

Media Toolkit

Talking Points with Media on Realignment and Crime Data

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Note: This document is intended for internal purposes as a toolkit for policy advocates when talking to media about AB 109 realignment and crime data. It is not for use as direct quotes for media stories or op-eds—in order to avoid the exact same phrases appearing from different entities—and it should not be shared this directly with media, bloggers or anyone who might do so.

Background

On August 21, 2012, the Criminal Justice Legal Foundation (CJLF, 2012) issued a press release charging that the realignment under Assembly Bill 109 of locally managed offenders—ones who, prior to October 1, 2011, would have been sent to state prison or supervised by state parole officers—“is continuing to drive up crime across California.” The CJLF offered a number of assertions from law enforcement opponents of realignment (some highly misleading, such as claims that state prisoners are being “released under AB 109”), along with two pieces of evidence:

- (1) statistics showing that some locally-supervised Post-Release Community Supervision (PRCS) offenders who otherwise would have been under supervision of the state prison/parole system have committed new crimes since being placed in PRCS, and
- (2) preliminary figures from a few jurisdictions indicating increases in some types of crime in the first half of 2012.

Realignment and Crime Data

*There Was a 66% Parolee Rate of Recidivism **Before** Realignment.* The major flaw in CJLF’s first piece of evidence that realignment is increasing crime is the assumption that locking these same types of (and often the same individual) offenders in state prisons and paroling them after they served their terms will prevent all future offending. That’s not the case. In fact, the Department of Corrections and Rehabilitation’s latest, *2011 Adult Institutions Outcome*

Evaluation Report, shows that 57% of prison parolees before realignment were rearrested within 1 year of release from prison. CDCR data also showed that nearly 66% of parolees released before realignment will commit violations and criminal offenses meriting their return to prison within 3 years of release (CDCR, 2012).

The 115,000 parolees released from state prison after serving their sentences in the most recent year studied, fiscal year 2006-07, included 7,800 sex offenders and 23,500 serious and violent offenders, including 47 who were originally convicted of murder and 360 originally convicted of rape. After release, more than 8,000 parolees were returned to custody for violent offenses (CDCR, 2012). The CJLF, using the same logic, could have generated a press release with local anecdotes and statistics charging that the “state prison and parole system is continuing to drive up crime across California.”

Crime rates vary in cities from month to month and from year to year. The problem with CJLF’s second piece of evidence is that in any year—including those before realignment took effect—some offenses go up and others go down, offenses go up in some cities and down in others, and preliminary statistics change over the year. For example, contrary to CJLF’s press release asserting that crime is rising, Los Angeles reported significant decreases in crime in the initial months of 2012, six months into realignment. The Los Angeles Police Department reported on August 25, 2012 that, “crime is down 1.8%” in 2012 compared to the same period in 2011, with property crime down 0.2%, violent crime down 8.4%, and shooting victims down 11% compared to 2011 and 16% compared to 2010 (LAPD, 2012).

Should realignment therefore be credited with the impressive *reductions* of crime, violence, and shootings in the state’s largest city? That would also be premature. Los Angeles’s figures remain incomplete and preliminary for 2012, as they do for other cities. A few quick snapshots of crime and local anecdotes of a handful of sensational offenses are inherently misleading and often contradicted when the full year is available for the whole state; although they often serve the short-term purposes of interest groups and the press in making political points.

We need more data. Not only does the absence of statewide reports make it impossible to know whether crime rose or fell in 2012, we cannot yet assess the extent to which realignment did or did not contribute to crime compared to the previous record the same types of offenders. The issue is not that some previously convicted offenders commit additional offenses, whether they were managed by state prison and parole, or by local jails, or probation, or community programs. ***The question is whether local county management handles lower-level offenders as or more effectively than the state.***

Even if only recidivism is considered as an indicator of crime levels, there are many complexities to evaluate. For example, CDCR (2012) finds recidivism rates have been lower for parolees who were originally sentenced for a serious/violent offense than for those convicted of property, drug, and other offenses. In fact, only a small percentage (less than 10%) of the new offenses of recidivist parolees originally sentenced for serious/violent offenses are violent; the rest are lesser crimes or parole violations.

Further, rates vary widely by county. For example, 57% of Los Angeles County's state inmates are returned to custody for new offenses within 3 years of release from prison, compared to 78% of San Joaquin County's. Blaming certain offenses and selected crime trends in Fresno County on the failure of local supervision of offenders under realignment, as the CJLF does, is dubious, given that 76% of that county's prisoners had been rearrested for new offenses within 3 years of release from state prison before realignment.

Policy makers and news reporters confronted with sensational claims, local anecdotes, and selective citations of crime trends should greet these claims with skepticism. It will be at least another 6 months to a year before sufficient data are available to assess the initial effects of realignment. Whether realignment coincides with increased or decreased crime, the new realignment policies require a much more complex data analysis than the CJLF-style laundry lists of quotes and numbers.

The CJLF type of sensationalistic reporting could just as easily have been used to discredit the previous, large-scale imprisonment policies employed by the state over the last 30 years. It does appear that groups like CJLF have a stronger agenda to make political points regarding realignment, than any real attempt at determining what the data is telling us about realignment and crime.

Key Messages

In addition to the background and clarifications above, the following are some potential talking points to help reframe this issue more accurately in conversations with media and others in the public.

- It's premature – and irresponsible – for anyone to make claims about realignment and crime; the data simply doesn't yet offer a true statewide picture of the impacts on crime one way or another.
- Realignment is the “new normal” that has been approved by the Legislature and the Governor. Counties now have a unique opportunity to put in place new programs that have been proven to reduce the risk of re-offending, improve outcomes for incarcerated individuals, and chart a path towards long-term public safety.
- Realignment was instituted as a statewide policy for the right reasons: California's corrections policies over the last 30 years left us with overcrowded prisons, ever increasing taxpayer burdens, and limited opportunity for formerly incarcerated individuals to effectively reenter society.
 - It's important to remember that before realignment, *two out of three Californians exiting state prison returned within three years for new offenses.*
- Local crime rates - now or at any time - are the responsibility of policies and strategies implemented by local law enforcement and their communities. Realignment provides counties with unprecedented level of funding and new opportunities to use model practices.

If asked specifically about the CJLF data:

- The data in this press release is selected from counties reporting isolated incidents from someone released because of Realignment. Such a biased review of data at this early stage is just as irresponsible as applauding Realignment for decreases in crime that other California counties are likewise experiencing. It's just too early to know.
- The real question is whether local management of lower-level offenders is done more effectively than the state has handled these same state prisoners in years past.

References

California Department of Corrections and Rehabilitation (CDCR). (2011). *2011 Adult Institutions Outcome Evaluation Report*. At: [http://www.cdcr.ca.gov/Adult_Research_Branch/Research_Documents/ARB_FY_0607_Recidivism_Report_\(11-23-11\).pdf](http://www.cdcr.ca.gov/Adult_Research_Branch/Research_Documents/ARB_FY_0607_Recidivism_Report_(11-23-11).pdf)

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Chief Probation Officers of California (CPOC). (2012). *California Realignment Dashboard*. At: <http://www.cpoc.org/php/realign/dashboardinfo/dashboard.swf>

Los Angeles Police Department (LAPD). (2012). *Weekly crime and arrest comparison report for the 4 weeks ending - August 25, 2012*. At: <http://www.lapdonline.org>

Please note: *Each year, every county submits their data to the official statewide databases maintained by appointed governmental bodies. While every effort is made to review data for accuracy and to correct information upon revision, CJCJ cannot be responsible for data reporting errors made at the county level.*

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