PRCS, and treatment programs) ranged from 25 to 32 months.

### Realignment Interventions and Conviction Status

Public Safety Realignment is based on the premise that county-level supervision, interventions (including treatment and sanctions), and local incarceration will produce better outcomes than state prison and parole. In this section, we examine the relationship between selected variables and conviction outcomes. Readers are again cautioned about interpreting these findings, given the significant limitations of the present data.

### Intermediate Sanctions and Conviction Status

According to the APS database, 793 (about half) of the 1,414 PRCS cases (excluding 153 individuals with pending status) received intermediate sanctions while under community supervision during the 12-month study period.

Of those who received prior sanctions, 271 (34%) of the 793 had new convictions.

### Flash Incarceration and Conviction Status

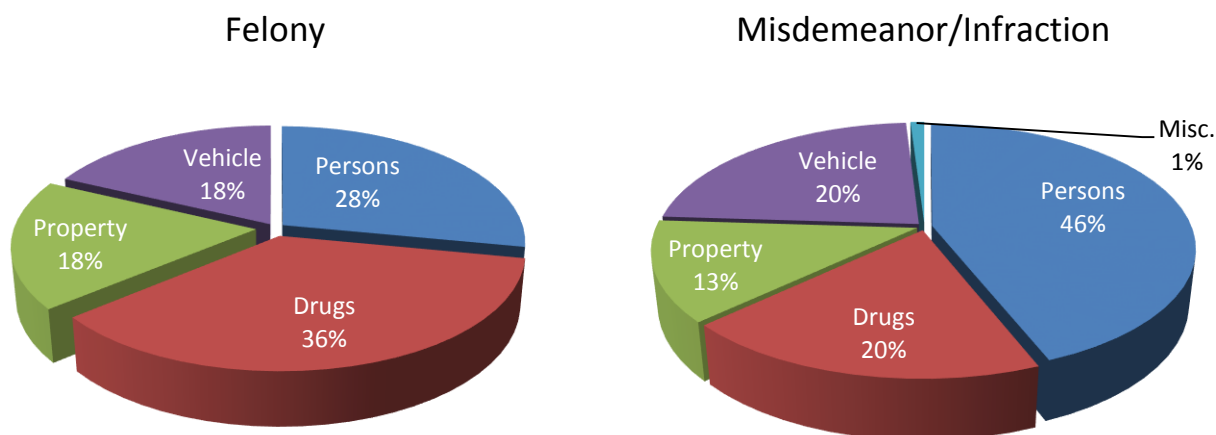
AB 109 provides for the use of flash incarceration for up to 10 days in county jail for Realignment offenders who violate their community supervision terms. For the cases that have dispositions (again, excluding the 153 with pending dispositions), 255 had previously received a flash incarceration sanction during their PRCS period.

Conviction outcomes show that the likelihood of conviction was just about split: 120 (46%) of those “flashed” had convictions and 135 (54%) did not. In comparison, only 21% (237) of the 1,154 PRCS individuals who did not receive a flash sanction were convicted during this data collection period.

### Current Convictions by Offense Level and Type for PRCS Individuals

We then examined the present offense category for the newly convicted PRCS sample. Chart 4 displays the conviction offense by category and offense level as of May 15, 2013, for those on PRCS. The Appendix 3 provides a more detailed breakdown of these offense categories.

Chart 4. *Convicted Offense Categories of PRCS Offenders by Felony/Misdemeanor*



Within each category, these patterns were found:

- Among “crimes against persons,” 32% were related to possession of a weapon and 27% to family violence.
- 73% of “drug” offenses were for possession of drugs or drug paraphernalia.



- Among “property” offenses, 47% were related to theft and 42% to burglary.
- Vehicle theft accounted for 45% of vehicle offenses.

### **PRCS CDCR Commitment Offense and New Convictions**

To provide some context for the new conviction data, we examined the distribution of the original CDCR commitment offense for those convicted of felonies as of May 15, 2013 (see Appendix for more detail). We then cross-tabulated the original CDCR offense by the new felony offense of the PRCS individuals with convictions as of May 15, 2013.

Of the offenders who had originally been committed to CDCR for an offense against persons:

- 47% were convicted of this crime again.
- 37% were convicted of a drug-related crime.

Of the offenders who had originally been committed to CDCR for a drug offense:

- 51% were convicted of this crime again.
- 27% were convicted of a crime against person.

Of the offenders who had originally been committed to CDCR for a property crime:

- More than half were convicted of a property or vehicle theft.
- 33% were convicted of a drug-related crime.

Of the offenders who had originally been committed to CDCR for vehicle-related crime:

- About half were again convicted of the same crime.

### **CDCR Commitment Offense and New Misdemeanor Offense of PRCS Individuals**

We also examined the same information for PRCS offenders who received convictions for misdemeanors and infractions. Those individuals who were first committed to the CDCR for a person offense are somewhat more likely (at 58%) to receive a conviction for a person-related misdemeanor or infraction. There was no discernible pattern across other offenses.

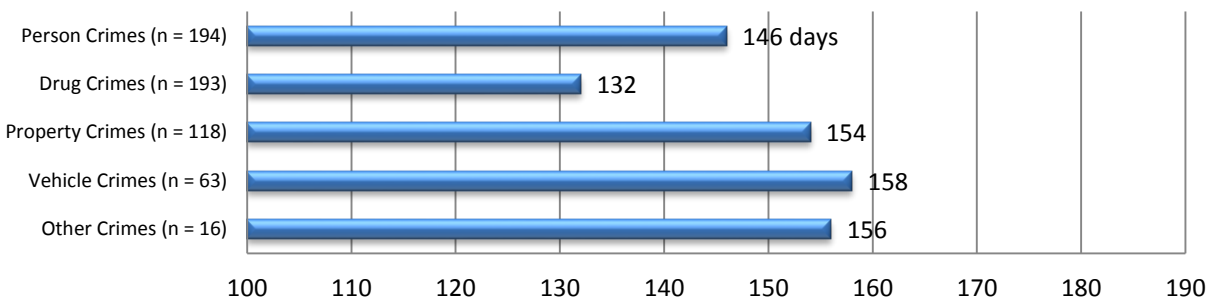
#### **c. PRCS Time to Violation**

Using the date of violation supplied by the District Attorney’s Office, we examined the time from CDCR release to violation.

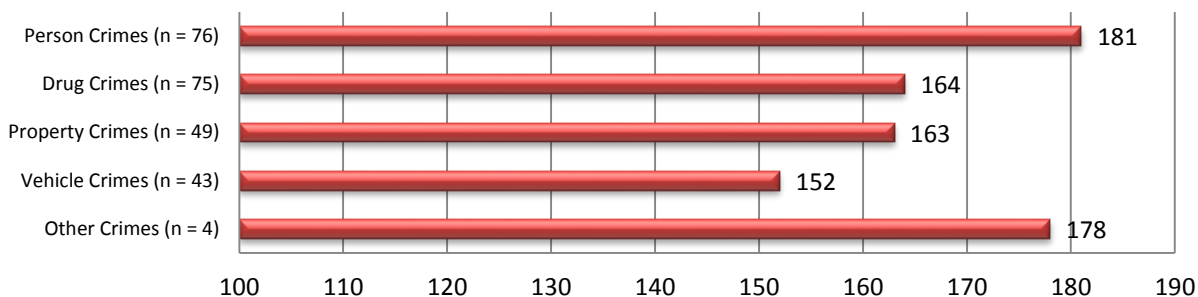
On average, the time between release from the CDCR and the date of violation was 153 days for all PRCS offenders with dispositions.

