

Alameda County Public Safety Realignment (AB 109) Evaluation: AB 109 Client Overview



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May 2018





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Introduction

Legislative Impact of AB 109 and Evaluation Overview

In 2011, the Public Safety Realignment Act (Assembly Bill [AB] 109) was signed into law. Taking effect on October 1st of that year, AB 109 transferred the responsibility of supervising specific lower-level incarcerated individuals and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties, realigning three major areas of the criminal justice system. Specifically, AB 109:

- ❖ Transferred the location of individuals incarcerated for lower-level offenses (specified non-violent, non-serious, non-sex offenders) from state prison to local county jail and provided for an expanded role for post-release supervision for these offenders;
- ❖ Transferred the responsibility for post-release supervision of individuals incarcerated for lower-level offenses (those released from prison after having served a sentence for a non-violent, non-serious, and non-sex offense) from the state to the county by creating a new category of supervision called Post-Release Community Supervision (PRCS);
- ❖ Shifted the responsibility for processing certain parole revocations from the state Parole Board to the local court system; and
- ❖ Shifted the responsibility for housing revoked supervision clients affected by the above changes from CDCR to county detention facilities.

In addition to transferring the responsibility of housing and supervising realigned populations from the state to the county, AB 109 also required that counties use AB 109 funding to build partnerships with local health and social service agencies and community-based services. These partnerships aimed to facilitate the successful reentry and reintegration of AB 109 individuals into the community and reduce the likelihood of recidivism.

Along with those realigned populations created under AB 109, Alameda County utilizes an expanded definition of the AB 109 population to facilitate services for individuals convicted of AB 109 eligible offenses that are not sentenced under the statute. This report provides an overview of both the AB 109 population as defined by the statutes (referred to throughout this report as the statutorily defined AB 109 population) as well as those meeting the County realigned definition for Alameda County. We highlight unique characteristics of each population including point at which individuals in each become “realigned,” interactions of each population with different county departments, population distributions, and comparisons with the non-realigned felony probation population. The report also identifies the volume and type of services populations have received through Behavioral Health Care Services (BHCS), Community Development Agency (CDA), the Transition Day Reporting Center (TDRC), and contracted employment service providers.



Organization of the Report

As context for this report, we begin with a brief discussion of Alameda County's approach to Public Safety Realignment, including an overview of the county's unique definition of the realigned population. Next, we describe our methodology for identifying the county's realigned population and different groups that fit therein, before moving into a description of each population and their interaction with county departments. We conclude with a description of what services each population received.

Realignment in Alameda County

As noted on the Alameda County Probation Department's website, in Alameda County¹:

The 'Realigned Population' is defined as people charged with/convicted of low-level felony offenses, who were previously eligible to be supervised, incarcerated or adjudicated by the state, who are now supervised, incarcerated or adjudicated by local authorities. Defining who comprises the realigned population is necessary to set funding parameters and drive effective corrections and re-entry policy.

The population consists of:

1. *Post-Release Community Supervision (PRCS)*. Individuals released from prison for non-serious and non-violent offenses, and are not classified as high risk sex-offenders, who will no longer be supervised by state parole but will instead be supervised by local probation agency under PRCS.
2. *Individuals charged and/or resolved with an 1170(h)-eligible offense*. If a custody sentence is imposed those individuals will no longer be sent to state prison but will instead be sentenced to serve their time in county jail or local prison. If they are not sentenced to local prison they will be supervised by the probation department under traditional probation. If they are sentenced to local prison they will receive no supervision or be placed on mandatory supervision to be supervised by the probation department (also known as a split sentence).
3. *Parole Violators*. Individuals who violate their state parole will no longer be adjudicated by state authorities but will instead be adjudicated in local courts.

The statutorily defined AB 109 population includes individuals serving PRCS sentences, parole violators, and those *sentenced* under 1170(h). Alameda County's definition of the AB 109 population expands the scope of the realigned population to include all individuals *charged* with an AB 109 eligible offense, as denoted in Item 2, above. Given this expanded definition of realignment in Alameda County, RDA provides a description of each of the county's realigned populations below.

¹ Alameda County Probation Department. Definition of Realigned Population. Retrieved from <https://www.acgov.org/probation/documents/DefinitionofRealignedPopulation3-18-13final.doc>



Alameda County's Realigned Population

There are three new statutorily defined populations for which each county in California is now responsible for housing and supervising, all classified under AB 109. These populations include:

- ❖ **Post-Release Community Supervisees:** County probation departments now supervise a specified population of incarcerated individuals released from prison whose current commitment offense was non-violent, non-serious, and non-sexual in nature.
- ❖ **Parolees:** Parolees – excluding those serving life terms – who violate the terms of their parole now serve any detention sanction in the local jail rather than state prison. In addition, as of July 1, 2013, local courts are now responsible for parole revocation hearings for individuals who violate the terms of their parole, rather than the state Parole Board.
- ❖ **PC 1170(h) Sentenced Defendants:** Individuals convicted of non-violent, non-serious, non-sexual felonies serve their sentence under the jurisdiction of the county instead of state prison. Individuals serve local prison sentences in county jail, and some individuals receive mandatory supervision as a part of their sentence (i.e., a split sentence where they serve part of their term in local prison and part under supervision by the county probation department).

As noted above, in addition to the three new statutorily defined AB 109 populations, Alameda County expanded its definition of realignment to include all individuals who were AB 109 eligible at the time of charging and/or conviction. The county realigned populations include:

- ❖ **County Realigned Individuals on Felony Probation:** Individuals convicted of an AB 109 eligible offense and sentenced to a felony probation term (not sentenced under PC 1170(h) to local prison and/or mandatory supervision).
- ❖ **County Realigned Individuals Not on Probation:** Individuals convicted of an AB 109 eligible offense, but not sentenced to felony probation, including individuals with sentences such as restitution or stay-away orders/curfew that do not include in-custody or community supervision.
- ❖ **County Realigned Individuals Charged with an AB 109 Eligible Offense but Not Convicted:** These individuals are technically considered realigned in Alameda County; however, RDA does not assess service receipt among these individuals because they were not convicted of a criminal offense tied to the AB 109 eligible charge.

In addition to the statutorily defined AB 109 populations and county realigned populations, this report assesses service receipt among the county's **felony probation population** - individuals sentenced to felony probation for non-AB 109 eligible offenses - in order to provide context and help the County better understand the extent to which statutorily and county realigned individuals compare to the non-realigned felony probation population.



Table 1 below shows the total number of unique court dockets and unique individuals across each population type from October 1, 2011, through June 30, 2016. Some unique individuals are duplicated across population types; for instance, someone who was on felony probation on October 1, 2011 may have subsequently committed a non-violent, non-serious, non-sexual offense and been sentenced under PC 1170(h) to a serve a straight local prison sentence. This individual would be counted twice in the table below, once in the felony probation population and again in the 1170(h) straight sentence population.

**Table 1. Unique Dockets and Unique Individuals, By Population Type:
 October 1, 2011 - June 30, 2016^{2 3}**

Population Type	Unique Dockets	Unique Individuals
County Realigned on Felony Probation	7,608	7,376
PRCS	2,515	2,512
1170(h) Straight Sentence - Local Prison Only	637	571
1170(h) Split Sentence - Local Prison and Mandatory Supervision	52	51
1170(h) Mandatory Supervision Only	0	0
Parole Violations	Unknown ⁴	360
Felony Probation Population	23,609	19,709
County Realigned Not on Probation	16,960	15,823
Charged with AB 109 Eligible Offense – No Conviction	4,038	3,736

Characteristics of each of these populations, along with their interactions with county agencies, are discussed in this report.

² Given the challenges with the Court’s Odyssey system, there appears to be missing data resulting in underestimates of the “County Realigned on Felony Probation” population and overestimates of the “County Realigned Not on Probation” population.

³ Additional custody alternative sentencing options include GPS monitoring, or confinement to a residential drug or treatment program, transitional care facility that offers appropriate services, or mental health clinic or hospital that offers appropriate mental health services, among others. These sentencing options were sparingly used with the County’s realigned population during the evaluation period, October 1, 2011 - June 30, 2016, and are included in the “County Realigned Not on Probation” population above.

⁴ Given limitations with the structure of the data provided by the Sheriff’s Office, it was unclear how many unique bookings into custody for parole violations there were over the course of the evaluation period.



Identifying the County's Realigned Populations Receiving Services

Several services are available to address the needs of Alameda County residents, including realigned individuals and individuals on felony probation. BHCS and associated community partners provide mental health and substance use services across a range of settings for individuals experiencing serious mental illness and/or alcohol or drug-related issues. The CDA's Housing and Community Development Department (and partner organizations) provide housing case management, emergency shelters, transitional program settings, assistance securing long-term housing, and short-term rental assistance to individuals who are homeless or at risk of becoming homeless. In addition to these services, ACPD opened the TDRC in March 2015 to provide a central hub for moderate- and high-risk realigned individuals under probation supervision to be connected to a range of services related to education and literacy, behavioral health, health care, housing, parenting, life skills, substance abuse, and vocational training. Finally, ACPD also contracts with several employment providers, including America Works⁵, Building Opportunities for Self Sufficiency, Oakland Private Industry Council, Center for Employment Opportunities, and Acts Full Gospel.

RDA assesses the extent to which statutorily realigned, county realigned, and non-realigned felony probation individuals accessed and received these services. In each service receipt section, we compare the proportion of individuals under felony probation supervision (including those on felony probation for an AB 109 eligible offense) to those in the county realigned population that were not sentenced to felony probation. This analysis identifies the impacts of felony probation status on service receipt.

Next, we explore the extent to which services are utilized by four categories of the realigned population and felony probation population. For this analysis, we focus on four composite groups that include the key populations identified in Table 1. The following composite group populations are included in the analysis of service receipt:

- ❖ **Statutorily defined AB 109 individuals on probation:** PRCS individuals and individuals sentenced under PC 1170(h), who are also under community supervision. This population excludes individuals sentenced under PC 1170(h) that received straight local prison sentences and never served time under community supervision from October 1, 2011 through June 30, 2016.
- ❖ **County realigned individuals on probation:** Individuals sentenced to felony probation for AB 109 eligible offense.
- ❖ **Individuals on felony probation:** Individuals sentenced to felony probation for an offense that is not AB 109 eligible.
- ❖ **County realigned individuals not on probation:** Individuals who are not under community supervision despite a conviction for an AB 109 eligible case. As identified above, these individuals generally received a less serious sentence such as restitution that did not have an in-custody or supervision component.

⁵ Data related to services provided by America Works were not available for this analysis.



Table 2 below demonstrates the number of individuals that comprise each population during each fiscal year. The number of statutorily defined AB 109 individuals on probation and county realigned individuals on probation grew over time, as expected. Because many individuals on felony probation commit AB 109 eligible offenses, these individuals’ status change and they become a part of the county realigned probation population (i.e., County Realigned Individuals on Probation). As a result, the number of individuals on felony probation has trended downward while the number of county realigned individuals on probation has grown each fiscal year since the start of realignment.

Table 2. Population Counts by Fiscal Year

	FY11/12	FY12/13	FY13/14	FY14/15	FY15/16
Statutorily Defined AB 109 Individuals on Probation	684	1166	1417	1717	1957
County Realigned Individuals on Probation	927	2731	4406	5457	6155
Individuals on Felony Probation	13697	12057	9243	6917	4523
County Realigned Individuals Not on Probation	636	1712	2964	4061	5380

In addition to statistics on service receipt for each of the populations identified in Table 2, we also break down the Statutorily Defined AB 109 population into three categories for further analysis:

- ❖ Post-release community supervision (PRCS)
- ❖ 1170(h) straight sentence (while under community supervision)
- ❖ 1170(h) split sentence (under mandatory supervision)

We examine the proportion of these populations receiving services while under probation supervision.

Methodology

Data Sources and Analysis

RDA worked with the ACPD, ACSO, DA, BHCS, and the CDA to obtain the data necessary to develop this report, which focuses on the following evaluation period:

- ❖ **Evaluation Period:** October 1, 2011 (the start of realignment) – June 30, 2016⁶

RDA used the data referenced in Table 3, below, to identify the county’s realigned population and different groups that fit therein, discuss what they look like from different vantage points (e.g., ACPD,

⁶ We only report through June 30, 2016 because the DA’s Office is still reviewing the reliability of data coming from its new DALITE data system. Because the County’s realigned population includes individuals who have not had contact with other County criminal justice agencies data from the DA’s Office are necessary for identifying the County’s Realigned population.



