

California County Resentencing Pilot Program
Fact Sheet
 2021

Overview of the County Resentencing Pilot Program

This year, For The People served as the budget sponsor of the County Resentencing Pilot Program (“the Pilot”). The [2021-2022 Budget](#) appropriates \$18 million in General Funds to nine California counties to engage in Prosecutor-Initiated Resentencing (PIR). The funds are to be used exclusively for the [three-year Pilot Program](#) that begins on September 1, 2021, and ends on September 1, 2024.

Pilot participants in each county include the district attorney’s office (DAO), the public defender’s office (PDO), and may include a community-based organization (CBO). The goal of the Pilot is two-fold: 1) ensure that the District Attorney in each county has the resources needed to exercise their discretion under PC 1170(d)(1); and 2) evaluate a collaborative approach to exercising prosecutorial resentencing discretion.

The \$18M appropriation in the Budget Act of 2021 is as follows:

County	DAO Appropriation	PDO Appropriation	DAO-CBO Contract
Los Angeles	\$2,200,000	\$700,000	\$250,000
Santa Clara	\$1,160,000	\$750,000	\$250,000
San Francisco	\$1,100,000	\$750,000	*
Riverside	\$1,050,000	\$715,000	\$250,000
Contra Costa	\$1,050,000	\$750,000	\$250,000
San Diego	\$1,000,000	\$650,000	\$250,000
Yolo	\$717,000	\$415,000	\$250,000
Merced	\$478,000	\$320,000	\$250,000
Humboldt	\$355,000	\$240,000	\$250,000

In addition to the above funding, up to \$1,350,000 shall be available to the RAND Corporation to provide an evaluation and report of the County Resentencing Pilot Program to the Legislature.

Participating DAO

Each participating DAO is required to 1) implement a written policy that outlines the processes used to recommend individuals for recall and resentencing; 2) recommend the recall and resentencing of incarcerated persons consistent with its written policy; and 3) direct all Pilot funds to the exclusive purposes of resentencing individuals pursuant to the Pilot, including, but not limited to, ensuring adequate staffing of deputy district attorneys, paralegals, and other support staff. As explained

more fully below, each DAO will be provided with a template for recording and reporting data, progress, and expenditures. DAOs are required to participate in in-depth interviews with the selected evaluator. When developing the written policy, the DAO may take into account input provided by the PDO and qualifying CBO. Additionally, the DAO may contract with a qualifying CBO for the duration of the Pilot.

Participating PDO

The participating PDO is required to direct all funding to the exclusive purpose of supporting the resentencing of individuals pursuant to the Pilot, including, but not limited to, ensuring adequate staffing of deputy public defenders and other support staff to represent incarcerated persons under consideration for PIR. A participating PDO may provide input to the DAO regarding the factors, criteria, and processes to be used by the DAO in their exercise of discretion under PC 1170(d)(1). PDOs are required to participate in in-depth interviews with the selected evaluator.

Qualifying CBO

A qualifying CBO must have experience working with currently or formerly incarcerated people and their support networks, and have expertise in at least two of the following areas: supporting and developing pre-release and reentry plans, family reunification services, referrals to post-release wraparound programs, or restorative justice programs.

Report and Evaluation

The Legislature selected the [RAND Corporation](#) to serve as the evaluator. The evaluation term begins on September 1, 2021, and ends on January 31, 2025.

RAND will provide each DAO with a template for recording and reporting required data, including, but not limited to: expenditures; delays or challenges in implementation; the criteria used to identify candidates for PIR; the total number of candidates considered; the total number of candidates recommended; the total number of candidates resentenced; the total number of candidates released from prison due to PIR; and the demographic information of candidates.

After analysis of the data submitted by and in-depth interviews with Pilot participants, RAND will, among other tasks:

- Assess fidelity of implementation within each Pilot jurisdiction;
- Document the different strategies used in the Pilot jurisdictions;
- Estimate the resources required to implement the Pilot to develop a total cost/ cost per case;
- Report the total number of days of incarceration avoided and the amount of time by which candidates' earliest possible release date or minimum eligible parole date was advanced due to PIR; and
- Report recidivism outcomes for people released due to PIR.

Throughout the Pilot period, two preliminary reports and one final evaluation and assessment will be provided to the California Legislature. The reports will allow for comparison between the Pilot jurisdictions. The Department of Corrections and Rehabilitation, the State Department of Social Services, and the Department of Child Support Services are also required to provide information to the evaluator as needed.

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