Chart 5. Days to Felony Violation for PRCS Offenders

Dispositions (days)



Disposition Pending (days)



These average times to violation indicate that, of the convicted sample, offenders are most likely to reoffend in the first five to six months after release from prison. Those who commit vehicle crimes appear to commit new offenses in the first four months, on average.

**d. Risk Assessment and Conviction Status**

Although the risk assessment data are tentative at best, looking at the risk assessment level by conviction provides some indication of the predictability validation of such assessment and some direction for resource and supervision strategies. Of the 346 convicted individuals for which risk assessment data were available, 58% were assessed at the “high violent” level. “High property/violent” is the next highest category at 21%.

Table 22 shows the assessment level of all convicted PRCS individuals with available risk assessment. Those assessed at high risk for violence made up 58% of all convictions.

Table 22. *Risk Assessment Level by the Conviction Status of the PRCS Individuals*

	Conviction Yes		Conviction No	
	<i>n</i>	%	<i>n</i>	%
High Violent	200	58%	447	45%
High Property/Violent	72	21%	167	17%
High Drug	22	6%	90	9%
Moderate	43	12%	180	18%
Low	9	3%	115	11%
<b>Total</b>	<b>346</b>	<b>100%</b>	<b>999</b>	<b>100%</b>

*Note.* Individuals with missing information and with pending status were excluded.

### Offense Severity and Convictions

These risk assessment data were also examined in terms of offense level (felony/misdemeanor). Of the 346 individuals with new convictions in the first 12 months of Realignment, almost 70% (235) were convicted of felonies, with about 30% convicted of misdemeanors. In these data, the same pattern holds: Individuals with risk levels at the high violence and high property/violence levels were much more likely to reoffend.

### Offense Category, Risk Assessment, and Convictions

Table 23 deserves close scrutiny. This table displays the offense categories for those convicted by their risk assessment. Those assessed as “high violent” were indeed most likely to be convicted in the 12-month period studied here. Although this group is slightly more likely to commit a person-related crime, this “high risk for violence” group commits the majority of all crimes, not just violent crimes. As Table 23 shows, this group of “high violent” PRCS offenders has been convicted of drug, property, and vehicle crimes at rates much higher than those in the other risk assessment levels.

Table 23. *Risk Assessment Level of Convicted PRCS Individuals by Offense Category (N = 346)*

	Person		Drugs		Property		Vehicle		Misc.	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
High Violent	76	63%	64	59%	38	49%	18	53%	4	
High Property/Violent	16	13%	23	21%	27	35%	5	15%	1	
High Drug	8	7%	8	7%	4	5%	2	6%	—	
Moderate	18	15%	12	11%	7	9%	6	18%	—	
Low	2	2%	1	>1%	2	2%	3	9%	1	
<b>Total</b>	<b>120</b>		<b>108</b>		<b>78</b>		<b>34</b>		<b>5</b>	

## 5. Conviction Status of the 1170 (h) Offenders

### a. Split Sentence Offenders

As stated earlier, we do not provide any percentages for the 1170(h) cases due to base rate problems. Of those listed in the District Attorney database and who received dispositions, 32 individuals in the split sentence subgroup had received new convictions during the study period; 10 individuals had dispositions pending.

Those convicted reflected the same age and racial/ethnic distribution of all split offenders. There were also some gender differences in the convictions of the split sentenced offenders: Women who had received split sentences were less likely to be reconvicted than men. Four of the 60 women originally sentenced to split sentences had been reconvicted during the study period compared to 28 of 220 males in the split sentence group.

Readers are reminded that an unknown number of split offenders remained in custody during the study period. Those who had been released to the community were at risk of offending for variable periods of time. We were not able to identify the number of split offenders on community supervision after serving their local prison sentence, nor did we find any indicators about the nature or the time period of this supervision. This subsample, as well as the straight sentenced offenders described below, requires further investigation.

### b. Straight Sentence Offenders

These patterns were similar in this subsample as well. Coincidentally, 32 individuals in the straight sentenced subsample had been convicted in the study period with a somewhat larger number of individuals (24) pending disposition status. The age and racial/ethnic distribution was the same as the overall sample of straight sentenced offenders.

## 6. Referrals and Convictions for the PRCS Population

Although this report lacks complete conviction data due to the 153 pending cases, referral and program participation data were the biggest challenge in these analyses. As displayed in Table 11 of Section 1, more than 2,600 referrals were made on PRCS offenders. There were multiple referrals made for one individual and often multiple referrals to the same program or more than one program.

To review, more than half (55%) of all PRCS offenders received at least one referral, but a large majority of these referrals were within Probation (991, or 37% of the 2,660 referrals). These referrals appear to be for drug testing or additional reporting requirements rather than any specific treatment or intervention services.

Of the 357 offenders who were convicted as of May 15, 2013, just above 57% (207) had received some form of referral compared to 53% of the non-convicted PRCS individuals who received such referrals.

Below, we examine the conviction status of those who received referrals to four specific programs: Turning Point, the Day Reporting Center, Comprehensive Counseling Services, and the Universal Health Network. We worked with these providers to collect intake and participation data and are grateful for their help.

The program participation data present their own set of analytic challenges. Like the conviction data, the differing time frames of “dose” and lack of concrete information on the nature of the treatment or intervention compromise any valid analyses. Fidelity to program design, a key component of evidence-based practice, is also not measured here. Matching Probation IDs was a significant problem in these data. In addition, each of these programs came “online” at different times during the first 12 months of Realignment. Nonetheless, this section of the report offers some preliminary observations on the conviction outcomes available during the study period.

We also learned during the data collection period that many PRCS offenders “timed out” during the intervention period, completing their 12 months of supervision without an arrest and thus terminating their community supervision. ORE was also told that many clients were unable to pay program fees where required, needed multiple referrals due to expiration of the referral, experienced delays in enrolling in the programs (“slow shows”), or were initial “no shows.” In addition, Probation Officers indicated that while some PRCS offenders were not attending their programs, they continued to comply with other conditions of supervision. These issues require further investigation.

#### **a. Turning Point**

Turning Point, as of April 2012, became the primary provider of substance abuse and other related services for the Fresno County Realignment population. The total number of individuals who were referred to the Turning Point program was 442. We were only able to match 403 individual clients in the two databases (APS and Turning Point). We are continuing to pursue these missing cases. Of these 403 individuals, ORE was able to match across data systems those referred to Turning Point during the study period and nearly three quarters (292) attended at least one session.

Of the 292 clients who attended at least one session, 18% (69) had completed the program and 10% (39) were active in the program at the one-year study period. Another 10% (40) had received other placements, had refused services, or did not need services. The Full Service Partnership (FSP) assists individuals who have been diagnosed with serious mental illnesses (SMIs); 28 individuals were placed with the FSP. These data are displayed in Table 24.

