



STATE OF CALIFORNIA  
OFFICE OF THE ATTORNEY GENERAL  
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ATTORNEY GENERAL

October 16, 2014

Dear Public Safety Partners,

California has experienced fundamental changes to its criminal justice system over the past three years. These changes, initiated by Public Safety Realignment in 2012, have forced California's leaders and citizens to confront difficult questions about how our state approaches prosecution and incarceration in pursuit of public safety.

As the chief law enforcement officer of the State of California, I have no greater priority than the public safety of our communities. But to truly ensure public safety, we cannot afford to follow outdated criminal justice policies for the sake of tradition. Rather, real public safety requires us to think and act with innovation and data-driven analysis to maximize our return on investment for the billions of dollars we spend on criminal justice each year.

As a result of Public Safety Realignment, local law enforcement agencies are putting greater resources into programs to reduce recidivism. The California Department of Justice is developing initiatives and data sets to make our criminal justice system more efficient, effective, and outcome driven. To this end, in November 2013, I launched the Department's Division of Recidivism Reduction and Re-Entry – "DR3" for short – to develop best practices throughout California.

Today, I am pleased to release the results of the first step of one such DR3 initiative: **the Attorney General's proposed statewide definition of recidivism in California.**

Universally defining recidivism is a fundamentally important issue if we are to be smart on crime. In California, Public Safety Realignment has shifted responsibility for incarceration and supervision of many offenders to our local counties. However, California lacks any uniform or standard way to measure the rate of individuals who re-commit crimes.

Although for many years the California Department of Corrections and Rehabilitation has set the gold standard in calculating recidivism rates for state prison offenders, Public Safety Realignment creates a need for a standard recidivism definition that *also* includes county-level offenders.

This need, paired with the Department of Justice's role in collecting and analyzing crime data, made developing a standard definition a core priority for DR3. We began earlier this year with a comprehensive survey of over 540 law enforcement, corrections, and policy stakeholders to assess how stakeholders define and track recidivism across jurisdictions and agencies. We received an impressive response rate from this survey, which reinforced the importance of a statewide definition. The survey indicated the following:

- **Who tracks recidivism?**
  - 60% of respondents reported no definition of recidivism.
  - 34% reported they tracked no data relating to recidivism.
- **Who is Law Enforcement tracking to measure recidivism?**

69% of respondents who use a definition of recidivism track offenders who qualify as Realignment offenders – that is, offenders who commit non-violent, non-serious, and non-sexual crimes.
- Other prevalent population groups include individuals placed on felony probation, released felons (regardless of whether they were released from county jail or prison), and probation and parole violators.
- **What event metrics do Law Enforcement agencies measure?**
  - 71% of respondents track re-arrests.
  - 62% of respondents track re-convictions.
  - 77% of those who track re-convictions supplement their records with re-arrest data.
  - 48% track re-incarceration generally.

One of the key takeaways from the survey is the critical need for better data to help counties assess the effectiveness of their criminal justice policies and programs.

Based on these results, we drafted a proposed statewide definition in consultation with stakeholders, academics, and policy leaders across the state and country. As a result of our research, my office proposes the following statewide definition of recidivism:

***An arrest resulting in a charge within three years of an individual's release from incarceration or placement on supervision for a previous criminal conviction.***

An "arrest resulting in a charge" is defined as is a felony or misdemeanor arrest and booking by a law enforcement agency that results in the filing of a criminal charge in an accusatory pleading by a prosecutor or a grand jury, as applicable.

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Although we believe that this measure provides, on balance, the most accurate view of a core variable affecting public safety, there are also supplemental measures that should be counted in understanding recidivism – among these are (1) conviction rates; (2) the return rate of offenders to incarceration; and (3) the rate of non-technical violations of supervision, which are those violations that would otherwise constitute criminal offenses were the individual not under supervision (i.e., probation or parole).

Along with this proposed definition, I am also publicly unveiling a standardized tool for counties to track recidivism in their jurisdictions. The **California Recidivism Index** charts three major indicators of seriousness – **offense type, frequency, and timing**. The Index is a focused and centralized method for policymakers and local authorities to design and target programs to areas of need, as well as assess the effectiveness of such programs.

Our proposed statewide definition and the new California Recidivism Index follows significant consultation with a number of critical stakeholders, including district attorneys, sheriffs, police and probation chiefs, the courts, academics, the defense bar, and the U.S. Department of Justice's Bureau of Justice Statistics. But my proposed statewide definition is not the only contribution to this critical policy dialogue. Criminal justice stakeholders across the spectrum have sought to articulate a definition of recidivism. And the Board of State and Community Corrections ("BSCC") has been tasked by the Legislature, through Assembly Bill 1050 (2013), with the duty to develop such a definition. The BSCC's recidivism definition committee has done incredible work, and I expect that they will release a formalized definition in the coming weeks or months. My office is eager to continue collaborating with the BSCC on this important topic.

I view my proposed statewide definition as a continuation, not the end, to the conversation about how we define recidivism in California. I look forward to a robust dialogue and working with policymakers and stakeholders on a single, uniform definition for our state.

Sincerely,

  
KAMALA D. HARRIS  
Attorney General