

Reimagine 109: Allocate 50% of AB 109 Funds to Community-Based Organizations for a Stronger Los Angeles County

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Executive Summary

After decades of “tough on crime” policies that exacerbated and filled its jails and prisons, California was mandated by the U.S. Supreme Court to reduce overcrowding. In response, California passed the Public Safety Realignment Act (AB 109) in 2011, shifting people convicted of low-level, non-violent offenses to county authorityⁱ. The intent of AB 109 was to help counties develop and implement alternatives to incarceration within their communities. Annually, LA County is given an opportunity to fully envision and embrace the full range of diversion and alternatives that could be funded under AB 109. With the passage of Proposition 47, 57, and 64, Californians and LA County residents sent California legislatures and County Officials the message that their communities need services rather than incarceration.

#Reimagine109 presents LA County with the opportunity to develop comprehensive coordinated processes among local government, health departments, and community-based health and social service organizations. #Reimagine109 aims to reduce the reliance on LA County’s expensive criminal justice system and recidivism by:

- Focusing on holistic health models and rehabilitation outside of the jail setting,
- Empowering community organizations led by people most impacted by incarceration with the resources necessary to adequately support reentry, and
- Creating innovative programs that provide services rooted in dignity of human life that offer drug use treatment, alcohol treatment, literacy programming, employment counseling, psychological counseling, trauma informed services, housing support and mental health treatment.

Proposal

The #Reimagine109 campaign focuses on re-directing at least 50% of LA County’s AB 109 funding to community-based programs that prioritize holistic care, dignity for all, and empowering those most impacted by the criminal justice system.

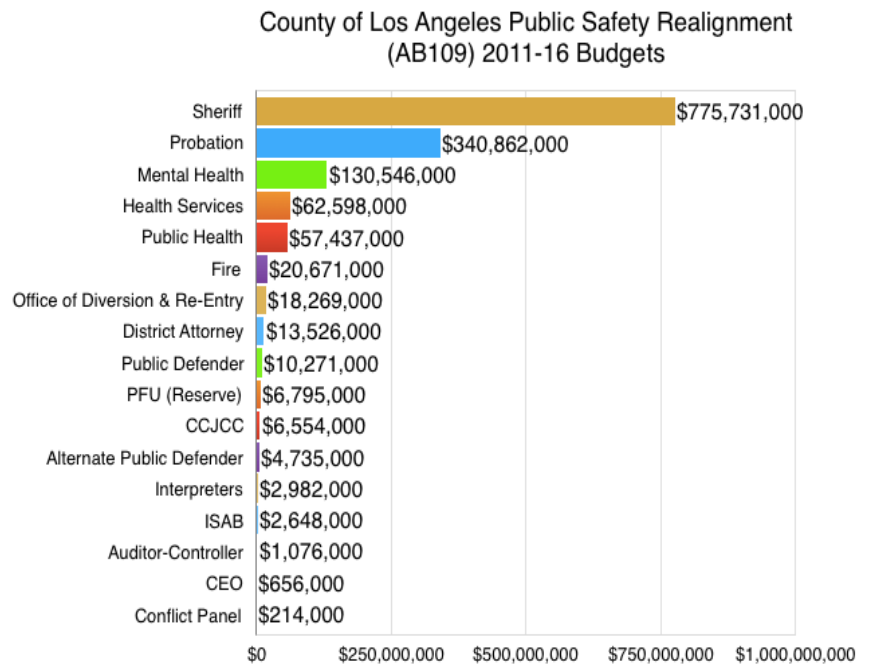
AB 109 Context and Opportunity to Tackle Complex Problems

The intent of AB 109—expressed by both the statutory languageⁱⁱ and the preliminary finding calculations provided by the California Department of Financeⁱⁱⁱ—was for counties to focus on non-incarceration alternatives that have a proven track-record of reducing recidivism. The state government officially recognized that we cannot incarcerate our way out of crime and granted Counties the discretion on how to best allocate AB 109 funds within their jurisdictions. Unfortunately, LA County has allocated a lion’s share of their AB 109 funding to support incarceration and supervision provided by the LA County Sheriff and Probation offices. A much smaller share has gone to develop non-incarceration alternatives and housing within the communities of LA County, leaving many individuals without proper reentry, housing, and supportive services.

