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## **Jail realignment could mean less recidivism, expert says**

Under new state prison law, judges now have freedom to better tailor sentences to criminals

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Convicts of certain crimes could spend years in San Luis Obispo County Jail instead of serving their multi-year sentences in state prison under a state law that went into effect this month.

But at the same time, judges now have a great deal of discretion to use programs supervised by probation officials that aim to keep those inmates from reoffending while reducing the total time they spend in jail.

The question of how to manage the new sentencing law was a central topic of a meeting Monday in San Luis Obispo.

Judge J. Richard Couzens — a retired Placer County judge who provides training in criminal sentencing statewide — spoke before about 70 county judges, lawyers, probation officers, bail bondsmen and court staff at the County Government Center.

The new state law redirects some lower-level offenders convicted of nonviolent, nonsexual and nonserious crimes to serve their time in county jails instead of state prisons.

The policy, known as realignment, has led to widespread discussions in the legal community about how to sentence such defendants.

Realignment is designed to reduce prison overcrowding and the vast amount of state spending on inmates, Couzens said. It's also designed to reduce recidivism, he said.

San Luis Obispo County officials plan to deal with the influx of inmates by increasing the number of beds in the jail, hiring additional sheriff's correctional deputies and probation officers, and organizing more programs and training for local offenders.

Under the new law, lower-level crimes, such as drug sales, auto theft and burglary, may result in jail time, Couzens said. Under various circumstances, the offenses could lead to sentences in county jails of 10 years or more.

Since Oct. 1, six men who would have served time in state prison were sentenced to San Luis Obispo County Jail with sentences ranging from 16 months to four years, according to sheriff's officials.

Previously, California's county jails housed convicts for up to a year before their release, while multi-year sentences were handled by state prisons.

But Couzens said that a key component of the new law is the judges' option to sentence criminals to mandatory probation instead of County Jail — or some combination of the two.

A "blended sentence," for example, gives judges a great deal of discretion to allow convicts to serve part of a sentence in a county jail and part of it in mandatory probation, he said.

Couzens cited an example of a defendant with a three-year term for a crime.

A judge might take 300 of those days (or any other number at his or her discretion) and place the convict under the supervision of a probation officer for that period using a specialized probation plan.

The result would be that the convict, given credit for good behavior or other factors, would spend about a year of actual time in jail instead of 18 months.

But along with reduced jail time comes greater responsibility of judges to sentence convicts to alternative programs such as counseling, drug treatment or home detention, he said.

Couzens said that many years of research in criminal thinking and behavior has concluded that individualized sentencing plans best suited for each convict reduce recidivism.

Those might include assistance programs on employment, family or drug hang-ups that tend to draw the person back into a life of crime.

“This is something that has been used with great success in other states — believe it or not in Texas, for example,” he said.

Read more: <http://www.sanluisobispo.com/2011/10/17/1800391/jail-realignment-could-mean-less.html#ixzz1bRINOYaQ>