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ACSO, DA), and measures the extent to which they have received services. In order to identify the felony probation and statutorily defined AB 109 probation populations (e.g., PRCS and Mandatory Supervision populations) RDA utilized data from ACPD. These data were also used to identify the non-realigned felony probation population. We used data from the DA to identify all individuals sentenced under PC 1170(h) to straight local prison sentences, as well as individuals charged with AB 109 eligible offense that were not convicted or sentenced under 1170(h).

Table 3. Data Elements for AB 109 Evaluation, by County Department/Agency

County Department/Agency	Data Elements for AB 109 Evaluation
Probation Department	<ul style="list-style-type: none"> ❖ Probation start dates <ul style="list-style-type: none"> ○ PRCS ○ Mandatory Supervision ○ Felony Probation ❖ Probation end dates <ul style="list-style-type: none"> ○ PRCS ○ Mandatory Supervision ○ Felony Probation ❖ Employment service start dates ❖ TDRS service start dates ❖ TDRS service end dates
District Attorney’s Office	<ul style="list-style-type: none"> ❖ AB 109 eligible cases at charging <ul style="list-style-type: none"> ○ Muni Docket ○ Superior Court Docket ○ Primary Offense ○ Charge date ○ Conviction date ○ Disposition ○ Sentence date ○ Sentence description ❖ AB 109 eligible cases at sentencing <ul style="list-style-type: none"> ○ Muni Docket ○ Superior Court Docket ○ Primary Offense ○ Charge date ○ Conviction date ○ Disposition ○ Sentence date ○ Sentence description
Sheriff’s Office	<ul style="list-style-type: none"> ❖ Charge Event Number(CEN) ❖ Entry Date on CEN ❖ Primary Charge on CEN ❖ Booking Circumstance on CEN ❖ Release Date on CEN



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County Department/Agency	Data Elements for AB 109 Evaluation
Behavioral Health Care Services	<ul style="list-style-type: none"> ❖ Mental Health Services <ul style="list-style-type: none"> ○ Episode Open Date ○ Episode Close Date ❖ Mental Health ACCESS Line <ul style="list-style-type: none"> ○ Date Accessed ❖ Substance Abuse Treatment Services <ul style="list-style-type: none"> ○ Episode Open Date ○ Episode Close Date
Community Development Agency	<ul style="list-style-type: none"> ❖ Program Entry Date ❖ Program Exit Date

RDA used the data referenced in Table 3 above to identify the county’s realigned population and different groups that fit therein, discuss what they look like from different vantage points (e.g., ACPD, ACSO, DA), and measures the extent to which they have received services. In order to identify the felony probation and statutorily defined AB 109 probation populations (e.g., PRCS and Mandatory Supervision populations) RDA utilized data from ACPD. We used data from the DA’s Office to identify all individuals sentenced under PC 1170(h) to straight local prison sentences.

In order analyze the extent to which these populations receive services, RDA first had to identify the status of individuals for each fiscal year between FY11/12 and FY15/16. While the felony probation and statutorily defined probation populations could be identified using data provided by ACPD, to identify individuals on felony probation who were realigned under the county’s unique definition of realignment, RDA merged data from the Alameda County Probation Department and the District Attorney’s Office, matching sentencing dates from the DA’s Office with probation start dates to identify individuals who are on felony probation for AB 109 eligible sentences.⁷ Because individuals can be charged with AB 109 eligible offenses while they are already on felony probation, individuals become reclassified and change population status over time (for example, an individual under felony probation supervision for a non-AB 109 eligible offense in 2012 may then receive an 1170(h) split sentence in 2015). We used probation start and end dates to identify the population status of individuals on probation each fiscal year, and conviction dates to identify the population status of individuals convicted for AB 109 eligible offenses each fiscal year who were not on probation.

In order to measure service receipt across population types, service type, and fiscal year, RDA used the PFN to match service receipt data from BHCS, TDRC, CDA, and employment service providers. Program start and end dates were used to identify service receipt across all services except employment services, which only included start dates. Therefore we could only assess the number of individuals who started employment services each year.

RDA assessed service receipt for each fiscal year from October 1, 2011, through June 30, 2016 (FY11/12 only covers a partial fiscal year, because realignment began during the fiscal year).

⁷RDA matched on conviction date in instances where sentence dates were missing.





Data Considerations and Limitations

As is the case with all research, there are important limitations to consider. One limitation of this report is that reliable data from the DA's Office identifying all AB 109-eligible cases were only available through June 30, 2016. Because these data are required to identify the county realigned population, the scope of the analysis was limited through this date. Also, we did not receive data on all case filings (in addition to AB 109-eligible cases) through June 30, 2016, which are necessary to identify recidivism occurrences. As a result this report does not evaluate outcomes of the county's realigned and felony probation populations. In addition to these limitations, over the course of the analysis RDA identified 3,135 cases in the DA's Office data which indicated felony probation sentences; however, these individuals do not appear in ACPD's data over the course of the analysis period, and are not included as part of the county's realigned probation population in this report.

It was not possible to calculate accurate estimates of the county's average daily jail population because data from the Sheriff's Office were provided for each charge incident (CEN), whether for new crimes, warrants, etc., even in instances when individuals do not leave custody. Although most have only one booking date attached to each CEN, this is not always the case, which increases the likelihood of overestimating the total number of bookings. Additionally, RDA was unable to identify bookings for specific realigned offenses with the data provided. Because sentencing information, including sentence dates, are not included in the data, it is not possible to identify when someone's status changes from unsentenced to sentenced, or to systematically match Sheriff's Office data with data from the DA's Office in order to identify the county's sentenced realigned population. As a result of these limitations, there is no concrete way to measure the overall impact of realignment on the county's jails with these data. Finally, RDA was unable to collect any data on in-custody service receipt from the Sheriff's Office; as a result we only report on BHCS in-custody service delivery.

Also, while probation revocation and termination data were available, there was not information indicating whether revocations were a result of a technical violation or a new criminal offense or whether probation terms were completed successfully or unsuccessfully. Therefore, these data are not reported.

Finally, while employment services staff input data into a spreadsheet with many valuable fields for analysis such as job placement, wages, job retention, etc., a majority of data were missing for these fields. Therefore RDA could assess how many individuals enrolled in employment services, but we were unable to examine employment program outcomes. This was the case for CDA data, which included too much missing data to analyze any outcomes other than how many individuals accessed these services.

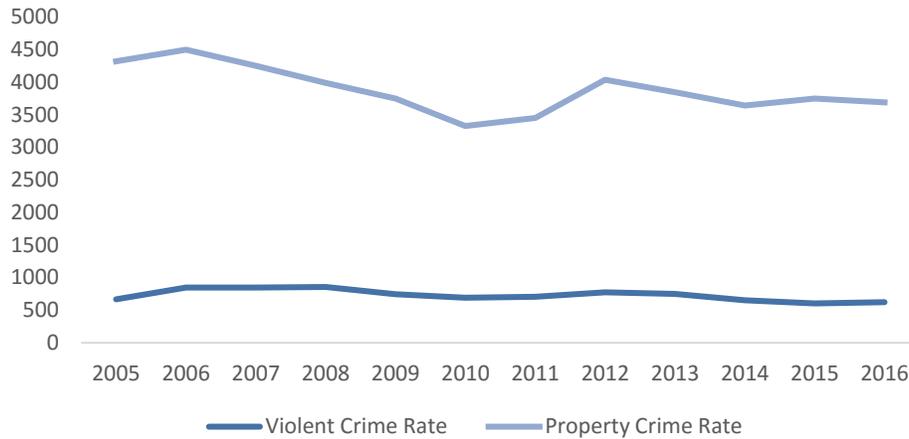
Crime in Alameda County

Prior to implementing AB 109, there was some concern across California about the impact that realignment would have on crime. Crime rates are defined as the number of crimes reported per 100,000 people. Since 2005, both violent and property crime rates have declined in Alameda County. In fact, Figure 1 indicates that in 2015, violent crime rates were lower than in any other year since 2005 (there was a



minor increase in the 2016 violent crime rate). There has been a slight uptick in the county's property crime rate since the start of realignment. However, property crime in 2016 remained lower than it was a decade prior.

Figure 1. Alameda County Crime Rate, by Crime Type⁸



Another way to assess crime is to identify the percentage of a population who does or does not report a crime. Figure 2 below identifies the percentage of Alameda County's population not reporting a crime from 2005 – 2016.

Figure 2. Percentage of Alameda County Residents Not Affected by Crime⁹

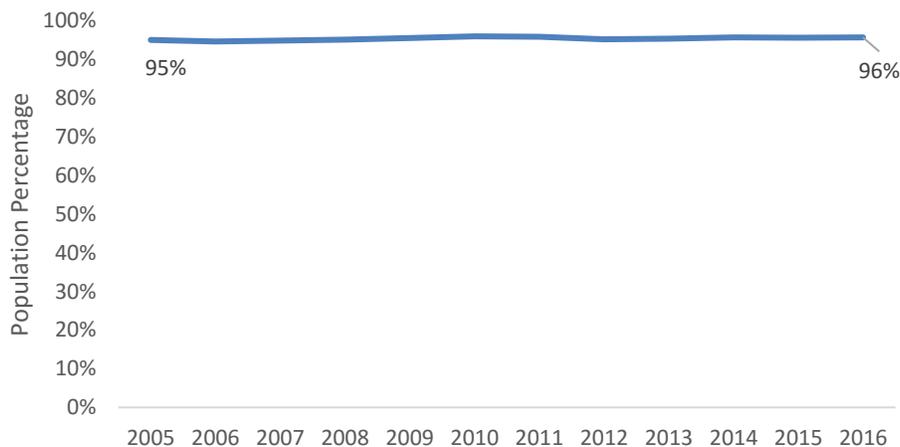


Figure 2 demonstrates that in Alameda County, from 2005 – 2016, 95% to 96% of residents did not report a crime on a yearly basis. Taken together, these findings suggest that realignment has not significantly impacted criminality in Alameda County.

⁸ California Department of Justice, <https://openjustice.doj.ca.gov/crime-statistics/crimes-clearances>

⁹ California Department of Justice, <https://openjustice.doj.ca.gov/crime-statistics/crimes-clearances>



AB 109 Populations in Alameda County

❖ *From October 1, 2011, through June 30, 2016, there were 33,646 cases for 27,318 unique individuals eligible to be sentenced under AB 109 in Alameda County.*

As described in previous sections of this report, the expanded definition of the AB 109 population in Alameda County generates multiple population groups with varying levels of interaction with County departments. The following sections describe characteristics of each of the key statutorily defined and county realigned populations, including those described in Table 1. In particular, we focus on those populations that directly receive services from County departments.

- ❖ County Realigned Not on Probation
- ❖ County Realigned on Felony Probation
- ❖ 1170(h) Straight Sentence
- ❖ 1170(h) Split Sentence
- ❖ PRCS

Under the expanded definition of the realigned population in Alameda County, individuals become “realigned” upon being charged with an AB 109 eligible offense. Because cases with specific charges, such as weapons charges, are not eligible to be sentenced under AB 109, some cases only become AB 109 eligible at sentencing if certain charges are dropped. Figure 3 below, demonstrates the number of cases, by fiscal quarter, that were AB 109 eligible at charging versus those that became eligible at sentencing. In all, approximately 47% of AB 109 eligible cases in Alameda County from October 1, 2011, through June 30, 2016, were eligible at the time of charging.

