

DECEMBER 2017



# SAFE AND SOUND

**STRATEGIES TO SAVE A BILLION IN PRISON COSTS AND BUILD NEW SAFETY SOLUTIONS**



CALIFORNIANS  
FOR SAFETY AND JUSTICE



2	Executive Summary
10	Introduction & Background
10	California Today: Bold Reforms Won, Much More Work to Do
12	The Red Herring: Crime Rates and Justice Reform
14	The Real Problem: Health and Safety Gaps in Local Communities
14	Achieving Public Safety Requires More Bold Change
18	<b>DEEPEN CRIMINAL JUSTICE REFORM</b>
18	Over-Incarceration Remains
20	Local Safety Solutions Lacking
21	Local Reform: Expand Options Beyond Incarceration
21	Expand First Response Options at the Point of Contact
26	Prioritize Jail Space for Public Safety, Not Poverty
27	Expand Graduated Responses and Reduce Pressure on Probation Systems
29	Sentencing Reform: From Lengthy and Ineffective to Evidence-Based and Smart
30	What the Research Says: Most of the Time, Shorter is Smarter
31	Replace Mandatory Sentencing Enhancements with Judicial Discretion
32	Evaluate Suitability for Release for People Considered Low-Risk
32	Increase Parole Grants for Individuals Who Participate in Rehabilitation
34	<b>REALLOCATE TO REBALANCE OUR APPROACH TO SAFETY</b>
35	Shrink the State Prisons Budget
36	Reallocate State Prison Dollars to Communities
38	<b>LAYING A FOUNDATION FOR SHARED SAFETY</b>
46	New Safety Solutions: Key Investments Needed Now
47	Build a Shared Safety Infrastructure
48	Expand Mental Health Treatment for Vulnerable Populations
48	Expand Substance Use Disorder Treatment for Vulnerable Populations
49	Stop the Cycle of Chronic Homelessness, Behavioral Health Needs and Crime
51	Support Survivors to Recover from Harm
51	Expand Crime Survivor Access to Trauma Recovery
51	Provide Opportunities for Using Restorative Justice
52	Make Second Chances Real
52	Expand Jobs for People with Convictions
55	Create “Clean Slate” Programs to Reduce Barriers to Reentry
56	Californians Support Far Reaching Reforms
58	Conclusion: The Time Is Now
60	Endnotes



# ▶ executive summary

**IN THE LAST SEVERAL YEARS,** California has emerged from a long history of being a laggard on criminal justice reform to becoming a national stand out. After decades of prison building and an overcrowding crisis so severe that prison capacity exceeded 200%, a groundswell response—litigation, media attention, legislation, voter action and a grassroots advocacy movement—has put the state on a new path.

**THE LONG OVERDUE TASK OF REPLACING INEFFECTIVE OVER-INCARCERATION WITH SMART JUSTICE IN THE NATION'S MOST POPULOUS STATE IS FINALLY UNDERWAY.**

## **There is much to celebrate.**

Between 2006 and 2016, California has seen: A 25% drop in state prison incarceration. A 10% statewide average drop in county jail populations. A 64% drop in the number of people on state parole and a 22% drop in the number of felony filings in criminal courts annually. Today more than 1.5 million Californians are eligible to remove nonviolent felony convictions from their old conviction records—opening the door to new opportunities for stability and empowerment. Rehabilitation programs are becoming more available to people in the justice system to help stop the cycle of crime. Trauma recovery centers are expanding across the state—from just one five years ago to eleven centers today—providing crisis care and help for underserved survivors of violent crime. And, with the incarceration declines, hundreds of millions of dollars are finally being reallocated from bloated, costly prisons to community-based treatment and prevention.

▼ 25%

DROP IN STATE PRISON INCARCERATION

▼ 10%

STATEWIDE AVERAGE DROP IN COUNTY JAIL POPULATIONS

▼ 22%

DROP IN FELONY FILINGS

## Still—California has a **very long way to go.**

Despite this progress, the Golden State's incarceration rate is still so high that it remains a historic anomaly. California still spends more than \$11 billion a year on state prisons. That's a 500% increase in prison spending since 1981. In fact, California spends as much today on prisons as every state in the United States *combined* spent on prisons in 1981 and it has increased annual prison spending at a rate that has significantly outpaced other states. When local crime response costs in California are factored in, such as the cost of county jails, that figure is nearly doubled from \$11 billion to \$20 billion annually.

**What's most vexing about these heavy spending levels is how little translates to actually keeping Californians safe in the long run.**

A decisive body of research and innovation has shown that zeroing in on community stability, not incarceration, more effectively prevents and stops the cycle of crime. Yet the state's public safety spending priorities are too far removed from addressing immediate community wellbeing needs. Recidivism remains a problem. Too many people remain struggling with mental health, substance abuse, homelessness and trauma without treatment. And too many communities where crime is concentrated remain unprotected from harm.

## Excessive prison spending and over-incarceration is not only preventing California from resolving the crises in our communities that give rise to crime, it is a causal factor in making the cycle of crime worse.

To fill the gap in information about the impact of crime, mental health, substance use and convictions on Californians and their families, Californians for Safety and Justice commissioned the first-of-its-kind *Survey of California Victims and Populations Affected by Mental Health, Substance Abuse and Convictions* in September 2017. Those findings, combined with a review of research from the California Department of Health Care Services, the Substance Abuse and Mental Health Services Administration and other expert sources uncover a stark set of core crime drivers that remain unresolved.

### Unaddressed Mental Health Needs:

- Nearly 1 in 4 Californians has experienced anxiety, depression, or another mental health issue that affects their wellbeing and stability and nearly 1 in 6 need mental health services.
- At least 43% of Californians who seek mental health treatment do not receive it.
- Californians dealing with mental health issues experience numerous negative impacts, including interfering with daily life activities, interfering with ability to develop or maintain close relationships, interfering with ability to work, and interfering with ability to maintain housing. The negative impacts of mental health issues disproportionately impact low-income people.
- An estimated 1.9 million, or 1 in 20 Californians, struggle with severe mental health challenges but only about 56% receive some kind of treatment.
- More than half of people with convictions self-report that mental health or substance abuse issues were either the top factor or a major factor leading to their involvement in crime.

Nearly **1 in 4 Californians** has experienced anxiety, depression, or another **mental health issue** that affects their wellbeing and stability and nearly 1 in 6 need mental health services.

### Untreated Drug and Alcohol Abuse:

- Nearly 1 in 12 Californians has had substance abuse or addiction issues, including alcohol, prescription medication, or other drugs.
- Only about 6% of people who need drug treatment for addiction receive it.
- Substance abuse or addiction issues disproportionately impact low-income people.
- Californians dealing with substance abuse issues experience numerous negative impacts, including interfering with daily life activities, interfering with ability to develop or maintain close relationships, interfering with ability to work, and interfering with ability to maintain housing.

Nearly **1 in 12 Californians** has had substance abuse or **addiction issues**, including alcohol, prescription medication, or other drugs.

## Unaddressed Trauma and Lack of Support for Survivors:

- Nearly 1 in 3 Californians has been a victim of crime.
- Most California crime survivors experience stress and trauma after the crime, but the majority do not receive support from victims services programs.
- Of survivors who report the crime to the police, only 10% receive victim assistance.
- On average, 62% of adults in California have experienced at least one trauma during childhood. About two out of three survivors of violent crime experience four or more lifetime traumas, including repeat victimization.

Nearly **1 in 3 Californians** has been a **victim** of crime.

## Extreme Barriers to Stability for People with Convictions:

- An estimated 8 million Californians have a criminal conviction record.
- The negative impacts that people with convictions experience after completing their sentence include: difficulty finding a job, struggling to pay fines or fees, trouble sleeping or other health issues, difficulty obtaining an occupational license, and difficulty finding housing.

There are over **4,800 legal restrictions** facing people with **convictions**—after sentence completion—that place **limits on access to jobs, housing and more.** Seventy-three percent of these legal barriers are permanent.

Despite the starkness of these persistent community challenges, opponents of criminal justice reform have resisted implementing recent policy changes in favor of attempting to resituate “tough on crime” rhetoric and the wasteful incarceration policies of the past.



## Today, California stands at a **decisive moment**.

The reforms to date have alleviated the prison crisis, begun reallocating dollars, and taken the state to a new plateau. But California communities deserve more—more help, more dignity, more safety and much more real protection from harm.

**In the next five years, California leaders must commit to further reducing state incarceration and prison spending to finally achieve a balanced approach to public safety.** If California leaders can continue to right-size the state's incarceration rate—and substantially reduce prison spending—the state would have increased capacity to invest in new safety solutions that more effectively support people vulnerable to crime, prevent crime from happening in the first place and stop the cycle from continuing.

This report outlines the strategies available to local jurisdictions to reduce the flow of people into the justice system and the burdens local criminal justice systems face. It also describes the sentencing and prison length of stay reforms that can continue to safely reduce the number of people in state prison, strategies that are supported by data on what works to reduce recidivism.

If state leaders implement the sentencing and prison length of stay reforms outlined in this report, the state could safely reduce the length of prison terms for the majority of people in prison by 20%, and reduce the number of people in state prison by about 30,000.

**REDUCING STATE IMPRISONMENT BY 30,000 PEOPLE WOULD ALLOW CALIFORNIA TO CLOSE 5 PRISONS AND SAVE—CONSERVATIVELY—ABOUT \$1.5 BILLION IN STATE PRISON SPENDING.**

Spent differently, \$1.5 billion could go a long way to supporting California's communities in need. There are many dozens of important strategies the state could expand with additional resources, from family support programs to early childhood education or afterschool programming, to employment assistance programs or support for low-income seniors and more.

This report identifies some of the especially acute unaddressed community needs that are actively contributing to criminal justice burdens and the cycle of crime, and the solutions that can be scaled up to meet these needs. While not exhaustive, an investment of \$1.5 billion in any of the following strategies would go a long way toward developing a balanced and effective approach to public safety.



## 1. Build a Shared Safety Infrastructure

Shared safety means giving all Californians access to health, protection and stability. There are challenges to achieving this, but with the smart reallocation of resources, California can make substantial inroads in identifying the community risk factors that contribute to the cycle of crime and improving community well-being.

Three specific opportunities to scale up a robust shared safety infrastructure include: 1) expanding mental health treatment to address severe mental health challenges; 2) expanding drug abuse treatment to address addiction; and 3) expanding diversion and housing programs for chronically homeless populations involved in crime.

For example, any of the following goals could be achieved with \$1.5 billion:

- **Treat 150,000 patients with severe mental health diagnoses;**
- **Treat 150,000 patients with substance use disorders; or**
- **House 50,000 individuals struggling with chronic homelessness.**

## 2. Support Survivors to Recover from Harm

Despite the rhetoric of the tough on crime era, the needs of the majority of crime survivors have never been at the center of public safety policy making. Putting survivors' needs first means ensuring that safety investments flow from the needs of crime survivors and those most vulnerable to becoming victims of crime.

A key gap in victim support is ensuring that every crime victim has an opportunity to recover from harm. Trauma recovery centers provide holistic services focused on mental health treatment and help survivors get back on their feet, avoid being victimized again, and gain stability. Restorative justice, a collaborative process to resolve crime incidents by repairing the harm caused and addressing crime drivers, improves survivor satisfaction with case resolution and reduces recidivism.

For example, using \$1.5 billion to better support survivors could allow California to:

- **Establish over 1,000 trauma recovery centers across the state; or**
- **Convene over a million restorative justice dialogues.**

## 3. Make Second Chances Real

Stopping the cycle of crime means holding people who commit crime accountable and ensuring their release and reintegration into society is primed for stability. When people exiting the justice system are prevented from accessing jobs, housing, social supports and reuniting with family, or are saddled with untenable criminal justice debt, it is near impossible for them to contribute to our communities. Making second chances real means giving people exiting the justice system a chance at stability and redemption.

For example, investing \$1.5 billion in second chances could:

- **Employ 300,000 people with convictions through workforce development; or**
- **Create over 3,000 “clean slate” assistance programs to help reduce barriers to stability for people with convictions.**

# Californians Want **More Bold Change**

The strategies proposed in this report to reallocate \$1.5 billion from prison spending to community stability are not only more effective strategies to stop the cycle of crime, they are broadly supported by Californians from all walks of life.

*The 2017 Survey of California Victims and Populations Affected by Mental Health, Substance Use and Convictions*, found that:

**Fifty-five percent of Californians surveyed** support closing state prisons to fund local mental health treatment and substance abuse treatment.

- Nearly 8 in 10 think rehabilitation, drug treatment, and mental health treatment are better ways to prevent future crimes than punishment through incarceration.
- 6 in 10 oppose laws that restrict employment and housing options for people with felony convictions, after they complete their sentence.
- Nearly 7 in 10 prefer holding people accountable for their crimes by requiring alternatives to prison such as mental health treatment, drug treatment, or community supervision. Only 16% prefer putting them in prison.

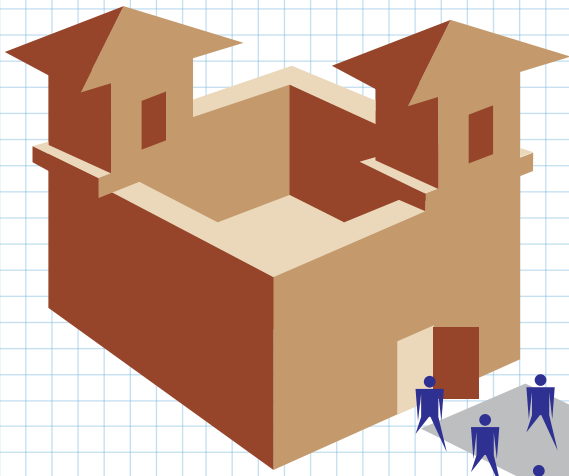
Nearly **7 in 10 support** clearing the records of people who complete their entire sentence if they remain crime free for seven years.

## The Time is Now

There has never been a more important time to take the goal of rebalancing the state's public safety priorities to the next level.

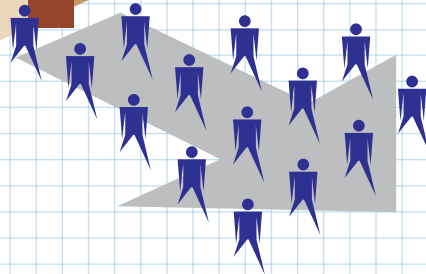
The incarceration rate is declining, but much greater declines are needed to substantially reduce prison spending. As long as the state continues to overspend on prisons, the unresolved drivers of crime will continue plaguing vulnerable communities.

Concrete and bold steps must be taken over the next five years to advance new safety priorities rooted in community health and wellbeing. The needs are prevalent and knowable. The solutions are emerging and scaleable. The public is ready and deserving. The time is now.



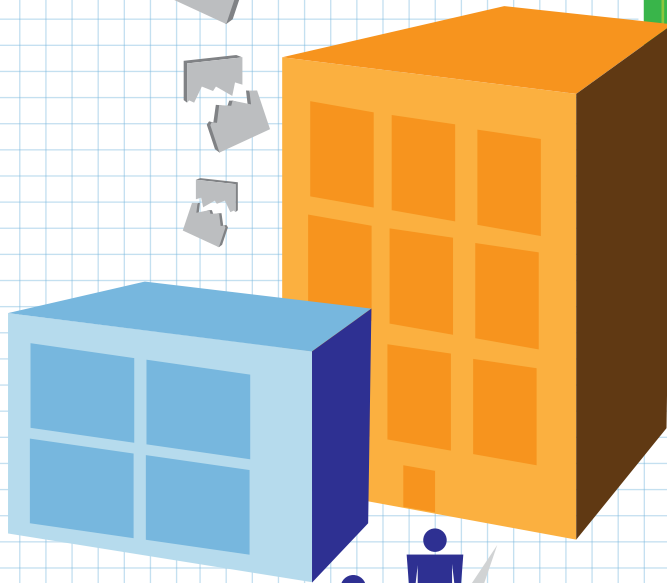
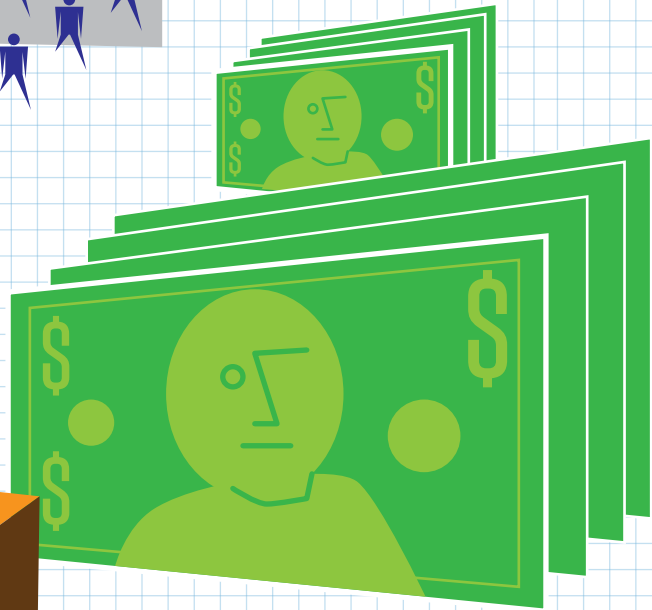
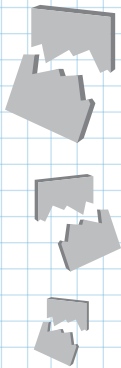
# REDUCE

STATE INCARCERATION BY 30,000 PEOPLE



# SAVE

\$1.5 BILLION IN STATE FUNDS



# INVEST

in any of the following

- TREAT **150,000** PATIENTS WITH SEVERE MENTAL HEALTH DIAGNOSES;
- TREAT **150,000** PATIENTS WITH SUBSTANCE USE DISORDERS;
- HOUSE **50,000** INDIVIDUALS STRUGGLING WITH CHRONIC HOMELESSNESS;
- ESTABLISH OVER **1,000** TRAUMA RECOVERY CENTERS;
- CONVENE OVER **A MILLION** RESTORATIVE JUSTICE DIALOGUES;
- PUT **300,000** PEOPLE WITH CONVICTIONS ON THE PATH TO EMPLOYMENT; OR
- CREATE OVER **3,000** CLEAN SLATE PROGRAMS.