In FY 2014-15, LA County allotted less than 23% of AB 109 funds to programs and services, while the Sheriff’s Department received over 55% of the funds. Despite this, the Sheriff’s Department continually claims, in years of good and bad economy and in years of rising and falling crime, that it is underfunded. Additionally, any allocated funds that remain unused at the end of the fiscal year do not roll over to the same budget line for the next year, but are instead transferred to an “AB109 Reserve Fund” that has primarily been used to help the Sheriff’s Department cover overtime costs. The County’s inequity in allocation of AB 109 funding, has left many people without the services needed for successful reentry. In order to reduce recidivism and the reliance on a failed criminal justice system LA County will need to shift funding to develop community-based programs and services.

Why should LA County Reimagine 109?

Every year, AB 109 funding gives LA County the opportunity to develop diversion, alternatives, and housing resources within its communities. It provides the opportunity to develop effective solutions and resources that impact and reduce recidivism, while lessening the reliance on an expensive and ineffective criminal justice system. The County also has the opportunity to implement pertinent legislation and changes contemplated by the District Attorney—including the split sentencing presumption, increased good time or educational credits, Proposition 47/ 57/ 64, and pre-booking diversion programs. One of the most significant drivers in reducing the jail population is the DA’s Mental Health Diversion Program—which could lower the County’s average daily jail population by 6,000 inmates or more, the majority of whom fall under AB 109. In light of all these reforms and policies, it is incumbent upon the County to shift AB 109 funds to complement and enhance the effectiveness of these changes.



Aside from decreasing AB 109 jail populations, allocating more AB 109 funding to augment reentry programs and services could decrease LA County’s poverty levels, reduce homelessness, and create thousands of jobs with the implementation of new programs led by impacted people.

- **Poverty:** Los Angeles County has the highest poverty rate in the state and the nation^{iv}. These rates are drastically higher for the formerly incarcerated population^v. Research shows that 40% of crime is directly attributable to poverty^{vi}. The indisputable correlation between poverty and crime indicates that a smart public safety strategy must focus on creating supportive services, housing, and economic opportunities for people leaving jail to reduce recidivism.
- **Housing:** Investments in affordable housing rather than incarceration is a more cost-effective approach. Investing in supportive housing programs has saved counties nearly \$15,000 per person, per year due to reductions in jail stays and hospitalizations^{vii}. In LA County, more than 15,000 people in the County’s Coordinated Entry System are waiting for a permanent supportive housing placement. Without stable housing, people are seven times more likely to recidivate^{viii}.
- **Jobs:** Aside from reducing recidivism, improving lives, and increasing public safety, investing in new community-based programs could also create thousands of jobs in LA County and create a more thriving nonprofit sector.

Revolving Door and Social Prison

Juan was in and out of the LA County criminal justice system, primarily for offenses driven by problematic substance use, poverty, and a lack of comprehensive supportive services. Juan was released from Men’s Central Jail in 2015, and was put on AB 109 probation. Juan was advised that if he wanted residential substance use treatment he would have to wait 4-6 weeks. During those 4-6 weeks Juan ended up homeless, without supportive services, and back in jail like hundreds of people on AB 109 in LA County.

Success in Other Counties

Many other Counties have used their AB 109 funds differently than LA. LA County can join the groundbreaking efforts underway in Alameda and Contra Costa Counties and develop effective partnerships with community-based programs to increase services and reduce recidivism. In FY 2013-14, Santa Clara County allocated almost 34% of its AB 109 funding to programs and services, while LA allocated only 20%. Earlier this year, the Alameda County Board of Supervisors voted to allocate 50% of its AB 109 funding to community-based services. Contra Costa County adopted a series of decarceration policies and dedicated 60% of their AB 109 funding on reentry programs and services, resulting in an astonishing drop in their recidivism rate by 21%. Los Angeles can learn from and build upon this success.

Policy Recommendations

LA County is poised to employ safe, effective, and economical alternatives to incarceration at all stages of the local criminal justice process. By investing 50% of AB 109 funding into cost-effective and outcome-improving community-based services, the county will realize significant savings, better public safety results for LA County residents, and a stronger LA County. Specifically, we propose the following.