Figure 3. AB 109 Eligible Cases, by Fiscal Quarter

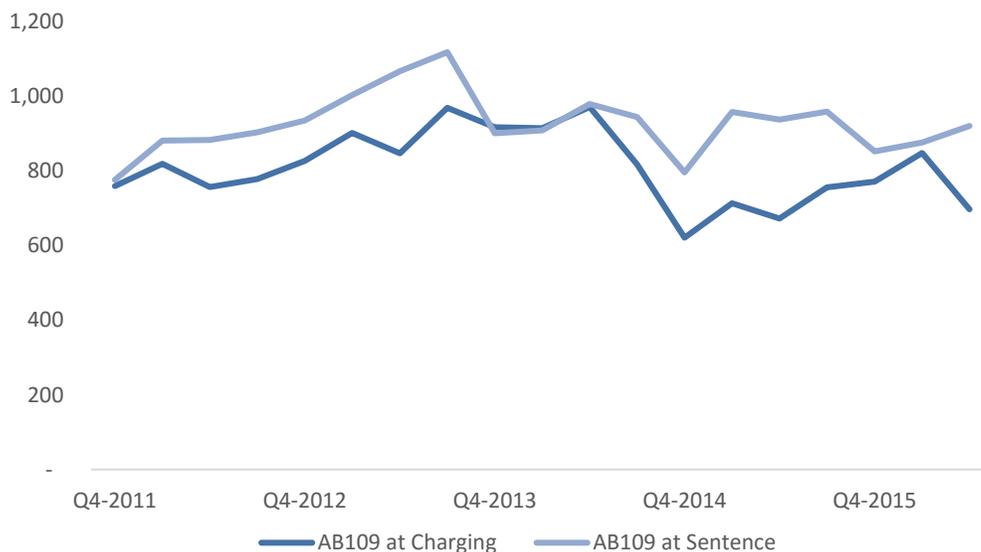
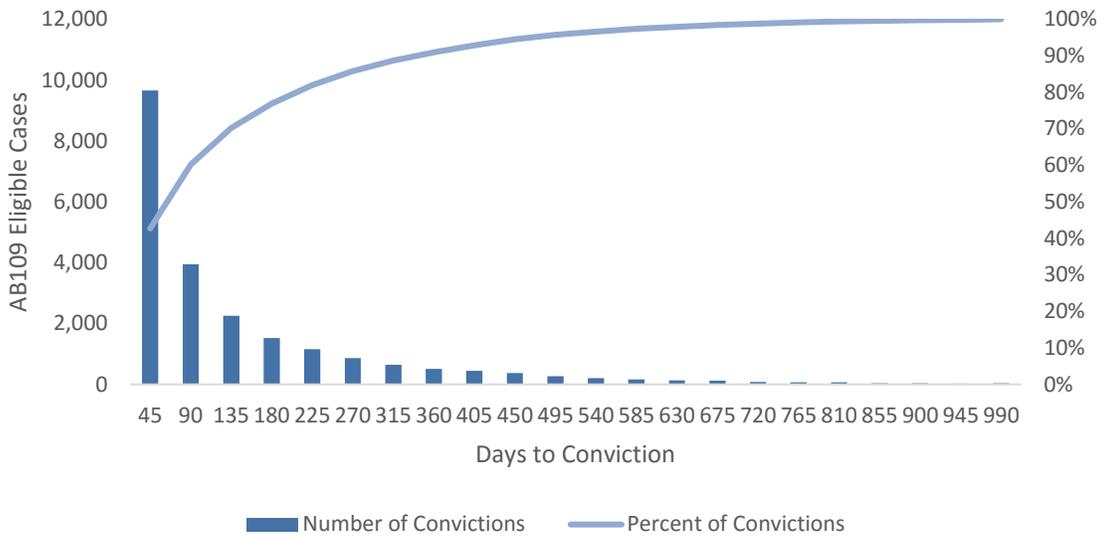




Figure 4 shows the time to conviction for all AB 109 eligible cases from October 1, 2011, through June 30, 2016, demonstrating that over 90% of these cases were disposed within one year, as is best practice.

Figure 4. Time to Conviction for AB 109 Eligible Cases



Charged with AB 109 Eligible Offense – No Conviction

❖ *Approximately 4,000 (12%) of those charged with an AB 109 eligible offense between October 2011 and June 2016 were not convicted of that offense.*

Individuals that were charged with an AB 109 eligible offense, but were not subsequently convicted are considered realigned under Alameda County’s expanded definition. From October 1, 2011 through June 30, 2016, this population [Charged with AB 109 Eligible Offense – No Conviction] consisted of 4,038 unique dockets (3,736 unique individuals). Non-conviction dispositions were generally associated with issuance of warrants, case dismissals, and not guilty verdicts. As these individuals have no further interaction with the justice system or services related to the charge, this realigned population should have minimal impact compared to other realigned populations.

County Realigned Not on Probation

Individuals convicted of an AB 109 eligible offense may be subsequently sentenced under 1170(h) or another sentencing option. For almost 17,000 dockets (16,000 unique individuals) between October 1, 2011 and June 30, 2016, individuals convicted of an AB 109 eligible offense received a non-probation sentence. This population [County Realigned Not on Probation] comprises more than fifty percent of those charged with an AB 109 eligible offense in Alameda County. Alternative sentences included DUI school, domestic violence batterer treatment program, electronic monitoring, restitution order, stay away order or curfew, or similar sentences that are lower in severity. While this population may receive some level of



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services through program enrollment (e.g. DUI school), they should have minimal impact on the Sheriff and Probation departments.

County Realigned on Probation

Individuals charged with an AB 109 eligible offense that are not sentenced under 1170(h) can alternatively receive a felony probation-only sentence [County Realigned on Probation]. Because these individuals are charged with an AB 109 eligible offense, they are considered realigned under Alameda County's expanded definition, but are not sentenced under the 1170(h) code. Between October 1, 2011 and June 30, 2016, 7,608 dockets (7,376 unique individuals) with convictions for an AB 109 eligible offense received felony probation sentences. As a county realigned population, these individuals are eligible for most of the same services provided to the statutorily defined AB 109 population under probation supervision.

1170(h) Split and Straight Sentences

- ❖ *The PC 1170(h) sentencing option was only used 674 times through June 30, 2016.*
- ❖ *Ninety-four percent (94%) of all PC 1170(h) sentences have been straight local prison sentences.*

Realignment specifies a number of offenses for which individuals cannot be sentenced to state prison. Instead, these individuals are eligible to be sentenced under PC 1170 (h) to serve local prison sentences in county jail. Some individuals also receive mandatory supervision as a part of their sentence (i.e., a split sentence where part of the term is served in local prison and part is served under supervision by the county probation department).

While Alameda County has handled thousands of AB 109 eligible cases since the start of realignment, the county has not used the PC 1170(h) sentencing option very often. In fact, there were only 674 1170(h) sentences in Alameda County up through June 30, 2016. As demonstrated in Figure 5 below, 94% (n=637) of the AB 109 sentences since the start of realignment have been straight local prison sentences, and only 6% (n=37) have been split sentences, which require mandatory supervision upon release.



Figure 5. PC 1170(h) Sentences, by Sentence Type

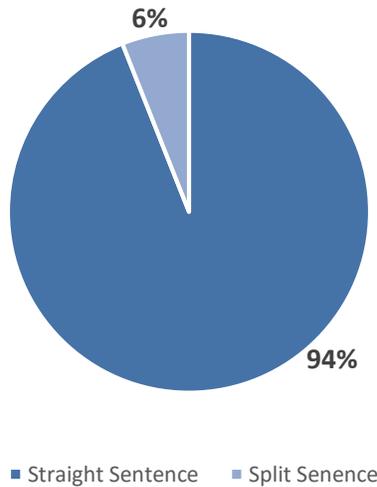
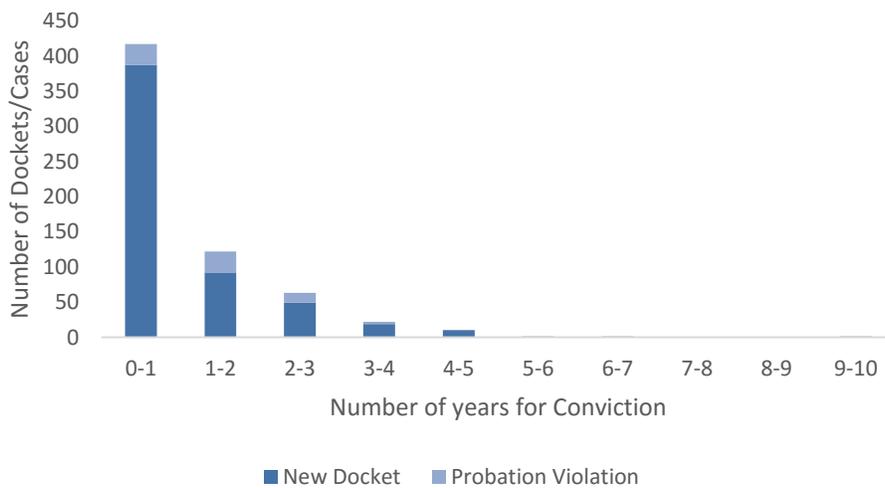


Figure 6 demonstrates the distribution of local prison sentences, by sentence length, for all 637 straight sentences since the start of realignment, and also highlights whether sentences resulted in a probation violation. The majority of 1170(h) straight sentences terms were between 0-1 year (n=417), and 95% (n=602) of PC 1170(h) straight jail sentences resulted in confinement terms of three years or less. This sentencing option was only rarely used for individuals who were on probation.

Figure 6. PC 1170(h) Straight Sentences, by Sentence Length and Type¹⁰



¹⁰ There are three cases not represented due to scaling issues, including one sentence between 5-6 years, one sentence between 6-7 years, and one sentence between 9-10 years according to data provided by the DA's Office



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- ❖ *According to data published on the Board of State and Community Corrections website, Alameda County's average daily jail population has declined since the start of realignment, from approximately 3,769 individuals in custody in October 2011 to 2,040 in December 2016.*
- ❖ *Due to the data limitations, RDA was unable to calculate the ADP in county correctional facilities.*
- ❖ *Since the start of realignment, there has been an overall increase in the average length of jail stays, especially for felony offenses; however, ADPs have decreased during this time, especially since Proposition 47 took effect, because a much greater proportion of bookings have been for misdemeanor rather than felony offenses.*

Despite an increase in the number of individuals serving local prison sentences under 1170(h), the average daily jail population has declined since October 2011. Overall, Alameda County's average daily jail population has declined since the start of realignment, from approximately 3,769 individuals in custody in October 2011 to less than 2,500 in June 2016, according to data published on the Board of State and Community Corrections website.^{11 12} RDA was not able to independently validate these numbers.

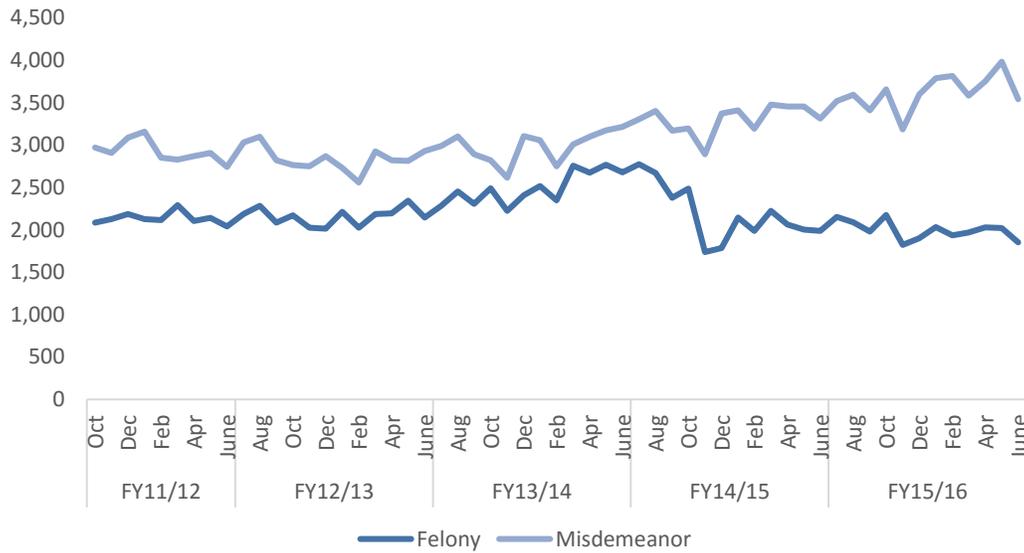
Figure 7 suggests that Proposition 47, which was implemented in November 2014 and reclassified many non-serious felonies to misdemeanors, had the largest impact in reducing the county's average daily jail population. Since Proposition 47 was enacted, while the overall number of bookings appears to have remained relatively stable, a much greater proportion of bookings have been for misdemeanor rather than felony offenses. Because average lengths of stay for misdemeanor offenses are much shorter than average lengths of stay for felony offenses (indicated in Figure 8 below), the overall ADP has declined quite substantially from November 2014 through June 2016. Due to the data limitations described above, RDA is was unable to calculate the ADP in county correctional facilities.

¹¹Board of State and Community Corrections, <https://app.bscc.ca.gov/joq//jps/query.asp?action=q>

¹²Based on the data RDA received from the Sheriff's Office, bookings are systematically over-estimated because there are separate booking numbers generated for each charge incident, even in instances when individuals do not left custody.

