



## **Mandatory Supervision: The Benefits of Evidence Based Supervision under Public Safety Realignment**

State prison and probation are two ends of the response continuum traditionally available to judges who sentence felony offenders in California. Realignment has given the courts the additional tool of “split sentencing.” A split sentence allows a judge to split the time of a sentence between a jail term and a period of supervision by a probation officer known as “mandatory supervision.”

Mandatory supervision is defined as a court ordered period of time in the community under the supervision of the county probation department. Felony probation, mandatory supervision, and post release community supervision (PRCS) are all types of supervision that fall under the mandate of Probation Departments to enhance public safety and reduce recidivism.

Probation officers use validated assessment tools to hold offenders accountable and connect offenders to community services and programs that provide a greater chance of success. Opinion polls show that the public prefers community corrections and other alternatives to incarceration, seeing them as ways to improve community safety.<sup>1</sup>

CPOC’s Second Realignment Perspectives Issue Brief will examine split sentences from a variety of angles, including its use around the state, how enhanced use could improve public safety, and the impact of current sentencing practices on county jails. The brief will also examine how evidence based strategies for supervision and interventions can help to improve community safety.

## What is Public Safety Realignment?

Enacted through California Assembly bills 109 and 117, realignment gave counties responsibility to manage two populations of offenders who have been the responsibility of the California Department of Corrections and Rehabilitation (CDCR). Post Release Community Supervision (PRCS) and local prison offenders (1170h) share the fact they have been convicted of a felony offense that is non-serious, non-violent, and non-sexual .

For more information, go to: <http://www.cpoc.org/realignment>

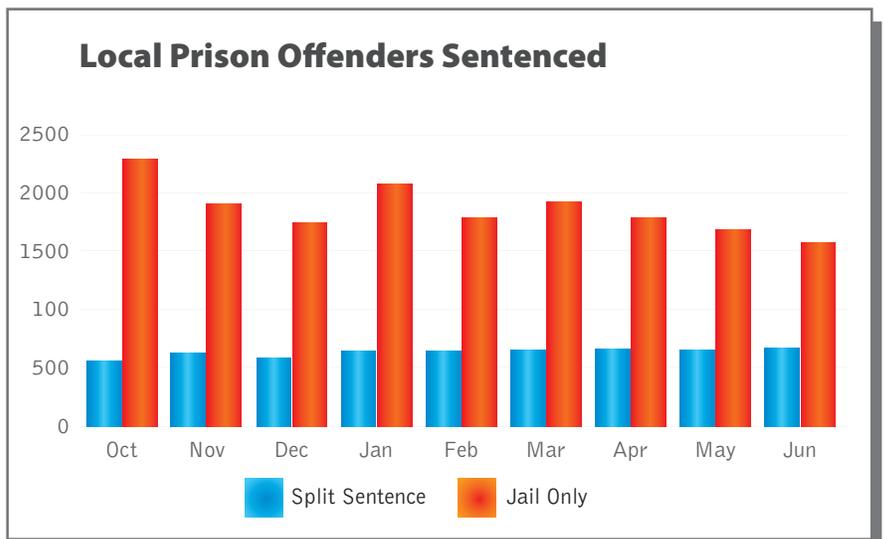
## Local Prison or PC1170 (h) (5)

is a prison term served in counties. It allows judges to impose a straight sentence of incarceration, or a split sentence of incarceration followed by a mandatory term of supervision for offenders convicted of a non-serious, non-violent and non-sexual offense.

## Split Sentencing in California under Realignment

Since the inception of realignment in October of 2011, there have been over 21,500 felony offenders sentenced to local prison terms using this new sentencing tool known in legal terms as a Penal Code section 1170(h)(5) sentence. This code section refers to those individuals who are now receiving local prison terms served through a combination of local jail and/or mandatory supervision. To date, approximately 5,000, or 23% of offenders sentenced to local prison terms have received split sentences (Figure 1).

