



OFFICE OF THE
DISTRICT ATTORNEY
EL DORADO COUNTY, CALIFORNIA

VERN PIERSON, DISTRICT ATTORNEY

May 4, 2016

Brian Richart, Chief Probation Officer
El Dorado County Probation Department
3974 Durock Road, #205
Shingle Springs, CA 95682

The Honorable Suzanne Kingsbury
Judge of the Superior Court
El Dorado County Superior Court
1354 Johnson Blvd.
South Lake Tahoe, CA 96150

Sheriff John D'Agostini
El Dorado County Sheriff's Office
300 Fair Lane
Placerville, CA 95667

Chief Scott Heller
Placerville Police Department
730 Main Street
Placerville, CA 95667

Don Ashton, Director
Department of Human Services
3057 Briw Road, Suite A
Placerville, CA 95667

Teri Monterosso
El Dorado County Public Defender
630 Main Street
Placerville, CA 95667

RE: PROSED 2016-2017 CCP BUDGET

Dear Fellow Committee Members:

I was recently given a proposed 2015-2016 budget for the CCP. It is my understanding that at the May 10, 2016 meeting there will most likely be a motion to adopt this proposed budget to be taken before the Board of Supervisors. At this time, I cannot support yet another year's budget because of our failure to adopt a definition of recidivism.

The realignment legislation promised a significant shift on how California dealt with criminal rehabilitation and public safety. This shift in thinking and operating was to be based on "science" with measureable results. Penal Code section 1231 mandated "outcome-based measures consistent with the goals" of realignment. Before any meaningful evaluation of El Dorado County's

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Community Corrections Partnership Executive Committee

RE: PROSED 2016-2017 CCP BUDGET

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realignment effectiveness can be determined, the CCP must adopt a meaningful way to determine recidivism , and ultimately, the success or failure of our efforts.

The CCP heads into year five of this experiment, we still have not adopted a definition of recidivism. I previously proposed a measure based on a compromise Los Angeles County District Attorney Jackie Lacey developed within her CCP (see copy of District Attorney Lacey's letter dated May 24, 2013, attached).

Whichever measurement is chosen, the time is now to choose it and to openly tell the Board of Supervisors and the public that when the CCP comes back in 2016-2017 with a budget, the CCP will have a report on its effectiveness.

Very truly yours,

DISTRICT ATTORNEY
EL DORADO COUNTY



VERN PIERSON
District Attorney

VP:nva



JACKIE LACEY
LOS ANGELES COUNTY DISTRICT ATTORNEY

18000 CLARA SHORTRIDGE FOLTZ CRIMINAL JUSTICE CENTER
210 WEST TEMPLE STREET LOS ANGELES, CA 90012-3210 (213) 974-3501

May 24, 2013

RECEIVED

MAY 28 2013

DISTRICT ATTORNEY

The Honorable Vernon Pierson
El Dorado County District Attorney
515 Main Street
Placerville, California 95667

Dear Mr. Pierson:

Vern

DEFINING RECIDIVISM UNDER REALIGNMENT

The enactment of Assembly Bill (AB) 109, also known as Public Safety Realignment (Realignment), has created a sea change in the California criminal justice system. As elected prosecutors of our respective counties it is vital that we understand the impact of this law on the safety of our communities and ascertain how Realignment has affected crime rates and recidivism. Unfortunately, when AB 109 was enacted, no mechanism was put in place to provide the criminal justice community with a way to meaningfully assess the effect of Realignment. To address this concern, I am requesting your assistance in developing a definition of recidivism that can serve as a uniform measurement tool for assessing Realignment on a statewide basis.

I recently reviewed the California Department of Corrections and Rehabilitation (CDCR) report entitled *2012 Outcome Evaluation Report*.¹⁷ Prior to Realignment, CDCR measured recidivism three ways: A person was said to recidivate if they were arrested, were convicted of a new offense, or returned to state custody for *any* reason. The report, published October 2012, used data from 2002 to 2008. As the primary measure of recidivism for this report, CDCR tracked whether an inmate was returned to state prison within three years of being released. The CDCR determined the three-year recidivism rate for inmates released in fiscal year 2007-08 was 63.7%, which was the lowest number reported for the time periods covered.

Measuring recidivism under Realignment presents a compelling challenge. Many inmates who would have been returned to state prison and counted as a recidivist by CDCR are no longer returned to state prison by virtue of the new law. In light of this development, it falls to us as elected District Attorneys to take the lead in defining recidivism in a manner that will serve as a meaningful measure of Realignment's true impact. As a first step, please give me the benefit of your thoughts with regard to the following definition:

¹⁷ California Department of Correction and Rehabilitation. Office of Research. (2012, October). *2012 Outcome Evaluation Report*. Retrieved from http://www.cdcr.ca.gov/adult_research_branch/

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Recidivism Defined

A Qualifying Return to Custody During a Specified Time Period

- **“Qualifying return”** includes new arrests, convictions, revocations, or flash incarceration.
- **“Custody”** includes jail, prison, and other alternative sentencing options such as fire camp or electronic monitoring imposed in lieu of jail or prison following a qualifying return event.
- **“Specified time period”** is a period of three years from a subject’s release from custody. The specified time period shall continue to run regardless of supervision status (i.e., whether a subject is on probation, parole, post-release community supervision, mandatory supervision or no supervision).

In Los Angeles County, we have started the discussion with our criminal justice system stakeholders¹⁸ regarding this proposed definition. Your input and that of the stakeholders in your county is needed as well. To that end, I ask that you contact the appropriate stakeholders in your county to discuss the proposed definition and that you send me your comments along with feedback gathered during your outreach efforts by Friday, June 7, 2013. This will allow me ample time to synthesize the information received in advance of the California District Attorneys Association summer conference in Lake Tahoe. Given the critical importance of this issue, I will request the proposed definition of recidivism be placed on the agenda to be discussed during our District Attorney roundtable.

Thank you in advance for your help in addressing this vital issue. Through our collective efforts as District Attorneys, we can take a leadership role in shaping the discussion regarding the definition of recidivism and develop a meaningful measurement tool that can be applied uniformly statewide in assessing the impact of realignment on our criminal justice system. If you have any questions, please feel free to contact me at my office at (213) 974-3501.

Yours in justice,


JACKIE LACEY
District Attorney

lkt

c: Kamala Harris, Attorney General
Scott Thorpe, CDAA Executive Officer

¹⁸ Stakeholders included court representatives, members of the defense bar, the probation department, and local law enforcement.