Table 24. *Turning Point Clients Who Attended at Least One Program Session (N = 403)*

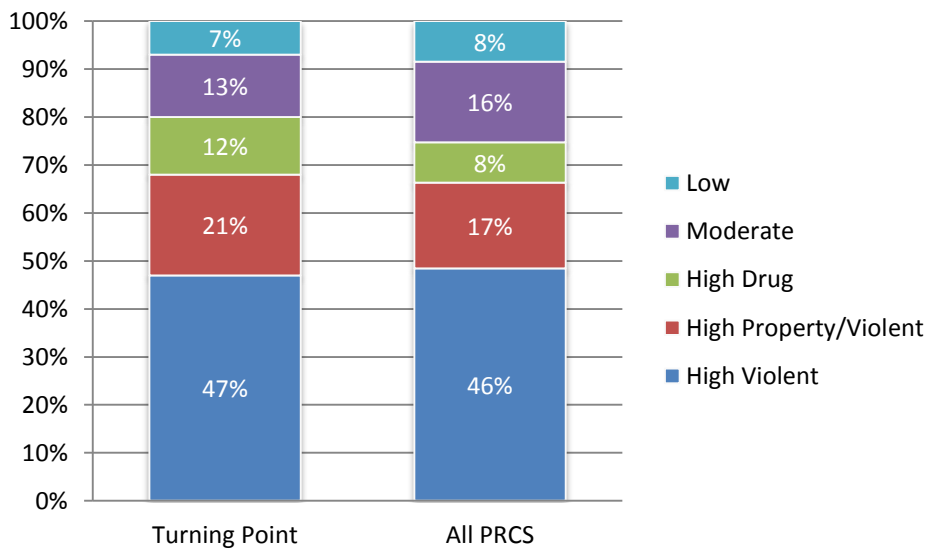
	<i>n</i> (%)	Notes
Completed	69 (18%)	
Active in Program	39 (10%)	
Not Completed	238 (62%)	
FSP Placement	28 (7%)	
Other	12 (3%)	No service needed = 7, Refused = 2, Referred back = 3
<b>Total</b>	<b>386</b> (100%)	

Note. 17 individuals missing information

### Turning Point and Risk Assessment

We also examined the risk assessment data between all PRCS offenders and those referred to Turning Point, as seen in Chart 6. There does not appear to be any real difference in the risk levels between these two groups.

Chart 6. *Risk Assessment for Turning Point Clients Compared to Overall PRCS Assessment*



### Convictions among Turning Point Referrals

We were able to match 390 of the Turning Point clients in the District Attorney’s database. In terms of convictions, 90, or 70%, of the 128 Turning Point clients with new criminal charges filed against them received at least one conviction compared to about 85% of the total AB 109 population.

Another way to view these data is that about 22% of all Turning Point clients were convicted during the study period. Of these 90 clients with convictions, 61% (54 individuals) were convicted of felonies and 39% (35) were convicted of misdemeanors. Table 25 displays the offense types for those Turning Point referrals convicted during the study period.

Table 25. *Convicted Offense Type for Turning Point Clients (N = 90)*

	<i>n</i> (%)	Notes
Persons	30 (33%)	Weapon only = 10, Family violence = 7
Drugs	40 (44%)	Possession = 36
Property	10 (11%)	
Vehicle	9 (10%)	
Misc.	1 (2%)	
Total	90 (100%)	

Although drug offenses make up the most common conviction category, note that person crimes made up another third. Family violence and possession of weapons were the most common offenses within the crimes against person category. Please refer to Appendix 5 for the detailed offense categories.

### **b. Day Reporting Center**

The Day Reporting Center (DRC) is a multi-phase program that includes regular reporting to the center for drug and alcohol testing and cognitive behavior classes proven to change criminal behavior. We obtained participation data from the Day Reporting Center (DRC). A small number of offenders completed the program during the study period. Out of 87 individuals referred to the DRC, 16 individuals were either active or had completed the program at the time of data collection.

More than 40% (36) either absconded or did not appear for program intake. Just above half (43) of those referred to the DRC had new charges filed against them in this reporting period. Offenders who had been referred to the DRC were convicted at about the same rate (50%) as the PRCS population ( $n = 22$ ). Five DRC individuals had a pending status at the time of data collection.

### **c. Other Interventions**

The Universal Health Network and the Comprehensive Counseling Services provided participation and completion data for their clients. Both programs provide a range of services addressing domestic and other forms of intimate partner violence, sex offender treatment, and

child abuse treatment. The Comprehensive Counseling Services also provided some substance abuse treatment.

We were unable to obtain participation and completion data for County Behavioral Health clients at the end of the data collection period.

For the Universal Health Network (UHN), 58 individuals were referred (many multiple times). Of those 58 individuals, 39 contacted the program. At the time of the data collection, eight UHN clients were successful, with three active.

Of these 58 individuals, nine received convictions during the study period time, with three cases pending. Three individuals were convicted of felonies (two person and one property), with six convicted of misdemeanors (five offenses against person and one drug offense).

The pattern was similar for the Comprehensive Counseling Services (CCS): 64 individuals were referred (many multiple times). The contact rate was 39 out of 64. Twelve of those referred completed the program, with six active at the conclusion of the data collection period. Twelve of the CCS clients had a conviction status: one was dismissed and one was pending. Of the 10 convicted, four were convicted of felonies (two each of crimes against person and drug-related crimes) and six of misdemeanors (two each of person, drug, and property offenses).

## 7. Gender Analysis

In this section, we examine some of the differences between women and men in the first year of Realignment. The data demonstrate that women and men differ in almost every respect. Women make up just about 10% of the PRCS population in Fresno County.

### Gender and Initial CDCR Offense

Table 26 shows that, compared to men, women were more likely to be sentenced to CDCR property and drug crimes and much less likely to be sentenced for crimes against persons.

Table 26. *PRCS Offense Categories (CDCR Sentence) by Gender*

	Male	Female
Property Crime	32% (448)	51% (77)
Against Person Crime	31% (446)	12% (18)
Drug Crime	24% (337)	32% (48)
Misc./Violations	13% (184)	5% (7)
<b>Total</b>	<b>100% (1,417)</b>	<b>100% (150)</b>

### Gender and Risk Assessment

Gender differences are apparent in the risk assessment data. Only one woman was assessed at high risk for violence alone compared to more than half the men. Although almost one third of



the assessed women were in the combined “high property/high violence” risk group, drug risk was much higher for women than for men. More than half of the women were in the “moderate” and “low” categories. These data are displayed in Table 27.

Table 27. *PRCS Assessment by Gender*

	Male	Female
High Violent	54% (726)	>1% (1)
High Property/High Violent	17% (227)	28% (39)
Moderate	15% (209)	28% (39)
High Drug	7% (93)	20% (27)
Low	7% (98)	23% (31)

### Gender and Interventions, Sanctions, and Warrants

There are some gender differences in the types of interventions, sanctions, and warrants. Women were slightly more likely to receive ACT contacts and program referrals. Women and men had about the same rate of flash incarceration, but women were less likely to receive other kinds of sanctions, receive warrants, or have their PRCS revoked.

Table 28. *Violations, Sanctions, and Referrals by Gender*

	Male	Female
ACT Contacts	32% (457)	37% (55)
Flash Incarcerations	14% (198)	13% (20)
Sanctions	47% (672)	35% (52)
Referrals	54% (770)	62% (93)
Warrant/PRCS Revoked	29% (406)	23% (34)

*Note.* Most referrals are internal for Probation drug testing; also recall that individuals may have more than one of these incidents.