# ▶ introduction & background

## California Today: Bold Reforms Won, Much More Work to Do

**AFTER MANY YEARS OF FAILED “TOUGH ON CRIME” POLICIES** that swelled prison populations and prison spending in California, and across the nation, the Golden State has made big changes over the last decade to reenvision its approach to criminal justice. Formerly home to one of the largest prison crowding crises in U.S. history, California now stands at the forefront of a growing national trend toward reduced incarceration and rebalanced priorities to achieve public safety.

The large-scale policy shifts that have made California a leader in criminal justice reform include:

- **State parole reform** (2009) creating a form of non-revocable state parole;
- **Public Safety Realignment** (2011) shifting responsibility for managing people convicted of lower-level felony offenses from state prisons to county jail and probation systems;
- Voter-enacted ballot initiatives including:
  - **Proposition 36** (2012) changing the 1994 Three Strikes law to authorize a third strike (which can result in a sentence of 25 years to life in prison) only if the offense is serious or violent in nature;
  - **Proposition 47** (2014) changing six nonviolent crimes from felonies to misdemeanors, reallocating resulting prison cost savings to prevention, treatment and trauma recovery services, and giving people with old nonviolent felony convictions the opportunity to remove the felony from their records; and
  - **Proposition 57** (2016) prohibiting prosecutors from filing juvenile cases in adult court; authorizing parole review consideration for people in state prison for nonviolent crime convictions; and increasing earned time credit for people in state prison to become eligible for parole consideration earlier based on participation in education or rehabilitation programs;
- **Dozens of legislative reforms** that are reducing extreme sentencing for young adults, changing drug laws, reducing probation violation penalties and increasing alternatives to incarceration.

**“For over 40 years, I have thought about crime and our prison system. I was the one who signed the new laws in 1977, and I know that our current system of fixed, rigid sentences—changed constantly by politicians—doesn’t work. Proposition 57 will change this and make our communities safer.”**

California Governor Jerry Brown, op-ed *The Mercury News*, October 21, 2016

The justice reform movement that achieved these bold statewide changes has been unprecedented: a multi-faceted effort involving people from all walks of life, including community activists, advocacy organizations, forward-thinking law enforcement leaders, faith leaders, service providers, public officials at both the state and local level, and many more.

Beyond policy shifts, this robust movement has spurred systems change, culture change—and controversy. California now stands at a new defining moment. Entrenched interests are pushing to have the state turn back the clock on justice reform by rebuilding the architecture of over-incarceration.<sup>1</sup> Meanwhile, leaders in reform see an urgent need to go further, to build a new public safety infrastructure on the values, priorities and science that have bolstered the reforms of the past decade.

To finally achieve an effective, fair and holistic public safety strategy, California has much more work to do. Spending on prisons and jails continues to be extremely high. Many thousands of people remain incarcerated with little public safety rationale. Most importantly, imbalanced spending means California’s diverse communities still lack the prevention and health infrastructure needed to stop the cycle of crime and support community wellbeing.

**“The biggest gift of the day is for people to remove the ‘Scarlet F’ too many with a felony record continue to wear. Proposition 47 is a light in the mass incarceration keyhole.”**

Susan Burton, founder and executive director, A New Way of Life Reentry Project, op-ed, *LA Progressive*, September 27, 2015





## The Red Herring: Crime Rates and Justice Reform

The continued resistance to holistic reform is often anchored in misunderstandings about the relationship between criminal justice policy and crime rates. A robust base of evidence shows that high incarceration rates do not drive declines in crime,<sup>2</sup> despite the “tough on crime” rhetoric that dominated the criminal justice debate in the 1980s and 90s.

**“[T]he evidence base demonstrates that lengthy prison sentences are ineffective as a crime control measure.”<sup>3</sup>**

**National Academy of Sciences**

In fact, over the past decade, 27 states that have reduced imprisonment have seen continued reductions in crime.<sup>4</sup> California has led the charge: cutting its prison population by 25%,<sup>5</sup> its jail population by 10%,<sup>6</sup> its parole population by 64%<sup>7</sup> and its number of felony criminal filings by 22%<sup>8</sup>—all alongside a violent crime decline exceeding the national average.<sup>9</sup> While the rate of decline has slowed in recent years, violent and property crime rates are at a historic low and violent crime has declined in 20 of the past 23 years.<sup>10</sup>

**“We can reduce both crime and incarceration.”**

**Jeff Rosen**, Santa Clara County District Attorney, op-ed, *The Mercury News*, October 29, 2015

Recent year-to-year fluctuations in crime rates have caused some to suggest crime shifts have been caused by criminal justice reforms. However, researchers have not found a causal link between crime trends and the recent wave of reforms, with the possible exception of some auto theft trends. Notably, after a one-year uptick in some crime rates following the implementation of Public Safety Realignment, statewide crime rates decreased again the next year, while the reform remains state law.<sup>11</sup>

California’s crime rates are lower today than in 2010, just prior to its most significant criminal justice reforms. Although crime trends vary from place to place, about 58% of California jurisdictions have successfully reduced property crime throughout the reform period.<sup>12</sup> This shows that reducing incarceration has not prevented most jurisdictions from combating crime.

While over-incarceration doesn’t improve crime trends, it does harm communities, especially communities of color. In California, African American men are incarcerated at nine times the rate—and Latinos at twice the rate—of their white counterparts.<sup>13</sup>

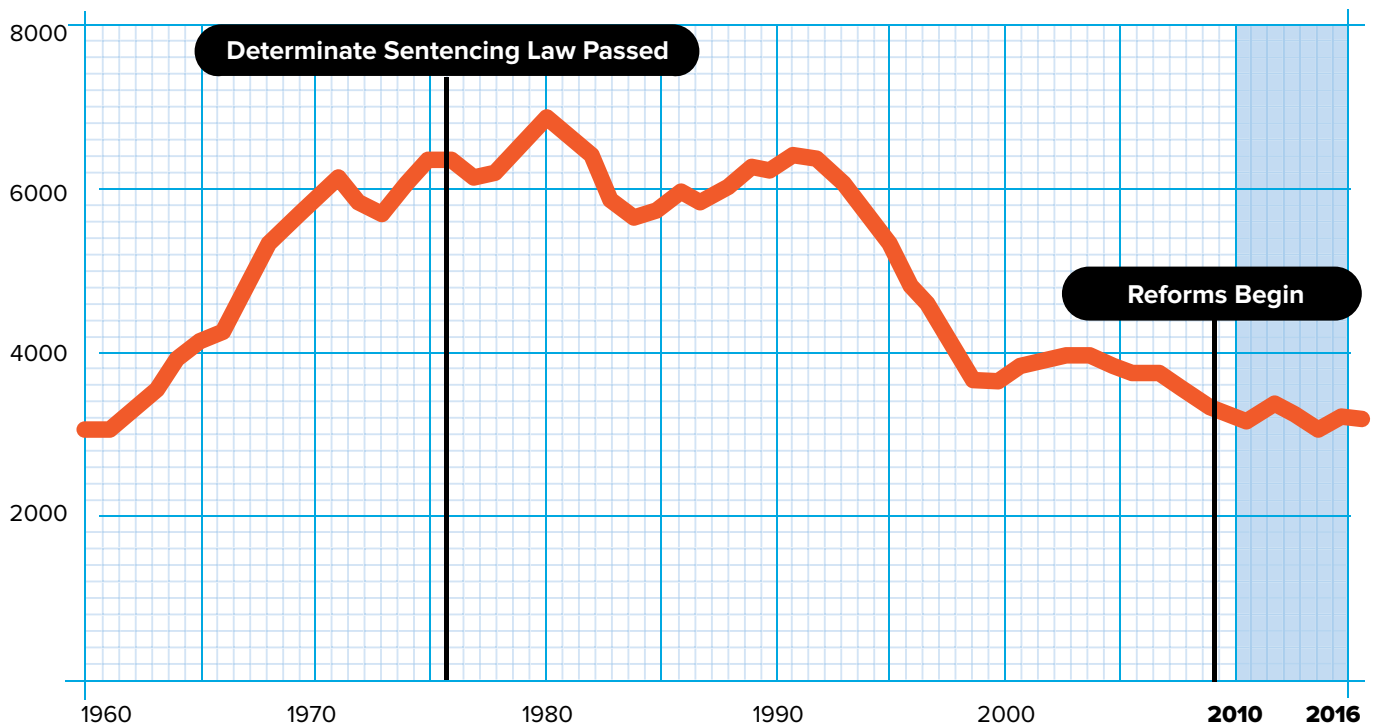
“Many features of the U.S. criminal justice systems—including unwarranted disparities in imprisonment, invidious bias and stereotyping, police drug arrest practices, and racial profiling—disproportionately affect blacks and Hispanics.”<sup>14</sup>

National Academy of Sciences

Incarceration can cause severe physical and mental harm,<sup>15</sup> destabilizing families and reducing access to housing and employment on release.<sup>16</sup> These impacts are not only felt by the incarcerated individual but intergenerationally, by loved ones, children and community.<sup>17</sup>

## California’s crime rate is maintaining a historic low<sup>18</sup>

California Crimes Reported  
Rate Per 100,000 Population



## The Real Problem: Health and Safety Gaps in Local Communities

Crime debates aside, there is near-universal agreement among safety and justice experts, advocates and diverse Californians that the lack of support for communities impacted by both crime and incarceration is untenable. Many drivers of crime are knowable and preventable. Yet instead of focusing on holistic crime prevention, **California’s imbalanced safety investments are, at best, ignoring the cycle of crime—and, at worst, subsidizing it.**

Too many Californians are vulnerable to the cycle of crime, and poor communities are especially hard hit. One in five Californians live in poverty—the highest poverty rate in the nation.<sup>19</sup> Especially vulnerable are people struggling with mental health issues, substance abuse, or unaddressed trauma, combined with economic or housing instability. These populations suffer from the shortage of mental health professionals and programs and lack access to substance abuse treatment.<sup>20</sup> Most crime survivors have little to no access to trauma recovery or other forms of recovery assistance.<sup>21</sup> People exiting the justice system with conviction records face debilitating barriers to employment, housing and other supports known to drive down recidivism.<sup>22</sup>

It is time to stop masking bloated incarceration budgets as the best way to protect the public and rethink the site of our public safety investments. Working together to build safety for all requires deepening our understanding of who is most vulnerable and what it will take to truly break cycles of harm. Now is the time for California’s leaders to invest in a broader set of safety priorities and to embrace deeper reforms that will finally allow the state to replace over-incarceration with shared safety—a safety that provides protection from harm to vulnerable Californians, and that is rooted in community health and wellbeing.

**“[W]e need a new way of thinking about what community safety truly means...Just as the word peace means more than the absence of war, and health means more than the absence of disease...safety means more than an absence of crime.”**

**Dr. Robert K. Ross**, President and CEO, The California Endowment,  
op-ed, *Los Angeles Times*, November 1, 2016

## Achieving Public Safety Requires **More Bold Change**

There is perhaps no greater responsibility of local government than protecting public safety. To do so effectively, criminal justice reforms must involve shifting financial resources toward building community wellbeing and preventing crime if they are to succeed. This report describes a variety of strategies to safely reduce the number of people in the justice system, while saving billions in prison costs. With further rebalancing, California will attain the investments necessary for a new safety infrastructure built on prevention, mental health and substance abuse treatment, trauma support for survivors, housing, and economic opportunity.





## California Legislature, Voters Delivering on Criminal Justice Reforms

Over the past decade, a broad alliance of advocacy organizations working collaboratively in communities and in the State Capitol have spurred on California’s political leaders and the electorate to undertake a transformation of the state’s criminal justice system. Below is a list of some of the big reforms achieved legislatively in the past few years—there are many more.<sup>23</sup>

Each of the legislative reforms and voter-enacted ballot initiatives highlighted addressed critical policy issues such as jail and prison overcrowding, extreme sentencing for young adults, over-criminalization and unnecessarily punitive sentencing for low-level drug and property offenses and technical probation and parole violations, and increasing the availability of alternatives to incarceration focused on reducing recidivism through rehabilitation. Each represents a significant reform in its own right, with real and measurable impact.

**Leaders from across the state have made this possible, including the following advocacy groups and associations—there are many more:**

- |   |   |
|---|---|
| <b>A New Way of Life</b>                            | <b>Essie Justice Group</b>  |
| <b>All of Us or None</b>                            | <b>Friends Committee on Legislation</b>   |
| <b>American Civil Liberties Union</b>               | <b>Human Rights Watch</b>   |
| <b>Anti Recidivism Coalition</b>                    | <b>Immigrant Legal Resource Center</b>  |
| <b>California Attorneys for Criminal Justice</b>    | <b>Justice Advocacy Project at Stanford Law School</b>  |
| <b>California Calls</b>                             | <b>Legal Services for Prisoners with Children</b>   |
| <b>California Public Defenders Association</b>      | <b>Los Angeles Chamber of Commerce</b>  |
| <b>California Immigrant Policy Center</b>           | <b>National Center for Youth Law</b>  |
| <b>California State Conference of the NAACP</b>     | <b>UnidosUS (Formerly National Council of La Raza)</b>  |
| <b>Californians for Safety and Justice</b>          | <b>National Employment Law Project</b>  |
| <b>Californians United for a Responsible Budget</b> | <b>Pacific Juvenile Defender Center</b>   |
| <b>Center on Juvenile and Criminal Justice</b>      | <b>PICO California</b>  |
| <b>Chief Probation Officers of California</b>       | <b>Post-Conviction Justice Project of the University of Southern California Gould School of Law</b> |
| <b>Children’s Defense Fund</b>                      | <b>Prison Law Office</b>  |
| <b>Coalition for Humane Immigrant Rights</b>        | <b>SEIU</b>   |
| <b>Community Coalition</b>                          | <b>William C. Velázquez Institute</b>   |
| <b>Courage Campaign</b>                             | <b>Youth Justice Coalition</b>  |
| <b>Drug Policy Alliance</b>                         | <b>Youth Law Center</b>   |
| <b>Ella Baker Center for Human Rights</b>           |   |
| <b>Equality California</b>                          |   |

## Reforms to Reduce Over-Incarceration in State Prison and Discriminatory Sentencing

- SB X3-18 (Ducheny - 2009) created a form of non-revocable parole.
- AB 109 (Committee on Budget - 2011) diverts large numbers of people from prison and parole to county jails and probation through “Realignment.”
- Prop 36 (2012) revised the three strikes law to require that the third strike be serious and/or violent.
- SB 1010 (Mitchell - 2014) eliminated the crack and powder cocaine sentencing disparity.
- SB 1310 (Lara - 2014) reduced deportations of individuals convicted of low-level misdemeanors.
- Prop 47 (2014) reclassified simple drug possession and low-level property crimes as misdemeanors and reallocated prison spending to treatment, victim services and education, thereby reducing the state prison population by about 4,500 people..
- Prop 57 (2016) increased time credit earning and expanded parole eligibility for people convicted of nonviolent crimes.
- SB 239 (Weiner - 2017) eliminated criminal laws that target and punish people living with HIV who engage in consensual sexual.

## Reforms to Reduce Sentences/Punishment for Nonviolent, Non-serious Crimes

- SB X3-18 (Ducheny - 2009) increased the threshold values for property crimes for property crimes, and removed people convicted of certain low-level offenses.
- SB X3-18 (Ducheny - 2009) removed people convicted of certain low-level offenses from active parole supervision.
- SB 180 (Mitchell - 2017) the “RISE Act,” eliminates certain drug sentence enhancements.
- SB 620 (Bradford - 2017) allows judges’ discretion on whether to apply gun sentence enhancements.