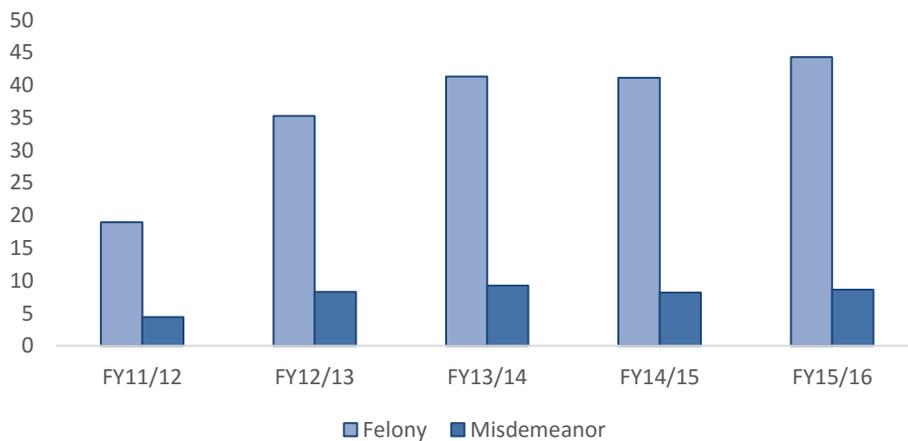


Figure 7. Jail Bookings, by Severity



While it is not possible to directly assess the average daily population of county realigned individuals in jail, one notable change since the start of realignment has been an overall increase in the average length of jail stays, which have increased quite substantially for felony offenses during this time, from approximately 19 days in FY11/12 to nearly 45 days in FY15/16. Under realignment, individuals previously housed in state prison for longer sentences now serve local prison terms in county jail. These sentences tend to be longer than typical custodial sentences prior to realignment. However, as noted above, despite average lengths of stay having increased since the start of realignment, it is noteworthy that ADPs have decreased during this time, especially since Proposition 47 took effect, because a much greater proportion of bookings have been for misdemeanor rather than felony offenses.

Figure 8. Average Length of Jail Stay, by Severity





PRCS Population

- ❖ *Since the start of realignment, Alameda County's active probation population has decreased from over 14,000 probation clients to just over 10,000 probation clients.*
- ❖ *Since March 2012, greater than half of all new felony probation cases are for AB 109 eligible offenses. As a result, the number of county realigned individuals on probation has grown each year since the start of realignment.*
- ❖ *Contrary to expectations, as is the case across most counties, new PRCS grants in Alameda County have remained relatively stable after an initial spike in the months after AB 109 implementation.*

The PRCS population in Alameda County consists of individuals completing a term in state prison for an AB 109 eligible offense who are placed on community supervision under ACPD, instead of being placed on state parole. This population consists of 2,512 unique individuals from October 1, 2011 through June 30, 2016, and is the largest portion – more than 70% - of the statutorily defined AB 109 population.

Two statutorily defined populations – PRCS and 1170(h) split – make up only a small proportion of those under felony probation supervision in Alameda County. At the start of realignment there were over 14,000 people on felony probation in Alameda County. As demonstrated in Figure 9, below, there has been a steady decrease in the county's probation population since that time.¹³ As of June 2016, the county's felony probation population, including PRCS individuals and individuals under mandatory supervision, was slightly over 10,000 people. PRCS individuals comprised approximately 6.5% of the county's probation population, while only five individuals (or approximately .005% of the probation population) sentenced to mandatory supervision under PC 1170(h) were on probation as of June 2016.

¹³ See Data Appendix of Demographic Characteristics for a breakdown of Alameda County's realigned populations, including the probation population.



Figure 9. Active Probation Population, by Type

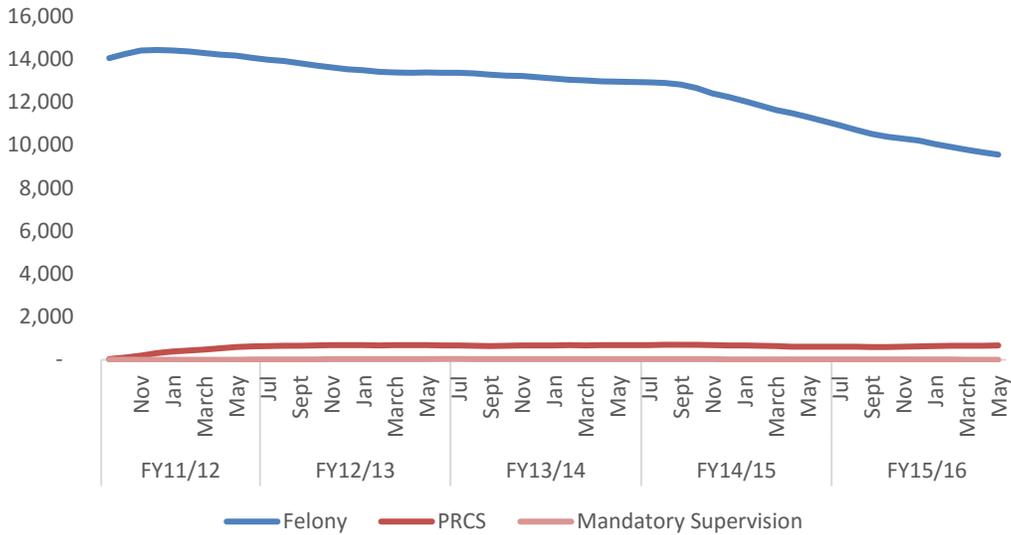
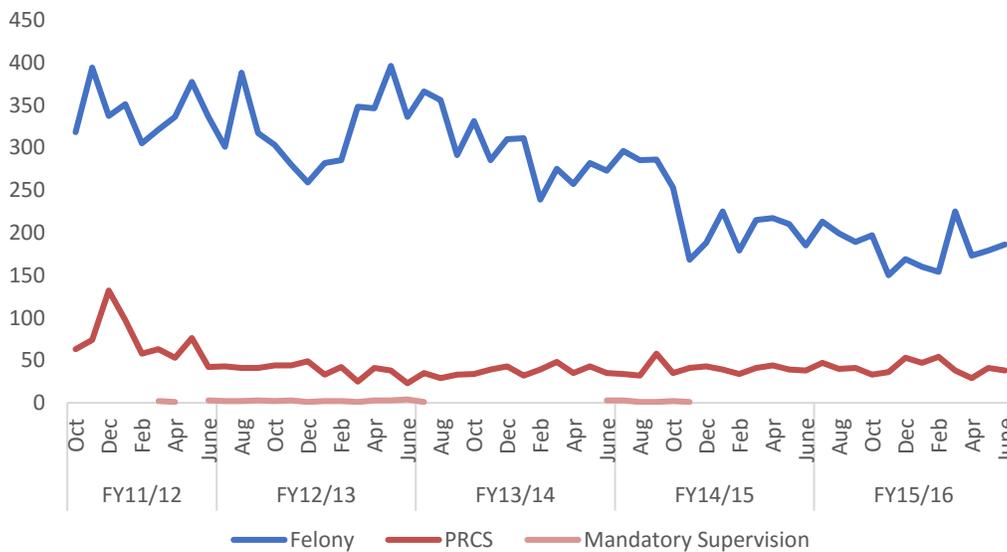


Figure 10 below indicates that the decreasing number of individuals on probation since the start of realignment is largely due to the steep decrease in new felony probation cases over time. There were 318 cases for which supervision began in October 2011, compared to only 186 in June 2016. Contrary to expectations, new PRCS grants have remained relatively stable since June 2012, after an initial spike in the months after AB 109 implementation. This is somewhat surprising because there was a finite population in state prison eligible for PRCS at the onset of realignment.

Figure 10. Supervision Case Starts, by Case Type

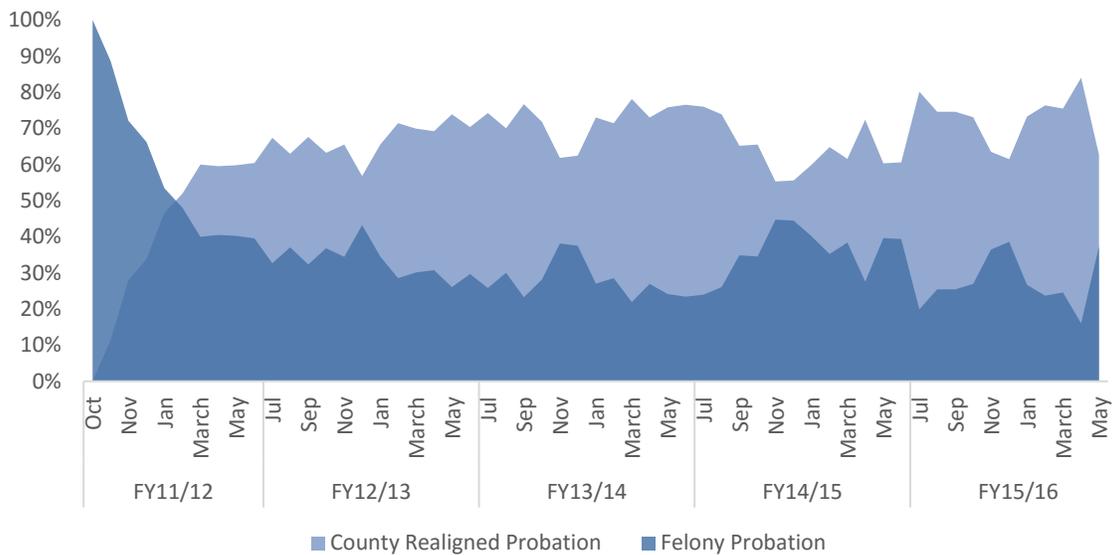


While there has been an overall decline in the number of felony probation cases since the start of realignment, Figure 11 below depicts the number of new probation cases that resulted from sentences



for individuals who were charged with AB 109-eligible offenses. This includes all individuals both the PRCS and 1170(h) split sentence populations as well as those charged with an AB 109 eligible offense and receiving probation supervision that were not sentenced under PC 1170(h). These county realigned individuals on probation, as the figure demonstrates, account for greater than half of all new felony probation cases each month since March 2012. This indicates that over time, a greater proportion of the County’s probation population will consist of county realigned individuals under Alameda County’s unique definition of realignment.

Figure 11. Percentage of Felony Probation Case Starts that are County Realigned



Probation and Parole Violations

A small but notable component of the AB 109 population includes individuals receiving a State parole violation that serve a period of their term in custody in the jail setting in Alameda County for a parole violation, in accordance with realignment. This population makes up only 360 of the full statutorily and county realigned population. In addition, individuals under probation supervision, including those that are realigned, can be booked into jail for violations of their probation.

Figure 12 and Figure 13 below demonstrate the number of bookings and bed days utilized in FY11/12 through FY15/16 for probation and/or parole violations. Since the start of realignment, over time a greater number of individuals under county and state supervision have been sentenced to local confinement for violating the terms of their supervision. In FY15/16, there were approximately 624 bookings for PRCS or parole violations and 5616 bookings for probation or mandatory supervision violations that resulted in 15,471 and 158,589 jail bed days respectively.