### Gender and Conviction Status

For those cases with conviction data, women, at 13%, were much less likely than men, 27%, to receive new convictions.

Table 29. *Conviction Status of the PRCS Individuals by Gender (N = 1,567)*

	Convicted Yes	Convicted No	Total
Male	339 (27%)	937 (73%)	1,276 (100%)
Female	18 (13%)	120 (87%)	138 (100%)
Total	357 (25%)	1,057 (75%)	1,414 (100%)

*Note.* 153 individuals (F = 12, M = 141) with pending status excluded

There were also some gender differences in the convictions of the split sentenced offenders: Women who had received split sentences were less likely to be reconvicted than men. Four of the 60 women originally sentenced to split sentences had been reconvicted during the study period compared to 28 of 220 males in the split sentence group. In the straight sentenced group, women were slightly less likely than the males to be convicted during the study period.

### **Offense Categories and Gender**

Men make up 95% of those convicted. For the 18 women with new convictions, eight were convicted of drug offenses and seven of property crimes.

### **Turning Point Clients Analysis by Gender**

There were 253 PRCS males (87%) and 38 PRCS females (13%) referred to Turning Point (127 individuals had missing information). Female clients were more likely to make the initial contact with Turning Point after the referral and more likely to complete the program compared to their male counterparts.

The conviction data show male Turning Point clients had more person-related charges, whereas a majority of the Turning Point female clients had drug charges. All female drug charges were drug possession only.

The conviction rate for the Turning Point PRCS clients was 26% (66 out of 253) for the males and 21% (8 out of 38) for the females.

## **8. Summary of the Preliminary Outcome Analysis**

These outcome data provide information on partial and preliminary trends in convictions and salient factors surrounding these outcomes. Highlights of this section include the following:

### **New Criminal Filings**

During the 12-month data period, 1,060 new criminal charges were filed against the Realignment population. Drug possession was the most common offense category at 264 of all criminal filings. Domestic and other intimate partner violence accounted for about one fifth of these filings. Weapons offenses, “other” property offenses, and auto theft were other high-volume filings.

### **Disposition Data**

At the end of data collection on May 15, 2013, more than one quarter of these filings on PRCS and MSR offenders were pending disposition.

Of those PRCS cases with a disposition (643 of 893), about 71% were convicted or pleaded *nolo contendere*. Less than 1% were found not guilty, and 29% had individual charges dismissed. A similar pattern was found for the MSR cases.

For the 94 straight sentenced cases, a different pattern emerges. Almost half of the 94 cases were pending, with almost all of the filings resulting in a guilty or *nolo* disposition.

### **New Criminal Filings per Individual**

The preliminary data show that 43% (676) of the 1,567 PRCS individuals had one or more new criminal cases filed during these 12 months.

Of the PRCS individuals, 424 had one felony case filed, with 101 receiving multiple felony case filings for a total of 525 offenders receiving felony filings. A smaller number (148) of the PRCS population received misdemeanor filings.

Of those who had served 1170(h) sentences, 56 individuals who had been sentenced to a “split” (MSR) sentence and 61 who had received “straight (local jail time only)” sentences received a new criminal filing.

### **Disposition Data**

Of the 676 cases we were able to locate in the Superior Court database, 417 had at least one conviction, and 186 individuals had at least one case pending.

Of the 1,567 individuals released to PRCS during the first 12 months, 37% (348) had received new convictions as of May 15, 2013.

### **New Sentences and Sanctions**

ORE also examined the types of new sentences and sanctions for new criminal convictions of those in the one-year study period.

For the 747 sentences and sanctions given to PRCS-status guilty dispositions:

- About one third (233 cases) received some kind of jail sentence.
- Another 13% (94) received LPO sentences.
- About 13% received new CDCR sentences.
- A combined 20% received Prop 36 or another state alternative program.
- Another 15% received renewed Probation or continued PRCS.
- Only 5% received MSR.

For the 65 sentences and sanctions given to prior MSR guilty dispositions (again, not individuals):

- About half (33) received some combination of time served and LPO.
- Another 15% received an additional MSR sentence.
- Six or fewer (10% or less) received any other form of sanction, CDCR, or Probation/PRCS).

For the 82 sentences and sanctions given to prior LPO guilty dispositions:

- More than half received some combination of jail and LPO again.
- About 20% received some form of Probation.
- Another 10% received MSR.
- 10% or less received some other form of sanction.

Overall, of the 894 sentences and sanctions given by the courts:

- Combining straight, split, and all other jail sentences, 456 cases resulted in a Fresno County Jail sentence, or about 59% of all sentences.
- Across all Realignment statuses, 98 individuals were sentenced to state prison, or about 11% of all the sentences.
- Some form of Probation or continued PRCS was given 248 times (about 28%).
- Other non-custodial sentences were given 152 times (about 14%).

On average, new felony jail and split (MSR) sentences were about one year, with straight (LPO) sentences about two years. New state prison sentences were just above two and a half years on average. Alternatives to incarceration (including Probation, continued PRCS, and treatment programs) ranged from 25 to 32 months.

In terms of types of offenses for the PRCS offenders, the distribution of the 242 felony convictions was as follows:

- 28% were convicted of crimes against persons.
- 36% were convicted of drug offenses.
- 18% property offenses.
- 18% vehicle-related offenses.

A review of PRCS individuals convicted by May 15, 2013, reveals the most frequent specific new offenses in each category:

- Among “crimes against persons,” 32% were related to possession of a weapon and 27% to family violence.
- 73% of “drug” offenses were for possession of drugs or drug paraphernalia.
- Among “property” offenses, 47% were related to theft and 42% to burglary.
- Vehicle theft accounted for 45% of vehicle offenses.

The distribution of the 112 misdemeanor convictions was as follows:

- 46% were convicted of crimes against persons.
- 20% were convicted of drug offenses.
- 13% were convicted of property offenses.
- 20% were convicted of vehicle-related offenses.
- 1% were convicted of other types of offenses.

Within these broad categories, the highest number of specific offenses included the following:

- In the crimes against person category, about one third (39) were related to possession of some kind of weapon. Family violence was the next highest conviction category at 33 cases, or 27%.

- Almost three quarters (73%) of the drug offenses were for possession.
- In the property offense category, theft and burglary each made up about one third of these offenses.
- Vehicle theft made up almost one half of the 65 vehicle crimes.

### **Past and Present Offenses**

When original CDCR offenses were compared to the new post-Realignment offenses, the following patterns emerge:

Of the offenders who had originally been committed to the CDCR for an offense against person:

- 47% were convicted of this crime again.
- 37% were convicted of a drug-related crime.

Of the offenders who had originally been committed to the CDCR for a drug offense:

- 51% were convicted of this crime again.
- 27% were convicted of a crime against person.

Of the offenders who had originally been committed to the CDCR for a property crime:

- More than half were convicted of a property or vehicle theft.
- 33% were convicted of a drug-related crime.

Of the offenders who had originally been committed to the CDCR for vehicle-related crime:

- About half were again convicted of the same crime.

### **Time to Violation**

On average, the time between release from the CDCR and the date of violation was 153 days for all PRCS offenders with dispositions.