FIGURE 1



The number of split-sentenced offenders has averaged 560 per month since the new sentencing options went into effect. However, the use of split sentencing is varied across the state, with some counties using it for nearly all local prison offenders, and some using it very rarely. Research shows that when a person is released from a confinement or incarcerated setting, a re-entry plan that ensures an individually targeted transition from jail to structured programs and supervision will provide the best opportunity to lower recidivism rates. Further, research “supports the conclusion that rehabilitation treatment is capable of reducing the re-offense rates of convicted

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offenders and that it has greater capability for doing so than correctional sanctions.”<sup>2</sup>

While statewide, 23% of total local prison sentences are split, the 10 largest counties use of split sentencing is only 20%, which makes this number somewhat misleading. Excluding these large counties shows that the remaining 48 counties use split sentences at 40%. Regionally, Central Valley, Bay Area, and Sacramento area counties have used split sentencing at nearly 40%, while Southern and Northern counties use it nearly 20 percent of the time.

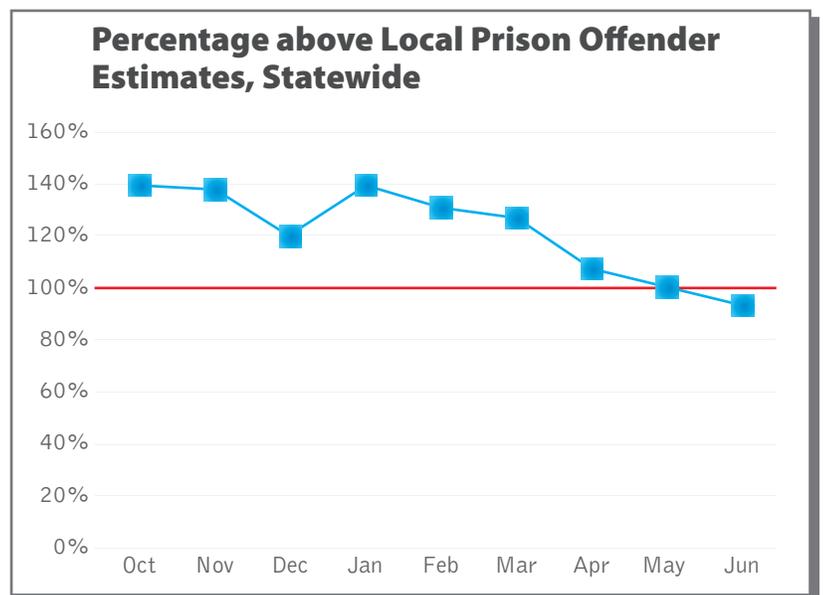
Since Realignment began, approximately 16,500 offenders have been sentenced to a period of custody time (often referred to as “straight time,”) with no mandatory supervision to follow. Once their local prison time is served, they must be released, with no supervision during the critical transition period, and no assistance reintegrating into the community. This is the period when recidivism is most likely, and the research is clear – these offenders will have a higher likelihood of committing more crimes than those who were given a split sentence. These facts have two conclusions. First, sentencing offenders to straight time increases capacity need in our jails. Secondly and more importantly, based on research, people coming out of incarceration without any treatment have a lower likelihood of succeeding and are more likely to recidivate than those who are supervised and case managed.<sup>3</sup>

## Impact on Jail Capacity

The new local prison population under Realignment has caused additional stress to local jails, many of which were struggling with jail overcrowding before realignment. Many Sheriffs are directing Realignment funds to building additional jail beds or plan on applying for jail expansion funds to address the capacity issues. As counties planned for Realignment, documents published by the California Department of Corrections and Department of Finance estimated the number of additional inmates each county could expect. However, the number of local prison sentences is above estimates by 20% with a variety of experiences across the state that was primarily driven by early high amounts of local prison sentencing (Figure 2). Actuals have begun to approach projections in recent months, but still represent 4,000 more sentenced offenders than anticipated. The jail population statewide is 11% higher than the same period in 2011.<sup>4</sup>

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FIGURE 2



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Given this impact to jails, local justice systems are implementing a variety of fiscally responsible methods to manage jail and criminal justice populations while preserving public safety. Programs like supervised pre-trial release as well as post-sentence alternatives to custody like electronic monitoring can mitigate jail capacity issues. Maximizing the use of mandatory supervision under split sentencing is another option that helps mitigate the impact on jail capacity. It is also good for public safety and long term crime control in that it can provide maximum opportunity to implement evidence based interventions that reduce an offender's risk of recidivism. Split sentences allow for pre and post release planning and coordination with probation that creates a seamless and successful jail release to mandatory supervision. The transition from jail custody to supervision happens in a variety of ways.

