



# CRIMINAL JUSTICE REFORM

## Putting *Justice* Back in Criminal Justice

The United States has become the world's largest jailer. With one in 100 adults incarcerated in prisons and jails across the nation, we have both the largest absolute number of people behind bars and the highest incarceration rate in the world. The racial disparity of our incarcerated population is similarly alarming, as is the significant proportion of those incarcerated who are non-violent offenders. As states face severe budget deficits and look to cut costs, there has never been a better time to push for cost-effective reforms that reduce state prison populations without undermining public safety.

America's criminal justice system should keep communities safe, treat people fairly, and use fiscal resources wisely. But more Americans are deprived of their liberty than ever before—unfairly and unnecessarily—with little benefit to public safety. Budget shortfalls of historic proportions are finally prompting states across the country to realize that less punitive approaches to criminal justice not only make more fiscal sense but also better protect our communities.

In a recent report, the ACLU highlighted six traditionally "tough on crime" states—Texas, Mississippi, Kansas, South Carolina, Kentucky, and Ohio—that recently passed significant bipartisan reforms to reduce their prison populations and budgets. These states experienced declines in their crime rates while these new policies were in place. The report also highlights national trends in criminal justice legislation and offers a number of recommended ways that lawmakers in other states can reform their pre-trial, sentencing, parole, and probation systems.



Hamedah Hasan, pictured here with her family, was swept up in her cousin's drug dealing operation. She consequently received a life sentence for a first-time, nonviolent offense that was later reduced to 27 years. The ACLU is working hard for fairer sentencing laws.

# An Opportunity to End California's Failed Approach to Incarceration

AB 109 gives counties the opportunity to reform their criminal justice system in a strategic and cost-effective manner.

In May, the U.S. Supreme Court upheld a California court's mandate to reduce the state's overflowing prison population. This year alone, the state plans to spend \$9.8 billion on the prison system, ranking it one of the state's highest budget expenditures. Even with all this spending, California still has the highest recidivism rate in the country – with 70% of individuals who go to prison committing subsequent crimes. Clearly, more spending on prisons doesn't equal a safer California.

AB 109 is the most significant reform of the California's criminal justice system in over 30 years. It shifts responsibility from the state to local authorities for individuals committing non-violent, non-serious offenses and for those on parole. It also includes a funding mechanism whereby the state will provide monetary incentives to counties to reduce their jail populations.

Counties have responded with their own plans. San Diego's chief probation officer believes the city's plan "efficiently uses the limited funds available by building on the successful strategies of the local criminal justice community to reduce crime and recidivism while keeping the community safe." The implementation plan approved by the San Diego County Board of Supervisors has five components: enhance pre-trial processes to more effectively utilize current jail capacity; improve and streamline felony settlement; encourage the use of evidence-based practices into sentencing for felony offenders; employ alternative custody options and in custody programming; and provide evidence-based supervision and intervention services for post-release offenders.

The ACLU sent a comprehensive 12-step plan to local officials in all 58



The Los Angeles County Jail, the nation's largest, is so overcrowded that perfectly healthy prisoners are developing mental illness.

California counties. Some of these recommendations include establishing a system of pre-booking or pre-charging diversion for the lowest-risk population and reducing immigration based detention and booking costs. In addition to its 12-step plan for counties, the ACLU is calling for meaningful statewide sentencing reform including the reduction of low-level drug and property crimes from felonies to misdemeanors, and for a state sentencing commission to evaluate and reform California sentencing policies.

## Polling Data Shows Californian Voters Want a Change

*They support sentencing reform. . .*

- 73% of California voters favor reducing from a felony to a misdemeanor the possession of a small amount of illegal drugs for personal use. (Lake Research Partners, April 2011)
- 41% say they'd be more likely to support a state representative who reduced these penalties compared to 15% saying they'd be less likely. (Lake Research Partners, April 2011)

*They support AB 109. . .*

- By a 51% to 37% margin voters back Governor Jerry Brown's proposal to comply with the Supreme Court's ruling by transferring lower-risk inmates from state prisons to local county jails and other community-based facilities. (Field Poll, June 2011)

*They support changing "3 Strikes". . .*

- 74% of voters agree that the "three strikes" law should be modified to help ease prison overcrowding. (Field Poll, June 2011)

*They support replacing the death penalty. . .*

- 54% of Californians prefer life without the possibility of parole. (Public Policy Institute of California)