

## Shut the Revolving Door of Prison

April 27, 2015

Hon. Kamala D. Harris, Attorney General of California

America is a global leader on many fronts, including our record incarceration rate. Over the last 40 years, the country's prison population has grown 500 percent. We now house more than one-fifth of the world's incarcerated population. In California, the prison population grew three times faster than the general population between 1990 and 2005. With severe overcrowding in the state's prisons and increased scrutiny on the effectiveness of incarceration in enhancing public safety, California has had to develop innovative policies to hold criminals accountable and stop prison's revolving door.

For several decades, tough laws and long sentences have created the illusion that public safety is best served when we treat all offenders the same way: arrest, convict, incarcerate, and hope they somehow learn their lesson. As a career prosecutor, I firmly believe there must be swift and certain consequences for crimes, and that certain offenses call for nothing less than long-term imprisonment.

But we also know that the majority of prisoners are serving time for nonviolent offenses — what I call the base of the “crime pyramid.” At the top of the pyramid are the most serious and violent crimes, which are committed far less often but should demand most of our attention in law enforcement. At the base of the pyramid are the vast majority of crimes committed, which are nonviolent and non-serious. Yet the manner in which our system deals with low-level offenders wastes precious resources needed to fight more serious crime and truly enhance public safety.

Crime is not a monolith. Instead of a one-size-fits-all justice system that responds to all crime as equal, we need a “Smart on Crime” approach — one that applies innovative, data-driven methods to make our system more efficient and effective. Being smart on crime means that we focus on the top of the pyramid and avoid treating all offenders the same way. This approach has three pillars: maintain a relentless focus on reducing violence and prosecuting violent criminals, identify key points in the lives of young offenders to stop the escalation of criminal behavior, and support victims of crime.

The issue of mass incarceration was brought into sharp focus for California when the U.S. Supreme Court issued its 2011 *Brown v. Plata* decision, requiring the state to reduce its prison population by approximately 46,000 inmates due to overcrowding. This ruling forced California's leaders to confront how our state approached incarceration, particularly when more than 90 percent of prisoners return to their communities and are unprepared to be productive members of society. In response to this ruling, the California legislature passed the Criminal Justice Realignment Act of 2011 (“Realignment”). Realignment shifted responsibility for the incarceration and supervision of low-level, nonviolent offenders from state prisons to

California's 58 counties. It also funded counties to handle their increased responsibilities and create alternatives to incarceration and successful reentry.

Since then, Realignment has achieved one of its primary purposes: to significantly reduce California's prison population. California has reduced its state prison population by 30,000 and also shifted the supervision of 50,000 offenders from state parole agencies to county probation departments. Further, Realignment has allowed us to increase our return on investment, so that dollars we spend on criminal justice better equip inmates with the tools and skills they need to ensure they do not reoffend. This is particularly important because incarceration in California is expensive. Statewide, we spend an estimated \$13 billion per year on prisons, yet nearly two-thirds of all state prisoners go on to reoffend within three years of release. These high rates of recidivism are not only a waste of taxpayer dollars, they are a serious threat to California's public safety.

There has been a movement to change these trends, to adopt the smart on crime approach, and build evidence of its effectiveness for some time. In 2005, as district attorney of San Francisco, I put this strategy to the test when we created "Back on Track," a comprehensive reentry initiative for first-time, nonviolent drug offenders. The initiative focused on personal responsibility by holding offenders accountable for their behavior. In exchange, participants engaged in intensive reentry, life skills training, and education and employment opportunities to reduce the alarmingly high chance 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 54 percent for non-participants who had committed the same types of crime. Taxpayer savings were significant. The program cost less than \$5,000 per person, compared to the \$43,000 it cost to house an offender in jail for one year. Back on Track yielded a substantial return on investment for the city and for California. Not only did we save taxpayer dollars for each successful participant who did not return to jail, the effort also grew the local labor force, expanded the tax base, and had a number of collateral benefits (e.g., higher child support payments). We were honored that the U.S. Department of Justice designated Back on Track as a model for law enforcement.

Building on this success, I created the Division of Recidivism Reduction and Reentry ("DR3") of the California Department of Justice in November 2013. DR3 aims to reduce recidivism by partnering with counties and district attorneys. DR3 identifies effective evidence-based best practices, measures their success in reducing recidivism and facilitating successful reentry, and identifies public and private funding sources to support those initiatives.

In February 2015, we launched "Back on Track-LA." This holistic reentry initiative targets nonviolent offenders in the Los Angeles County jail system to prepare them to reenter society as contributing and law-abiding members. Using evidence-based practices, the initiative combines in-custody education with the critical services for a seamless transition to out-of-custody life. The in-custody program provides cognitive behavioral therapy, academic and career-technical education, life skills, and reentry training. It also provides child support services, parenting and family services, identification cards, health services, and tattoo removal. Through partner schools, "Back on Track-LA" offers remedial and college courses, as well as certification courses in welding, construction, and other careers that match California's workforce needs.

After release from jail, the out-of-custody program provides employment, housing, and continuing education services. An Employment Advisory Board assists participants with job placement and the LA County Probation Department provides transitional housing for participants for up to 120 days and coaches who continue to monitor and assist participants for one year after release. Participants can continue toward completing high school studies, and transfer their college credits earned while in-custody to any California community college.

A foundational component of Back on Track-LA is personal accountability. Participants create individual responsibility plans and are guided by coaches who will hold them accountable to benchmarks. Participants make the transition from lives of crime to become productive members of society, benefitting not only their communities and families, but also California taxpayers.

Back on Track is proof that we can be smarter in reducing crime than simply perpetuating the pricey revolving door to prison. At the federal, state, and local levels, we need to explore how to best scale and replicate proven approaches. We should continue building partnerships across agencies, such as sheriff's departments, probation departments, community colleges, and other public and private sector entities to pool their expertise and resources toward the goals of stopping recidivism and preventing crime.

Being smart on crime also means using the best and most innovative tools available to increase the effectiveness of law enforcement and criminal justice. Using state-of-the-art technology, California tracks program outcomes such as recidivism, educational attainment, employment, and child support payments. For example, we have collected data points on each of Back on Track-LA's program elements. Through data collection, we are setting a new standard for what "success" means in recidivism-reduction programs.

Recidivism reduction is a long-term commitment, and our programs must equally reflect that commitment. And we must measure progress toward those goals. To facilitate these reforms, last October I proposed a single statewide definition of recidivism, which represents a data-driven approach to evaluate recidivism rates and measure the effectiveness of criminal justice policies and programs. California and many other states lack a uniform way to measure the rate of individuals who recidivate. One shared definition of recidivism is critical if we are to be smart on crime.

Our country has an opportunity to adopt a modern, cost-effective crime-fighting agenda that delivers the safety we deserve. States can deliver accountability and achieve cost-effectiveness by implementing reentry programs, such as California's Back on Track, to ensure that offenders successfully transition from in-custody to out-of-custody life and stop committing crimes. Providing these services reduces recidivism, saves money, and prevents crime. It helps redirect nonviolent offenders from a life of repeated crime and prison time to get their lives back on track.

In recent years, public opinion on criminal justice policy has changed. The message has been clear: We cannot continue to do business as usual, then act surprised when individuals reoffend. We are at a seminal moment 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, communities, and taxpayers are too high. The smart on crime approach can shut the revolving door between prisons and our communities for good.