On October 1, 2011 California began implementing Public Safety Realignment, a decentralization of authority over corrections and rehabilitation from the state to the 58 counties. Motivated by federal court rulings linking overcrowding to the inability of the state to provide a constitutional level of health care in California prisons, as well as a state budget crisis, the new law represents a substantial shift of responsibilities and has been described as “revolutionary and sudden” (Weisberg 2011), “the most significant correctional reform in decades” (Misczynski 2012), and “the biggest penal experiment in modern history” (Santos 2013). Realignment moves authority over most non-serious, non-violent, non-sexual felony offenders from the state to the counties and allows counties to exercise much greater discretion to implement new practices in incarceration and post-release supervision.

Realignment was expected to sharply curtail the prison population by statutorily limiting revocations to prison, as well as limiting the types of felony convictions that would be prison-eligible. While the immediate goal of realignment was to address prison overcrowding, a secondary aspiration was to reduce California’s historically high recidivism rates. There are two key mechanisms through which realignment might reduce recidivism. First, supporters of realignment hypothesized that the “locals could do it better.” That is, given increased resources from the state, local justice systems could make better use of programmatic interventions to treat and rehabilitate their populations. In addition, they hypothesized that justice populations may do better when they are kept closer to their families and communities.

Second, supporters hypothesized that realignment would induce behavioral changes within justice systems because it fundamentally changed the incentives those systems face. While prior to realignment counties could choose to rely heavily on the prison system, effectively passing the correctional burden of felony offenders to the state, post-realignment
counties would bear the burden of managing revocations and new convictions for lower-level felons through their local jail and probation systems.

Opponents of realignment were concerned that the policy change would lower overall incarceration rates and, ultimately, reduce the penalties associated with offender misconduct. As a result of this reduction in deterrence, opponents expected to see an increase in crime and recidivism post-realignment. In addition, concerns were also voiced about an increase in the extent of the variability of treatment and outcomes across local justice systems due to differences in the resources or orientations of counties.

While realignment was centered in California, it is a policy change that is reflective of an ongoing national conversation about the appropriate level of government at which to focus crime control efforts and how to lesson reliance on the most expensive resource in the system—the prison. As anticipated, the prison population in California dropped sharply in the aftermath of realignment, shedding 24,600 inmates in the first 12 months (Grattet & Hayes, 2014). While other U.S. states’ prison populations are also declining, California accounted for 25 percent of the nationwide decrease in state prison populations in 2012 (Janetta, 2013). California’s jail populations did increase as the correctional burden shifted to the local level, but those increases only account for about one-third the decline in the prison population, resulting in an overall decline in incarceration levels under realignment (Lofstrom and Raphael, 2013).

**California’s Realignment Population**

Public Safety Realignment changed which felony offenders could be sent to state prison rather than county jail, which offenders must be supervised by state parole or county probation upon release, and where and how long offenders supervised in the community would serve revocations for supervision violations (Schlanger, 2013). Realignment created the following
three new categories of felony offenders: 1) offenders released from state prison to county supervision (instead of state parole) with current convictions that are non-violent and non-serious (Post-Release Community Supervision, or PRCS); 2) lower-level (non-violent, non-serious, non-sexual) felony offenders who were previously eligible for state prison sentences and state parole supervision, but who now must be incarcerated and supervised at the county level (1170(h)); and 3) serious or violent offenders, mentally disordered offenders, and high risk sex offenders—all of whom remain under state parole supervision upon release from prison and only become part of the realigned population if they violate the terms of their supervision and are revoked to jail custody.

**Research on Realignment and Recidivism**

Gerlinger and Turner (2014) was the first study to consider what the state could expect in terms of recidivism patterns in the wake of realignment. Using data on prison releases collected before realignment, they constructed proxy groups to simulate the likely differences between groups defined by the law to be supervised by counties, PRCS offenders, and those that remained under traditional parole. The conventional wisdom was that offenders slated to be supervised by counties, proxy PRCS offenders, were “low level.” However, Gerlinger and Turner show that 80 percent of the proxy PRCS offenders were rearrested within three-years, 52 percent were reconvicted, and 70 percent had been returned to prison, often for quite serious, violent, or sexual crimes. They critique realignment for being motivated by the “stakes” of offending (i.e., offense-based or seriousness of the most recent conviction offense) rather than also considering risk to reoffend, with the result being that the state transferred responsibility for many low-stakes, but high-risk offenders to county probation departments.
The first descriptive findings that compared pre- and post-realignment recidivism outcomes were produced in 2014 by the Office of Research at the California Department of Corrections and Rehabilitation (CDCR). CDCR found that one-year return to prison rates have dropped from 32 percent prior to realignment to 7 percent post-realignment (CDCR 2014), a historical low. This is not surprising. Realignment was intended to end the revolving door of parole violators and low-level offenders into and out of prison. From that standpoint realignment appears to be quite effective in reducing the prison and parole populations. CDCR also found that the one-year rearrest rate dropped from 59 to 56 percent after realignment, although the felony rearrest rate rose from 37 to 43 percent. The average number of rearrests for each offender also rose. Reconvictions were unchanged, although the proportion of individuals with a felony reconviction rose slightly from 57 to 58 percent. Thus, the picture of what might be happening in the post-realignment period was different depending upon which measure of recidivism was the focus. There was some good news about returns to prison and misdemeanor rearrests and rearrests for supervision violations, some concerning news about increases in felony rearrests and felony reconvictions, and some evidence that suggested that realignment made little or no difference in reconvictions over all.

