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Evaluation of the California County Resentencing Pilot Program

Year 3 Findings

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About This Report

The California County Resentencing Pilot Program was established to support and evaluate a collaborative approach to exercising prosecutorial discretion in resentencing. Nine California counties were selected and were provided with funding to implement the three-year pilot program. Participants in the pilot were to include a county district attorney office and a county public defender office and may have included a community-based organization in each county pilot site. RAND, a nonprofit research organization, was selected by the California State Legislature as the independent evaluator of the pilot program. The pilot term was September 1, 2021, through September 1, 2024; the evaluation term was originally September 1, 2021, through January 31, 2025. The legislature subsequently provided RAND with additional funding to conduct a three-year recidivism study beginning in January 2025. The evaluation comprises three components: a descriptive and outcome analysis of data collected by district attorney offices and supplemented with information from the California Department of Corrections and Rehabilitation, a qualitative implementation assessment, and a cost study to estimate the resources required to implement the pilot activities. This report presents the overall evaluation results for the three years of the pilot program term of September 1, 2021, through September 1, 2024. In subsequent reports, we will present the results of the recidivism analysis. This work was funded by the California State Legislature.

This report was updated in July 2025 to address several errors, including clarifying the efforts to which costs reported by the pilot counties apply and correcting inverted case totals in Table 2.2. In addition, we provide emphasis on the role of For The People in advocating for and implementing prosecutor-initiated resentencing efforts and inserted prior omissions to the acknowledgments.

Justice Policy Program

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spent on providing data to the evaluation team. We greatly appreciated the leadership of California Assemblymember Philip Yu-Li Ting in spearheading the prosecutor-initiated resentencing legislation and pilot program. We also greatly appreciated the guidance of Jennifer Kim, principal consultant, Assembly Budget Committee, California Legislature, and the support and valuable insights into the pilot program provided by Hillary Blout, founder and executive director of For The People, and For The People staff. Finally, we thank Dic Donohue and Steven Raphael, who served as quality assurance reviewers, for their very valuable feedback.

Summary

Issue

As a result of “get-tough” sentencing legislation and correctional policies in the latter part of the 20th century, the correctional populations in California and other states climbed steeply. By 2009, the United States had reached a peak of incarceration, reflecting more than 1.5 million individuals incarcerated in federal and state prisons (Travis, Western, and Redburn, 2014; Ghandnoosh, 2019). States across the country have invested in numerous strategies over the past decade to reduce the sizes of their prison populations, with the aim of protecting public safety and reining in corrections expenditures. Policies include reducing lengthy prison terms, prioritizing prison space for violent and career offenders, providing alternatives to lower-level nonviolent offenders, reducing probation and parole revocations, and directing savings into programs to help reduce recidivism (Pew Charitable Trusts, 2017, p. 1; Mauer, 2018).

The California County Resentencing Pilot Program was established to support and evaluate a collaborative approach to exercising prosecutorial resentencing discretion pursuant to Section 1170(d)(1) of the California Penal Code to reduce sentences of eligible prisoners. In June 2022, SEC. 8 Section 1170.01 was amended and renumbered to Section 1172 (California Legislative Information, 2021).¹ Nine California counties were selected and were provided with funding to implement the three-year pilot program. Participants in the pilot were to include a county district attorney (DA) office and a county public defender (PD) office and may have included a community-based organization (CBO) in each county pilot site. The nine counties represented are Contra Costa, Humboldt, Los Angeles, Merced, Riverside, San Diego, San Francisco, Santa Clara, and Yolo.