Figure 12. Jail Bookings for Violations, by Fiscal Year

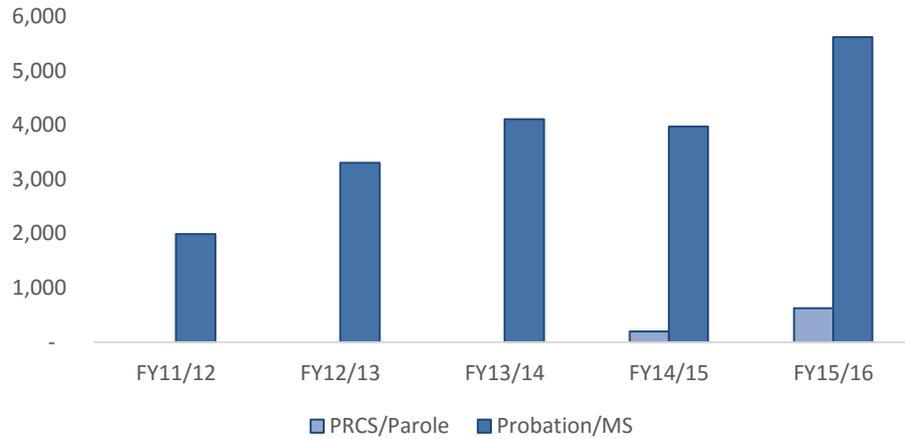
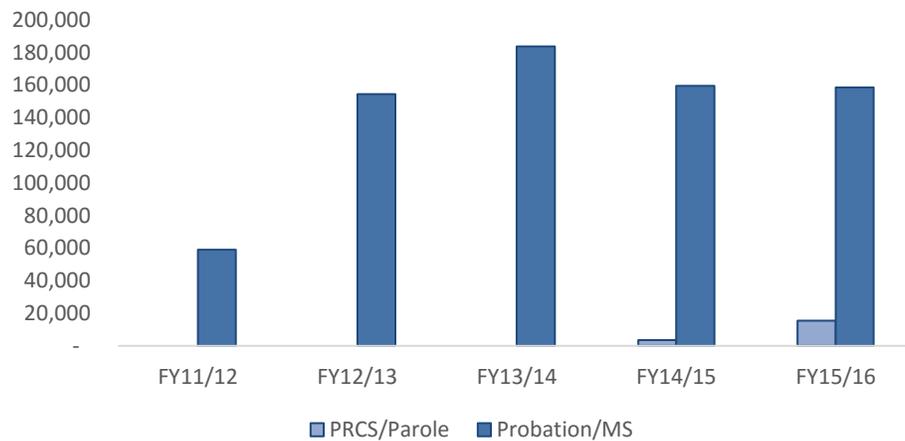


Figure 13. Jail Bed Days for Violation, by Fiscal Year



Services Received by County Realigned Populations

Several services are available to address specific needs, including mental health, substance abuse, employment, and housing. In the following sections, RDA examines the extent to which individuals on felony probation and/or who were convicted of an AB 109 eligible offense utilized the following services:

- ❖ Any Service
- ❖ Substance Use Services
- ❖ Mental Health Services
- ❖ Housing Services
- ❖ Employment Services
- ❖ Transition Day Reporting Center Services



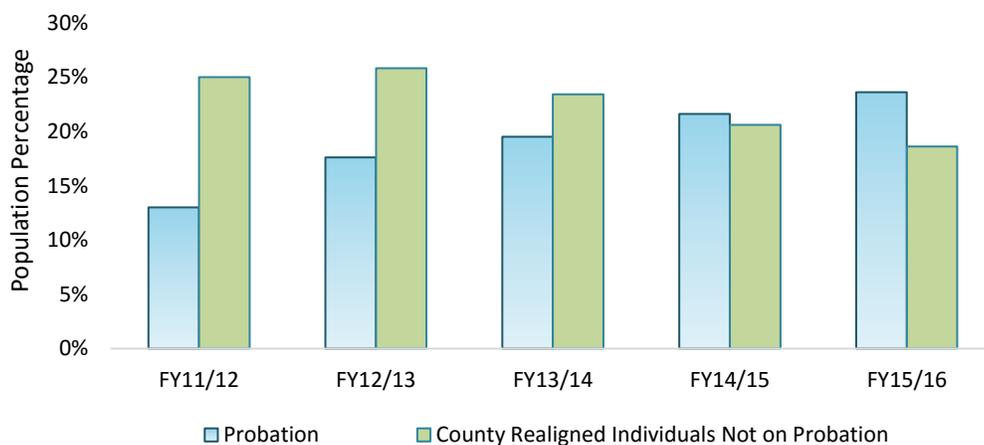
Any Services

- ❖ *The proportion of individuals on AB 109 probation receiving any service substantially increased from FY11/12 through FY15/16. This trend was driven by an increase in the number and percentage of PRCS individuals receiving one or more services during this time (16% in FY11/12 compared to 40% in FY15/16).*
- ❖ *In each fiscal year since the start of realignment, a greater proportion of county realigned individuals (both on probation and not on probation) received one or more services than individuals on felony probation.*
- ❖ *The proportion of county realigned individuals not on probation receiving any service has declined each fiscal year since the start of realignment.*

This section assesses the extent to which county realigned individuals and individuals on felony probation utilized any services before moving on to assess service receipt by specific service types.

Figure 14 below illustrates the percentage of individuals on probation in Alameda County receiving any service from FY11/12 through FY15/16, compared to county realigned individuals who are not on probation.

Figure 14. Percent of Population Receiving Any Service, by Probation Status



In FY11/12, only 13% of individuals on probation received any service while approximately 27% of county realigned individuals who are not on probation received any services. Over time, the proportion of the individuals on probation receiving any service increased while the proportion of county realigned individuals not on probation receiving any service decreased. By FY14/15, a greater proportion of the individuals on probation received one or more services than the county realigned individuals who are not



on probation. In FY15/16, approximately 24% of individuals on probation received any service compared with 19% of county realigned individuals who are not on probation. This trend is consistent with increased service availability for individuals on probation, especially the growing PRCS and 1170(h) populations.

As shown in Figure 15 the total number of individuals receiving any service nearly doubled from 2,146 to 4,034 from FY11/12 through FY15/16. Over this time period, a decreasing number of individuals on felony probation received any service, while an increasing number of county realigned individuals received these services. This trend largely reflects the shifting probation population characteristics. As noted above, there has been an increase in the total number of county realigned individuals on probation and a decrease in the number of individuals on felony probation over time.

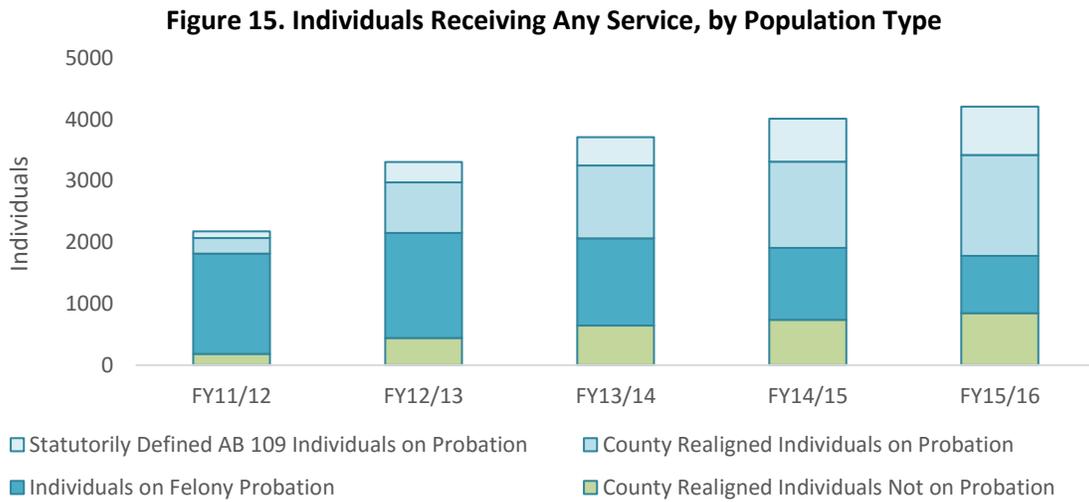
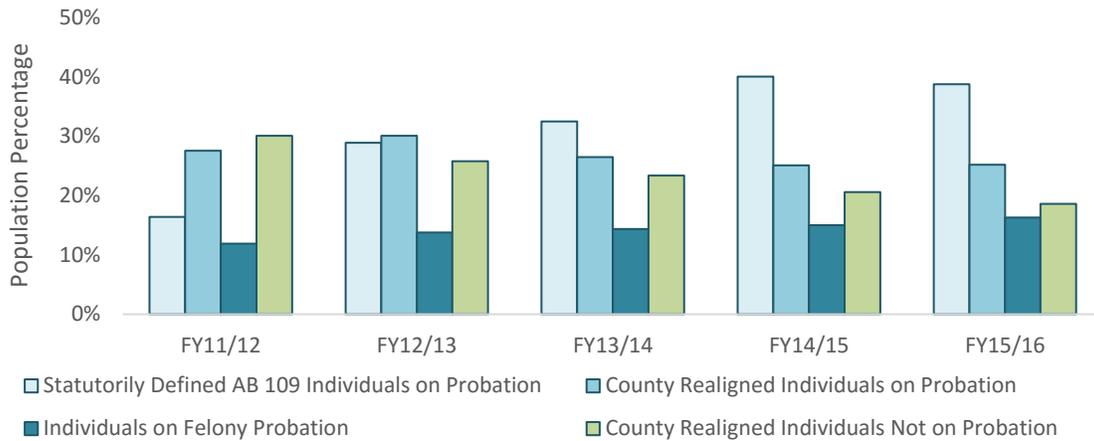


Figure 16 illustrates the percentage of each population group receiving one or more services from FY11/12 through FY15/16. Along with an increase in the total number statutorily defined AB 109 individuals on probation receiving any service, the percentage of these individuals receiving services more than doubled during this time period, and in FY15/16 almost 40% received one or more services. The percentage of county realigned individuals on probation and individuals on felony probation receiving any service remained relatively stable from FY11/12 – FY15/16. However, it is noteworthy that a consistently higher percentage of county realigned individuals (both on probation and not on probation) received any service than individuals on felony probation since the start of realignment.

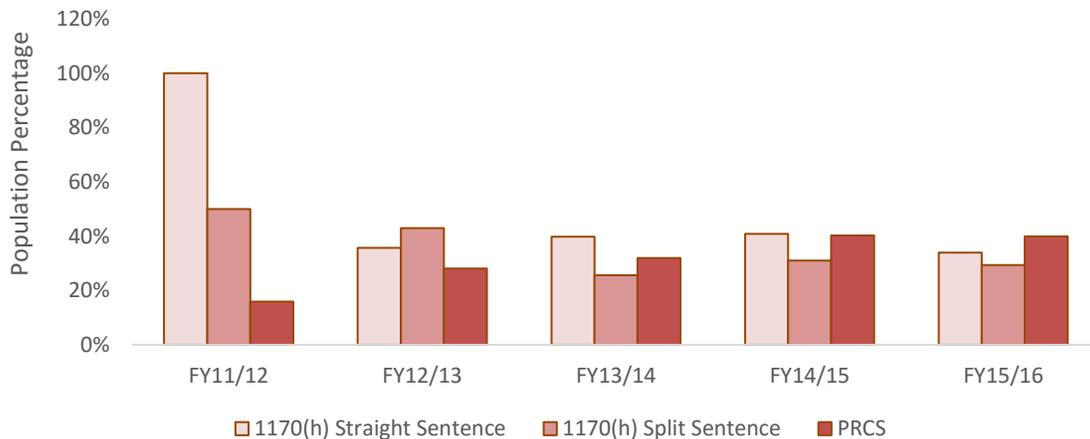


Figure 16. Percent of Population Receiving Any Service, by Probation Status



Finally, Figure 17 below indicates that the increase in service receipt among statutorily defined AB 109 individuals on probation is driven by a substantial increase in the total number and percentage of PRCS individuals receiving services between FY11/12 and FY15/16. The number of PRCS individuals receiving services increased by almost 550 individuals from FY11/12 to FY15/16, and the percentage receiving services increased from 16% to 40% over this time period, suggesting that county probation has increased their focus on connecting PRCS individuals to available services. On the other hand, the percentage of individuals sentenced under PC 1170(h) and on community supervision receiving any service decreased over this time period. However, it is important to interpret this finding cautiously. Because relatively few individuals had received 1170(h) straight or split sentences, especially during FY11/12, the proportion of individuals who received services shifts drastically based on the experiences of relatively few individuals.

Figure 17. Percent of Population Receiving Any Service, by AB 109 Population Type





Mental Health Services

- ❖ *A greater proportion of statutorily defined AB 109 individuals on probation and county realigned individuals (both on probation and not on probation) receive mental health services than do individuals on felony probation.*
- ❖ *The proportion of individuals receiving mental health services over time only increased most notably for the PRCS population (10% in FY11/12 compared to 19% in FY15/16).*
- ❖ *Over half of individuals who received mental health services in FY15/16 only received in-custody mental health services.*

In FY11/12, 23% of the county realigned individuals who are not on probation received mental health services compared with only 8% of individuals on probation, as shown below in Figure 18. Between FY11/12 and FY15/16, the gap in service receipt closed (15% of individuals on probation and 16% of county realigned individuals not on probation received mental health services In FY15/16), as the percentage of the probation population receiving mental health services almost doubled.