## Reforms to Reduce Over-Incarceration of Youth and Young Adults and Increase Their Opportunities for Rehabilitation

- SB 9 (Yee - 2012) prohibits life without the possibility of parole for juveniles. Supported by SB 260 (2013) created a youth parole hearing process for individuals who were under 18 when they committed a crime for which they received a lengthy or life sentence.
- SB 261 (Hancock - 2015) extends youth parole hearings to individuals who were under 23 when they committed a crime for which they received a lengthy or life sentence.
- SB 382 (Lara - 2015) established just criteria for judges to consider when determining whether a minor should be charged as a juvenile or an adult.

## Reforms to Support Crime Survivors, Reduce Crime and Support Communities by Assisting Victims and Improving Access to Mental Health Care and Other Opportunities for Rehabilitation

- SB 678 (Leno - 2009) created incentive funding for counties to reduce the number of people returned to prison for felony probation violations.
- SB 71 (Committee on Budget and Fiscal Review - 2013) created a funding stream to develop statewide Trauma Recovery Centers.
- AB 752 (Jones-Sawyer - 2013) increased the number of individuals in county jails participating in work furlough programs.
- AB 218 (Dickinson - 2013), the “Ban the Box” law, prohibits employers from inquiring about an applicant’s prior convictions during the job application process.
- AB 720 (Skinner - 2013) facilitated Medi-Cal enrollment of eligible individuals in county jails.
- SB 1161 (Beall - 2014) expanded mental health and substance use disorder treatment services for Californians eligible for Medi-Cal who are in need of, or are currently seeking, treatment.
- SB 1310 (Lara - 2014) reduced deportations of individuals convicted of low-level misdemeanors.
- SB 843 (Committee on Budget and Fiscal Review - 2016) created three Law Enforcement Assisted Diversion (LEAD) pilot programs that offer people suffering from drug addiction alternatives to incarceration
- AB 340 (Arambula - 2017) establishes an advisory working group to develop tools and protocols to screen and treat children for trauma.
- AB 1384 (Weber - 2017) provides programmatic guidelines for Trauma Recovery Centers funded by the Victims Compensation Board.
- AB 1008 (McCarty - 2017) prohibits employers from inquiring into or reviewing a job applicant’s conviction history until after the applicant has received a conditional offer.
- AB 1115 (Jones-Sawyer - 2017) gives thousands of Californians with prior convictions increased opportunities to expunge their criminal record after demonstrating their commitment to rehabilitation.
- SB 54 (De Leon - 2017) the “California Values Act,” prohibits state and local law enforcement agencies, including school police and security departments, from using money or personnel to investigate, interrogate, detain, detect or arrest persons for immigration enforcement purposes.
- SB 238 (Hertzberg - 2017) gives discretion to law enforcement to transport low-risk individuals suffering from a mental health or substance abuse crisis to a hospital or other urgent care facility for mental health evaluation and treatment, instead of jail. Supported by the Los Angeles County District Attorney.

## Reforms to Reduce Incarceration Costs for Local Governments

- SB 678 (Leno - 2009) created incentive funding for counties to reduce the number of people returned to prison for felony probation violations.
- AB 720 (Skinner - 2013) facilitated Medi-Cal enrollment of eligible individuals in county jails.
- AB 752 (Jones-Sawyer - 2013) increased the number of individuals in county jails participating in work furlough programs.

# ▶ DEEPEN CRIMINAL JUSTICE REFORM

**IN THE PAST DECADE, CALIFORNIA HAS PASSED GROUNDBREAKING REFORMS** that have scaled down its prison population by 25% while maintaining historically low crime rates. Laws including Public Safety Realignment and Propositions 36, 47 and 57 acknowledge over-incarceration wastes taxpayer dollars and may actually increase crime by imposing harm on individuals, families, and communities.<sup>24</sup> While these innovations have ushered in change, much deeper reforms are needed.

## Over-Incarceration Remains

In 2016, over 200,000 people were held in California's prisons and jails and over 300,000 were under some form of community-based correctional supervision, including county probation and state parole.<sup>25</sup>

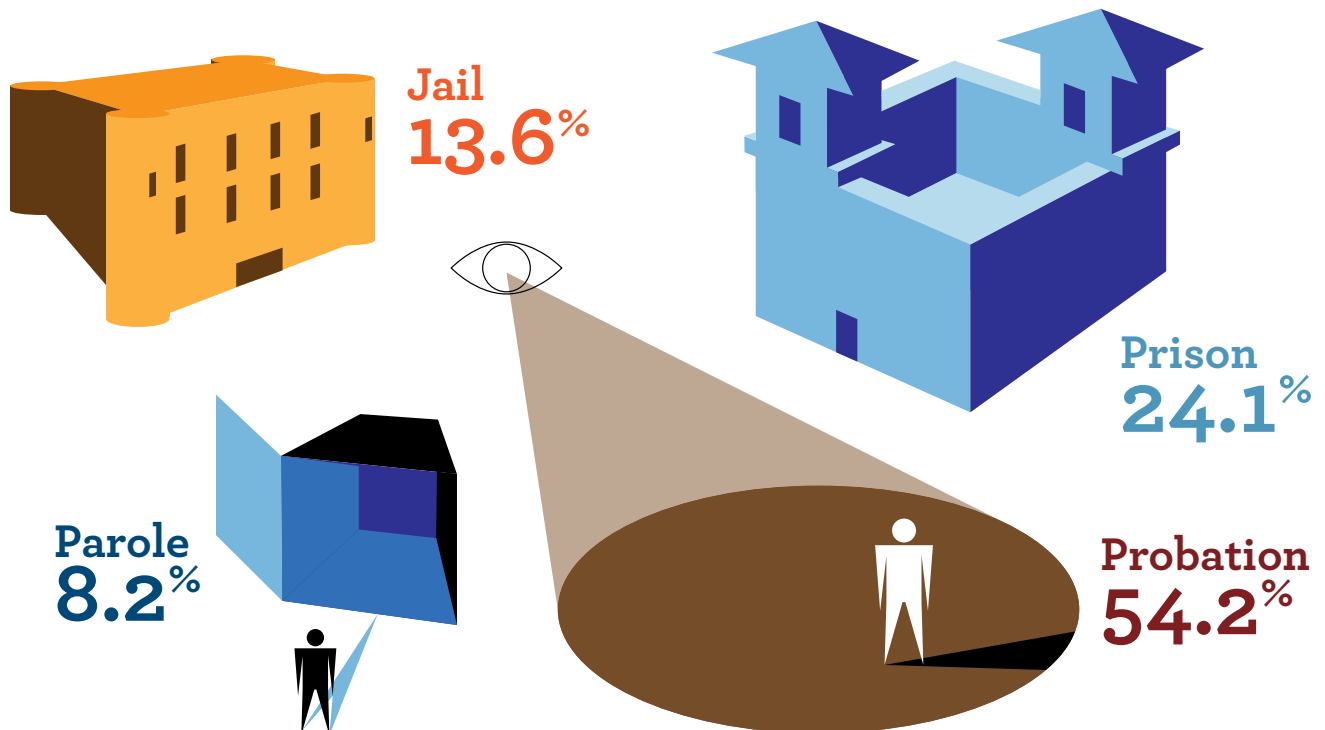
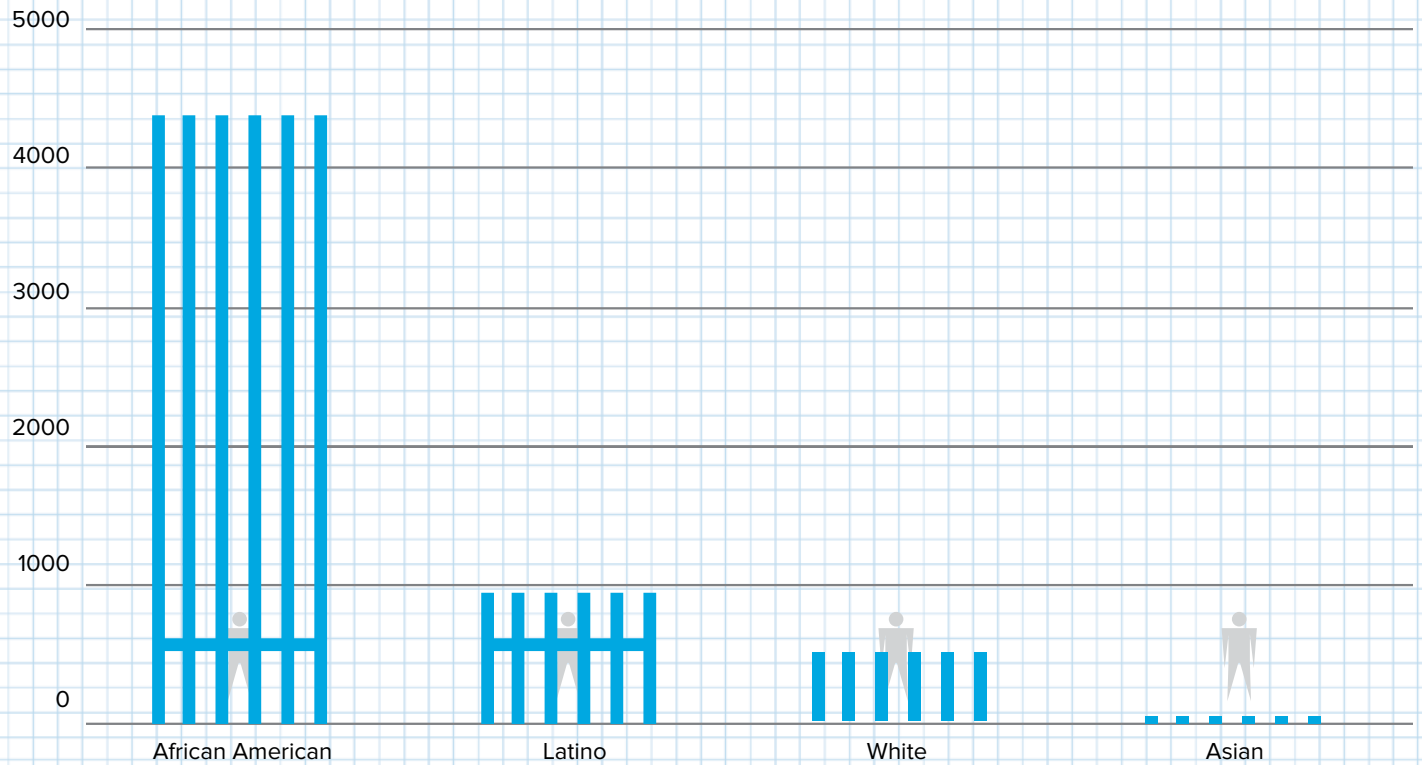
Even though crime rates now are at a similar level as they were in 1960, the state incarceration rate is three times higher than it was back then. California's incarceration rates peaked in 2007 at 469 per 100,000 population. Today, the incarceration rate stands at about 330 per 100,000 population,<sup>26</sup> a measurable but insufficient decline. For African American men, the rate is far worse than the statewide average: 4,367 per 100,000 population; for Latinos, it is 922. That's nine times higher for African Americans and twice as high for Latinos than whites.<sup>27</sup>

**Criminologists agree: high rates of incarceration do not reduce crime.**<sup>28</sup> In fact, researchers estimate that California's heavy reliance on incarceration has yielded diminishing returns since 1980 when the state incarceration rate was 91 per 100,000 population. Since 1990, the impact of the state's incarceration rate on crime has been essentially zero.<sup>29</sup>

The negative consequences of continued high incarceration rates go far beyond failing to have a measureable impact on crime. High incarceration rates also have significant negative impacts on the families and children of people in the justice system. Incarcerated people and people with conviction records have shorter life expectancies and suffer significantly higher rates of chronic illness.<sup>33</sup> The children of adults in the justice system also fare far worse in health outcomes, academic success, social mobility and life expectancies.<sup>34</sup>

## Racial disparities in state incarceration persist<sup>30</sup>

State Incarceration Rate per 100,000 Population



California's adult correctional system supervised about 540,000 people<sup>32</sup>

## Crowded Jails are a Feature of Local Criminal Justice Systems

**34** jails in California in 21 counties were operating over capacity in December 2016.

California jails emergency released **5,800** individuals due to overcrowding in the month of December 2016.

**64%** of California's jail population is awaiting trial or sentencing as of December 2016; many people remain in custody pretrial because they cannot afford bail.

Only **29 of 58** counties provide all four core pretrial release services (eligibility screening, validated risk assessment, court recommendations and community supervision) and even in those counties capacity is limited to reach all potentially eligible pretrial jail people and place them into pretrial release programs.

BSCC. (2017). Jail Profile Survey. <http://www.bscc.ca.gov/>; Californians for Safety and Justice. (2015). Pretrial Progress: A Survey of Pretrial Practices and Services in California. Californians for Safety and Justice.

## Local Safety Solutions Lacking

Local criminal justice systems need a range of responses that are graduated, proportional and risk-based to hold individuals accountable. These responses should replace one-size-fits-all penal code sentencing mandates with consideration of individual case circumstances and risk factors. The most effective responses prioritize addressing the potential risk for reoffending and include appropriate treatment to reduce recidivism.<sup>35</sup>

While state prison incarceration remains stubbornly high, some of the 25% decline in state imprisonment has increased pressure on local justice systems: some state reforms have resulted in people who would have previously been to state prison now being held in local criminal justice systems. For many counties, high state prison commitment rates have now been replaced by high county jail rates—a change in address but not a more effective solution.

Local corrections agencies have seen the scope of their roles shift with the changing needs of a growing population, but too often this has not been accompanied with adapting practices to increase the use of graduated sanctions or alternatives to incarceration. Many counties struggle with jail crowding and high rates of recidivism.

Local and state leaders can take immediate steps to rebalance the state's approach to safety. The key reforms described in this section would further reduce over-incarceration both locally and in the state prison system while expanding more effective options to stop the cycle of crime.

# Local Reform: Expand Options Beyond Incarceration

Local criminal justice systems need a range of options beyond incarceration to effectively hold individuals accountable for their crimes and to stop the cycle of crime. While jail time is needed in some instances, evidence suggests that diversion or alternative sentencing works better than jail for the majority of people who commit lower-level offenses or who are a lower-risk to public safety.<sup>36</sup> Some research even maintains that jail can make matters worse—the environment can increase criminality for lower-risk populations.<sup>37</sup>

Local jurisdictions need responses that are graduated, effective and proportional to the seriousness of the offense. These responses should address the potential risk for reoffending and include appropriate treatment to reduce the risk of recidivism.<sup>38</sup> Incarceration must be reserved for the smaller number of high-risk individuals when there are no effective alternatives.

Nearly every county in California has some alternative options, whether it's a diversion program, homeless outreach, community courts or supervised community probation combined with treatment. The big challenge is bringing these options to scale. Too often, these programs are only capable of reaching a small number of people who may be eligible.

Rough estimates indicate that 35% to 65% or more of individuals arrested and jailed on any given day have an underlying mental health or substance use disorder.<sup>39</sup> Homelessness also contributes significantly to the likelihood of entering the criminal justice system; homeless individuals are arrested more often, incarcerated longer, and re-arrested at higher rates than those with stable housing.<sup>40</sup> Despite the frequency of these underlying drivers of crime, the local programs and infrastructure needed to detect and resolve these issues is sorely lacking.

**To reduce the flow of people into the justice system and the burden on local justice system resources, state leaders should conduct a comprehensive study on the number of people entering the system with mental health needs, substance use disorders or homelessness issues and the local strategies used.** Local jurisdictions must be incentivized to adopt alternative responses to these problems. A number of promising models are described below.

## Expand First Response Options at the Point of Contact

Police are frequently the sole first responders called to handle complex social challenges that they alone are ill-equipped to resolve. Few law enforcement agencies have options beyond citation and release or taking individuals into custody and transferring them to jail. Many of these scenarios involve crises for which treatment, counseling, conflict mediation or other options would work better to stop recidivism than arrest and jail time. Jail often exacerbates illness, addictions, and behavioral challenges<sup>41</sup> that social workers, crisis interventionists and mental health experts are often better equipped to address.

### 1. Integrate mental health and crisis intervention in emergency response services.

Emergency services can be expanded to provide a first response alternative to law enforcement through 911 dispatch that is mobile, accessible 24/7, and staffed by first responders trained in mental health and crisis intervention who can intervene and de-escalate situations without making an arrest.<sup>42</sup> A police department directive to avoid making arrests in situations where mental health is a factor, coupled with appropriate diversion services, can lead to lower arrest rates and can increase access to mental health treatment.<sup>43</sup> In California, about 5,000 individuals in local jails are being detained in designated parts of the jail for people with mental health issues on a given day.<sup>44</sup> Many of these individuals may be more appropriate candidates

for mental health treatment outside of the jail to more effectively address their mental health needs and reduce the burden on jails. The potential for programs like Los Angeles' Systemwide Mental Assessment Response Teams (SMART) (see page 24 for details) to be scaled up or replicated in other jurisdictions should be evaluated.