Approach

RAND was selected by the California State Legislature as the independent evaluator of the pilot program. The pilot term was September 1, 2021, through September 1, 2024; the evaluation term is September 1, 2021, through January 31, 2025. The evaluation comprises three components: analysis of quantitative data collected by the DA offices and supplemented with information from the California Department of Corrections and Rehabilitation (CDCR), a qualitative implementation assessment, and a cost study to estimate the resources required to implement the pilot activities. Specifically, the evaluation seeks to determine how the pilot was implemented in individual counties,

¹ Section 1170(d)(1) was amended twice and renumbered after the prosecutor-initiated resentencing (PIR) legislation—California Assembly Bill (AB) 2942—was passed in 2019 (AB 2942, 2018). In January 2022, Section 1170(d)(1) was rechaptered when AB 1540 went into effect, which strengthened an individual’s procedural rights during recall and resentencing, clarified what the court was to do when it received a sentencing referral, and limited judicial discretion to deny resentencing (AB 1540, 2021). In July 2022, AB 200 went into effect along with other legislation (AB 200, 2022).

whether the pilot was effective in reducing criminal justice involvement (e.g., time spent in incarceration and recidivism), and whether it was cost-effective. RAND researchers are conducting an implementation assessment, a rigorous outcomes flow analysis, and a cost analysis to answer the following four research questions:

1. What were the key implementation challenges experienced by the programs, and how did prosecutors and PDs overcome these barriers?
2. What are the characteristics and outcomes of cases identified for possible resentencing at each stage of the resentencing process?
3. What are the costs of the pilot program?
4. What is the impact of the resentencing pilot program on recidivism?

This report is one of a series of closely related RAND publications on this topic. This third report presents the overall evaluation results for the three-year pilot program. Specifically, this report focuses on the first three research questions; in subsequent reports, we will present the results of the recidivism analysis. In addition to providing a review of the pilot program and evaluation methods, this report describes our findings based on stakeholder interviews and analysis of pilot data. Qualitative interviews revealed key strengths and challenges of the pilot program in its implementation. Analyses of quantitative data describe the population of individuals considered for resentencing and document the flow of cases from initial consideration through resentencing. These findings shed light on the experiences of the nine counties in implementing this important three-year pilot program. Findings from year 1 of the pilot evaluation are reported in Davis et al. (2022), and those from year 2 are reported in Davis et al. (2023). These closely related reports share some material, including descriptions, figures, and tables.

Key Findings

PIR filled an important gap in sentencing policies by focusing on crimes against persons.

Unlike previous resentencing legislation in California that focused on, for example, drug crimes, PIR filled an important gap in sentencing policies by focusing on crimes against persons, thereby targeting crimes that other legislation had not.

It is important to understand the context within which PIR was implemented in California.

The PIR pilot program was not a single intervention at the county level but rather a set of different types of interventions by the nine pilot counties. PIR was being implemented in the context of other resentencing legislation, which affected how PIR was prioritized over time, what cases it was applied to, and how its application evolved over time.

Each of the pilot counties developed its own criteria for identifying cases eligible for resentencing consideration:

- Although the inclusion criteria varied somewhat across the pilot counties, overall, they focused on such factors as the age of the inmate, the crime committed, and the length and other details of the sentence. One county did not specify inclusion criteria because it planned to review all cases for individuals who were currently incarcerated in prison in that county.

- Exclusion criteria consisted primarily of crimes considered too egregious for resentencing consideration.
- Some DA offices continued to base resentencing case selection decisions on a predetermined set of criteria. However, as counties implemented their pilot programs, other DA offices found that there were fewer inmates who met their criteria if adhered to strictly. This led several offices to reevaluate their criteria and how they were applied.
- During the third year of the pilot program, several counties also explored expanding their criteria to include women, individuals sentenced under the age of 18, and cases of manifest injustice.²

Factors that facilitated or hindered implementation are numerous:

- Factors that facilitated implementation include prior history of collaboration between the DA and PD; leadership support to implement PIR and a positive political climate; adequate resources, including staffing; close coordination with the courts; and the use of stipulation.
- Factors that hindered implementation include a political context that became less supportive of PIR and differing views between the DA and PD with respect to their roles. Initially, counties selected the “low-hanging fruit” but over time were reviewing more-serious and more-complex cases, which were more resource intensive; staffing shortages continued to plague some counties; and reentry planning was more complex.
- New sentencing legislation complicated the implementation of PIR.