Figure 18. Percent of Population Receiving Mental Health Services, by Probation Status

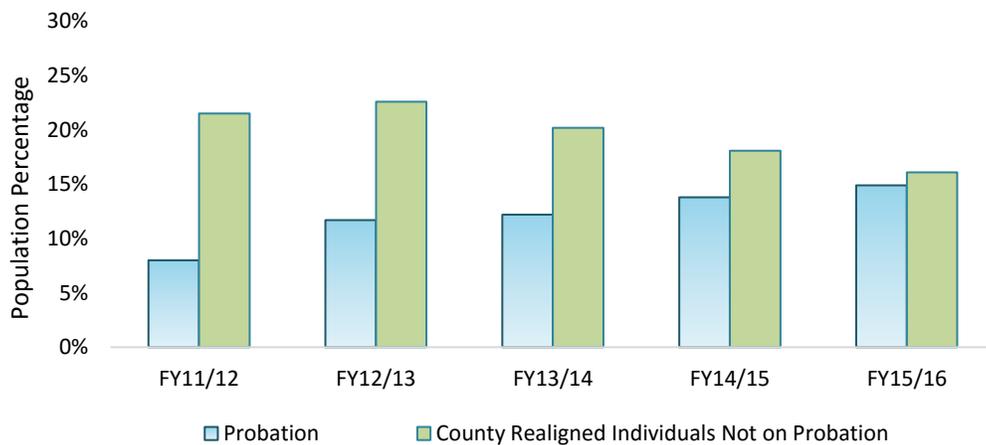


Figure 19 illustrates the total number of individuals in each population group receiving mental health services, and clearly demonstrates that a growing number of individuals are connected to mental health services. The total number of individuals receiving mental health services increased by more than 400% among statutorily defined AB 109 individuals on probation and county realigned individuals (both on probation and not on probation) between FY11/12 and FY15/16. The total number of individuals receiving mental health services decreased by half for the felony probation population over the same period. As noted previously, these trends are consistent with overall changes in the total number of individuals in each population group.



Figure 19. Individuals Receiving Mental Health Services, by Population Type

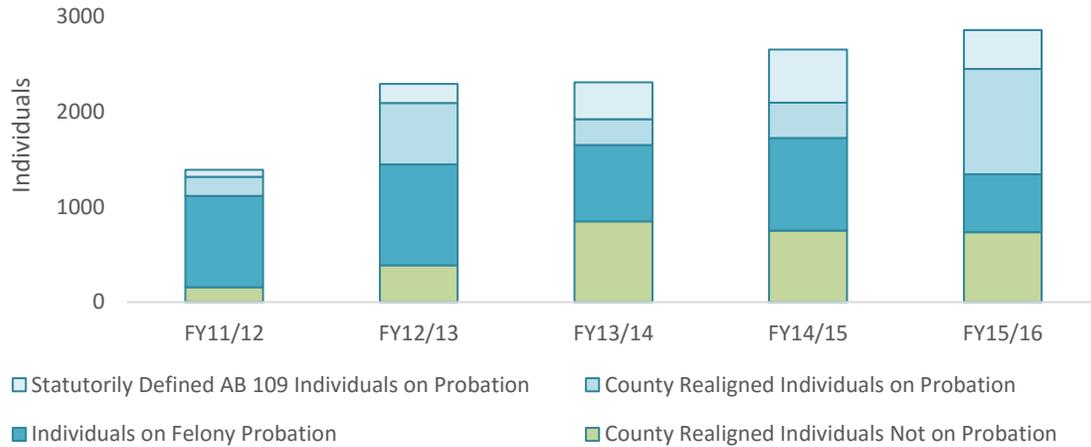
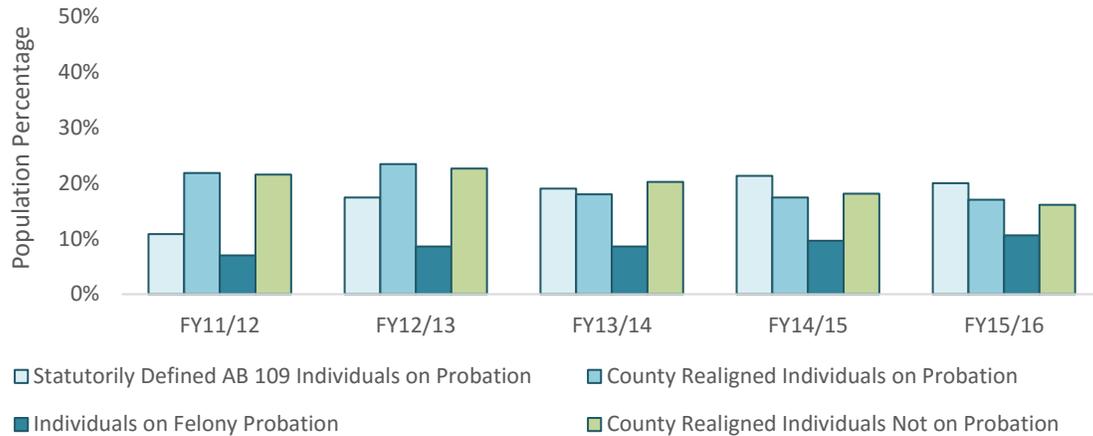


Figure 20 demonstrates that at the start of realignment, a much greater proportion of county realigned individuals (both on probation and not on probation) were receiving mental health services than either statutorily defined AB 109 individuals on probation or individuals on felony probation. However, the proportion of statutorily defined AB 109 individuals on probation receiving mental health services nearly doubled from 11% to 20% between FY11/12 and FY15/16, suggesting that access to these services is improving for this population. Over this time period the proportion of individuals on felony probation receiving mental health services also increased slightly from 7% to 9% of the population receiving mental health services while the proportion of the county realigned individuals (both on probation and not on probation) receiving mental health services declined slightly over this time period.



Figure 20. Percent of Population Receiving Mental Health Services, by Population Type



It is noteworthy that a majority of mental health services received are through in-custody services. This is the case across fiscal years and population types. Table 4 below indicates that among individuals receiving mental health services in FY15/16, over half only received services while in-custody.

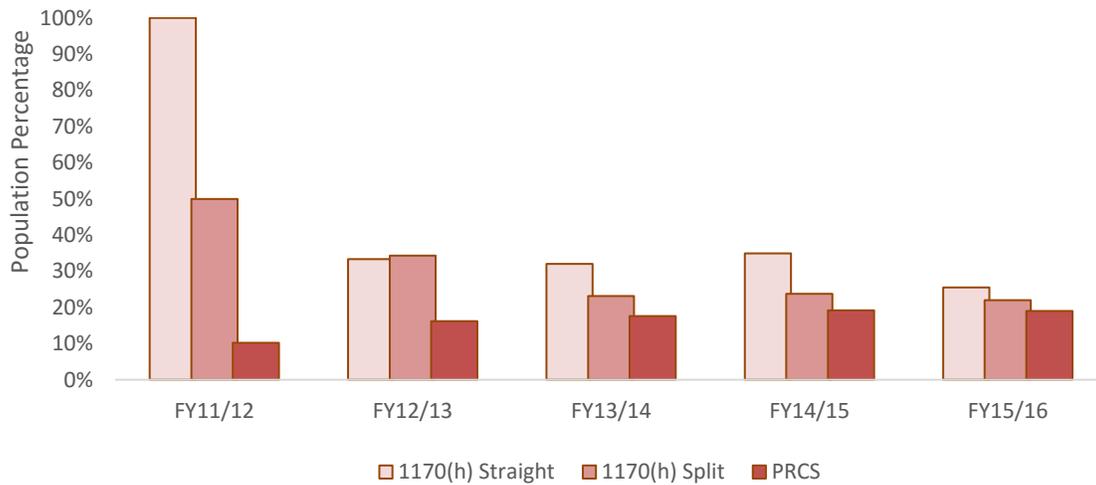
Table 4. Custody versus Community Mental Health Service Receipt among Individuals Receiving Mental Health Services in FY15/16

Population	In Custody Only	Both	Community Only
AB 109 Probation Population	62%	26%	12%
County Realigned Probation	59%	27%	14%
Felony Probation	50%	26%	23%
County Realigned Non-Probation	57%	28%	15%

As noted above, the proportion of statutorily defined AB 109 individuals on probation receiving mental health services has increased substantially since the start of realignment. This trend is driven by an increase in the number of PRCS individuals receiving these services. However, the proportion of individuals sentenced under PC 1170(h) receiving mental health services has decreased since the start of realignment. As noted above, it is important to remember that changes in the proportions of individuals with 1170(h) straight and split sentences receiving mental health services shift noticeably based on the experiences of relatively few individuals because these populations are much smaller than all others. As such, trends in service receipt for these populations should be interpreted cautiously.

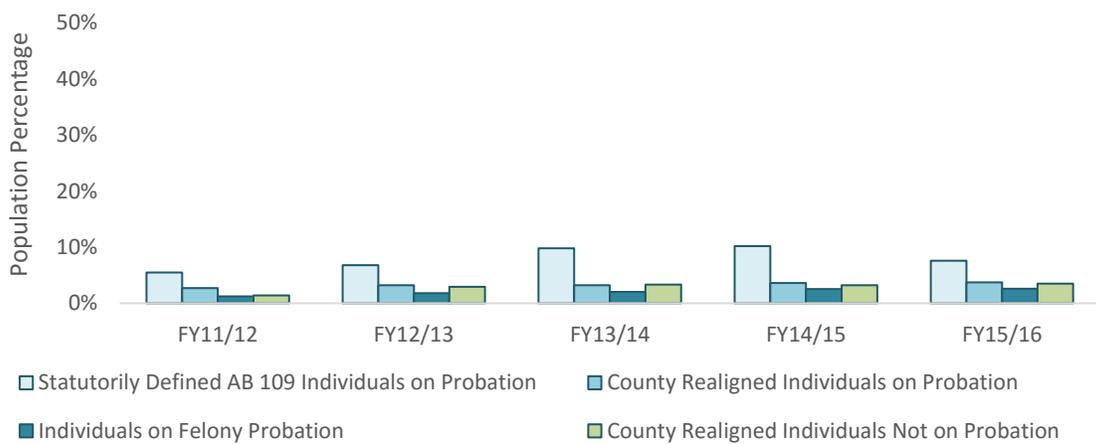


Figure 21. Percent of Population Receiving Mental Health Services, by AB 109 Population Type



BHCS also operates a telephone service, the Acute Crisis Care and Evaluation for System-wide Services (ACCESS), to help connect individuals in Alameda County with Specialty Mental Health Services (SMHS). ACCESS includes telephone screening and referral. It also provides general information about services and Behavioral Health Plan eligibility. The ACCESS line is available for all individuals meeting SMHS criteria and overall, ACCESS line referrals were made for less than 10% of each population from FY11/12 to FY 15/16.

Figure 22. Proportion Referred to ACCESS Line, by Population Type





Substance Use Treatment Services

- ❖ Overall, only a small proportion of individuals on probation and county realigned individuals not on probation have received substance use services since the start of realignment. In FY15/16, only 7% of individuals on probation and 4% of county realigned individuals not on probation received substance use services.
- ❖ Over time, a greater proportion of the individuals on probation (both statutorily defined AB 109 and county realigned) have received substance use services.

Between FY11/12 and FY15/16, less than 10% of individuals on probation and county realigned individuals not on probation received substance abuse services, as shown in Figure 23 below. While the percentage of county realigned individuals not on probation receiving substance abuse services remained relatively stable, the percentage of individuals on probation receiving these services increased slightly from 4% to 7%.