## **2. Establish crisis stabilization centers and detoxification centers.**

As alternatives to jail, these centers can help stabilize people experiencing temporary crises and are operated by treatment experts, trauma-informed and accessible to law enforcement.<sup>45</sup> A national model in Bexar County, Texas (a county with a population of about 1.8 million, which is comparable to Alameda or Sacramento County in California) was able to divert 26,000 people per year from jails and emergency rooms and save more than \$10 million annually.<sup>46</sup>

## **3. Expand law enforcement pre-booking diversion options such as LEAD.**

In pre-booking diversion programs such as Law Enforcement Assisted Diversion (LEAD), police refer people committing low-level drug and prostitution crimes with underlying substance abuse or mental health issues to community-based health and social services rather than arrest them. Participants engage in supervised programming to address their crime drivers and stabilize. Five-year follow-up studies of pilot programs in Washington State report substantial reductions in recidivism.<sup>47</sup> In 2016 Governor Brown authorized the development of LEAD pilot programs for four California jurisdictions.<sup>48</sup> That same year, statewide, California law enforcement made 37,695 felony and 176,023 misdemeanor drug offense arrests, and 7,256 misdemeanor arrests for prostitution—all potentially LEAD-eligible depending on the specific circumstances.<sup>49</sup> Even assuming a very low percentage of these arrests were found to be eligible cases: just a 10% eligibility rate would translate to over 22,000 individuals diverted from local jails and criminal courts to drug treatment and other social services.







## Coordinated response to mental health crises can improve access to treatment

For over four decades, the Los Angeles Police Department (LAPD) has deployed its Mental Evaluation Unit (MEU) to assist police officers with mental health calls for service. MEU's Triage Unit assists officers in real time and has access to both justice system and mental health system databases to inform street-level responses and coordinate care. In 1993, the LAPD and Los Angeles County Department of Mental Health developed police/mental health teams called Systemwide Mental Assessment Response Teams (SMART). SMART intentionally links individuals with mental health diagnoses to services in their community. In 2001, the LAPD implemented a Crisis Intervention Team program that is made up of volunteer community members.<sup>50</sup> In 2015, MEU assisted with over 16,000 calls for service, and SMART teams responded to over 5,000.

## Jail diversion can save millions of dollars annually

The Bexar County Jail Diversion Program in Texas serves individuals with substantial mental health problems rather than housing them in jail. This nationally-recognized program involves a number of partners, including city, county, and state government officials, law enforcement and criminal/civil courts, private and state hospital facilities, and advocacy programs. The four key entry points into diversion are through Crisis Intervention Teams (CITs), Deputy Mobile Outreach Teams, Pretrial Services, and the Central Magistration Facility. Each of these entities uses an array of screenings and assessments to determine eligibility for diversion. The diversion program diverts 26,000 people per year from jails and emergency rooms and saves more than \$10 million annually.<sup>51</sup>



## Police retool to treat drug addiction as a health problem

In recent years law enforcement has innovated new approaches to address drug-related crimes that do not involve the criminal justice system.

**Law Enforcement Assisted Diversion (LEAD)** is a pre-booking diversion pilot program that connects people who commit repeat, low-level drug crimes to community-based health and social services as an alternative to jail and prosecution.<sup>52</sup> Five years after enrolling in the program, LEAD participants report 58% lower odds of being arrested, 34% lower odds of being arrested for a new offense, and 39% lower odds of being charged with a felony.<sup>53</sup>

**Medication-Assisted Treatment (MAT)** combines behavioral therapy with proven medications to treat addiction, improve health outcomes and prevent relapse.<sup>54</sup> A Baltimore study found that increasing the availability of opioid treatments assisted with buprenorphine and methadone significantly correlated to a reduction in overdose rates by half.<sup>55</sup> MAT is widely considered among the most effective forms of treatment for opioid addiction.<sup>56</sup>



## Refocus the role of the prosecutor

Prosecutors hold enormous power and discretion in the criminal justice system: they alone decide whether to bring criminal charges, what charges to bring, and what punishment to seek.<sup>57</sup>

**Seven in ten victims prefer that prosecutors focus on solving neighborhood problems and stopping repeat crimes through rehabilitation, even if it means fewer convictions and prison sentences.<sup>58</sup>**

Across the country, new prosecutors have begun promoting a different approach to their role, shifting their focus from securing convictions to solving crime problems in collaboration with the community. They are also working to expand options beyond incarceration that can hold people accountable, address the harm caused, and reduce repeat offending.<sup>59</sup>

Prosecutors can refocus their role by evaluating the amount of time they spend on lower-level crimes for which there may be a community solution and identifying the potential, underlying drivers of common criminal activity so those drivers can be addressed holistically in partnership with communities and other system leaders.

Additionally, prosecutors should evaluate the plea bargaining process to ensure it is fair and proportionate, and implement evidence-based approaches to prosecutions, including reserving the decision to file criminal charges and seek jail or prison time for high-risk, high-harm individuals.

## Prioritize Jail Space for Public Safety, Not Poverty

Investments in jail expansion have skyrocketed across the state in the past decade.<sup>60</sup> Historically used for short-term custody, including for individuals who have not been convicted and are awaiting their criminal trials or people serving misdemeanor sentences, jails under the 2011 Public Safety Realignment law now also house people serving sentences for some lower-level felony crimes. These sentences are longer than misdemeanor sentences. Consequently, the number of people entering jails that serve sentences longer than a year or more has increased.<sup>61</sup>

Prior to Realignment, many jails were already overcrowded or at capacity. After it's passage many local jurisdictions experienced increased jail populations and sought to expand jail capacity. **Since 2007, California has allocated more than \$2.5 billion to pay for additional or replacement jails in almost every county.**<sup>62</sup>

Proposition 47 alleviated some jail overcrowding by reducing six minor crimes from felonies to misdemeanors.<sup>63</sup> But the underlying crisis of crowded jails and moves toward jail expansion continues to persist across the state.

As counties grapple with jail populations, a key underlying question has been underexamined: who are the majority of people in county jails? Jails, like state prisons, are also unsuitable to resolve many underlying crime drivers. For too many people in county jails, their crimes were related to addiction or mental health issues, combined with poverty or homelessness. Many more people are in county jails because they cannot afford to pay bail, so they await their trials in jail for days, weeks and months at a time.<sup>64</sup>

**Sixty-four percent of people in California jails are being held pretrial.**<sup>65</sup> California detains a greater percentage of its pretrial population than the rest of the country: of the total number of arrestees pending trial, California detains 59% and releases only 41%, exceeding the national average.<sup>66</sup>

A focus on the pretrial population is critical to reducing over-incarceration in county jails. Overuse of pretrial detention wastes jail space on individuals that may be safe for release if they could afford bail. It has been shown to reduce public safety because detained individuals who serve jail time are more likely to commit crimes than if they had been released pretrial.<sup>67</sup> Pretrial detention also exacts heavy financial and social tolls.<sup>68</sup> High rates of pretrial detention costs to counties include booking, screening, housing, clothing, and feeding low-risk individuals, many who have special mental and physical health needs.<sup>69</sup> Pretrial detention disrupts people's work and personal lives leading to further instability; they often lose employment, housing, transportation, child support and other resources.<sup>70</sup>



### **Napa:** Reaping the benefits of pretrial risk assessment

Individuals arrested for a new felony offense in Napa are screened and assessed by pretrial services staff within the probation department who prepare daily reports for an on-call judge. In these reports, release recommendations are made based on assessed risk, allowing the on-call judge to make a decision within 24 hours. Napa's pretrial release program also provides risk-based supervision, with success rates consistently above 90%. Countywide crime rates have stabilized.<sup>73</sup>

If California reduced its pretrial detention population by just 10%, local criminal justice systems could save about \$550,000 per day on average.<sup>71</sup> Santa Clara County found that providing pretrial services cost just \$15-\$25 per day compared to \$204 for jail. It saved \$33 million in six months by keeping 1,400 defendants out of jail, while maintaining a 95% court appearance rate and no decline in public safety.<sup>72</sup>

## **Expand Graduated Responses and Reduce Pressure on Probation Systems**

In California, the vast majority of convictions for criminal law violations result in a sentence including probation. In 2016, there were 137,415 felony convictions, 66% of which resulted in sentences of straight probation or probation and jail.<sup>74</sup>

Probation is a community supervision sentence—meaning the person is not incarcerated but typically is required to report to a probation officer that supervises the individual, remain crime-free and, in some instances obey curfews, participate in drug testing or meet other individualized requirements such as treatment. The vast majority of people on probation are on what is called “administrative” probation, meaning the probation officer has hundreds of cases that are not actively supervised and the person on probation is not participating in treatment programs. Recent state reforms have increased the number of individuals with higher risks and needs on probation, and requiring more active supervision by probation officers.<sup>75</sup>

Many probation departments are expanding tailored supervision and developing “graduated responses” to manage people on probation who are higher-risk to reoffend—requiring frequent check-ins, more required programming combined with supervision, and quick sanctions when people violate the terms of their probation.

With the changing role of probation and the changing needs of the population of people on probation as incarceration declines, additional reforms would reduce pressure on probation departments with high caseloads and allow for more focused supervision for people who are higher-risk.

## 1. Set shorter probation terms.

Currently, felony probation terms carry a maximum of five years.<sup>76</sup> In 2016, there were 190,600 people on felony probation serving an average three year-term.<sup>77</sup> Research indicates these probation terms are too long and serve little public safety benefit. People are at greatest risk of new law violations in the first few months of supervision; after 15 months, the public safety benefits decrease.<sup>78</sup> Experts suggest that frontloading resources within the first six months to a year of supervision and shortening sentence lengths overall will promote positive safety outcomes.<sup>79, 80</sup> If California set a maximum probation term of 12 to 18 months for misdemeanor probation and 18 to 24 months for felony probation, this would enable probation departments to focus supervision and services to those who are high-risk. According to one study, the approximate annual cost of probation is \$4,500 per person, so reducing the average length of felony probation terms by just one year could potentially avert about \$800 million annually—resources that could help provide more intensive supervision to people on probation that are high risk.<sup>81</sup>



### Contra Costa: Success with shorter probation terms

Contra Costa County's judges issue a significant number of probation sentences that are 24 months or less, shorter probation terms compared to other counties. These shorter terms, which include targeted treatment, have contributed to countywide lower recidivism rates and high probation completion and termination rates.<sup>88</sup>

## 2. Continue Expanding Graduated Responses to Probation Violations.

Many new commitments to prisons and jails are for probation violations.<sup>82</sup> In some cases, probation violations are technical, such as failing to pay fees, missing probation appointments, or failing to complete a treatment program or drug test.<sup>83</sup> Some of these violations could be effectively handled through graduated responses instead of a return to incarceration. The Chief Probation Officers of California has been leading legislative and systems change reforms to expand effective graduated responses to reduce the burdens on jails and prisons of probation violations. Community service or more intensive supervision can hold individuals accountable without interrupting stabilizing factors such as employment or housing, while returns to incarceration—especially prison—may increase recidivism.<sup>84</sup> Probation agencies can also use graduated incentives—earned compliance credits—to reinforce positive change.<sup>85</sup> While progress has been made, 30% of prison admissions in California are still for probation violations, some of which may be avoidable.<sup>86</sup> If the state could further reduce these admissions by one-third, this could amount to a reduction of about 3,600 prison admissions annually.<sup>87</sup>



### Sacramento: Probation One Stop Shop Reduces Recidivism

Sacramento Probation Department's Adult Day Reporting Centers offers case management, counseling, treatment, programs and education—all delivered in one centralized location. The department partners with community organizations to provide evidence-based services including vocational and job training, post-traumatic stress counseling, and individually tailored treatment. Eighty-eight percent of participants have no new criminal convictions during their first year back in the community.<sup>89</sup>

# Sentencing Reform: From Lengthy and Ineffective to Evidence-Based and Smart

Between 1984 and 1991, more than 1,000 felony sentencing laws were passed, including more than 100 sentence enhancements across 21 separate sections of California law.<sup>90</sup>

Voters and state leaders ushered in these “tough on crime” laws, such as the state’s infamous Three Strikes law, based on the argument that they would reduce crime and protect victims. But decades later, experts agree the primary impact has been ballooning incarceration rates, especially for communities of color, and excessive state prison spending—all without offering a substantial public safety benefit.

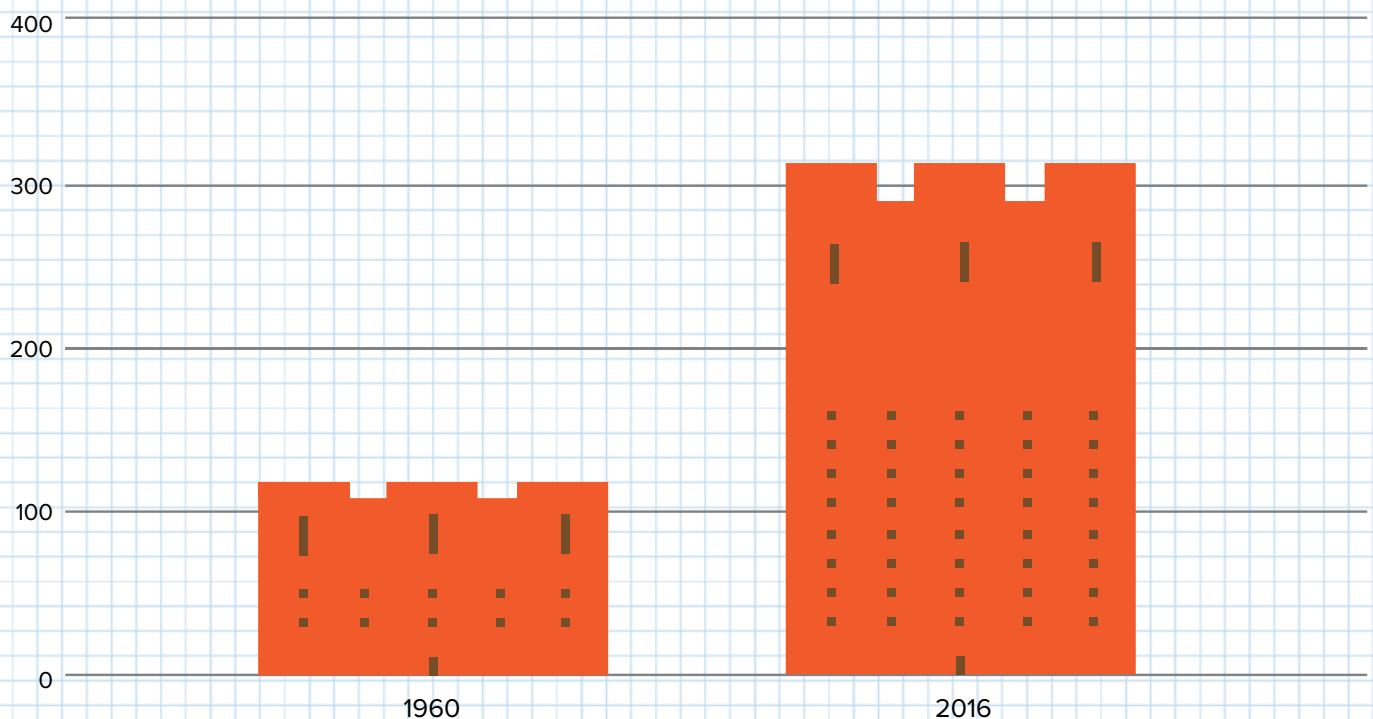
Today, many national experts are urging policymakers to reconsider mandating lengthy sentences and permit greater discretion.<sup>91</sup> This would allow for sentencing to be proportionate to the harm caused and aligned with what evidence suggests would most effectively reduce repeat offending and keep communities safe.<sup>92</sup>

## What the Research Says: Most of the Time, Shorter is Smarter

**Research shows that longer sentences do not reduce recidivism more than shorter sentences—and may actually increase recidivism.**<sup>93</sup> One study found that incarceration for any longer than 20 months has minimal to no effect on reducing recidivism upon release.<sup>94</sup> Another study found that the ideal sentence length to ensure accountability and minimize recidivism for serious crimes such as robbery and burglary was about 14 months: any longer actually increased the likelihood the person would return to committing crimes upon release.<sup>95</sup>

## State incarceration rate remains high despite lower crime rates<sup>31</sup>

State Prison Population Rate Per 100,000 Population



Research has also shown that lengthy sentences have diminishing returns because people tend to commit fewer crimes as they get older.<sup>96</sup> Additional research indicates that programs that allow for early release for qualified incarcerated people do not negatively affect recidivism rates.<sup>97</sup> In California, at its highest incarceration rate, almost 70% of people released from prison returned within three years. Comparatively, people who received drug treatment in prison and in the community show much lower recidivism rates.<sup>98</sup>

Some argue that, even if long sentences have no impact on recidivism, they are still preferred because they deter people from committing the crimes in the first place. However, research shows us this assumption is unfounded. Longer sentences do not have a stronger deterrent effect than shorter sentences.<sup>99</sup> This may be because many people are under the influence of alcohol or other drugs when they commit crimes, thus impairing their ability to rationally weigh the consequences of their actions.<sup>100</sup> Others may be unaware of the complex ways sentencing laws operate to lengthen the penalty for their actions.<sup>101</sup> Research also indicates that incarceration fails as a deterrent because people are more deterred by the likelihood of being caught than by the severity of the penalty they may face if they are actually caught.<sup>102</sup>

Put simply, people in prison today are serving longer sentences than is effective to hold them accountable, reduce recidivism and protect public safety. Recently, after years of study, national experts concluded that prison sentences could be shortened by 25%—across the board—without negatively impacting public safety.<sup>103</sup>

**“Contrary to the mythology that incarcerating more people for longer makes us safer, it is likely that for years we have incarcerated far more people than necessary for the purposes of actually keeping us safe. While there are those who insist criminal justice reforms put the public at greater risk, this appears to be true neither in California nor across the country.”**

*Orange County Register Editorial Board, October 1, 2017.*

So, if evidence shows that lengthy sentences do not reduce repeat offending and do not deter people from engaging in crimes, why has it been so difficult for policymakers to follow the data and shorten sentences for the majority of crimes, to reduce taxpayer burdens and free up resources for more effective public safety strategies?