Researchers at PPIC, including the second author on the present essay, analyzed data provided by CDCR to estimate the causal effects of realignment on recidivism for the prison release population, including the traditional parole population and the new PRCS population (Lofstrom, Raphael, and Grattet 2014). To produce causal estimates of the effects of realignment on recidivism, they compared offenders who spent an entire year under the old system with those who spent an entire year under realignment. After constructing pure pre- and post-realignment cohorts and adjusting for observable differences in offender characteristics, they found that the
percentage of prison releases returned to CDCR custody within one year dropped 25 percentage points for offenders released in the post-realignment period. This finding is consistent with that of CDCR, showing that realignment achieved the intended reduction in returns to prison by greatly limiting the use of parole revocation as a pathway back into prison. The result was a dramatic drop in one-year return to custody rates to 7 percent of released offenders. In one year’s time, California went from having one of the highest return-to-custody rates in the nation to one of the lowest.

While the effect of realignment on returns to prison custody was directionally clear, the effects on rearrests and reconvictions were mixed. They estimated that rearrests based upon formal bookings increased by 2.6 percentage points. However, in interpreting this finding, it is important to consider that prior to realignment released offenders who committed parole violations could be returned to custody without being formally booked. If an adjustment is made so that the pre-realignment parole violation returns to prison are treated as de facto arrests, then it appears that rearrests actually dropped by 2.0 percentage points post-realignment for all individuals released from prison. In contrast, they found a 1.0 percentage point increase in the felony reconviction rate and a 0.2 percentage point increase in the misdemeanor reconviction rate.

Overall, the effects of realignment on recidivism for the full prison-release population could be characterized as mixed. However, there was also evidence of wide variation in these outcomes across California’s counties. To investigate this variation, two of the authors on the current paper undertook a study of the effects of realignment implementation policy on the recidivism outcomes of those prison releases most likely to be affected by county implementation policies—the PRCS offenders (Bird and Grattet, 2014). They first accessed the
changes in statewide recidivism for this population, and then explored the role that county implementation practices played in driving those outcomes.

After controlling for differences in observed offender characteristics and county of release, they found no evidence of a statewide effect of realignment on the measure of recidivism that included supervision violations and rearrests for felonies and misdemeanors. This suggests that the decreases observed in earlier work (Lofstrom, Raphael and Grattet 2014) are likely the result of decreases in rearrests among state parolees and not PRCS offenders. In comparison to this earlier work, they also estimate a significant increase in reconvictions but with higher magnitude (2.3 percentage points) for the PRCS population (Bird and Grattet 2014). When they limited their analysis to only include felony offenses, they estimated significant increases in both felony rearrests (4.7 percentage points) and felony reconvictions (1.9 percentage points) following realignment. It is important to note that these percentage point changes, when compared to pre-realignment recidivism rates, reflect moderate increases in felony recidivism. For example, a 4.7 percentage point increase in felony rearrests, when applied to the pre-realignment base six-month felony rearrest rate of 17.2 percent, reflects a 27 percent increase in the felony rearrest rate. Similarly, a 1.9 percentage point increase in the felony reconviction rate, when applied to the pre-realignment base of 5.9 percent, reflects a 32 percent increase. In other words, offenders whose supervision shifted from state parole to county probation under realignment were substantially more likely to be rearrested and reconvicted for serious crimes than their pre-realignment counterparts.