Figure 23. Percent of Population Receiving Substance Abuse Services, by Probation Status

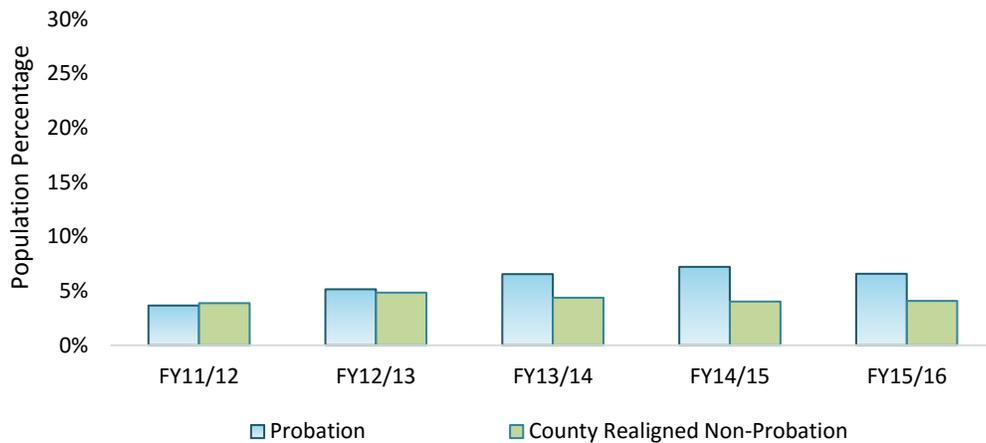
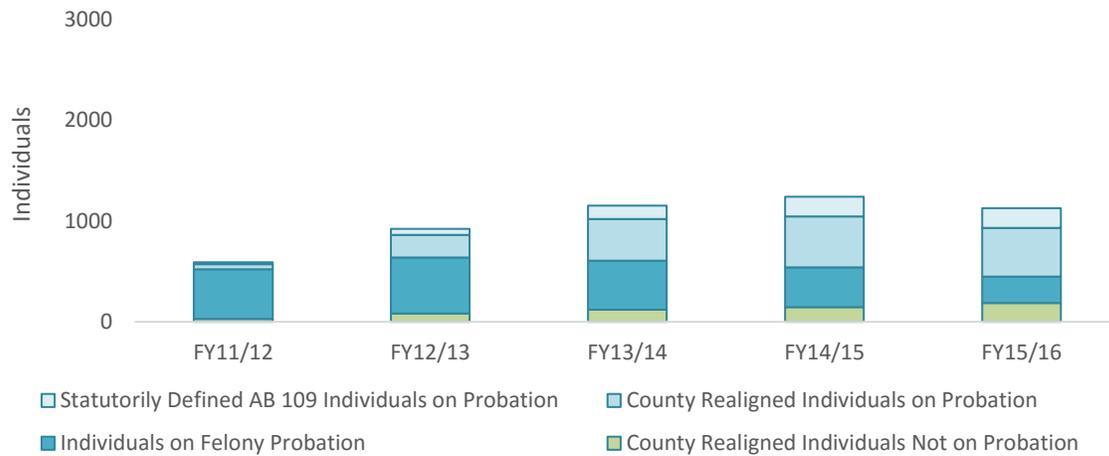


Figure 24 shows the total number of individuals receiving substance use services, by population type. The number of individuals receiving substance use services nearly doubled from 591 to 1125 from FY11/12 to FY15/16. Over this time period, a decreasing number of individuals on felony probation received substance use services, while an increasing number of county realigned individuals (both on probation and not on probation) received these services. Again, this trend largely reflects the shifting probation population characteristics, including the overall increase in county realigned individuals and decrease in the number of individuals on felony probation.



Figure 24. Individuals Receiving Substance Abuse Treatment, by Population Type



Between FY11/12 and FY15/16, the percentage of county realigned individuals on probation receiving substance abuse treatment increased from 5% to 7%. Similarly, the percentage of statutorily defined AB 109 individuals on probation receiving substance abuse treatment services more than doubled from 3% to 10%. The percentage of individuals on felony probation and county realigned individuals not on probation receiving services remained relatively low and stable at 4% to 5%. Taken together, these findings demonstrate that only a very small proportion of individuals on probation and county realigned individuals not on probation have received substance use services.

Figure 25. Proportion Receiving Substance Abuse Treatment, by Population Type

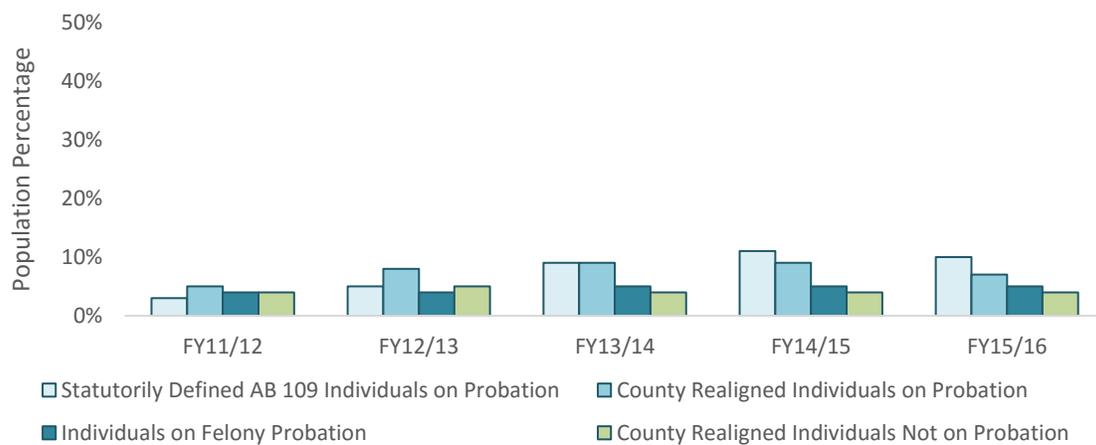
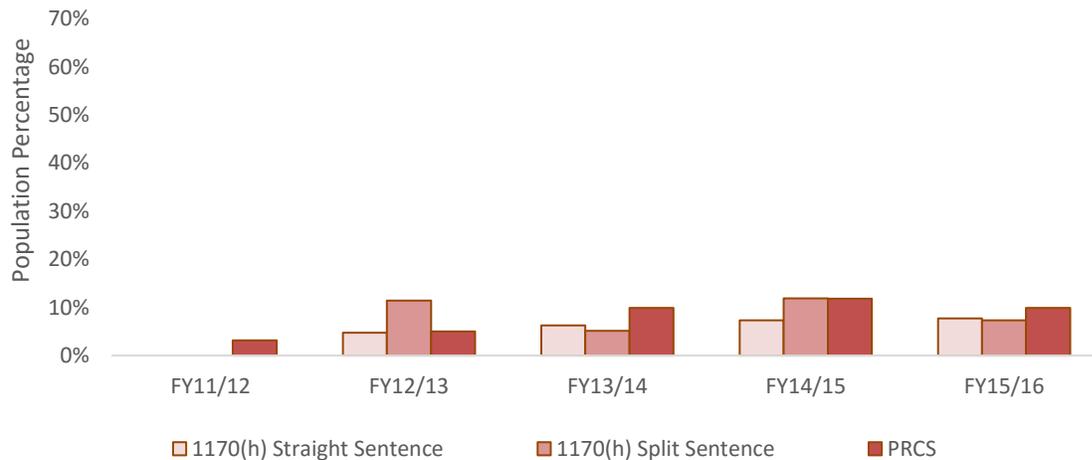


Figure 26 shows the percentage of each population who received substance use services from FY11/12 to FY15/16. This figure demonstrates that the percentage of PRCS individuals receiving substance use services increased from 3% to 10% over this time, while the percentage of individuals with an 1170(h) straight sentence receiving substance use services while on probation increased from 5% to 8%. The percentage of individuals serving 1170(h) split sentences receiving substance abuse services oscillated between FY11/12 and FY15/16. Thus, the increase among statutorily defined AB 109 individuals on



probation receiving substance abuse services is driven by the increased utilization of substance use services by PRCS individuals, as well as individuals who were sentenced to local prison while serving a felony probation sentence.

Figure 26. Proportion Receiving Substance Abuse Treatment, by Population Type



Housing Services

- ❖ *Since the start of realignment, only a very small proportion of individuals on probation and county realigned individuals not on probation have received housing services. In FY15/16, only 6% of individuals on probation and 1% of county realigned individuals not on probation received housing services through the CDA.*
- ❖ *Over time, a greater number and percentage of statutorily defined AB 109 individuals on probation received housing services through the CDA. In FY15/16, 14% of PRCS individuals and 8% of the 1170(h) Straight and Split populations who were on probation received housing services.*

As shown in Figure 27, only a small percentage (0% - 5%) of individuals on probation and county realigned individuals not on probation have received housing services. From FY11/12 through FY15/16, a higher percentage of individuals on probation received housing services compared to county realigned individuals not on probation. Over this time period, the percentage of individuals on probation receiving these services increased slightly from 3% to 5%. Overall, the use of housing services remains limited.



Figure 27. Percent of Population Receiving Housing Services, by Probation Status

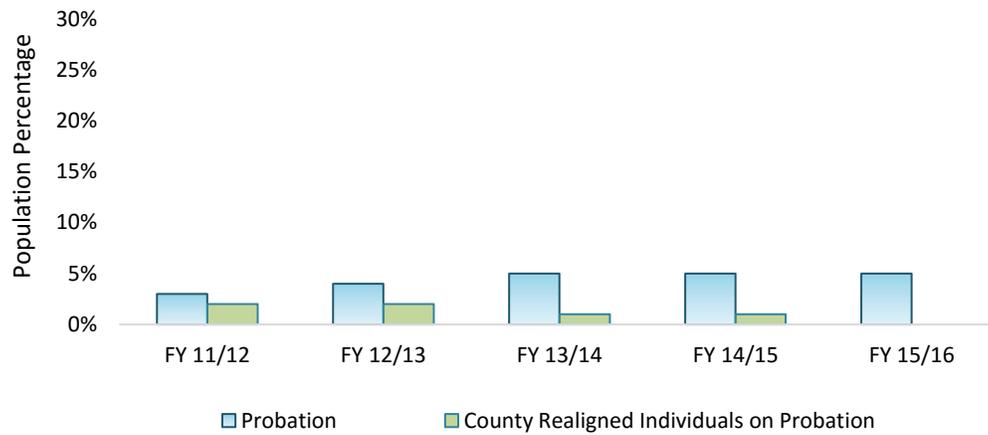


Figure 28 illustrates changes in the total number of individuals receiving housing services from FY11/12 through FY15/16. It indicates that fewer than 800 individuals on probation and county realigned individuals not on probation received these services. The total number of individuals across all populations receiving housing services increased by approximately 50% from FY11/12 through FY15/16, but remained quite low nonetheless.

Figure 28. Individuals Receiving Housing Services, by Population Type

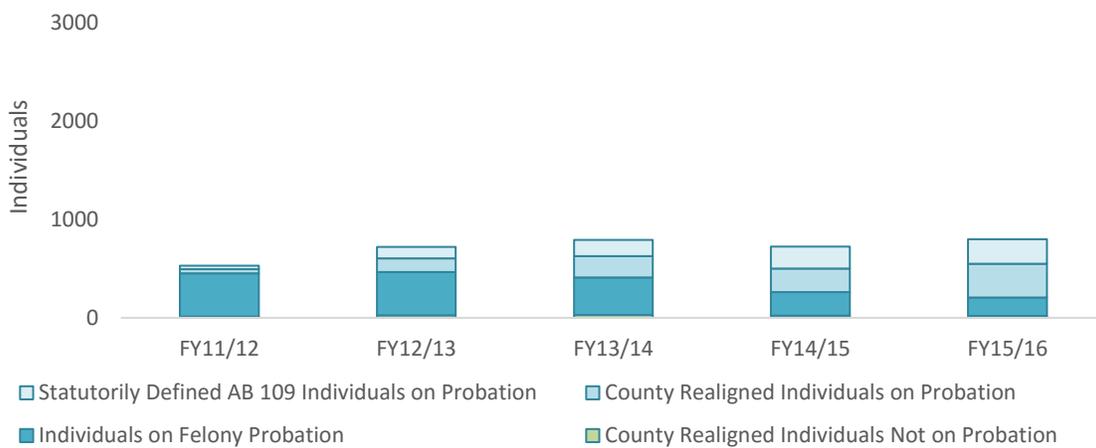


Figure 29 illustrates the percentage of each population group that received housing services from FY11/12 through FY15/16. The percentage of statutorily defined AB 109 individuals on probation receiving housing services more than doubled from 5% to 12% over this time. This rate remained stable for the other population groups. This finding suggests that housing services target statutorily defined AB 109 individuals on probation. This may be attributable to the fact that individuals in these groups are all leaving an incarceration setting, and more likely to be in need of transitional housing.