A majority of PIR cases involved crimes against persons:

- Among the 1,146 case reviews initiated during the three-year reporting period, 240 cases (21 percent) were referred to the court for resentencing, the DA offices decided not to refer 710 cases (62 percent) that they had reviewed, and 196 cases (17 percent) were still under DA review or were deferred for future review.
- Of 233 cases for which courts had ruled on a resentencing motion, 227 cases (over 97 percent) resulted in resentencing. Of the 227 resented individuals, 174 have been released from prison.
- DA case reviews may take an extended amount of time. Among the cases awaiting a DA decision on whether to proceed with resentencing as of September 2024, 57 percent have been under review for more than six months. Thirty-seven percent of cases referred for resentencing took more than six months to review.
- Cases involving third-strike sentences were a clear priority for PIR. Only 7 percent of the individuals incarcerated in state prison from the pilot counties are serving third-strike sentences, but such cases accounted for 43 percent of all cases referred for resentencing. Overall, 85 percent of PIR cases referred for resentencing had at least one sentence enhancement, other than a second or third strike present.

² *Manifest injustice* is a legal term that refers to an outcome in a case that is plainly and obviously unjust (e.g., in which a defendant pleads guilty but only because they were forced to or because the prosecution changed its mind about a plea agreement) (LSData, undated).

- Fifty-six percent of the cases that the DA offices referred for resentencing involved individuals who were over the age of 50. This age group was the focus of a higher concentration of cases earlier in the pilot, indicating that they were initially a high priority for PIR.
- Nearly 79 percent of PIR cases involved crimes against persons, as compared with 86 percent of incarcerated individuals from the pilot counties having controlling offenses in this category. The most common categories of controlling offenses were robbery, assault or battery, and assault with a deadly weapon. Although it was somewhat less common, nearly 14 percent of cases referred for resentencing involved first-degree murder offenses.
- Among individuals with indeterminate sentences who were referred for resentencing, 45 percent either were within five years of parole eligibility or had already met parole eligibility. Among those with determinate sentences who were referred for resentencing, 58 percent had five years or less remaining to serve.
- Among resentenced and released individuals who were serving indeterminate sentences, 30 percent were already parole eligible but had not been granted parole, and 27 percent had five years or less remaining before parole eligibility. Seventy-three percent of resentenced and released individuals who were serving determinate sentences had five years or less remaining on their sentences.

The variation across counties in implementation of the pilot is likewise reflected in the variation in resources used:

- Qualitative information about resource requirements collected during interviews and through implementation logs, as well as quarterly expenditure estimates reported by pilot county DA and PD offices, showed similarities and differences in how resources were used across counties and between DA versus PD offices.
- Resources for pilot-related activities were primarily for personnel, and all counties relied on attorneys and other support personnel, such as paralegals, legal assistants, or clerks. DA offices appeared to use a staffing mix focused on identifying and screening cases for resentencing, whereas PD offices were more likely to deploy staff involved in inmate outreach and application assistance, release preparation, and reentry support.
- Differences were also evident in the types and amount of resources that the county DA and PD offices deployed to implement the resentencing pilot. For example, for the six counties for which we analyzed detailed expenditure data, the highest-spending county DA office, measured by dollars per case reviewed, spent seven times more than the lowest-spending DA office did. The equivalent ratio for the county PD offices across the same six counties was nine to one.
- The total expenditures for all direct and indirect PIR-related activity, including cases that were and were not referred for resentencing and tangential activity, across the six counties that were most actively engaged in the pilot reached nearly \$28 million over the three years of the pilot, more than twice as much as the funding allocated to those counties (about \$12.5 million). In aggregate, the DA and PD offices across those six counties both spent about \$14 million.

- The lower level of funding for PD offices created a larger gap between funding and expenditures compared with their DA counterparts. At the county level, some DA and PD offices had similar total expenditures; however, there were also instances in which spending was higher for the DA office in the county than for the PD office, and others in which the reverse was true.