### **Risk Assessment**

Although the risk assessment data is tentative at best, looking at the risk assessment level by conviction provides some indication of the predictability of such assessment and some direction for resource and supervision strategies. Of the 354 convicted individuals for which risk assessment data were available, 58% were assessed at the “high violent” level. “High property/violent” is the next highest category at 21%.

These risk assessment data were also examined in terms of offense level (felony/ misdemeanor). Of the 354 individuals with new convictions in the first 12 months of Realignment, almost 70% (242) were convicted of felonies, with about 30% convicted of misdemeanors. In these data, the same pattern holds: Individuals with risk levels for high violence and high property/violence were much more likely to reoffend and be reconvicted.

## Turning Point

About three quarters of all Realignment offenders referred to Turning Point attended at least one session. Of those, 18% had completed the program and 10% were active in the program at the time of the one-year study period. Another 10% (40) had received other placements, had refused services, or did not need services. The Full Service Partnership (FSP) assists individuals such as those who have been diagnosed with serious mental illnesses (SMIs); 28 individuals were placed with the FSP.

## Convictions Among Turning Point Referrals

About 22% of all Turning Point clients were convicted during the study period. Drug offenses make up the most common conviction category, with crimes against persons comprising another third. Family violence and possession of weapons were the most common offenses within the crimes against person category.

## Gender

Gender differences were also found in this one-year study period. Overall, women were much more likely to have been originally convicted of a drug (32%) or property crime (51%) than males. Only one woman was assessed at high risk for violent crimes (compared to 54% of the males), although 28% of the women were assessed at high risk for combined violent or property crime. Men on PRCS were about twice as likely to commit new crimes than women. Like their CDCR convictions, women were reconvicted for drug and property crimes.

## 9. Conclusion

This report summarizes preliminary case profiles and conviction data for the Realignment population for Fresno County during the first 12 months of the new policy. This report, it must be repeated, does not provide a complete empirical picture of Realignment in Fresno County. ORE has attempted to provide data—no matter how flawed and incomplete—that addresses both descriptive and analytic questions. This preliminary report should be used as guidance to the Community Corrections Partnership for program and policy discussion. The Appendices contain more detailed data on the analyses for interested readers.

## VI. Section 3: Program, Policy and Research Recommendations

Following the descriptive analysis of the first year of Realignment Data, the following recommendations are offered.

### 1. Program/Policy Recommendations

Probation should create enhanced and more intensive case- management for Realignment offenders.

The preliminary outcomes described in Section 2 suggest that the High Risk offenders appear to have a greater likelihood of re-conviction; that most offenses occur in the first five to six months of PRCS; and that offender participation in programs is problematic. Actions to enhanced and more intensive case management include:

- Reduce caseload size to a maximum of 50 offenders per Deputy Probation Officer
- Consider specialized caseloads for “high violent” risk level PRCS and female offenders
- Administer of the second half of the assessment (ONG) to establish needs – match referrals to these needs
- Develop follow up strategies to increase compliance with referrals, such as telephone reminders and ACT contacts.
- Develop intensive supervision for all cases in first six months of PRCS or MSR release
- Review staffing and training needs

Increased jail programming for both “split” (MSR) sentenced and “straight” (LPO) offenders should be considered by the CCP.

Given that almost 900 1170(h) offenders were sentenced to Fresno County Jail in the first twelve months of AB109, further development of re-entry and other rehabilitative programs should be considered for all 1170(h) offenders. Actions related to increased jail programming include:

- Examine possibilities of in-jail substance abuse programming, job readiness and violence reduction programs, particularly domestic and interpersonal violence
- Perform STRONG assessment on all MSR offenders, developing case plans for those offenders while in custody.
- Probation staff should work with the MSR offenders during their jail sentence.
- Examine evidenced-based programming in the new Transition from Jail to Community pod
- Review programming opportunities for LPO offenders while in custody
- Examine utility of “Education-Based Incarceration” model under development in Los Angeles County

The effectiveness of pre-trial programs should be examined by the CCP.

Although not directly related to AB109, pre-trial detention inmates make up a significant proportion of the county jail population. Actions related to this recommendation include:

- Develop CCP subcommittee to serve as a working group to examine pre-trial release program
- Explore data needs

Consider expansion of program components related to the types of re-offending among Realigned inmates

The risk assessment and subsequent re-offending data for the first twelve months of Realignment shows that re-offending is primarily related to substance abuse, interpersonal violence and property crimes. Actions related to targeting these behaviors through evidenced based practices include:

- Focus on developing ONG (needs assessment) for all Realigned offenders.
- Explore program expansion, includes reviewing treatment options for all Realignment offenders in these areas
  - Substance abuse
  - Intimate partner/family violence
  - Employment readiness/ training

Enhance the collaborative nature of the Community Corrections Partnership within county partners, contracted providers and the Fresno community.

The collaborative aspects of the CCP, specifically the subcommittees, and the engagement with community partners should be examined in concert with reviewing this report and operational “lesson-learned” as Realignment goes forward. Tasks related to this recommendation include:

- Review and reinvigorate subcommittees by developing goals and stated purposes for such subcommittees
- Begin the process of community engagement to add to strategic direction for Realignment efforts



## 2. Research and Data Recommendations

Review and increase data partnerships with ORE, county agencies and community partners.

The problems of missing and mismatched data encountered in this preliminary report demonstrate the need for better coordination to provide a more empirical picture of the Realignment process. Actions related to improving data availability include:

- Establish data partner working group that includes county agencies and program providers
- Develop Data Manager and Coder positions to create more complete data sets
- Continue work with data partners to obtain more automated data (e.g., revise narrative fields into pull down categories)
- Establish regular reporting periods for all data partners (quarterly)
- Use Criminal Identification Index number as unique identifier across all data systems
- Continue to collect pending data on convictions and update report
- Obtain referral and participation data from all partners

Develop a strategic data plan to solidify future reporting needs with active involvement of the Research and Evaluation Subcommittee.

This report has identified future reporting needs. The following tasks are related to this recommendation:

- Develop Outcome Report at end of 2013 that focuses on complete conviction data for first year 109 cohort
- Identify priorities for reporting and follow up of missing data
- Determine variables for quarterly reports – both profile and outcomes
- Develop a three year plan to analyze recidivism data based on standard statistical procedures
- Develop more frequent bulletins for data reporting
- Examine proposals by PPIC and PEW and role of ORE in these activities
- Investigate other statewide efforts –e.g., Administrative Office of the Courts disposition reporting, Supervised Release File, Automated Criminal History System and the like

Report prepared by Dr. Yoshiko Takahashi and Dr. Barbara Owen.

Please contact Dr. Owen at [barbarao@csufresno.edu](mailto:barbarao@csufresno.edu) or 559-304-8578.

# Appendices

# Appendix 1

## Fresno County District Attorney's Office AB 109 Offender Summary

January 3, 2013

(Analysis By: DDA Keith McWilliams)

This report includes data on the offender population who were placed on PRCS, MSR (Split Term) or LPO (Straight Time) during the period of October 1, 2011 (the start of AB 109) through October 1, 2012 from data submitted by the Probation Department. The offender population data was then compared to charges submitted and filed in Fresno County as recorded in the DA case management system (STAR) through January 3, 2013.