Figure 29. Percentage of Population Receiving Housing Services, by Population Type

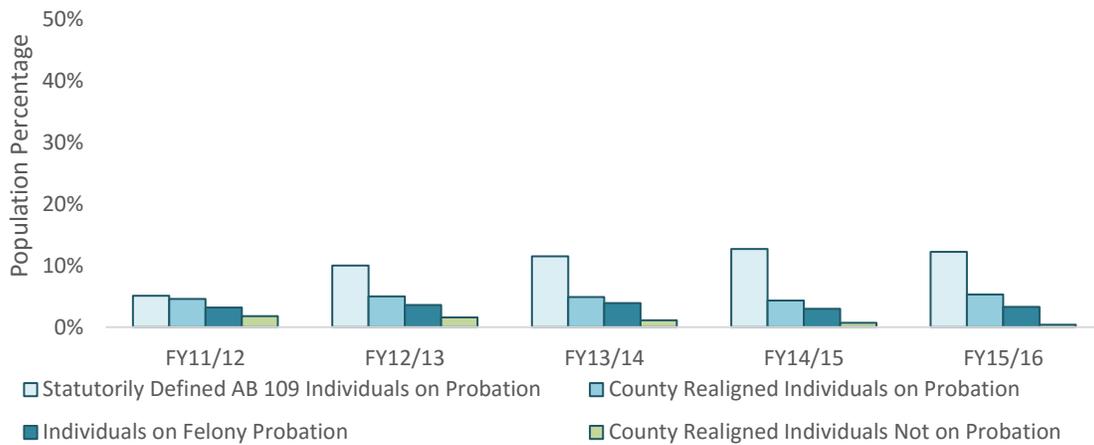
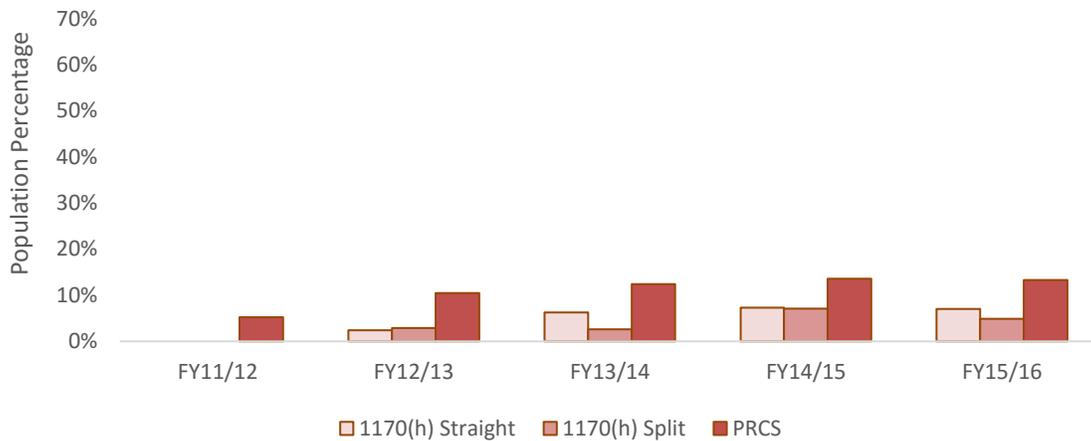


Figure 30 below highlights that while the increase in the percentage of statutorily defined AB 109 individuals on probation utilizing housing services is largely driven by the increase in usage by PRCS individuals, it is also driven by increases in usage by individuals with 1170(h) straight and split sentences as well.

Figure 30. Percentage of Population Receiving Housing Services, by AB 109 Population Type





Transition Day Reporting Center

ACPD opened the TDRC in March 2015 to provide a central hub for moderate- and high-risk realigned individuals under probation supervision to be connected to a range of services. Table 5 below indicates that in FY14/15, 52 individuals received services from the TDRC. Forty-nine (49) were PRCS individuals while two were sentenced under PC 1170(h) and on probation. One (1) individual was on felony probation, but not realigned.

Table 5. Individuals Receiving TDRC Services, by Population Type

	FY14/15	FY15/16
AB 109 Probation	50	125
PRCS	49	123
1170(h) Straight	1	1
1170(h) Split	0	1
County Realigned Probation	0	58
Felony Probation	2	36
County Realigned Non-Probation	0	1 ¹⁴
Not on Probation or County Realigned	0	1 ¹⁵
Total	52	221

In FY15/16, the total number of individuals receiving services from the TDRC increased to 218. Fifty-four percent (54%) were PRCS individuals, and the majority of other individuals receiving TDRC services were part of the target population, including the county realigned individuals on probation (n=58) as well as individuals sentenced to 1170(h) straight (n=1) and split (n=1) sentences who were under community supervision. However, 36 individuals who were on felony probation but not realigned received TDRC services in FY15/16, as did one county realigned individual who was not on probation and one individual neither on probation or county realigned (see footnote below).

¹⁴ Probation data indicate this individual was not on probation when they were connected with TDRC services

¹⁵ Probation data indicate this individual's PRCS term appears to have ended just one month prior to being connected with TDRC services.



Employment Services

This section details utilization of employment services among the county’s realigned populations and felony probation populations. The purpose of these programs is to provide training and placement services necessary to encourage sustainable employment. Table 6 shows the number of individuals connected to employment services from one or more of these services.

In FY14/15, 233 individuals on probation and county realigned individuals not on probation received employment services, of which 165 were PRCS individuals. Twenty-six (26) county realigned individuals on probation and 15 individuals on felony probation received employment services as well, while 13 county realigned individuals not on probation also received employment services.

The total number of individuals receiving employment services nearly doubled in FY15/16 to 427. Of those, 190 were PRCS individuals while 6 individuals were sentenced under PC 1170(h) and also under probation when they were connected to employment services. Of the remaining populations connected to employment services, 150 were county realigned individuals on probation, 78 were individuals on felony probation, and one was a county realigned individual not on probation.

Table 6. Individuals Receiving Employment Services, by Population Type

			FY14/15	FY15/16
AB 109 Probation			170	196
PRCS			168	190
1170(h) Straight			1	2
1170(h) Split			1	4
County Realigned Probation			26	150
Felony Probation			27	78
County	Realigned	Non-	0	1
Probation				
Total			223	427



Discussion

The purpose of this report was to identify Alameda County's realigned population and different groups that fit therein, and to assess what they look like from different vantage points (e.g., ACPD, ACSO, DA). The report also aimed to understand the extent to which these populations receive services from BHCS, CDA, TDRC, and contracted employment service providers.

One key takeaway from this report is that despite realignment shifting the responsibility for housing and supervising three new statutorily defined populations from the state to the county, Alameda County's average daily probation and jail populations have both decreased. It is noteworthy that since March 2012, just a few months after the start of realignment, greater than half of all new felony probation cases are for AB 109 eligible offenses. As a result, the proportion of individuals on felony probation that is realigned has grown each year (despite the overall felony probation population continuing to decline).

While the number of individuals on felony probation has decreased since the start of realignment, service receipt amongst individuals on probation has actually grown. For instance, the proportion of PRCS individuals receiving services has substantially increased, from 16% in FY11/12 to 40% in FY15/16, demonstrating that the county has targeted service delivery towards this population. While the number and proportion of individuals receiving services in Alameda County has increased since the start of realignment, overall, only 24% of individuals on probation and 19% of county realigned individuals not on probation received one or more services in FY15/16. Even smaller proportions received specific services such as substance use and housing services through the county. This suggests there is an opportunity for the county to continue expanding the reach of its service delivery system.

Upon completion of this report and receipt of necessary data, RDA will conduct an AB 109 Client Recidivism Analysis to examine the extent to which service delivery is associated with recidivism occurrences among the county realigned individuals and individuals on felony probation. Informed by this report, RDA will also conduct a process evaluation to assess the implementation of AB 109-related practices across county departments and contract service agencies. Concurrently, RDA we will work with these agencies to develop data collection management and reporting processes before conducting an updated AB 109 Client Overview and Outcome Analysis in 2019.

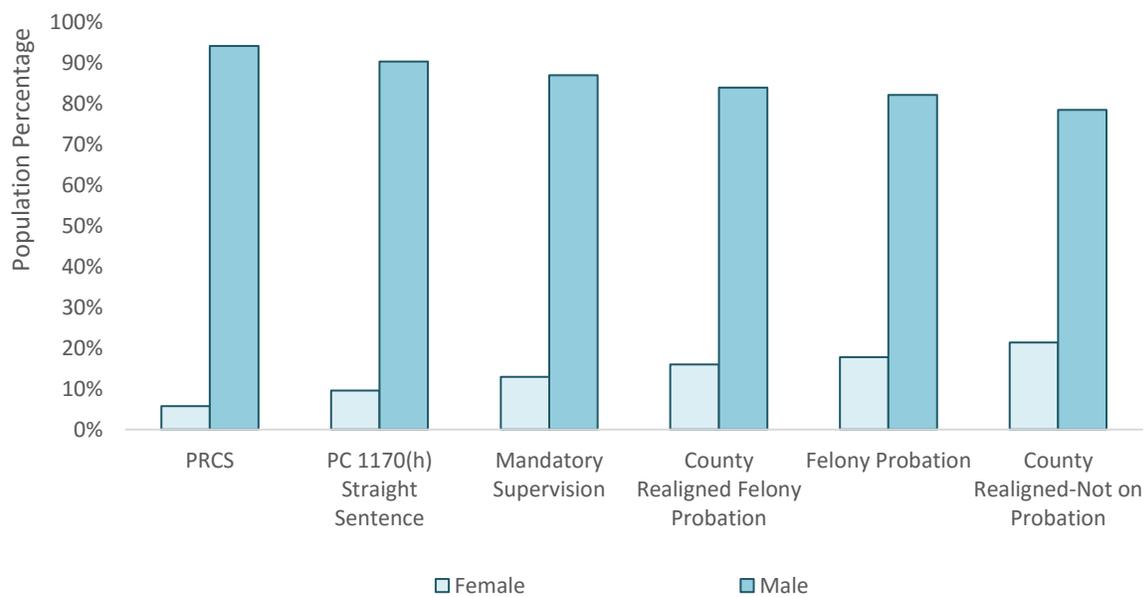


Data Appendix of Demographic Characteristics

Age, by Population Type

Population Type	Average Age	Minimum Age	Maximum Age
Post Release Community Supervision	35.8	18	74
PC 1170 (h) Straight Sentence	36.1	18	77
Mandatory Supervision	38.0	19	62
County Realigned Probation	34.4	17	81
Felony Probation	33.0	16	82
County Realigned Not on Probation	33.2	16	94

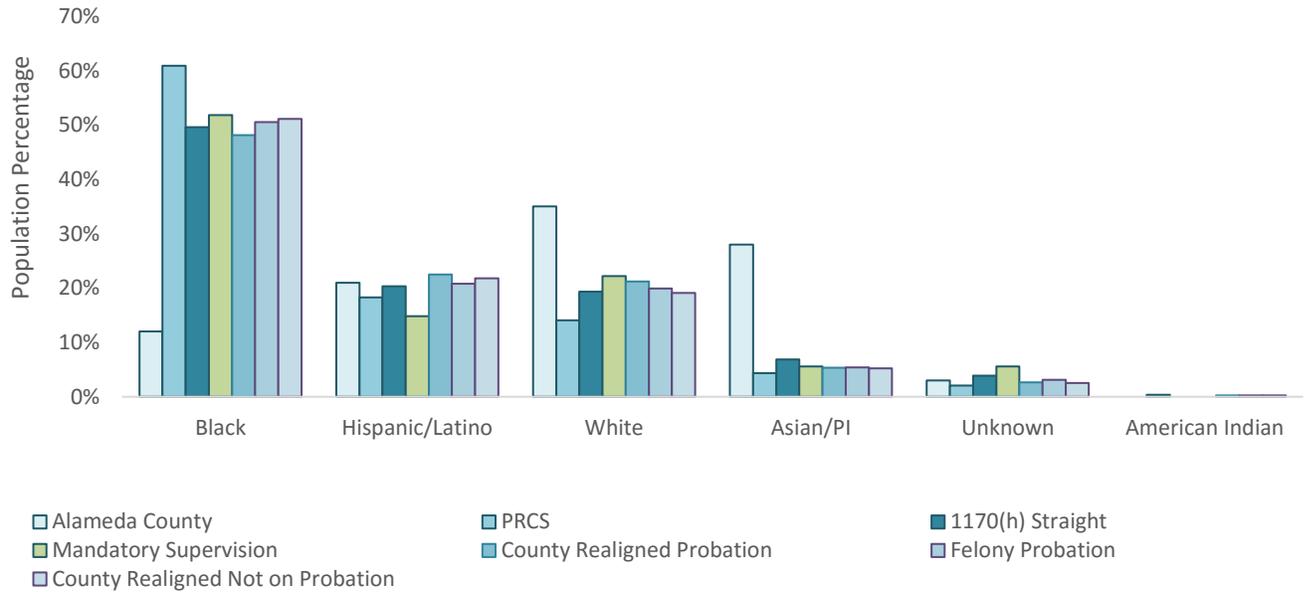
Gender, by Population Type¹⁶



¹⁶ Data only available for approximately 60% of the “County Realigned – Not on Probation” Population



Race, by Population Type¹⁷



¹⁷ Data only available for approximately 60% of the “County Realigned – Not on Probation” Population