Recommendations for Improving Prosecutor-Initiated Resentencing

We offer the following recommendations for how the implementation of PIR might be improved:

- The pilot program was designed to give the DAs the lead on implementing PIR in California. However, the DAs' and PDs' roles were complementary, and they spent similar amounts of resources. At the same time, the PDs in most counties were limited by what they could do and were often awaiting DA engagement. There is a need to clarify their respective roles and for an accountability mechanism to encourage them to work more closely together.
- There need to be more-realistic time frames for the resentencing process, including the number of cases reviewed and length of time for DA review of cases to serve as benchmarks for counties to meet. Our study revealed that case processing was influenced by the type and seriousness of the crime, the amount of documentation required, the amount of time it took to notify the victim(s), and the complexity of a case in general. Now that the pilot counties' DAs and PDs have experience with the resentencing review process, it would be useful to convene them to discuss what criteria were most important in reviewing a case, what documentation was critical to their decision, how it varied by type of crime and features of the case, and what reasonable time frames would be for the review process and targets for the number of cases reviewed. This could serve as a guideline for other counties (and states) interested in implementing PIR.
- Eligibility criteria should be revisited and possibly streamlined, in addition to some standardization of what factors should be considered in the review of a case and decisions about whether to recommend a case to the courts for resentencing.
- A more formal arrangement between CDCR and the counties is needed to tackle the complexity of resentencing under PIR and improve access to clients and documentation.
- Training is needed for the DA and PD staff, especially in such areas as the overall PIR initiative, case reviews, and CDCR offender central file analysis. Training provided by a technical assistance provider or in-house training, if available, could encompass both the general responsibilities of PIR in the DA or PD office, including collaboration between agencies, and the specific protocols involved in initiating cases. Both prosecutors and defenders also would benefit from training in analyzing CDCR offender central files in detail.
- Key factors that helped streamline the resentencing process were the use of stipulation and having a dedicated court assigned to PIR cases. In the future, counties implementing PIR might consider using these two mechanisms.

- The grant funding for CBO contracts was the same regardless of the size of the county's prison population. Several counties found that the grant funding was too low to contract with a CBO to provide a full range of reentry services. In the future, the funding agency should consider allocating the CBO contract funding to the PDs to implement and vary the size of the funding according to the size of the incarcerated population in a county.
- Reentry planning is one area that requires further examination. Development of robust reentry plans for individuals who were being considered for resentencing was an important factor in the DA offices' and the courts' reviews of cases.

Next Steps

The legislation called for annual reports to the California legislature on October 1, 2022, October 1, 2023, and January 10, 2025. This is the third report of the evaluation findings for the pilot program. Subsequent reports will present the results of the recidivism analysis.

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Introduction

As a result of “get-tough” sentencing legislation and correctional policies in the latter part of the 20th century, correctional populations in California and other states climbed steeply. By 2009, the United States had reached a peak of incarceration reflecting more than 1.5 million individuals incarcerated in federal and state prisons (Travis, Western, and Redburn, 2014; Ghandnoosh, 2019). States across the country have invested in numerous strategies over the past decade to reduce the sizes of their prison populations, with the aim of protecting public safety and reining in corrections expenditures. Policies include reducing lengthy prison terms, prioritizing prison space for violent and career offenders, providing alternatives to lower-level nonviolent offenders, reducing probation and parole revocations, and directing savings into programs to help reduce recidivism (Pew Charitable Trusts, 2017, p. 1; Mauer, 2018).

The public is in favor of less punitive options. Results of a 2018 national poll indicated that three-quarters of people in the United States thought that the justice system needed improvements, with almost 90 percent agreeing that some funds spent on incarceration should be shifted to alternatives for nonviolent offenders. Support for change and alternatives was expressed across the political spectrum of voters (Blizzard, 2018).

Context for the Current Pilot Program

In 2019, the first prosecutor-initiated resentencing (PIR) legislation (California Assembly Bill [AB] 2942, 2018) was passed in California (Legislative Analyst’s Office, 2020). The legislation was written with input from For The People (FTP), a nonprofit organization based in Oakland, California, spearheaded by its executive director and former San Francisco prosecutor, Hillary Blout. PIR was designed to recommend the release of individuals who are serving sentences that are extreme. No funding was attached to the legislation at the time. However, district attorneys (DAs) in all counties in the state had the opportunity to conduct PIR several years before the current pilot project began.