Crime, especially serious crime, is an emotionally charged topic and, understandably, some may be driven to solely seek punitive responses, regardless of efficacy. However, most people today—including survivors of violent and serious crime—want a government response that primarily focuses on what works to make sure the crime never happens again.

- By a 2 to 1 margin, crime survivors think that California should focus more on providing supervised probation and rehabilitation programs than sending people to jail and prison.
- By a 7 to 1 margin, crime survivors think that California should invest more in health services like mental health and drug and alcohol treatment than invest more in jails and prisons.

While conversations on crime policy are often sensationalized and difficult, the public is ready for a new dialogue. The majority of voters believe that prisons do not work to reduce repeat offending nor make any difference in safety outcomes.<sup>104</sup>



To achieve what Californians want—a more balanced approach to public safety—decision makers will need to scale back how long people spend in prison.

If California leaders recalibrated sentences and lengths of stay in prison for the majority of crime categories, excluding convictions that result in a sentence of life without the possibility of parole or a death sentence, the state could safely continue to substantially reduce imprisonment.

Below, we draw on the work of experts to suggest ways that California can achieve that. We also encourage the state to move towards a more rehabilitative model by expanding rehabilitation programs and focusing incarceration time on preparedness for release.

## 1. Replace Mandatory Sentence Enhancements with Increased Judicial Discretion

“Sentencing enhancements” are laws that require judges to add more time to a sentence length when certain factors are present during the commission of a crime. The most well-known enhancement law in California is the state’s Three Strikes and You’re Out law—a law that was, until voters recently reformed it, the most stringent enhancement law in the nation.<sup>105</sup> There are many others.

While most everyone agrees that people repeatedly engaging in violent crime or engaging in especially dangerous behavior need to be held accountable and incapacitated until they are safe for release, the impact of most “enhancements” has been to significantly lengthen the time people serve in prison, and the taxpayer cost of their incarceration, without having a commensurate impact on recidivism or public safety.<sup>106</sup> These mandatory laws, largely enacted haphazardly by state legislatures, have also stripped judges from the ability to individually analyze each case and consider the circumstances of the crime, the individual and the input of the victim in fashioning the most appropriate sentence to ensure accountability, reduce recidivism and repair the harm caused.

About 80% of individuals in California prisons are serving a sentence that includes a mandatory enhancement.<sup>107</sup> California lawmakers should remove and replace these ineffective sentence-lengthening mandates with judicial discretion, guided by evidence of what works to reduce recidivism, so judges can determine the appropriate sentence length in each case.



### Antiquated “Felony-Murder Rule” Does Not Deter Crime

In California, a person may be convicted of first or second-degree murder even if the person did not personally commit the homicide and did not intend to kill anyone.<sup>108</sup> The law authorizes murder prosecutions in instances when a person engages in a criminal act that contributes to someone’s death or engages in a criminal act with another person that does kill someone, even if the person charged had no knowledge of the homicide. According to one estimate, nearly 20% of all murders annually fall under the felony-murder rule.<sup>109</sup> While engaging in high-risk behaviors that could result in someone’s death are behaviors for which accountability is required and incapacitation may be the only appropriate response, this overly-broad definition of murder culpability has not been demonstrated to deter crime or recidivism and contributes to disproportionate sentencing.<sup>110</sup> The United States is one of the only countries in the world that allows for prosecutions under this rule, and four states have now abolished this rule out of concern for its excessively harsh and disproportionate impact. In 2017, the California State Legislature proposed a reconsideration of this rule along with other excessive sentencing schemes.<sup>111</sup>

## 2. Evaluate Suitability for Release for People Considered Low-Risk

Experts agree that shortening sentences for the majority of people in prison who are eligible for release can be done without compromising public safety.<sup>112</sup> To reduce unnecessary incarceration and its associated financial and social costs, there must be opportunities to shorten time served when an individual no longer poses a public safety risk.

Today, the majority of people in California prisons were convicted of a serious or violent crime.<sup>113</sup> While these individuals must be held accountable, the length of their sentence is not correlated with evidence-based practices on the best way to prevent future repeat offending.

Based on risk assessment reviews of people in state prison, Department of Corrections and Rehabilitation data indicates that almost half of California's current prison population (48%, which is about 63,000 people) have been assessed as low-risk to reoffend.<sup>114</sup> Most of these individuals will be released at some point—a small portion are serving life sentences without the possibility of parole or death sentences. So, it would be prudent to take immediate steps to review the status of the individuals that will be released and evaluate for potential earlier release based on risk assessment. For many, they have now been incarcerated for longer than necessary to protect public safety.

If only 10% of the individuals currently assessed as low-risk were evaluated and released, that would reduce California's prison population by about 6,300.

## 3. Increase Parole Grants for Individuals Who Participate in Rehabilitation

Some people are sentenced to prison for what are called “determinate” sentences: specific mandated sentence lengths (often resulting from mandatory enhancements). Other people are sentenced to prison for “indeterminate” sentences, meaning they have been sentenced to prison for a range of time (such as 25 years to life) and the state “parole board” determines the actual release date after the minimum of the range has been served. The parole board is responsible for evaluating individuals with indeterminate sentences to decide when they can be released.



### Proposition 57: An Opportunity to Change Prison Culture

Passed overwhelmingly by voters in 2016, California's Proposition 57 is a groundbreaking ballot initiative that has the potential to substantially reduce unnecessary incarceration and change prison culture toward a rehabilitation focus. Under Proposition 57, individuals in prison can accrue earned time credits toward release by participating in rehabilitation programs and maintaining good conduct.<sup>118</sup> For the first time, the majority of people in prison will have an opportunity to earn parole review by engaging in education, treatment, victim awareness, job training and other rehabilitation programs strongly associated with reducing recidivism and improving the prison culture itself. Shifting from warehousing people to a focus on productive preparation for release reduces violence, improves working conditions, and supports better life outcomes for people post-release.<sup>119</sup> California's 2017-18 budget estimated that Proposition 57 will reduce the prison population by 11,500 people by 2021.<sup>120</sup> Some experts believe the measure could have even greater impact if it is fully implemented in accordance with the measure's intent. To achieve maximum impact, California leaders should apply earned time credits retroactively to people that completed programs prior to the implementation of Proposition 57 and ensure as many people as possible that will be released can earn credit under the measure. If Proposition 57 were applied retroactively, up to 30,000 people could be eligible for release.<sup>121</sup>

Between 1980 and 2012, the California Board of Parole Hearings denied 95% of all parole cases.<sup>115</sup> Some of these release denials may have been based on continued dangerousness of the individual, however, in many instances, release decisions are not based on objective risk assessment or an evaluation of rehabilitation achievements.<sup>116</sup> Arbitrary or inconsistent parole decision-making not only burdens taxpayers with the cost of continued incarceration of individuals who may be safe for release, but discourages people in prison from participating in rehabilitation programming.

Parole boards should focus on assessing rehabilitation and encouraging people in prison to engage in educational, rehabilitation and workforce training programs. As many people as possible who will be released should be able to earn earlier parole consideration for participation in appropriate rehabilitation programming, to reduce unnecessary incarceration and incentivize people in prison to rehabilitate themselves and prepare for a successful release.

In addition to increasing parole opportunities for individuals that engage in rehabilitation while incarcerated, parole boards should also be required to evaluate parole decisions based on current risk to public safety. If parole boards deny release the decision should provide specific and tangible evidence that an individual poses a continued risk to public safety. If the person does not, it should be presumed they will be released. Parole board practices can also be improved through professionalizing and depoliticizing parole boards and increasing opportunities for rehabilitative programming.<sup>117</sup>

**“The preliminary reforms that many states already have enacted reflect a growing realization that mass incarceration is economically unsustainable and socially disastrous. But to reverse four decades of bad policy, state lawmakers will have to adopt a more decisive and systematic approach to sentencing reform”**

*New York Times Editorial Board, Dec. 24, 2016.*

## **Implement These Reforms to Reduce Prison Lengths of Stay by at Least 20%**

Taken together—replacing mandatory penal code sentence enhancements with guided judicial discretion; evaluating current low-risk individuals for release; and expanding earned time credit for rehabilitation programming—these reforms would reduce prison lengths of stay for the majority of people in prison and result in a precipitous drop in the state prison population.

While estimating the exact population impact is difficult to predict, if the reforms cut prison lengths of stay by just 20% for the five crimes that make up the majority of California’s prison population that is eligible for release, that would result in a prison population reduction of at least 30,000 fewer people behind bars.<sup>122</sup>

Setting a goal of further reducing state imprisonment by 30,000 people through shortening prison lengths of stay by 20% for individuals that will be released would not increase recidivism and would not impact crime rates.<sup>123</sup> The state can safely achieve this goal to save prison costs and rebalance our approach to safety.



# REALLOCATE TO REBALANCE OUR APPROACH TO SAFETY

**DESPITE SUBSTANTIAL PROGRESS IN CRIMINAL JUSTICE REFORM,** California still spends more than \$11 billion a year on state prisons. That's a 500% increase in prison spending since 1980-81.<sup>124</sup> In fact, California spends as much today on prisons as every state in the United States combined spent on prisons in 1981, and it has increased annual prison spending at a rate that has significantly outpaced other states.<sup>125</sup>

When local corrections costs—such as jails, courts and probation—are factored in, that annual figure almost doubles to \$20 billion.<sup>126</sup> With this level of investment, Californians deserve an opportunity to evaluate the efficacy of these expenditures.

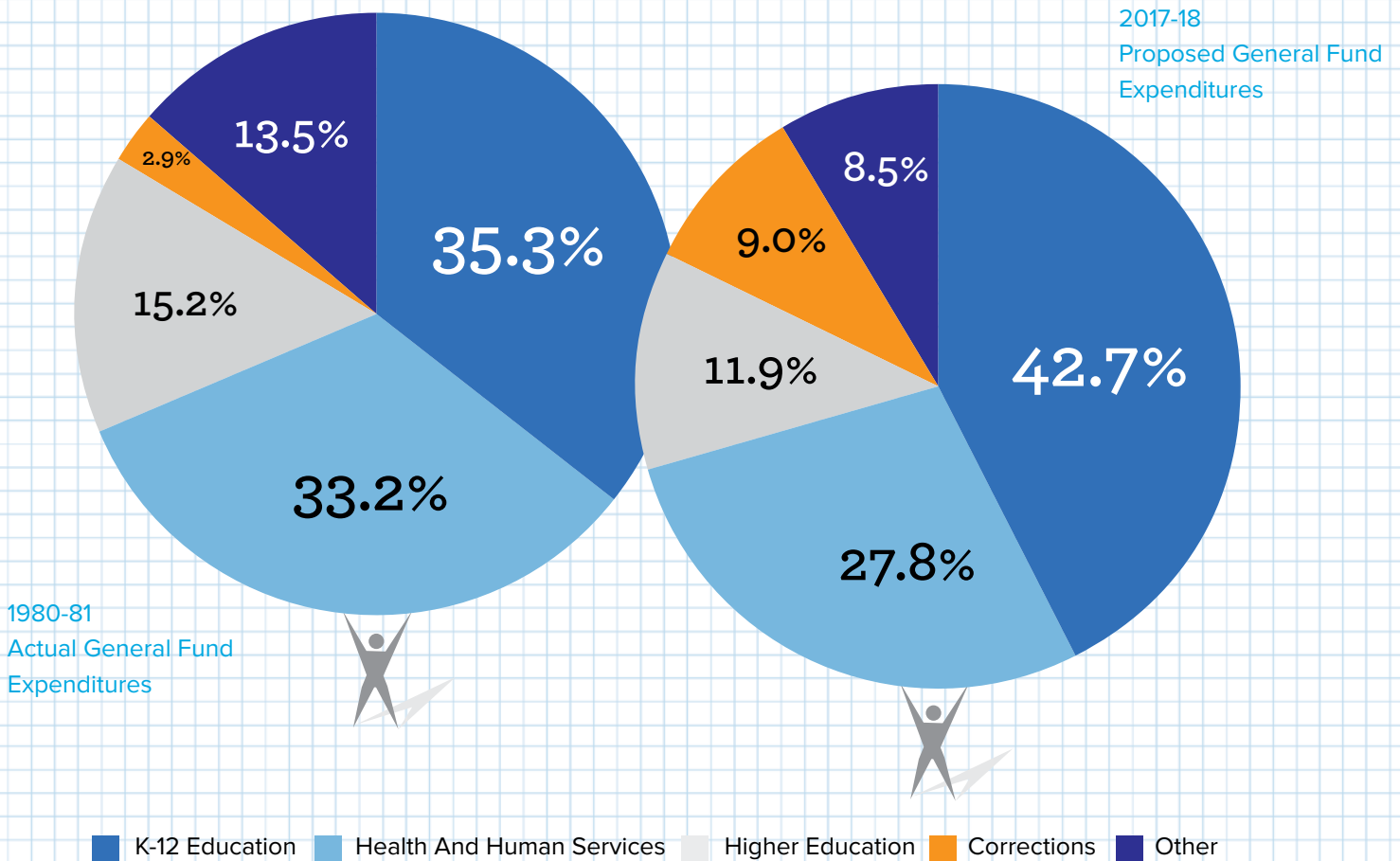
There are at least two important reasons to go further in safely reducing incarceration.

First, there is no public safety justification for continued over-incarceration. It contributes to high recidivism rates and community instability, and has no impact on crime rates. Public safety would be improved through reduced recidivism by:

- Developing local options beyond arrest and county jail detention to reduce the flow of people into the justice system and stop burdening local justice systems with problems such as mental health, addiction, homelessness that they are ill-equipped to resolve; and,
- Replacing mandatory prison sentence enhancements with guided judicial discretion; releasing individuals in prison who are assessed as low-risk; and maximizing earned time credit people that participate in rehabilitative programming to reduce prison lengths of stay by at least 20%.

Second, reducing incarceration also saves substantial taxpayer dollars that would be better invested in a holistic and balanced approach to public safety.

## State corrections has increased as a share of spending since 1980-81<sup>129</sup>



## Shrink the State Prisons Budget

From 1980 to 2010 the share of California’s general fund that was spent on corrections nearly quadrupled from 2.9% (\$604.2 million) to 10.5% (\$9.6 billion), consuming a larger portion of state resources at the expense of other necessary safety investments.<sup>127</sup> In 2017-18, \$11.2 billion was allocated to state corrections, comprising 9.0% of state general fund expenditures.<sup>128</sup> Meanwhile, the proportions of the general fund allocated to health and human services and higher education have decreased.

**If the state corrections budget mirrored its 1980-81 share of total spending, it would be \$3.6 billion—\$7.6 billion less that we spend today.**

Each of the proposals to shrink incarceration included in this report would pave a pathway for sharply reduced corrections spending. It is difficult to precisely estimate the overall impact of the proposals combined because individuals under correctional supervision may be affected by more than one of the reforms proposed. However, if the state could reduce prison length of stay by just 20% for most individuals who can be released, today’s prison population would be reduced by at least 30,000 people, saving, at the very least, the marginal cost estimate of about \$241 million. However, with population reductions of that size, the state could also close facilities and save more dollars.

**If California closed 5 prisons in response to population reductions, it could save at least \$1.5 billion annually in the state’s prisons budget.**



# Prisons are expensive

State corrections spending covers the costs of operating 34 prisons for adults, three youth prisons, state parole operations and state contracts with other state-used detention facilities.<sup>130</sup> California prisons have very high fixed costs because the state must pay the operating costs of each facility, including 24-hour staffing and basic utilities, regardless of how many people are incarcerated in the facility.<sup>131</sup> Most prison spending increases have been driven by rising staffing costs and improved healthcare for incarcerated individuals.<sup>132</sup> Today, about 60% of state corrections spending is allocated to prison security and operations; roughly 20% goes to healthcare for incarcerated adults. Less than 4% of state corrections spending is allocated to rehabilitation services in adult prisons.<sup>133</sup>

Reducing the number of people incarcerated is a critical mechanism to reduce costs, but there is a limitation to the fiscal impact of reduced incarceration if the reduction level is not large enough to reduce the overall number of prisons in operation. While California spends roughly \$75,000 per person incarcerated in state prison a year,<sup>134</sup> the savings associated with reducing the number of people incarcerated vary. At minimum, for every person that is not in prison, the state saves what are called “marginal costs” (for housing, clothing, meals etc., currently estimated at \$9,300 a year). However, the state does not save what are called “fixed costs” (such as building maintenance and staffing), unless the number of people in prison declines enough to begin closing portions of facilities or entire prison facilities.<sup>135</sup> Most prisons in California house between 2,000 and 5,000 people. A sustained population reduction of about 5,000 people would allow the state to close a facility entirely.<sup>136</sup> Depending on the facility closed, this could reduce state corrections spending by about \$300 million per prison.<sup>137</sup>

## Reallocate State Prison Dollars to Communities

If the state set a goal to safely further reduce prison incarceration by achieving a 20% reduction in length of incarceration—which would reduce incarceration by at least 30,000 people—this could allow the state to close five prisons and save the state at least \$1.5 billion annually.