However, given wide variation in outcomes across counties, they investigated further to determine whether the strategic approach taken to realignment, as measured by county realignment budget allocations, had an effect on the recidivism outcomes of this PRCS
population. Using a difference-in-differences approach, they found that recidivism increased more for PRCS offenders released to counties that prioritized enforcement relative to those released to counties that prioritized reentry services (Bird and Grattet 2014). Specifically, the change in the felony rearrest rate under realignment was 3.7 percentage points greater for offenders released to enforcement-focused counties than for those released to reentry-focused counties. Felony reconviction rates followed a similar pattern. These findings suggest the decentralization of authority for lower-level felony offenders from state to local governments has the potential to produce improved recidivism outcomes, depending on the approach local governments take to implementation.

Research-to-date on the effects of realignment on recidivism has focused on outcomes for only two of the three realignment populations—parole and PRCS populations. Researchers have been limited to studying these populations because the available data captures only those individuals released from prison. Because there is currently no statewide data source that identifies 1170(h) offenders at the individual level, it is unknown whether recidivism patterns of 1170(h) offenders are any different from comparable offenders in the pre-realignment period. This group of offenders is arguably the most likely to be affected by realignment, as they serve custody, supervision and revocation terms at the local level and are, therefore, fully exposed to local criminal justice practices.

Data

In response to the lack of data available for the local realignment population, the authors of this study undertook a new data collection effort. In collaboration with California’s Board of State and Community Corrections (BSCC), a state agency set up to assist counties in implementing realignment, the Public Policy Institute of California (PPIC) is partnering with
twelve counties to collect individual-level data on their realignment populations through what is referred to as the “Multi-county Study” or MCS. These twelve counties represent about two-thirds of the state justice population, and as a group they also represent the demographic and geographic diversity of the state. We are also working with the California Department of Corrections and Rehabilitation (CDCR) and Department of Justice (DOJ) to merge local data with state data, allowing for a full picture of the realignment population as individuals move through state and local systems. The MCS dataset currently captures individual demographic characteristics, criminal histories, custody and supervision periods, and recidivism outcomes. In the next phase of the project, the data collection effort will expand to include recidivism-reduction interventions, including services and sanctions, applied at the local level.

**Research Design**

The present study focuses on the recidivism outcomes of the 1170(h) population under realignment. The 1170(h) population consists of those who are convicted of lower-level felonies that would have been prison-eligible offenses prior to realignment, but under realignment these individuals must serve their sentences and/or supervision terms at the local level. In this case, the realignment treatment encompasses a broad set of changes, including changes in deterrence, changes in justice system response, and changes in the rehabilitative nature of corrections when shifted to the local level. At this stage, we are not be able to estimate the partial effects of these—or other—factors, but rather the overall effect of the broader realignment treatment on recidivism for this group of offenders. However, we use multiple measures of recidivism—including rearrest, reconviction, and return to custody—to gain some traction on how these different mechanisms may operate under realignment.
Identifying the effects of realignment on recidivism outcomes requires that we control for changes in the composition of groups of offenders before and after realignment. In this case, we build a counterfactual group for the post-realignment 1170(h) offenders from the pre-realignment prison-release group of lower-level felons. We then draw on a set of observable control characteristics, including measures of age, race, gender, and past and current offending histories, which have been found to be associated with reoffending (Nagin, Cullen & Jonson, 2009). In addition, we control for control for county fixed effects. The specific model we estimate is:

\[
(1) \quad \text{recidivism} = \beta_0 + \delta_0 \text{post} + \beta_k X_{ik} + \beta_j C_j + \mu.
\]

We run this model separately for the following measures of recidivism: rearrest, reconviction, and return to custody. Post is a dummy variable indicating that the individual is a member of the post-realignment 1170(h) population. The coefficient of interest, \(\delta_0\), is our estimate of the effect of realignment on recidivism, holding constant the individual-level covariates \(X_{ik}\) to adjust for compositional changes in the pre- and post-realignment groups. \(C_j\) indicates the county of release.

**Findings**

We first consider whether realignment caused a change in recidivism among the group of offenders that would have been prison eligible prior to realignment, but are no longer prison-eligible under realignment. The results of identically specified models using three different measures of recidivism are presented in Table X. The key parameter in each model is the coefficient on the post-period indicator. The other variables are controls to adjust for differences between pre- and post-realignment groups.
[Note, at the time of submission, we are still awaiting complete data from the state. These dates were expected in the summer of 2015, but we now anticipate we will receive the data we need to complete the findings within the next few weeks. A complete version of the paper will be submitted to the reviewers as soon as possible. Should we not receive the data in the expected time frame, the authors will modify the research design and submit a final paper to the reviewers within an acceptable time frame, as will be discussed via email.]

Conclusions
References


Notes

For methodological reasons, Bird and Grattet (2014) followed six month release cohorts pre- and post-realignment for six month recidivism windows post-release. Therefore, their results are not directly comparable to those of Lofstrom, Raphael and Grattet (2014).