Prior to the PIR legislation, California also conducted resentencing with recommendations from various parties under Section 1170(d)(1) (California Penal Code, Section 1170). These entities included the sentencing court within 120 days after sentencing or at any time upon recommendation from the secretary of the California Department of Corrections and Rehabilitation (CDCR), the Board of Parole Hearings, and local administrators for jails (e.g., sheriffs) for people in county jails. However, prior to 2018, CDCR did not recommend resentencing often. In 2018, AB 1812 was passed, which provided funding to CDCR. Since then, CDCR has been recommending individuals under recall and resentencing.

The California County Resentencing Pilot Program

The Budget Act of 2021 (AB 128, Chapter 21, Statutes of 2021) established the California County Resentencing Pilot Program and appropriated funding to county DA and public defender (PD) offices. The purpose of the pilot was to support and evaluate a collaborative approach to the exercise of prosecutorial resentencing discretion to petition to recall an individual's case for resentencing under California Penal Code Section 1170, subdivision (d) (California Penal Code, Section 1170.01, subdivision [a]³), the budget trailer bill implementing the California County Resentencing Pilot Program in the Budget Act. In June 2022, SEC. 8 Section 1170.01 of the Penal Code was amended and renumbered to 1172.2.⁴ Henceforth in this report, we refer to this as the *California County Resentencing Pilot Program*.

The California County Resentencing Pilot Program legislation was sponsored by Assembly Member Phil Ting. In addition, FTP worked with the California Assembly budget committee to help draft AB 2942 (2018), which is now chaptered under the Section 1172 legislation. FTP also was instrumental in recruiting the nine counties participating in the pilot program.⁵ The California County Resentencing Pilot Program was established to support and evaluate a collaborative approach to exercising prosecutorial resentencing discretion pursuant to paragraph (1) of subdivision (d) of Section 1170. Nine California counties were selected and were provided funding to implement the three-year pilot program (Figure 1.1). The nine counties represented are Contra Costa, Humboldt, Los Angeles, Merced, Riverside, Santa Clara, San Diego, San Francisco, and Yolo. Together, the counties represent medium-sized and large urbanized counties in the northern, central, and southern parts of the state and display variation in the demographic and socioeconomic makeup of their populations. Participants were to include the county DA office and the PD office and may have included a CBO within each pilot county.

FTP essentially served as the technical assistance provider for the pilot program. Specifically, FTP was proactive in engaging the county DAs and PDs involved in the pilot to orient them to the concept of PIR, facilitated discussions among the pilot participants about PIR, and provided DA staff with training. FTP also developed templates that the pilot counties could use to request CDCR data. FTP further assisted those counties that requested its help to obtain CDCR data and conducted analyses of the counties' incarcerated populations to help inform the selection of cases for resentencing consideration. In addition, FTP worked with incarcerated individuals and their families and support networks to help them put together their packets of information for resentencing consideration by the county DAs. The role of FTP evolved over time as some of the counties continued to work with FTP as their pilot programs matured.

³ This was established by AB 145, 2021 (Chapter 80, Statutes of 2021).

⁴ In addition to renumbering this section of the penal code, the only other change made in Section 1172 was to eliminate "utilizing a participatory defense model" as an area of expertise for community-based organizations (CBOs) (AB 200, 2022).

⁵ FTP was founded in 2018 and focuses on the role of prosecutors to address unjust sentences (FTP, undated). FTP conceptualized and helped draft the 2018 PIR legislation, AB 2942 (2018), which created the United States' first PIR law allowing prosecutors to facilitate the release of people from prison. FTP also worked with the California Assembly to help draft Section 1170(d) (now 1172), the California County Resentencing Pilot Program legislation signed into law in July 2021.

Figure 1.1. California Counties Participating in the Three-Year Pilot Program



The pilot ran from September 1, 2021, through September 1, 2024. Table 1.1 summarizes the funding provided to the DA and PD offices for each county, as well as the available funding for CBOs with expertise in reentry plans and referrals to wraparound services, family reunification, or restorative justice, which could be contracted with by the county DA office. Table 1.1 shows that the amount of funding to the DA and PD offices is dependent on county size, particularly for the DA office appropriation, with larger counties receiving more funding. For each county, funding for the PD office is less than the funding provided to the DA office; contract funding for the CBOs is \$250,000 per participating county regardless of county size. Across the nine pilot counties, total funding for the pilot was \$9.1 million, \$5.3 million, and \$2.0 million for DA offices, PD offices, and for CBO contracts, respectively.

