

Executive Summary

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

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Introduction and Overview

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

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

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

The Data

Data were drawn from the Adult Probation Systems (APS), new criminal charge filing data were developed by the District Attorney's Office, and ORE staff collected disposition data for these new criminal filings through May 15, 2013, from the Superior Court database (V2).

Contextual Data

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

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

Cautions and Limitations

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

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

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

Descriptive Population Data (October 2011–September 2012)

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

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

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

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

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

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

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

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

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

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

Preliminary Findings on Dispositions and Other Outcomes

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

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

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

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

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

Summary of the Preliminary Outcome Analysis

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

New Criminal Filings

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

Disposition Data

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

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

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

New Criminal Filings per Individual

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

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

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

Disposition Data

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

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

New Sentences and Sanctions

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

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

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

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

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

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

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

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

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

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

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

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

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

- Among “crimes against persons,” 33% were related to possession of a weapon and 27% to family violence.
- 73% of “drug” offenses were for possession of drugs or drug paraphernalia.
- Among “property” offenses, 45% were related to theft and 40% to burglary.
- Vehicle theft accounted for 45% of vehicle offenses.

The distribution of the 112 misdemeanor convictions was as follows:

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

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

- In the crimes against person category, about one third (39) were related to possession of some kind of weapon. Family violence was the next highest conviction category at 33 cases, or 27%.
- Almost three quarters (73%) of the drug offenses were for possession.
- In the property offense category, theft and burglary each made up about one third of these offenses.
- Vehicle theft made up almost one half of the 65 vehicle crimes.

Past and Present Offenses

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

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

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

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

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

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

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

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

- About half were again convicted of the same crime.

Time to Violation

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

Risk Assessment

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

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

Turning Point

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

Convictions among Turning Point Referrals

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

Gender

Gender differences were also found in this one-year study period. Overall, women were much more likely to have been originally convicted of a drug (32%) or property crime (51%) than males. Only one woman was assessed at high risk for violent crimes (compared to 54% of the males), although 28% of the women were assessed at high risk for combined violent or property

crime. Men on PRCS were about twice as likely to commit new crimes as women. Like their CDCR convictions, women were reconvicted for drug and property crimes.

Conclusion

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

Program, Policy and Research Recommendations

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

- Probation should create enhanced and more intensive case management for Realignment offenders.
- Increased jail programming for both “split” (MSR) sentenced and “straight” (LPO) offenders should be considered by the CCP.
- The effectiveness of pretrial programs should be examined by the CCP.
- Consider expansion of program components related to the types of reoffending among Realigned inmates.
- Enhance the collaborative nature of the CCP within county partners, contracted providers, and the Fresno community.
- Review and increase data partnerships with ORE, county agencies, and community partners.
- Develop a strategic data plan to solidify future reporting needs with active involvement of the Research and Evaluation Subcommittee.

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