\$1.5 billion could go a long way toward re-balancing the state’s approach to public safety. The state could invest in community stability and more effectively prevent the cycle of crime. Reallocating from prisons to communities, California could scale up a robust shared safety infrastructure, with strategies such as expanding mental health treatment for people with severe mental illness; expanding housing-based programs for chronically homeless populations; expanding victim access to trauma recovery; and, giving individuals leaving the justice system a chance at stability and redemption.

Counties can also reduce local justice system costs and recidivism rates, and reinvest local dollars into a stronger shared safety infrastructure, through the local strategies proposed herein. Given wide variations in county budgets and local practices, we do not estimate the potential savings impacts. However, local leaders can, and should, assess the drivers of the local justice system costs and jail population pressures and take immediate action to expand options beyond arrest and incarceration to improve outcomes and stabilize communities.

## Los Angeles County: Calculating local costs averted by Proposition 47



The Los Angeles Board of Supervisors has taken unprecedented action to proactively implement 2014's Proposition 47 ballot initiative through a series of board resolutions, including motions to link people eligible for record change with employment opportunities, the first-of-its-kind resolution in the country.<sup>138</sup> One of the Board actions in 2016 required the Los Angeles County auditor-controller to conduct an analysis of savings generated locally by Proposition 47. The analysis found that roughly estimated about \$9.2 million in local Proposition 47 costs were averted due to workload changes in the first year since the measure passed.<sup>139</sup> The auditor also found that no the departments had adequate methods to measure the budgetary impacts of Proposition 47 and the analysis was based on the limited data available.<sup>140</sup> In response, the Board of Supervisors passed a motion requiring validation of the findings and reallocation of resulting funds to prevention, split equally among community-based mental health and substance abuse treatment and victims' services.<sup>141</sup>





# LAYING A FOUNDATION FOR SHARED SAFETY

**THE GOAL OF ADVANCING ADDITIONAL CRIMINAL JUSTICE REFORMS** in California should be to both reduce continued over-incarceration and reduce over-spending on imprisonment. Saving \$1.5 billion in state prison costs opens a big opportunity to rebalance public safety investments to support the communities that have been most harmed and least helped, and go much further to prevent crime from happening in the first place. Financial savings from reduced incarceration should be invested in cost effective, proven approaches that address root causes of crime.

## **Most Harmed and Least Helped:** Shared Safety Begins with Protecting the Unprotected

There is no more important function of our safety and justice systems than protecting crime victims and those who are at-risk of becoming a victim of crime. Despite this foundational goal, few crime policy debates are informed by a comprehensive examination of the experiences of the state's diverse crime survivors.

California, like every other state in the nation, does not have enough data on victimization patterns, victims' experiences or victims' perspectives. This is a profound gap, particularly considering the amount of money the state spends on public safety.

While crime and violence impacts people of all walks of life, the strongest predictor of victimization is having previously been a victim of crime.<sup>142</sup> People who have survived a violent crime are more than four times as likely to be victimized four or more times.<sup>143</sup> According to state and national data, people of color, young people, people living in poverty or homelessness, people with disabilities, and people with mental health disorders are most frequently survivors of crime.<sup>144</sup> These community members are more vulnerable to both being a victim of crime and then being a repeat victim of crime.



# What types of strategies could California fund with \$1.5 billion annually?

## Any of the following:

Treat **150,000** patients with severe mental health challenges;

Treat **150,000** patients with substance use disorders;

House **50,000** individuals with complex physical and behavioral health needs;

Support crime survivors through **1,000** trauma recovery centers;

Hold over **a million** restorative justice dialogues;

Put **300,000** people with convictions on the path to employment through workforce development programs;

Create over **3,000** “clean slate” services programs across the state.

The traumatic impacts of being a victim can have a lifetime of consequences. The impacts extend to individuals’ personal, familial and professional lives, and, left unaddressed, can have severe and long-term impacts on survivors’ well-being and stability. Two in three California crime survivors report experiencing anxiety, stress, difficulty sleeping, and strain in relationships and at work for extended periods after the incident.<sup>145</sup>

The negative impact of a lack of support for survivors on future stability is particularly acute for young people. Youth and young adults are especially vulnerable to long-term impacts of unaddressed trauma, such as difficulty with school, work, relationships and poor physical health. They are also the most at-risk for later becoming involved in criminal activity if their needs go unmet.

Despite the profound and debilitating impacts of crime and violence on survivors, most crime victims do not gain access to recovery supports. Less than half of all crime is ever reported to police, leaving most crime survivors without any recourse or access to services to help them cope with the aftermath of the crime.<sup>146</sup>

**“While such tragedies rock families, too many communities in California just “live” with crime—violent acts but also burglaries, drug dealing, vandalism and more. These communities feel abandoned by lawmakers, law enforcement and the media. Even though these communities experience the lion’s share of crime, they do not receive the lion’s share of attention or resources.”**

**David Guizar**, Crime Survivors for Safety and Justice  
Los Angeles Chapter Coordinator, *Victims’ Voices*, 2013.



## STOCKTON POLICE CHIEF ERIC JONES: LAW ENFORCEMENT LEADERSHIP PUTTING COMMUNITY PARTNERSHIP FIRST

A LOT IS CHANGING IN STOCKTON, CALIFORNIA AND POLICE CHIEF ERIC JONES IS A BIG PART OF THE CHANGE. Under his leadership, crime in Stockton has declined and community relationships with the police department have improved. Chief Jones is ushering in new approaches to public safety that start with understanding and addressing community needs first.

It wasn't always this way. Five years ago, amidst the city's fiscal challenges and resulting cuts to policing, the police department emphasized "command" and "control" approaches. Residents reported feeling over-policed and a lack of trust and empathy for the victims of violence.

A grandmother lamented to Chief Jones at how poorly her family had been treated when her grandson was shot and the stress police interactions caused her family, when they were also dealing with the trauma of the crime.

In response, Chief Jones reached out to her grandson directly to listen to the concerns he felt. That honest dialogue between two people who deeply love Stockton exemplifies Chief Jones' efforts to move away from enforcement alone toward building community trust and partnership. Along with the Stockton City Manager, Jones conducted a listening tour to hear directly from the neighborhoods most impacted by crime. These conversations—from kitchen tables, town hall meetings, and one-on-ones—while difficult, revealed how critical reconciliation is to improve public safety.

Chief Jones joined the department in 1993 and began his tenure as chief in 2012. He had been with the city through its highs and lows. And when he became chief, having learned the hard way about what works and what doesn't work, he knew that shared safety starts with community trust. "This process starts with an acknowledgment that traditional policing in our minority communities often created barriers to trust. And without trust, we cannot work well together to reduce crime," said Jones last year. "Sometimes having this conversation [between law enforcement and the community] is like reopening a wound that never healed. It causes pain today but promotes healing tomorrow."



# An Ounce of Prevention: **Balanced Investments Tackle Signs and Symptoms—Before a Crime Occurs**

Understanding who victims are and what victims need to recover from crime and trauma should be data that drives public safety investments. Additional data that should determine the pathway for public spending to achieve safety is looking at the signs and symptoms of trouble, and making investments that help stop the cycle of crime before it starts.

Many of the drivers of crime are knowable—and preventable. While there is scant evidence that dramatic increases in incarceration rates deter crime, there is a large body of evidence identifying the linkages between behavioral health needs and increased risks that individuals and communities face to becoming victims or perpetrators of crime. Addressing factors such as addiction, mental health challenges and chronic exposure to trauma, especially when combined with economic instability, at scale will reap much greater returns on investment than lengthy prison sentences.

## **People Experiencing Economic Instability Are Vulnerable to Crime**

When cost of living is factored in, California has the highest poverty rate in the nation.<sup>147</sup> One in five Californians is unable to make ends meet.<sup>148</sup> Widespread economic hardship is linked to crime and vulnerability.<sup>149</sup> Poor health and low socioeconomic status increase individuals' vulnerability to cycles of crime.<sup>150</sup> People that commit crime are also likely to be living in poverty.<sup>151</sup> About one in three individuals in jail expects to go to homeless shelters upon their release.<sup>152</sup>

## **People that Struggle with Mental Health Challenges Are Vulnerable to Crime**

Nearly 1 in 4 Californians has experienced anxiety, depression, or another mental health issue that affects their wellbeing and stability and nearly 1 in 6 adults in California need mental health services.<sup>153</sup>

About 1 in 20 Californians has a severe mental health diagnosis.<sup>154</sup> Yet, at least 43% of the 4.5 million adults in California who needed and sought treatment related to their mental health in 2014 did not receive it.<sup>155</sup> Roughly estimated, 1.9 million Californians struggle with severe mental health challenges but only about 56% receive some kind of service. Over 30% of the adults in state prison have severe mental health challenges.<sup>156</sup>

California, like most states, cannot meet its behavioral health needs. **California has a shortage of health care professionals in primary care, mental health and substance use fields, especially in rural areas.**<sup>157</sup> National projections suggest that this shortage will continue to grow due to increased demand for family physicians, psychiatrists, nurses, social workers, school counselors, clinical psychologists and family therapists.<sup>158</sup>

## People Who Struggle with Substance Abuse Are Vulnerable to Crime

Nearly 1 in 12 Californians has had substance abuse or addiction issues, including alcohol, prescription medication, or other drugs. By 2015, the age-adjusted rate of overdose deaths in California had increased by about 30% since 2002.<sup>159</sup> This problem is especially acute in northern rural areas, which have opioid prescription death rates that are two and three times higher than the national average.<sup>160</sup>

**Only about 6% of people who need drug treatment for addiction receive it.<sup>161</sup>**

Due to the inadequacies of California's safety infrastructure, California prisons and jails are now the major warehouses of people with mental health challenges, substance use needs and chronic health issues. More than half (53%) of people with a felony convictions self-report that mental health or substance abuse issues was either the top factor or a major factor in leading to their involvement in crime. In 2016, 47% of misdemeanor arrests in California were either alcohol- or drug-related.<sup>162</sup>

**Individuals who are incarcerated have higher rates of addiction and mental health diagnoses, chronic health conditions, such as asthma, diabetes and hypertension, and infectious diseases such as tuberculosis and hepatitis, than the general population.<sup>163, 164</sup>**

## People Who Experience Chronic Trauma Are Vulnerable to Crime

About two out of three survivors of violent crime have experienced four or more lifetime traumas, including childhood abuse and neglect, witnessing domestic violence or having an incarcerated parent.<sup>165</sup> On average, 62% of Californian adults have experienced at least one trauma during childhood. The more exposed an individual is to trauma without receiving adequate recovery support, the more quickly their health and safety outcomes decline. Individuals who experienced six or more childhood traumas die nearly 20 years earlier on average than individuals who experienced none.<sup>166</sup>



## People Facing Legal Barriers to Stability Are Vulnerable to Crime

The collateral impacts of over-incarceration policies go far beyond bloated prisons and racially disparate incarceration rates. In addition to an explosion of tough sentencing policies that drove populations up, California, like most states, also expanded the legal barriers to successful reentry for people leaving the criminal justice system.

# THE COLLATERAL IMPACTS OF OVER-INCARCERATION POLICIES GO FAR BEYOND BLOATED PRISONS AND RACIALLY DISPARATE INCARCERATION RATES.

In California today, there are more than 4,800 post-release restrictions facing people with conviction records. These include restrictions on specific types of employment, professional trades, housing, loans, and more. While a small number of these post-release restrictions may have a reasonable nexus to the crime committed, the vast majority of these restrictions are unnecessary and contrary to the goal of public safety.



# THE 2017 SURVEY OF CALIFORNIA CRIME VICTIMS AND POPULATIONS AFFECTED BY MENTAL HEALTH, SUBSTANCE ISSUES AND CONVICTIONS

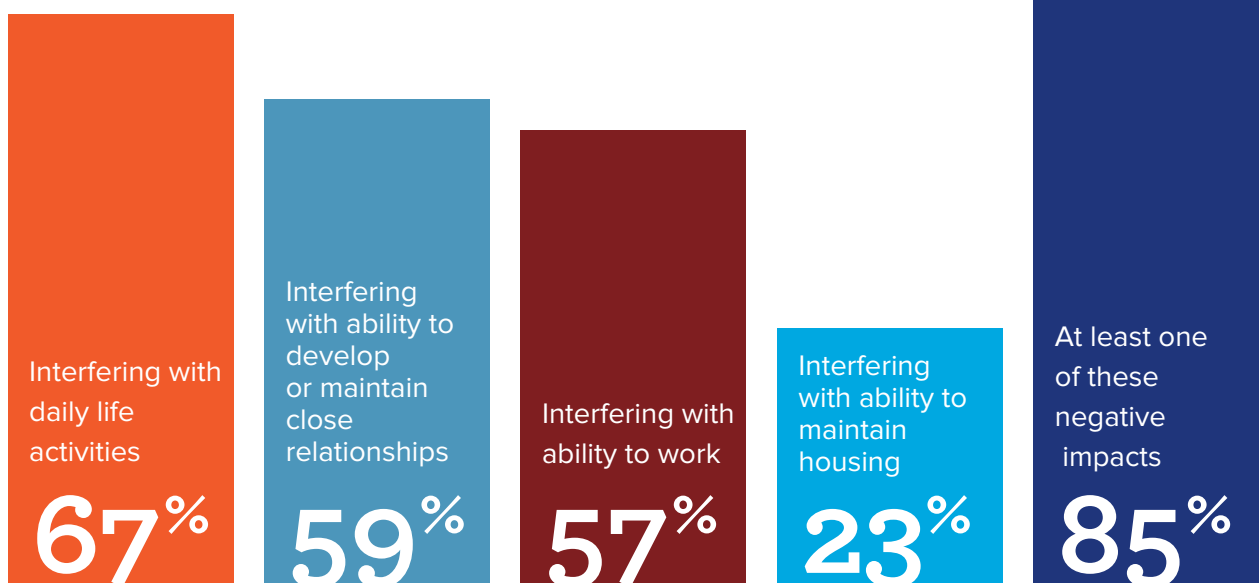
**TO FILL THE GAP IN INFORMATION** about the impact of crime, mental health, substance use and convictions on Californians and their families, Californians for Safety and Justice commissioned the first-of-its-kind *Survey of California Victims and Populations Affected by Mental Health, Substance Abuse Issues and Convictions* in September 2017. David Binder Research conducted interviews with more than 2,000 Californians and found significant unmet behavioral health needs among state residents and widespread negative impacts. According to the survey results:

- Nearly 1 in 4 (23%) Californians has had anxiety, depression, or another mental health issue that affected their wellbeing.
- Nearly 1 in 12 (8%) Californians has had substance abuse or addiction issues, including alcohol, prescription medication, or other drugs.

## Negative impacts of unmet mental health and substance abuse needs

Failing to address these widespread risk factors, and address the economic instability they create for families, increases victimization and greatly affects our communities. Mental health and substance abuse issues impact the ability of people to engage in daily life activities and interfere with their ability to maintain close relationships, jobs, and stable housing.