Some county probation departments are assessing offenders while still in the jail for criminogenic needs (factors associated with recidivism that help determine appropriate interventions and case plans) and risk. This process leads to better re-entry services and ultimately better outcomes. When sentenced inmates are released from local jail, probation planning, followed by evidence based interventions and probation supervision will assist in achieving a positive re-entry into society by avoiding high recidivism rates and increase the chances of success.<sup>5</sup>

## **Probation Supervision Works**

National research shows that the most effective methods to reduce recidivism combine probation supervision with treatment and programs that address criminal behavior. When local prison offenders do not receive a split sentence they are released to the community at the end of their sentence and opportunities to change criminal behavior for this population are usually lost.<sup>6</sup> Split sentencing would diminish this risk to success by incorporating supervision by the probation officer into supervision and treatment plans.

As of June 30, 2,000, or 40% of people who received split sentences in the first 9 months of realignment had ended their custody term and are now supervised in the community by county probation officers. Probation supervises over 320,000 felony offenders in California, including 29,000 realigned offenders on Post Release Community Supervision (PRCS). California probation departments have made a commitment to, and have invested heavily in evidence based practices.

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### **Post Release Community Supervision (PRCS)**

are eligible offenders who would have previously been under parole supervision and will now be supervised by Probation after release from prison. PRCS can last for up to 3 years, but can end earlier if the offender does not violate terms of supervision resulting in a return to custody.

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Probation has reduced caseload sizes of high risk offenders to ensure proper levels of supervision by officers; implemented tools for assessing risks and needs; and trained officers in techniques proven to increase chances of successful supervision, and reduce recidivism. These investments have led to probation's demonstrated success in supervising California's felony offenders. California Probation Departments have made a commitment to the use of evidence based practices to match offender's actual needs with appropriate services and structure supervision around an offenders risk to reoffend.<sup>7</sup> These improvements and techniques should also be successful with the new realigned populations, but the entire justice system must be addressed in order to make the system successful and our communities safer.

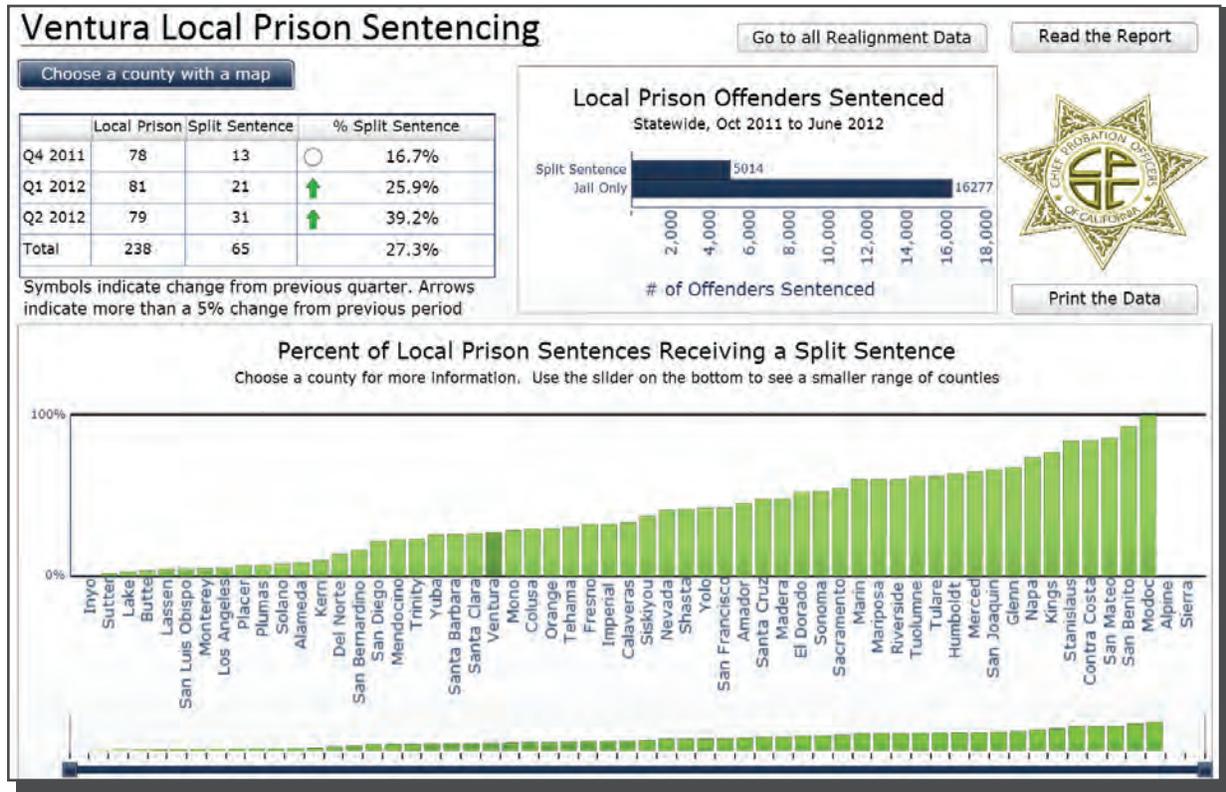
The balanced approach of incarceration followed by a period of supervision using targeted interventions based on offender needs will do more to reduce recidivism than straight jail or incarceration sentences alone. National evidence supports the balanced approach of probation supervision as being more effective than a model focusing only on surveillance or only on therapeutic interventions to manage offender behavior.<sup>8</sup> Realignment is an opportunity to get the balance right between incarceration and supervision for both of these populations.