### Notes:

- 1) If an offender is sentenced to both straight time and split term at the same sentencing, it is considered to be a split term for this report.
- 2) Five (5) offenders have both straight time and split term sentences on different dates due to subsequent felonies. As such, they are listed in both the straight time and split term portions for the applicable sentence.

<b>Total Number of PRCS Offenders:</b>	<b>1,565</b>	
PRCS Offenders with New Cases Submitted For Filing:	672	43%
Total Number of Case Submittals on PRCS Offenders:	1,225	
Felony Case Submittals:	759	
Misdemeanor Case Submittals:	466	
Total Number of New Case Filings on PRCS Offenders:	887	
Felony Case Filings:	552	
Misdemeanor Case Filings:	335	
PRCS Offenders with New Cases Filed:	572	37%
PRCS Offenders with New Felonies Filed:	424	27%
PRCS Offenders with Multiple Felony Cases Filed:	101	6%
PRCS Offenders with Only New Misdemeanors Filed:	148	9%
<b>Total Number of Offenders Sentenced to AB109 Split Term</b>	<b>303</b>	
Split Term Offenders with New Cases Submitted For Filing:	69	23%
Total Number of Case Submittals on Split Term Offenders:	103	
Total Number of Felony Submittals	59	
Total Number of Misdemeanor Submittals	44	

Total Number of New Case Filings on Split Term Offenders:	79	
Felony Case Filings:	44	
Misdemeanor Case Filings:	35	
Split Term Offenders with New Cases Filed:	56	18%
Split Term Offenders with New Felonies Filed:	39	13%
Split Term Offenders with Multiple Felony Cases Filed:	6	2%
Split Term Offenders with Only New Misdemeanors Filed:	17	6%
<b>Total Number of Offenders Sentenced to AB109 Straight Time</b>	<b>583</b>	
Straight Time Offenders with New Cases Submitted For Filing:	84	14%
Total Number of Case Submittals on Straight Time Offenders:	125	
Total Number of Felony Submittals	68	
Total Number of Misdemeanor Submittals	57	
Total Number of New Case Filings on Straight Time Offenders:	94	
Felony Case Filings:	53	
Misdemeanor Case Filings:	41	
Straight Time Offenders with New Cases Filed:	61	10%
Straight Time Offenders with New Felonies Filed:	40	7%
Straight Time Offenders with Multiple Felony Cases Filed:	8	1%
Straight Time Offenders with Only New Misdemeanors Filed:	21	4%

## Appendix 2: Filing Cases

### Person

Charge code	Frequency	Total
Person	PC 148(a)(1)	46
	PC 217.1(a)	1
	PC 236	5
	PC 242	11
	PC 243.1	3
	PC 243(b)	3
	PC 243(d)	2
	PC 245(a)(1)	3
	PC 245(a)(4)	1
	PC 245(c)	2
	PC 246	1
	PC 422	15
	PC 646.9(b)	1
	PC 653m(b)	1
	PC 69	8
	PC 417(a)(1)	5
	<b>Total</b>	<b>108</b>
	Person/Poss Weapon Only	PC 12020(a)
PC 21310		19
PC 21510(b)		2
PC 22210		2
PC 22610(a)		1
PC 22810(a)		1
PC 29800(a)(1)		40
PC 29805		1
PC 29820(b)		1
PC 29900(a)		1
PC 30305(a)		19
PC 33215		1
PC 4502(a)		4
PC 21810		1
PC 22410		1
<b>Total</b>		<b>96</b>

### Person

Person/Sex/Registration	PC 290.013(a)	1	
	PC 290(b)	1	
	PC 314.1	1	
	PC 626.81(a)	1	
	PC 647.6(a)	1	
	PC 647(b)	3	
	<b>Total</b>	<b>8</b>	
Person/Murder	PC 187(a)	8	
	PC 664/187(a)	1	
	<b>Total</b>	<b>9</b>	
Person/Family	PC 243(e)(1)	17	
	PC 273.5(a)	23	
	PC 273.5(e)(1)	13	
	PC 273.6(a)	26	
	PC 273d(a)	1	
	PC 368(b)(1)	2	
	PC 368(c)	1	
	PC 368(d)	1	
	PC 166(a)(4)	1	
	PC 166(c)(1)	4	
		<b>Total</b>	
Person/Robbery	PC 211	15	
	PC 215(a)	4	
	PC 664/211	2	
	PC 664/215(a)	1	
<b>Persons Total</b>		<b>22</b>	<b>332 (31%)</b>

## Drugs

Drugs	HS 11550(a)	17	
	BP 4325	1	
	BP 4141	1	
	HS 11364	1	
	HS 11364.1(a)	92	
	<b>Total</b>	<b>112</b>	
Drugs/Facility	PC 4573	6	
	PC 4573.5	2	
	PC 4573.6	2	
	<b>Total</b>	<b>10</b>	
Drugs/THC Only	HS 11357(c)	3	
	HS 11359	1	
	HS 11357(a)	3	
	HS 11360(a)	1	
	<b>Total</b>	<b>8</b>	
Drugs/Poss	HS 11350(a)	31	
	HS 11370.1(a)	4	
	HS 11377(a)	139	
	BP 4060	5	
	<b>Total</b>	<b>179</b>	
Drugs/Dist	HS 11351	2	
	HS 11351.5	3	
	HS 11378	15	
<b>Drugs Total</b>	<b>Total</b>	<b>20</b>	<b>329 (31%)</b>

### Property

Property	PC 4600	1			
	PC 484(a)	15			
	PC 487(d)	3			
	PC 496(a)	20			
	PC 537(a)(1)	1			
	PC 591.5	1			
	PC 594(a)	3			
	PC 594(b)(1)	1			
	PC 594(b)(2)(A)	4			
	PC 602.1(a)	1			
	PC 602.5(a)	1			
	PC 602(m)	3			
	PC 602(t)	1			
	PC 664/484(a)	1			
	PC 666	19			
	PC 481.1(a)	1			
	PC 487(a)	1			
	<b>Total</b>	<b>77</b>			
	Property/Burglary	PC 459/460(a)		16	
		PC 459/460(b)		39	
PC 664/459/460(a)		1			
PC 664/459/460(b)		2			
PC 466		8			
<b>Total</b>		<b>66</b>			
Property/ID Theft	PC 470(d)	1			
	PC 475(a)	1			
	PC 475(c)	1			
	PC 530.5(a)	5			
	PC 530.5(c)(2)	3			
	PC 476	1			
<b>Property Total</b>	<b>12</b>	<b>155 (15%)</b>			



Vehicle/Misc.

Vehicle Theft	PC 496d(a)	9	
	VC 10851(a)	74	
	VC 664/10851(a)	2	
	PC 466.5(a)	1	
	<b>Total</b>	<b>86</b>	
Vehicle	VC 2800.1(a)	4	
	VC 2800.2(a)	29	
	VC 2800.4	2	
	VC 20001(a)	2	
	<b>Total</b>	<b>37</b>	
Vehicle/DL	VC 14601.1(a)	55	
	VC 14601.2(a)	24	
	VC 14601.5(a)	2	
	VC 4462.5	1	
	<b>Total</b>	<b>82</b>	
Vehicle/DUI	VC 23152(a)	6	
	VC 23152(b)	18	
	VC 23153(a)	1	
<b>Vehicle Total</b>	<b>25</b>	<b>230 (22%)</b>	
Misc.	LC 3700.5(a)	1	
	PC 1320(b)	1	
	PC 148.9(a)	17	
	PC 4570	1	
	PC 148.5(c)	1	
<b>Miscellaneous Total</b>	<b>21</b>	<b>21 (1%)</b>	
<b>Total</b>		<b>1,067 (100%)</b>	

Note: The ORE is working on the new coding schemes, and such changes will appear in the next revision of the report.