### Negative impacts of mental health diagnoses and substance use disorders

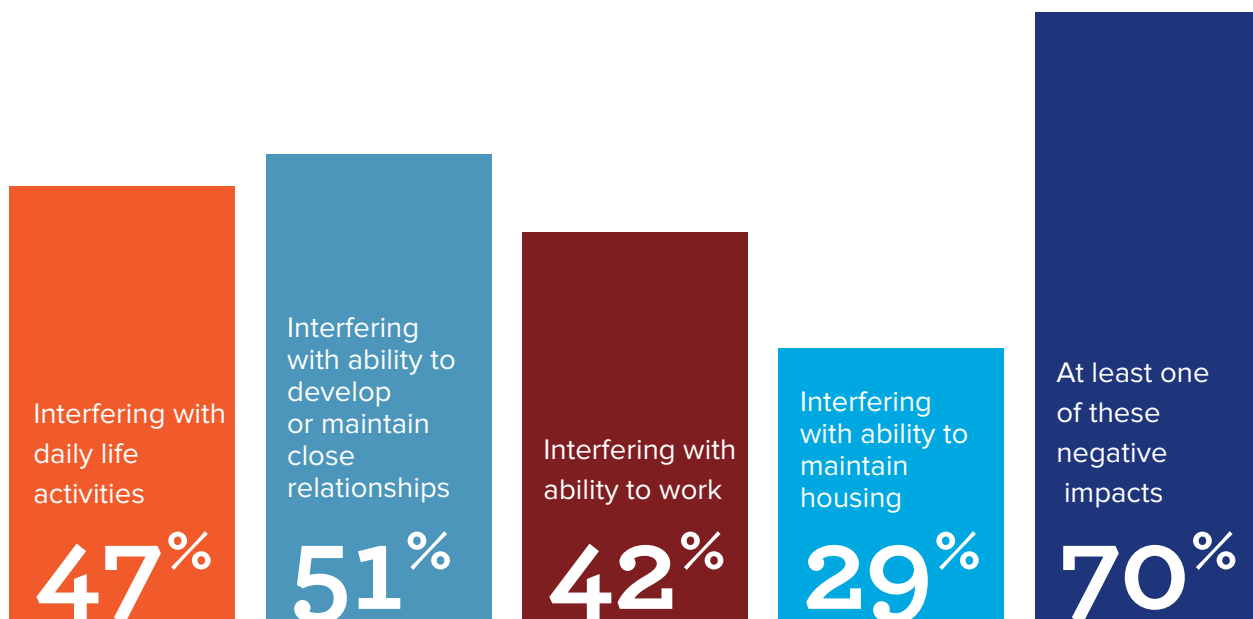
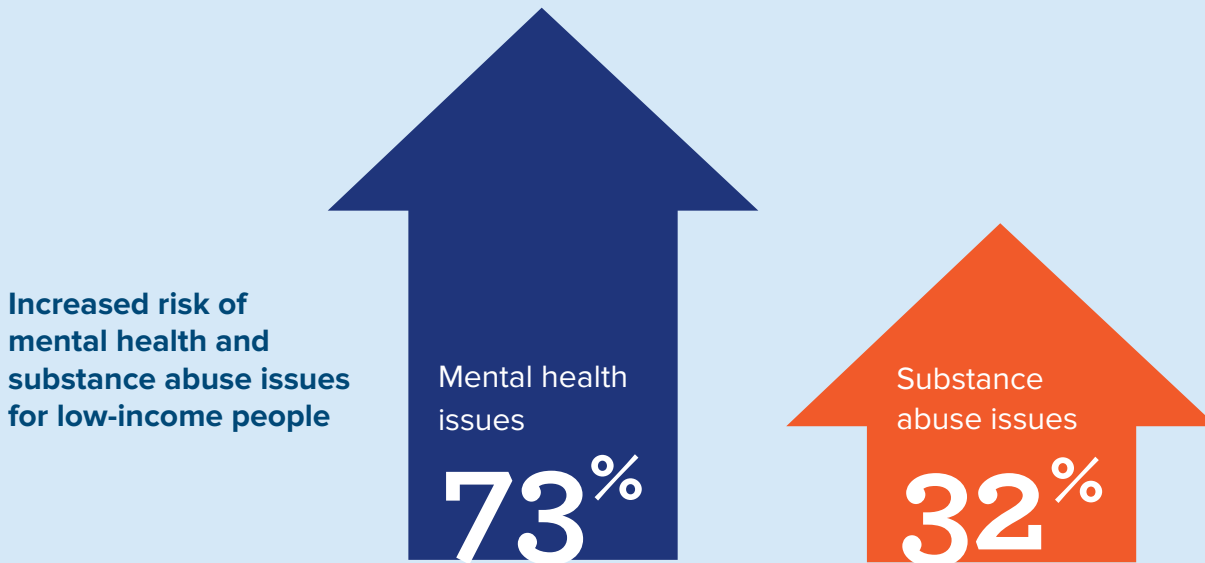


Negative impacts from mental health issues

## Disproportionate impact on low-income communities

Nearly every family has been touched by mental health or substance abuse issues. However, there are communities that bear a disproportionate burden and experience far greater needs. The lack of mental health services and substance abuse treatment is particularly acute in low-income communities.

According to survey results, people with household incomes less than \$25,000 are far more likely to experience mental health and substance abuse issues than people with household incomes greater than \$75,000. Whereas 23% of respondents report experiencing a mental health issue, one-third (32%) of respondents with household incomes less than \$25,000 and only 18% of respondents with household incomes greater than \$75,000 have dealt with that challenge.



Negative impacts from substance abuse issues

According to the *Survey of California Victims and Populations Affected by Mental Health, Substance Issues and Convictions* 8 out of every 10 people with a criminal conviction (76%) report that their stability has been affected by the conviction. Among the negative impacts that people experience from a felony convictions are difficulty finding a job (46%), struggling to pay fines or fees (45%), trouble sleeping or other health issues (40%), difficulty obtaining an occupational license (35%), and difficulty finding housing (24%).

The survey also found that negative impacts of a felony conviction disproportionately impact people of color, people living in urban areas, people without a college degree and people who are low income. The largest disparities relate to finding a job or housing. People of color are 29% and 61% more likely, respectively, than white people to report difficulty finding a job or housing. Respondents with household incomes less than \$25,000 are twice as likely (98%) and three times (202%) more likely, respectively, than people with household incomes greater than \$75,000 to report difficulty finding a job or housing.

**“Hundreds of thousands of Californians have been marginalized by harsh felony convictions for relatively low-level crimes, often drug possessions for which they were sentenced decades ago. Many have been living well below their potential or aloof from law-abiding society because their records prevented them from getting decent-paying jobs, university degrees, professional licenses and in some cases custody of their own children... such foolish policies virtually guaranteed that many [formerly incarcerated people] would suffer deteriorating mental health, find solace in substance abuse or return to crime.”**

*Los Angeles Times Editorial Board, June, 6, 2017*

## New Safety Solutions: Key Investments Needed Now

When we examine data on victims and vulnerability, the pathway to stop—and prevent—cycles of crime becomes clear. The most effective public safety strategies are not those that revolve around increased arrests, prosecutions or lengthy incarceration. At best, these strategies can react to some crime incidents and incapacitate some individuals committing crimes. At worst, an over-emphasis on these strategies actually contributes to the cycle of crime and deeply harms public safety.

A sound set of public safety investments are those that are data-driven and balanced. There is ample evidence identifying who is vulnerable to becoming a victim of crime, and the conditions that contribute to the cycle of crime. The fact that this evidence does not drive crime policy priorities should shock the conscience of every taxpayer.

Immediate steps can and must be taken to refocus our public safety policy and budgetary attention away from purely punitive crime responses to protecting vulnerable community members and reducing the community and individual risk factors that give rise to the cycle of crime. The following investments are smart—and urgently needed.



# What are Adverse Childhood Experiences and How can we Address Them?

Adverse Childhood Experiences or ACEs is a phrase that refers to ten life experiences that can cause significant trauma when they occur in a person's formative childhood years: physical abuse; sexual abuse; verbal abuse; witnessing a parent being abused; a household member was a problem drinker or alcoholic or a household member used drugs; a household member was depressed or suffered from mental illness or a household member attempted suicide; parental separation or divorce; a household member went to prison; emotional neglect; and physical neglect<sup>167</sup>.

When ACEs go unaddressed they can cause lasting trauma and contribute to poor health outcomes like impaired cognitive development, increased risk of mental disorders, chronic diseases such as cancer and heart disease, unintended pregnancy, substance use, self-harm, contracting a sexually transmitted disease and being a victim of violence and early death.<sup>168</sup>

There are strategies to overcome the impacts of ACEs and improve the wellbeing of people that have ACEs. Protective factors include close relationships with caregivers and concrete support for parents and families, communities and social systems that support health and development.<sup>169</sup>

## Build a Shared Safety Infrastructure

Shared safety means improving community well-being and giving all Californians a fair chance at health, protection, stability and empowerment. There are challenges to achieving this, but with the smart reallocation of resources, California can make substantial inroads in realizing this vision.

There are dozens of important strategies the state could expand with additional resources to build a shared safety infrastructure that improves community wellbeing, especially for California's low-income populations, from family support programs to early childhood education or afterschool programming, to employment assistance programs or support for low-income seniors and more. All of those investments are important and worthy of consideration. The factors that contribute to the cycle of crime often overlap, compound and intensify vulnerability to harm. Coordinated partnerships across California's public systems are critical to structurally address the root causes of community instability over time.

When specifically looking at the acute problems that are actively contributing to crime and immediate criminal justice system challenges and burdens, we see three specific strategies that could be prioritized to lay the foundation for a shared safety infrastructure: 1) expanding mental health treatment to address severe mental health challenges; 2) expanding substance abuse treatment to address addiction and drug-related crime; and 3) expanding diversion and housing programs for chronically homeless populations involved in crime.



## Mental Health Needs and Substance Use Disorders are often “Co-Occurring,” Integrated Treatment Is Important and Leverageable

For people vulnerable to the cycle of crime, mental health challenges and substance use disorders are often combined. They are “co-occurring”—meaning the person experiences both simultaneously.<sup>175</sup> Evidence supports providing integrated treatment in these cases.<sup>176</sup> These kinds of investments would provide a pathway to address severe mental health diagnoses outside jail and prisons that are ill-equipped to manage these issues.

It is also an investment that can be leveraged. Federal funding streams can bolster state behavioral health investments and allow the money to stretch further. The Affordable Care Act and Medi-Cal expansion in states like California provide federal funding for previously uninsured low-income individuals. Expanded behavioral health benefits, including substance abuse treatment can now be covered by Medi-Cal in California. Other funding streams, like Proposition 63, provide additional opportunities to address mental health issues and further reduce people’s criminal justice involvement.

### 1. Expand Mental Health Treatment for Vulnerable Populations

Looking at data on vulnerability and crime, a top safety priority should be to maximize access to mental health treatment, to address health problems such as substance use disorders as well as depression, anxiety, post-traumatic stress disorder, bipolar disorder, schizophrenia or other mental health challenges that interfere with daily life functioning, especially when experienced by people struggling with economic instability.

Although cost estimates vary depending on individual circumstances, treating a person with a severe mental health diagnosis costs around \$10,000 per year on average, and over \$75,000 per year for the top 5% of patients with the most intensive treatment needs—roughly 18,000 people.<sup>170</sup>

**Even at the high end of the cost spectrum, \$1.5 billion could provide intensive treatment to the top 5% of patients with severe mental health diagnoses. At an average cost, it could fund treatment for 150,000 patients.<sup>171</sup>**

### 2. Expand Substance Use Disorder Treatment for Vulnerable Populations

Research shows that people cycling in and out of the justice system who receive effective treatment for substance use disorder are less likely to be arrested again than those that do not receive treatment.<sup>172</sup>

Treating a person with a substance use disorder costs, roughly estimated, around \$10,000 per year on average, and over \$150,000 per year for the top 5% of people with the most intensive substance abuse treatment needs—roughly 1,000 people.<sup>173</sup>

At an average cost, \$1.5 billion could fund drug treatment for 150,000 individuals with substance use disorders.<sup>174</sup>

### 3. Stop the Cycle of Chronic Homelessness, Behavioral Health Needs and Crime

There are an estimated 118,000 homeless individuals in California; 11,000 are unaccompanied youth, 9,600 are veterans and almost 30,000 are chronically homeless. Fresno, Los Angeles, San Jose, Long Beach, and San Francisco have the highest rates of homelessness in the state.<sup>177</sup>

Investment in affordable and supportive housing can result in public cost savings, improved health status, crime prevention, and reduced involvement in the criminal justice system.<sup>178</sup> In addition, housing is a necessary, stabilizing step to effectively treat individuals with physical, mental or substance use disorders.<sup>179</sup>

Most experts agree that “Housing First” models that prioritize permanent supportive housing are the most effective approach to addressing chronic homelessness.<sup>180</sup> Individuals receive housing and services without preconditions and are directed to housing tailored to their individual needs through coordinated entry systems that make efficient use of housing resources. Housing First recognizes that housing a person experiencing homelessness is a key step to improving public health, treating mental health and addiction and reducing the risk of victimization or criminal justice system involvement. These types of programs could be introduced and/or expanded in high-need communities to begin to address chronic homelessness.

Although costs vary widely by geography, even at an annual high-end estimate of \$50,000 per person, with \$1.5 billion dollars, the state could provide ongoing housing assistance and services for 30,000 chronically homeless individuals.



## Housing Individuals with High Needs to Stop Crime Cycles

### Housing for Health (HFH) in Los Angeles

About 47,000 people in Los Angeles County are homeless; 14,000 are chronically homeless.<sup>181</sup> The Los Angeles Department of Health Services (LADHS) established a Housing for Health (HFH) program in 2012, in partnership with community-based organizations and property owners. HFH provides permanent housing and linkages to intensive case management services for people with complex behavioral health needs who are frequent users of county services, through various housing subsidies. About 3,400 clients have attained housing through the program since it was established in 2012<sup>182</sup> at a per capita cost of \$20,000 per year.<sup>183</sup> About 79% of individuals served through HFH were chronically homeless and 97% of all clients retained housing after 12 months.<sup>184</sup>

### Veterans Housing and Homelessness Prevention Program

California is home to the largest veteran population in the nation, and nearly 26% of the nation’s homeless veterans. In 2014, voters approved Proposition 41, converting \$600 million of self-financing loans from the **CalVet Farm and Home Program** into statewide general obligation bonds for the acquisition, construction, and rehabilitation of affordable housing for veterans. Administered as grants over five years, the goal is to fund stable and affordable housing for veterans and their families, serving approximately 7,000 people in total. This includes 4,800 new veteran housing units; at least 1,200 of which will be for chronically homeless veterans.<sup>185</sup>



Tinisch Hollins (right), with Christi Ketchum, Anna Cho Fenley, and David Guizar

## TINISCH HOLLINS: TURNING HEALING INTO ACTION FOR CHANGE

GROWING UP IN SAN FRANCISCO'S HUNTER'S POINT NEIGHBORHOOD, Tinisch Hollins has experienced the devastating impacts of an unabated cycle of crime from an early age. She has lost more than 20 neighborhood friends and family members to gun violence. The victims included a little boy in foster care who lived with Tinisch's grandmother who was killed in a drive-by shooting when Tinisch was 10-years-old, and her own brother and cousin, lost to gun violence within months of each other this past year.

In middle school, Tinisch's family moved out of the neighborhood to a suburb south of San Francisco and her home became a refuge for family members needing help. They supported family and friends experiencing trauma from violence or trying to rebuild their lives after prison—a place to escape from chaos and crime.

From those years as a young teen to the present, Tinisch has been motivated to take action and advocate for change. She has worked in youth violence prevention, neighborhood safety and human services, both inside and outside government in San Francisco. In every role, she has seen the impact of trauma on families and communities. Even in comparatively resource-rich San Francisco, too few families struggling with poverty and living in communities with concentrated crime have access to the kind of support needed to stop the cycle.

When her brother became the second homicide victim in San Francisco of 2017, Tinisch's world crumbled—the chaos and trauma of losing her brother was nothing like she had experienced. After years of helping others try to navigate complicated public systems to get help recovering from crime, she was now navigating those same systems herself. Even with all of her experience, she and her family felt ill-equipped to manage the relocation process or engage with victim services and law enforcement while also dealing with the traumatic loss. “We need trauma-informed systems, for crime survivors and communities in need. From foster care to victim services, people are hurting and not being seen. They fall through the cracks and the cycle continues.”

Tinisch is now healing through action with other survivors—this year she became the Bay Area Chapter Coordinator of Crime Survivors for Safety and Justice. Through this network, Tinisch and leaders across the state are working to heal communities and promote policies that help communities most harmed by crime and violence. “We need to design systems that humanize every interaction, systems that understand trauma and understand that hurt people, hurt people.”



## Support Survivors to Recover from Harm

Many California crime survivors experience stress and trauma after the crime—and endure a long period of recovery. Yet most do not receive support from victims services programs.<sup>186</sup> This is particularly true for victims from vulnerable populations—youth (especially youth of color), low-income communities, immigrant populations and people with disabilities.

### 1. Expand Crime Survivor Access to Trauma Recovery

Access to trauma recovery services can make a transformative difference for survivors of crime on the pathway to recovery and stability. California has begun expanding trauma recovery services for crime survivors across the state. In the last five years the number of trauma recovery centers has expanded from just one to eleven operating in five counties. Still, to scale these services up to meet the needs of California crime victims, the state has a long way to go.

The Trauma Recovery Center model provides a combination of behavioral health, financial and social services for underserved survivors of violence. Trauma Recovery Center services cost 34% less than traditional services, making it a more cost effective model for service provision. For example, the San Francisco Trauma Recovery Center, for example, has an annual budget of about \$1 million and serves about 750 patients a year.<sup>187</sup>

**With \$1.5 billion California could fully fund over 1,000 trauma recovery centers across the state.**

### 2. Provide Opportunities for Using Restorative Justice

Restorative Justice is a strategy to resolve crime incidents. Instead of traditional courtroom prosecution, Restorative Justice repairs the harm caused by crime, including the harm to the victim and to the community, and addresses the underlying drivers of crime for the person who caused the harm. Restorative Justice processes engage all parties—victim, perpetrator and community—in collaboratively determining how to repair the harm. The model pays equal attention to the crime survivor, accountability, community safety, and redirecting the individual who committed the crime to address underlying issues and become a more productive member of society.<sup>188</sup>



There are a number of different types of programs that engage in a Restorative Justice approach by bringing together survivors and individuals who committed the crime (or, when this is not safe or feasible, individuals who can represent either group) so that each can begin the process of healing and making amends.