Split sentences are an important public safety tool that is currently being underutilized in some areas of California. Plea bargaining and sentencing practices vary, but the research is clear that a period of supervision following incarceration, rather than just incarceration will lead to reduced recidivism. Probation Departments have the tools and experience with felony offenders to effectively balance community safety with rehabilitation. The Chief Probation Officers of California believe, based on years of research and experience that California citizens are better served with increased use of split sentencing.

## **What is Evidence Based Supervision?**

- Officers assess offender risk to re-offend and criminogenic needs using a validated assessment tool.
- The highest risk offenders are contacted and drug tested more often, as well as being more likely to have their homes searched.
- Officers work with offenders to create individualized case plans resulting in referrals to appropriate community based services.
- Swift and Certain incentives and sanctions are used to motivate offender change

**To interact with the statewide data from this report:**  
<http://www.cpoc.org/assets/Realignment/splitsentencedashboard.swf>



**For questions about this report, please contact:**  
**Cpoc@cpoc.org**, or visit our website at  
<http://www.cpoc.org/realignment>

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<sup>1</sup>Pew Center on the States, Public Opinion on Sentencing and Corrections Policy in America. 2012. [http://www.pewstates.org/uploadedFiles/PCS\\_Assets/2012/PEW\\_NationalSurveyResearchPaper\\_FINAL.pdf](http://www.pewstates.org/uploadedFiles/PCS_Assets/2012/PEW_NationalSurveyResearchPaper_FINAL.pdf)

<sup>2</sup>Lipsey, Mark W. and Cullen, Francis Y. 2007. The Effectiveness of Correctional Rehabilitation: A Review of Systematic Reviews. Annual Review of Law and Social Science. 3:297-320.

<sup>3</sup>Bonta, James et al., 2008. Exploring the Black Box of Corrections. Journal of Offender Rehabilitation, Vol. 47(3): 248-270.

<sup>4</sup>Board of State and Community Corrections, Quarterly Jail Survey, Quarter 2, 2012. [http://www.bscc.ca.gov/download.php?f=/2012\\_2nd\\_Qtr\\_JPS\\_full\\_report.pdf](http://www.bscc.ca.gov/download.php?f=/2012_2nd_Qtr_JPS_full_report.pdf)

<sup>5</sup>Bonta, 251-252.

<sup>6</sup>Taxman, Faye S., Douglas Young, James Byrne, Alexander Holsinger, and Donald Anspach. 2002. "From Prison Safety to Public Safety: Innovations in Offender Reentry." College Park, MD: University of Maryland, College Park.

<sup>7</sup>Latessa, Edward J., Cullen, Francis T, and Gendreau, Paul. 2002. Beyond Correctional Quackery—Professionalism and the Possibility of Effective Treatment. Federal Probation. 66(2): 43-49.

<sup>8</sup>Skeem, Jennifer, 2008. Back to the Future: From Klockars' Model of Effective Supervision to Evidence-Based Practice in Probation. Journal of Offender Rehabilitation; Vol. 47 (3): 220-247.