- **Fund successful reentry and reduced recidivism in LA County.** Within two fiscal years, allocate at least 50% of AB 109 funding to community and/or health-based organizations, beginning in the next fiscal year and thereafter, for the following purposes to support successful re-entry:
 1. Employment training and placement assistance, including but not limited to, On the Job Training (OJT), apprenticeship programs, soft skills development, and transitional jobs;
 2. Housing support, including but not limited to, transitional housing, supportive housing, and rental assistance;
 3. Additional wraparound services, including but not limited to, education programs, substance use treatment, mental health and health services, transportation assistance, and assistance in obtaining IDs (driver license, social security card, etc.).
- **Invest in expedient service delivery to reduce recidivism.** Create an Innovations in Reentry Fund (IRF) similar to Alameda County's. For the first year, set aside the unused AB 109 funding for the Innovations in Reentry Fund (IRF). Provide that the IRF be used for grants exclusively to partnerships between or among housing providers, social service providers, education/employment service providers, mental health service providers, and/or other wraparound support service providers to explore coordinated and integrated service delivery models. This enhancement to the IRF allows the county to continue exploring innovative practices that could result in better outcomes and both short-term and long-term public safety savings.
- **Provide technical and program support for service providers to reduce recidivism.** Create a Community Capacity Building Fund (CCBF) similar to Alameda's and provide that 50% of this CCBF be used to support new programs led by people who have been impacted by the criminal justice system and 50% to enhance and expand program and service delivery by community-based service providers who are recipients of the technical support.

Conclusion

LA County is at a critical juncture where it can become a leader and a model in California for innovation and smart public safety strategies. Allocating at least 50% of LA County's AB 109 funding to community-based organizations would build the capacity and availability of these needed services and allow the County to address public safety with the comprehensive supportive services proven to reduce recidivism. LA County is ready to shift funding towards the empowerment of impacted people, holistic care, and dignity for all by reimaging 109.

ⁱ CAL. PENAL CODE § 17.5. The legislative findings underlying the realignment legislation include the following: "Despite the dramatic increase in corrections spending over the past two decades, national reincarceration rates for people released from prison remain unchanged or have worsened. National data show that about 40 percent of released individuals are reincarcerated within three years. In California, the recidivism rate for persons who have served time in prison is even greater than the national average."

ii See, e.g., CAL. PENAL CODE § 17.5 at § 17.5(a) (“(3) Criminal justice policies that rely on building and operating more prisons to address community safety concerns are not sustainable, and will not result in improved public safety. (4) California must reinvest its criminal justice resources to support community-based corrections programs and evidence-based practices that will achieve improved public safety returns on this state’s substantial investment in its criminal justice system. (5) Realigning low-level felony offenders who do not have prior convictions for serious, violent, or sex offenses to locally run community-based corrections programs, which are strengthened through community-based punishment, evidence-based practices, improved supervision strategies, and enhanced security capacity, will improve public safety outcomes among adult felons and facilitate their reintegration back into society. (6) Community-based corrections programs require a partnership between local public safety entities and the county to provide and expand the use of community-based punishment for low-level offender populations. Each county’s Local Community Corrections Partnership, as established in paragraph (2) of subdivision (b) of Section 1230, should play a critical role in developing programs and ensuring appropriate outcomes for low-level offenders. (7) Fiscal policy and correctional practices should align to promote a justice reinvestment strategy that fits each county. “Justice reinvestment” is a data-driven approach to reduce corrections and related criminal justice spending and reinvest savings in strategies designed to increase public safety. The purpose of justice reinvestment is to manage and allocate criminal justice populations more cost-effectively, generating savings that can be reinvested in evidence based strategies that increase public safety while holding offenders accountable. (8) “Community-based punishment” means correctional sanctions and programming encompassing a range of custodial and noncustodial responses to criminal or noncompliant offender activity...”

iii See California Department of Finance, Office of the Director, Realignment Proposal Changes Since January 10 Budget (2011), available at http://www.dof.ca.gov/budget/historical/2011-12/documents/Restructure_and_Realignment_new.pdf (providing funding for community programs and alternative sanctions).

iv See KPCC, *Los Angeles Poverty Rate Greater than California, Nation* (December 2014) (available at <http://www.scp.org/news/2014/12/03/48450/los-angeles-poverty-rate-greater-than-california-n/>).

v <http://www.bls.gov/opub/mlr/2015/book-review/locked-up-and-locked-out-of-the-u-s-labor-market.htm>; <http://www.bls.gov/opub/mlr/2015/book-review/locked-up-and-locked-out-of-the-u-s-labor-market.htm>; <http://www.prisonpolicy.org/reports/income.html>

vi Harry Holzer et. al., "The Economic Costs of Childhood Poverty in the United States," *The Journal of Children and Poverty*, Vol. 14, No. 1 (March 2008): 41-61, at 49.

vii Corporation for Supportive housing, “FAQ about supportive housing research: is supportive housing cost effective?”

viii Corporation for supportive housing and national alliance to end homelessness:” Building on the second chance act: housing as the foundation of successful reentry



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