## Appendix 3: Conviction DATA (Most Serious)

### Felony Conviction Type (PRCS Individuals)

most serious		Number	Total
Person	PC 236	3	
	PC 243(d)	1	
	PC 245(a)(1)	1	
	PC 422	1	
	PC 69	3	
	<b>Total</b>	<b>9</b>	
Person/Poss Weapon Only	PC 12020(a)	1	
	PC 21310	10	
	PC 29800(a)(1)	16	
	PC 29805	1	
	PC 30305(a)	7	
	PC 22410	2	
	<b>Total</b>	<b>37</b>	
Person/Sex/Registration	PC 290.013(a)	1	
	PC 290(b)	1	
	PC 647(b)	1	
	PC 647.6(a)	1	
	<b>Total</b>	<b>4</b>	
Person/Family	PC 273.5(a)	3	
	PC 273.5(e)(1)	6	
	<b>Total</b>	<b>9</b>	
Person/Robbery	PC 211	6	
	PC 215(a)	2	
	PC 664/211	1	
	<b>Total</b>	<b>9</b>	
			68 (28%)
Drugs/Facility	PC 4573	3	
	PC 4573.5	1	
	<b>Total</b>	<b>4</b>	
Drugs/THC Only	HS 11359	1	
	<b>Total</b>	<b>1</b>	
Drugs/Poss	HS 11350(a)	19	
	HS 11377(a)	56	
	<b>Total</b>	<b>75</b>	
Drugs/Dist	HS 11351	1	
	HS 11351.5	3	
	HS 11378	4	
	<b>Total</b>	<b>8</b>	
			88 (36%)

Property/Theft	PC 484(a)	1	43 (18%)
	PC 496(a)	10	
	PC 594(a)	2	
	PC 666	6	
	PC 487(d)	1	
	<b>Total</b>	<b>20</b>	
Property/Burglary	PC 459/460(a)	7	43 (18%)
	PC 459/460(b)	11	
	<b>Total</b>	<b>18</b>	
Property/ID Theft	PC 475(a)	1	43 (18%)
	PC 530.5(a)	2	
	PC 530.5(c)(2)	2	
	<b>Total</b>	<b>5</b>	
Vehicle theft	PC 496d(a)	3	43 (18%)
	VC 10851(a)	24	
	VC 664/10851(a)	1	
	<b>Total</b>	<b>28</b>	
Vehicle	VC 2800.2(a)	11	43 (18%)
	VC 20001(a)	1	
	<b>Total</b>	<b>12</b>	
Vehicle/DUI	VC 23152(b)	3	43 (18%)
	<b>Total</b>	<b>3</b>	
<b>Total</b>			<b>242 (100%)</b>

Note: The ORE is working on the new coding schemes, and such changes will appear in the next revision of the report.

**Misdemeanor/Infraction Conviction Type (PRCS Individuals)**

most serious		Number	Total
Person	PC 148(a)(1)	9	
	PC 242	4	
	PC 243(b)	2	
	PC 243(d)	1	
	PC 245(a)(1)	1	
	PC 245(a)(4)	1	
	PC 422	3	
	PC 69	2	
	PC 417(a)(1)	3	
	<b>Total</b>	<b>26</b>	
Person/Poss Weapon Only	PC 22610(a)	1	
	PC 30305(a)	1	
	<b>Total</b>	<b>2</b>	
Person/Family	PC 243(e)(1)	3	
	PC 273.5(a)	10	
	PC 273.5(e)(1)	5	
	PC 273.6(a)	3	
	PC 368(c)	1	
	PC 166(c)(1)	2	
	<b>Total</b>	<b>24</b>	
			52 (46%)
Drugs	HS 11550(a)	2	
	BP 4325	1	
	HS 11364.1(a)	13	
	<b>Total</b>	<b>16</b>	
Drugs/THC Only	HS 11357(c)	1	
	<b>Total</b>	<b>1</b>	
Drugs/Poss	HS 11377(a)	5	
	<b>Total</b>	<b>5</b>	
			22 (20%)

Property	PC 496(a)	1	14 (13%)
	PC 594(b)(1)	1	
	PC 602.1(a)	1	
	PC 602(t)	1	
	PC 484(a)	3	
	<b>Total</b>	<b>7</b>	
Property/Burglary	PC 459/460(b)	2	
	PC 664/459/460(b)	1	
	PC 466	3	
	<b>Total</b>	<b>6</b>	
Property/ID Theft	PC 530.5(a)	1	
	<b>Total</b>	<b>1</b>	
Vehicle theft	VC 10851(a)	1	
	<b>Total</b>	<b>1</b>	
Vehicle	VC 2800.2(a)	1	
	<b>Total</b>	<b>1</b>	
Vehicle/DL	VC 14601.1(a)	9	
	VC 14601.2(a)	4	
	<b>Total</b>	<b>13</b>	
Vehicle/DUI	VC 23152(a)	1	
	VC 23152(b)	6	
	<b>Total</b>	<b>7</b>	
Misc.	PC 148.9(a)	2	
	<b>Total</b>	<b>2</b>	
<b>Total</b>			<b>112 (100%)</b>

Note: The ORE is working on the new coding schemes, and such changes will appear in the next revision of the report.

## Appendix 4: PRCS CDCR Commitment Offense and New Convictions

In order to provide some context for the new conviction data, we examined the distribution of the original CDCR commitment offense for those convicted as of May 15, 2013.

Table A3, *Relationship Between Original Offense and New Felony Offense of Convicted PRCS Individuals (N = 241)*

Original	Person	Drugs	New (F)		
			Property	Vehicle	Misc.
Person	27 (47%)	21 (37%)	9 (16%)	0 (—)	0 (—)
Drugs	14 (27%)	26 (51%)	8 (16%)	3 (6%)	0 (—)
Property	20 (20%)	34 (33%)	44 (43%)	4 (4%)	0 (—)
Vehicle	6 (21%)	7 (24%)	8 (28%)	8 (28%)	0 (—)
Misc.	1 (—)	0 (—)	1 (—)	0 (—)	0 (—)

One missing information

CDCR Commitment Offense and new misdemeanor/infraction offense of PRSC individuals

Table A4 provides the same information for PRCS offenders who received convictions for misdemeanors and infractions. As seen here, those individuals who were first committed to CDCR for a person offense are somewhat more likely (at 58%) to receive a conviction for a person-related misdemeanor or infraction.