These models often provide a more sustainable way to address community safety and maintain community cohesion. Positive outcomes associated with restorative justice models include increased crime survivor satisfaction, reduced recidivism and increased restitution compliance.<sup>189</sup>

Programs such as Healing Circles, Victim Offender Dialogues, or Victim Offender Encounter Groups create opportunities for survivors to ask questions that no one else can answer and for the individuals who committed the crime to fully understand the impact of the harm they caused. A recent meta-analysis of the effectiveness of programs that include victim/offender dialogues showed that such programs are likely to reduce future crime and increase victim satisfaction with their cases.<sup>190</sup>

While the types of Restorative Justice vary widely, and local jurisdictions will have a wide range of needs in establishing and scaling Restorative Justice, the estimated cost of Restorative Justice dialogues is about \$1,110 per participant.<sup>191</sup>

**With \$1.5 billion, California could fund over a million restorative justice dialogues.**

## **Make Second Chances Real**

When individuals with prior convictions are unable to support themselves financially or obtain safe housing, it can fuel persistent poverty.<sup>192</sup> The U.S. lost the equivalent of 1.7 to 1.9 million workers, or almost a 1% drop in the overall employment rate in 2014 due to the impact of conviction records, resulting in an estimated \$87 billion loss in annual GDP.<sup>193</sup> Individuals who are able to clean their records experience a 10% increase in employment rate.<sup>194</sup>

There can also be severe health consequences. Individuals in the criminal justice system experience higher rates of chronic health conditions and infectious diseases.<sup>195</sup> Barriers to employment and housing exacerbate these health needs by perpetuating unhealthy living conditions and limiting access to necessary care.<sup>196</sup> These health consequences are felt by children too, who exhibit higher rates of learning disabilities, behavioral problems and developmental delays when faced with extreme familial and financial instability.<sup>197</sup>

For the vast majority of criminal convictions, the consequences of that conviction after the person has completed the sentence should not last a lifetime. If a person remains crime free after completing the sentence, reintegration into society is better for communities, better for the economy and better for public safety.

### **1. Expand Jobs for People with Convictions**

Workforce development is a set of solutions that matches a community's employment needs with training programs for workers. These services can be tailored and targeted toward people with conviction records to eliminate the number one barrier people with convictions face.<sup>198</sup> The Center for Employment Opportunities (CEO) provides one such model: a highly structured program of life skills education, paid transitional employment, full-time job placement and follow up services.<sup>199</sup> Evaluations of CEO show that the program reduces recidivism by 16% to 22% and improves employment outcomes over time.<sup>200</sup>

While local needs and capacity vary widely, rough estimates suggest that workforce development programs for people with convictions can cost about \$5,000 to \$7,000 per participant.<sup>201</sup>

**Although participant costs vary depending on the size of the program, individual barriers and existing resources, \$1.5 billion could fund workforce development assistance for roughly 300,000 people.**



## TERRANCE STEWART: OVERCOMING THE ODDS AND ADVOCATING FOR SECOND CHANCES FOR ALL

TERRANCE PREFERS “FORMALLY INCARCERATED” AS OPPOSED TO “FORMERLY INCARCERATED.” For Terrance, and so many people returning to our communities after incarceration, there’s a “second prison,” as he calls it, where the legal barriers to rejoining society are so great, it feels like the incarceration did not stop. Legal barriers to jobs, housing, support services and more, make successful reentry near impossible for many to achieve.

Terrance has accomplished a tremendous amount. He is a father of two children. A husband. And a hard working, passionate advocate and community organizer. He’s received numerous awards and possesses three degrees, including a Masters in Education.

Terrance overcame the odds to succeed. At 22,, he was a victim of gun violence, and shortly after became the third generation in his family to go to prison. While in prison Terrance met “lifers”, men who would never see the outside of the prison walls. They encouraged him to cultivate a healthy mind, body and spirit and get out and go to college. After his release, Terrance did just that, and more, becoming the first in his family to go to college.

Yet, for every accolade Terrance has received, there is a corresponding experience of barriers as a result of his now 20-year-old criminal conviction. Terrance has been denied jobs and he and his family has been forced to live in motels and even been homeless because of an inability to find a place that would rent to someone with a prior conviction. Most recently, Terrance was even denied the ability to adopt his nephew.

These experiences have not dissuaded him from advocating for second chances and the rights of the many thousands of people coming home from serving time in the justice system. He engaged in community outreach to support criminal justice reforms such as Proposition 47 and Proposition 57 and he now educates lawmakers about how the restrictions on people with convictions can make it difficult for people to achieve economic and family stability.

At a recent community forum aimed at identifying solutions to reduce barriers for people with convictions, Terrance said “Making a mistake should not mark you for life, and it should not punish innocent children. We must look to remove the obstacles that exist for people who are trying to get their lives back on track.”

Terrance Stewart is a Community Organizer at Inland Congregations United for Change, helping others heal from generational trauma and incarceration.





## ADELA BARAJAS: HEALING THE TRAUMA FROM ONE GENERATION TO THE NEXT

ADELA BARAJAS IS A CO-FOUNDING MEMBER of the Crime Survivors for Safety and Justice network and a long-time leader working to stop violence in her community. She is an advocate and a leader—and knows first-hand that, left without support, trauma from violence can impact generations.

Ten years ago, Adela's sister-in-law Laura was killed in a drive by shooting. The pain and trauma from Laura's murder has had a profound and long-term impact on the entire family, especially Laura's young children.

Laura's children needed intensive support—support that Adela knew was lacking in the schools or community. The boys struggled with ongoing trauma and grief.

One son, Joey, was 17 years old at the time of his mother's death. He blamed himself. Joey was a witness and relived the incident every time he was in court. As he got older, the impacts worsened. Unable to cope, he cycled in and out of the justice system for low-level crimes. After seeing his father in tears, Joey committed to turn his life around. With help from his family, he is working and getting certified as an auto mechanic. Once he completes probation, he will be eligible for record change under Proposition 47.

Another son, Brian, was only 5 when his mother died. He would wake up at night calling for his mother.

Adela enrolled him in different activities and got him into counseling, anything to keep him busy. He loved to run—when Brian ran, he could clear his mind. Brian is now 15 years old. He is in sports year round—baseball, football and basketball. He visits his mother at the cemetery frequently. He still wakes up in the middle of the night missing his mother and texts Adela as a way to release his grief. Adela is teaching him that life is what you make of it.

Today, Adela honors Laura not just by supporting her nephews but also through helping families who are going through unthinkable loss. She wants more families to share their stories. “By sharing my story, I am helping individuals, families and communities heal. And through healing, we can take action.”





## 2. Expand “Clean Slate” Programs to Reduce Barriers to Reentry

California state law includes over 4,800 legal restrictions on people with criminal records—after they have completed their sentence. These legal barriers operate as barriers to full participation in society, including prohibitions on employment, housing, professional trade association certification and more.<sup>202</sup> These barriers prevent stability, hurt families and contribute to the cycle of crime.

In California, some legal remedies are available to help “clean up” an old conviction record. These legal remedies include applying to expunge old convictions for some crimes, which allows the person to apply for certain jobs and other opportunities. Public defenders offices, self-help centers and nonprofit legal service providers assist individuals applying for these remedies. These are often called “clean slate” programs.

For roughly \$400,000 per year, for example, the Contra Costa Public Defender’s Office’s clean slate program is staffed by one public defender, two legal assistants and three clerks. With that investment, the program processed about 1,100 expungements last year in addition to assisting with other clean slate relief like applications to terminate probation early.<sup>203</sup>

Without “clean slate” services, the majority of people with convictions are not aware of, or able to access, legal remedies to reduce the barriers they face in reentry. These critical services are available in a very limited fashion.



## Time To Sunset Criminal Convictions

When people have served their time and paid their dues for committing a crime, it’s unfair—and bad for public safety—to prevent them from becoming stable and productive members of our communities again. The extreme collateral consequences facing people with convictions can last a lifetime and operate as a “Scarlet Letter F,” keeping people isolated, without dignity and a fair chance.

California can do much more to reduce these unfair barriers. Beyond reducing restrictions, the state can also reduce the number of convictions themselves. To improve safety and the economy, California should create a “sunset” date for criminal convictions—a date by which a person no longer has a criminal record if they have completed their sentence and remained crime free.

Removing legal barriers to stability for people with convictions can improve economic and health outcomes for individuals, families and communities—and reduce the likelihood individuals will reoffend.<sup>204</sup> If the state eliminated prior misdemeanor convictions within three years of crime free living post-sentence and within seven years of crime free living for most felony sentences,<sup>205</sup> a rough estimate suggests that about **six million people could remove old conviction records in California.**<sup>206</sup>

They are not in every county and they are not scaled up to meet the needs of people re-entering from the justice system. They are also not evenly dispersed geographically or available to the majority of people living with convictions.

**While local capacity and needs vary widely, based on the Contra Costa cost estimates, with \$1.5 billion dedicated to cleaning up conviction histories to reduce legal barriers to stability, California could create over 3,000 clean slate programs across the state.**

## Californians Support **Far Reaching Reforms**

At the ballot and in public opinion surveys, Californians have demonstrated widespread support for criminal justice reform and a strong desire to push further in the years ahead. Voters passed Proposition 47 and Proposition 57 with more than 60% of the vote and large bipartisan majorities from liberal and conservative, urban and rural, and diverse counties approved of those measures.

Public opinion research has also shown significant support for a more balanced approach to public safety. Importantly, there is particularly broad bipartisan support for reform among crime survivors. Contrary to the common portrayal of victims by the media, crime survivors overwhelmingly prefer approaches that prioritize rehabilitation to punishment and support shortening prison sentences to pay for investments in mental health and substance abuse treatment, education, trauma recovery services, and other public safety priorities.

The first-of-its-kind survey of California crime victims was conducted in 2013 by Californians for Safety and Justice.<sup>207</sup> This groundbreaking research revealed widespread support for reforming California's prison system among crime survivors.

Among the findings:

- By a 2 to 1 margin, crime survivors think that California should focus more on providing supervised probation and rehabilitation programs than sending people to jail and prison.
- By a 7 to 1 margin, crime survivors think that California should invest more in health services like mental health and drug and alcohol treatment than invest more in jails and prisons.
- Most crime survivors believe the state sends too many people to prison and think prisons make people better at committing crimes.
- Nearly two-thirds (65%) supported Public Safety Realignment (AB 109) that shifted responsibility for low-level felonies from the state prison system to local jails, dramatically reducing the state imprisonment rate.

Vulnerable populations and those dealing with the challenges of our current system—including victims of crime—also feel strongly that California needs a new approach. According to the *Survey of California Victims and Populations Affected by Mental Health, Substance Abuse and Convictions*, overwhelming majorities want less incarceration and more investments in the services and programs shown to stop the cycle of crime.

Among the survey results:

- Nearly 8 in 10 (78%) Californians surveyed think rehabilitation, drug treatment, and mental health treatment are better ways to prevent future crimes than punishment through incarceration.
- Nearly 7 in 10 (68%) prefer holding people accountable for their crimes by requiring alternatives to prison such as mental health treatment, drug treatment, or community supervision. Only 16% prefer putting them in prison.
- **More than half of Californians surveyed (55%) support closing state prisons to fund local mental health treatment and substance abuse treatment.**
- 6 in 10 (61%) oppose laws that restrict employment and housing options for people with felony convictions, after they complete their sentence.
- **Nearly 7 in 10 (69%) support clearing the records of people who complete their entire sentence if they remain crime free for seven years.**

For each of the statements above, there is majority or plurality support across demographic groups, including age, gender, race and ethnicity, and area (e.g., urban, rural, suburban).



# ▶ Conclusion: the time is now

**BY RESTRUCTURING BUDGET ALLOCATIONS**, state and local governments can build a strong, inclusive safety framework for all Californians. Thoughtful budget allocation with an eye towards prevention, healing and redemption is the key to building safe neighborhoods and stopping cycles of crime.

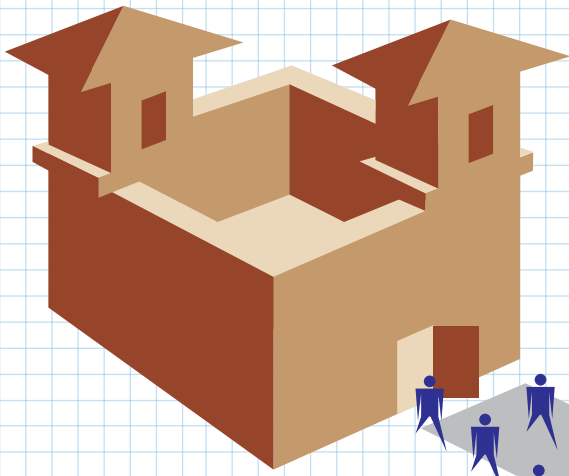
There has never been a more important time to achieve this vision.

Incarceration rates are declining—but much more is needed to finally begin reducing excessive prison expenditures, repairing the harm caused by the “tough on crime era” and bringing stability and dignity to communities in need.

As long as the state continues to overspend on prisons, the unresolved drivers of crime will continue to plague vulnerable communities. Concrete and bold steps must be taken over the next five years to build out new safety priorities rooted in community health and wellbeing.

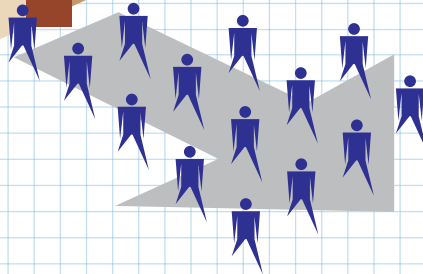
**The needs are prevalent and knowable. The solutions are emerging and scaleable. The public is ready and deserving.**

The time is now.



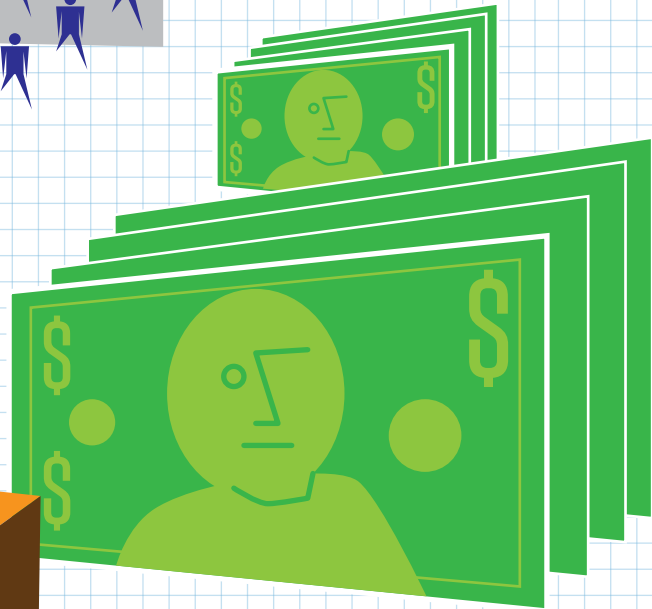
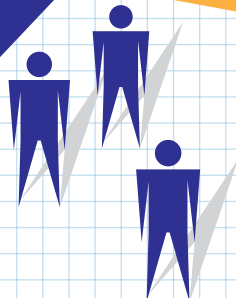
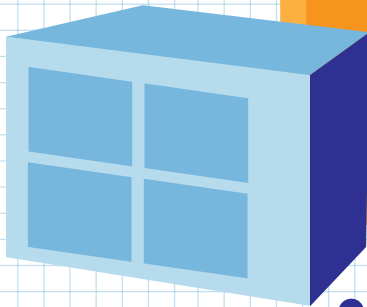
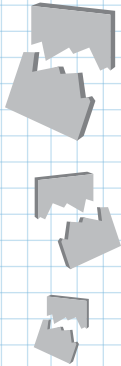
# REDUCE

STATE INCARCERATION BY 30,000 PEOPLE



# SAVE

\$1.5 BILLION IN STATE FUNDS



# INVEST

in any of the following

- TREAT **150,000** PATIENTS WITH SEVERE MENTAL HEALTH DIAGNOSES;
- TREAT **150,000** PATIENTS WITH SUBSTANCE USE DISORDERS;
- HOUSE **50,000** INDIVIDUALS STRUGGLING WITH CHRONIC HOMELESSNESS;
- ESTABLISH OVER **1,000** TRAUMA RECOVERY CENTERS;
- CONVENE OVER **A MILLION** RESTORATIVE JUSTICE DIALOGUES;
- PUT **300,000** PEOPLE WITH CONVICTIONS ON THE PATH TO EMPLOYMENT; OR
- CREATE OVER **3,000** CLEAN SLATE PROGRAMS.

# Endnotes

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