

# THE HUFFINGTON POST

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## Instead of “One Size Fits All” Justice That Hurts Communities, Let’s Get Smart on Crime

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America is a global leader on many fronts -- including incarceration. The United States is home to less than 5 percent of the world's population, but houses almost one quarter of its prisoners. These figures have grown exponentially in recent years: America’s federal prison population increased by 800 percent since 1980, with most of those offenders incarcerated for nonviolent offenses. As the most populous state in the nation, California has been uniquely impacted by these incarceration trends.

The issue was brought into sharp focus when the U.S. Supreme Court issued its 2011 *Brown v. Plata* decision. The Court affirmed a lower court’s decision ordering California to reduce its in-state adult prison population from approximately 156,000 to 110,000 inmates, or 137.5 percent of design capacity. In response, the California Legislature passed and Governor Jerry Brown signed the Criminal Justice Realignment Act of 2011. Realignment shifted responsibility for the incarceration and supervision of low-level, nonviolent offenders from the state prison system to California’s 58 counties. It also directed significant financial resources to counties to handle their increased responsibilities and to create localized alternative solutions to incarceration.

Three years in, Realignment has achieved one of its primary purposes -- reduction of the population of California’s prison system. Following implementation of Realignment, the state redirected 30,000 recently convicted offenders who would have gone to state prison to county jail and shifted supervision of 50,000 offenders from state parole agents to county probation departments. Realignment has also forced an examination of California’s return on its investment in incarceration. The state spends an estimated \$13 billion per year on criminal justice, but almost two thirds of those released from state prison go on to commit another crime within three years. This rate of recidivism is a waste of taxpayer dollars, and it is a threat to victims of crime and to public safety in general.

As a career prosecutor, I firmly believe there must be swift and certain consequences for all crime, and that certain offenses call for nothing less than long-term imprisonment. But I also believe that the way our system deals with low-level, nonviolent and non-serious offenders wastes resources needed to fight more serious crime.

Rather than a one-size-fits all justice system that treats all crime as equal, I have argued for a “smart on crime” approach -- one that applies innovative, data-proven methods to make our criminal justice system more efficient and effective. Such an approach will not only hold offenders accountable for their actions; it will make our communities safer by taking steps to ensure that they don’t commit new crimes.

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I applied this “smart on crime” approach as District Attorney of San Francisco to create Back on Track, a comprehensive re-entry initiative for first-time, nonviolent drug offenders. This initiative was, first and foremost, about personal responsibility and holding offenders accountable for their behavior. In exchange, they participated in re-entry and life skills training and employment opportunities to reduce the chances that they would resume a life of crime upon their release.

Back on Track worked. The re-offense rate for participants was 10 percent, compared to 50 percent for other offenders in the same category. Taxpayer savings were significant as well -- Back on Track cost less than \$5,000 per person, whereas the cost to jail an offender for one year was \$43,000.

Realignment has now presented California with the opportunity to implement similar efforts in all 58 counties. With this in mind, my office created the Division of Recidivism Reduction and Re-Entry (“DR3”) of the California Department of Justice in November 2013. DR3 has three primary goals: to identify effective initiatives and evidence-based best practices to reduce recidivism; to use innovative technology to measure those initiatives and assess outcomes; and to identify public and private funding sources for those initiatives.

Earlier this month, my office announced the launch of DR3’s first pilot program, a partnership with the Los Angeles County Sheriff’s Department and Probation Department along with a number of other public and private sector entities. Back on Track -- LA, which will be up and running this fall, is a re-entry initiative targeting nonviolent offenders in the Los Angeles County jail system. Using evidence-based practices, the initiative will combine in-custody educational opportunities with employment services, life skills training and referrals to key services such as housing and health care. And like my efforts in San Francisco, the key component underlying Back on Track -- LA is accountability. Participants will create personal responsibility plans and be guided by coaches who will hold them accountable to benchmarks and expectations. Through this initiative, participants will make the transition from a former life of crime to being productive, contributing members to their communities and families.

Initiatives like Back on Track -- LA are critical to stopping the revolving door between our jails and prisons and our communities. We are at a seminal moment in time for criminal justice policy -- not just in California, but across the nation. We can no longer afford to ignore our incarceration problem -- the financial and societal costs for victims and taxpayers are too high.