Table A4, *Relationship Between Original Offense and New Misdemeanor/Infraction Offense of Convicted PRCS Individuals (N = 115)*

Original	Person	Drugs	New (M/I)		
			Property	Vehicle	Misc.
Person	23 (58%)	6 (15%)	1 (2%)	10 (25%)	0 (—)
Drugs	16 (50%)	7 (22%)	5 (15%)	4 (13%)	0 (—)
Property	12 (32%)	9 (24%)	8 (21%)	7 (18%)	2 (5%)
Vehicle	2 (40%)	1 (20%)	2 (40%)	0 (—)	0 (—)
Misc.	0 (—)	0 (—)	0 (—)	0 (—)	0 (—)

## Appendix 5: Turning Point Clients

Table A5, *Turning Point Clients: Charge Type in the DA Database*

Category	Number	Percent
Person	<b>35</b>	<b>29%</b>
Person	14	
Poss. Weapon only	11	
Murder	1	
Family	7	
Robbery	2	
Drugs	<b>56</b>	<b>46%</b>
Drugs	2	
THC Only	7	
Possession	43	
Distribution	3	
Facility	1	
Property	<b>10</b>	<b>8%</b>
Property	5	
Burglary	4	
ID Theft	1	
Vehicle	<b>20</b>	<b>16%</b>
Vehicle	1	
DL	8	
DUI	5	
Vehicle Theft	6	
Misc.	2	<b>1%</b>
<b>Total</b>	<b>123</b>	<b>100%</b>

# Glossary

**AB 109-Public Safety Realignment Act of 2011**

Legislation that created local realignment efforts and controls sentencing and supervision of specified offenders.

**Abscond**

To leave supervision without permission, whereabouts unknown by supervising agency.

**ACT- Adult Compliance Team**

Multi-agency task force consisting of officers from Fresno County Probation, Sheriff's Office, Fresno and Clovis Police Departments and the Fresno County District Attorney's Office that assist in supervision of AB 109 offenders.

**APS- Adult Probation System**

Automated data system of the Fresno County Probation Department.

**BSCC-Board of State and Community Corrections (Formerly known as the Corrections Standards Authority)**

California state agency that works in partnership with local corrections systems and assists efforts to achieve continued improvement in reducing recidivism through evidence- based decision making.

**Case Management**

Term referring to facilitation of supervision and treatment plans to assure the appropriate services are provided to offenders

**CDCR-California Department of Corrections**

The California state prison system; also parole and community services.

**CII-California Identification and Investigation (Number)**

CII numbers are assigned to persons who have been fingerprinted and who have been arrested. It is the identifying number for the state criminal justice record check.

**CICJ-Center on Juvenile and Criminal Justice**

A research group in California that provides technical assistance and studies for California's criminal justice agencies.

**Cohort**

A study group with one or more similar characteristics.

**Court Dispositions**

A finding in a court of law as to guilt.

**Comprehensive Counseling Services**

A referral agency for counseling services for offenders.

**DRC-Day Reporting Center**

The Day Reporting Center is a community-based treatment program; multi-disciplinary in nature in Fresno. D.R.C. is an alternative to incarceration.



***EBP-Evidence Based Practice***

Evidence-based practice (EBP) is the application of science into operational practice for services and programs for offenders. The goal is to use practices that have been empirically tested and have been shown to reduce recidivism among offenders.

***Felony***

Under 1170 h PC, felonies are redefined to include certain crimes that are now punishable in county jails for terms up to three years.

***Flash Incarceration***

A correctional sanction; probation is authorized to impose 1-10 days in custody for a violation of Post Release Community Supervision (PRCS).

***Fresno County Data Bases***

Data bases need to coordinate research and analysis of AB 109 programs including probation (APS), district attorney (STAR), courts (V2), and the jail (Offender Trak).

***FSP-Full Service Partnership***

Full Service Partnership (FSP) program providing 24/7 “whatever it takes” community based case management and crisis interventions for 60 adults and older adult consumers with co-occurring mental health and substance abuse disorders.

***Intensive Supervision***

Intensive supervision probation refers to a highly structured program for selected offenders. It is considered to be a viable sentencing alternative to commitment to the Department of Corrections and is considered an evidence based practice.

***LPO-Local Prison Commitment***

Under 1170 h, offenders can be sentenced to jail for up to three years and serve the entire sentence within the jail. There is no supervision upon release. Also known as a straight commitment and local jail only (LJO).

***Misdemeanor***

An offense type that can result in a commitment to jail only; no prison terms can be given for this type of offense.

***MSR-Mandatory Supervision upon Release (Also known as MS and Split Sentence)***

Under 1170 (h) (5) (B) a person is committed to the jail for half sentence followed by a period of supervision in the community.

***“Non, Non, Non”- Nx3***

Non serious, non-sexual, non-violent offenders under 1170 h that are released from prison to community supervision (PRCS) or sentenced under the legislation.

***No Shows***

Offenders that are referred by their supervising entity to a program or sanction and fail to appear (FTA).

***PEW-Results First Initiative***

Cost benefits analysis crime model utilized and coordinated by the Pew Institute that will be completed on the

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realignment population in Fresno County.

**Pending**

A criminal case is (awaiting) pending an arrest, the filing of charges, trial or disposition (sentencing) in a criminal court.

**Paper Commitment**

A person has sufficient County Jail credits at sentencing to be released with time served upon a state prison commitment. Penal Code section 1170, (a)(3), specifies that the person is released with directions to report to the parole office closest to his residence (unless the credits exceed both the prison term AND the parole term, in which case the person is simply released).

**Proposition 36-Drug Court**

Substance Abuse and Treatment Act that allows offenders convicted on non-serious substance abuse possession to receive local treatment.

**PPIC-Public Policy Institute of California**

Public Policy Institute of California (PPIC) is a nonprofit, nonpartisan think tank dedicated to informing and improving public policy in California through independent, objective, nonpartisan research. They are in the process of structuring a state-wide analysis of AB 109 functioning for the counties.

**PRCS-Post Release Community Supervision**

Offender released from state prison in California pursuant to 1170 h for supervision in the home counties by probation departments for non-sexual, non-serious and non-violent offenses.

**PC 1170 h- AB 109 Realignment Sentencing Law**

The primary objective of sentencing under 1170 is to change the place where many felony sentences are served. It allows local prison commitments (LPO/CJO/Straight Sentences) and also permits the commitment to the jail half time (MSR/MS/Split Sentence) with an additional half term of supervision upon release.

**Program Fidelity**

Staying true to the original evidence based program design.

**Referrals**

Usually by a probation officer to a service provider for court ordered or voluntary treatment services.

**Recidivism**

An arrest or conviction during a period of supervision.

**Revocation**

A suspension of a term of supervision that can result in either graduated sanctions or up to 180 days in the county jail.

**Sanctions**

Form of intervention in which offenders face punishments, usually graduated, to reduce recidivism; the action of punishment by a supervising agency.

**“Slow Shows”**

Offenders who fail to report for treatment services in a timely fashion requiring multiple referrals and influencing a low completion rate.

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***SRF-Supervised Release File***

Official records kept on state and local level of offenders on probation or parole and pre-trial release. Data mechanism for information sharing on criminal records.

***STRONG-Risk and Needs Assessment***

Static Risk and Offender Needs Guide

Assessment tool/instrument used by probation department to determine offenders risk in the community and supportive needs for rehabilitation.

***Transferred Out***

Offenders transferred either back to a state jurisdiction or to a county of legal residence.

***Turing Point of Central California***

Service provider for AB 109 realigned populations that focus on mental health and substance abuse needs of offenders. Once such program utilized is the First Street Center.

***Universal Health Network***

A treatment provider to the AB 109 population. Primary Focus: mix of mental health and substance abuse treatment services.

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