Table 1.1. Summary of Funding, in Dollars, for California Resentencing Pilot Program Sites

County	DA Office Appropriation	PD Office Appropriation	DA Office—CBO Contract Appropriation
Contra Costa	1,050,000	750,000	250,000
Humboldt	355,000	240,000	250,000
Los Angeles	2,200,000	700,000	250,000
Merced	478,000	320,000	250,000
Riverside	1,050,000	715,000	250,000
San Diego	1,000,000	650,000	250,000
San Francisco	1,100,000	750,000	250,000 ^a
Santa Clara	1,160,000	750,000	250,000
Yolo	717,000	415,000	250,000

SOURCE: FTP, 2021.

^a In lieu of contracting with a CBO, the San Francisco County's DA office received \$250,000 that may be used for sentencing planners.

Factors and Criteria Used to Identify Cases to Consider for Prosecutor-Initiated Resentencing

The Section 1172 legislation did not specify which cases are to be considered for PIR. Instead, the statute gives the pilot counties a broad mandate to do the following:

- (1) Develop and implement a written policy which, at minimum, outlines the factors, criteria, and processes that shall be used to identify, investigate, and recommend individuals for recall and resentencing. The district attorney's office may take into account any input provided by the participating public defender's office or a qualified contracted community-based organization in developing this policy.
- (2) Identify, investigate, and recommend the recall and resentencing of incarcerated persons consistent with its written policy.

Thus, each of the pilot counties was to develop its own criteria for identifying cases that were eligible for resentencing consideration. In general, the county DA offices have focused on identifying cases for which sentences are overly punitive by today's standards or otherwise inappropriate in light of an inmate's characteristics or level of rehabilitation. Table 1.2 summarizes the explicitly reported inclusion criteria identified at the beginning of the pilot program by the pilot counties, and Table 1.3 summarizes the various factors that counties identified that would exclude a case from resentencing consideration. The inclusion criteria focus on such factors as the age of the inmate, the crime committed, and the length and other details of the sentence. Exclusion criteria primarily identified crimes considered too egregious for resentencing consideration. Several county DA offices have kept their official criteria general, and one county DA office has decided to review all individuals from its

county who are currently incarcerated in state prisons. Several county DA offices also have indicated that they expect their inclusion criteria to evolve.

Table 1.2. Common Criteria Used to Identify Cases for Resentencing, by Pilot County

Inclusion Criterion	RI	SC	CC	HU	SD	LA	ME	YO	SF
Individual's current age is 50 years or older	✓	✓				✓			✓
Individual was under 25 at the time of offense (youth offenders)	✓		✓			✓			✓
Individual has served a significant portion of sentence	✓	✓	✓	✓		✓	✓		✓
Individual has a sentence of at least 15 years (lengthy sentence)		✓	✓	✓		✓			
Individual has a low risk score (lack of rules violations)		✓			✓		✓		
Individual was convicted and incarcerated for a felony by the county DA office					✓		✓		

NOTE: CC = Contra Costa; HU = Humboldt; LA = Los Angeles; ME = Merced; RI = Riverside; SC = Santa Clara; SD = San Diego; SF = San Francisco; YO = Yolo.

Table 1.3. Common Criteria Used to Exclude Cases from Resentencing Consideration

Exclusion Criterion	RI	SC	CC	HU	SD	LA	ME	YO	SF
Individual is serving a sentence for domestic violence								✓	✓
Individual was convicted of sex crimes or is a sex offender registrant		✓		✓		✓	✓	✓	✓
Individual is serving a sentence for murder or manslaughter	✓			✓		✓	✓	✓	✓
Individual is serving a sentence for an offense listed in Penal Code Section 667.5(c) or 1192.7(c) ^a	✓		✓	✓		✓	✓	✓	✓

NOTE: CC = Contra Costa; HU = Humboldt; LA = Los Angeles; ME = Merced; RI = Riverside; SC = Santa Clara; SD = San Diego; SF = San Francisco; YO = Yolo.

^a Section 667.5(c) lists specific violent felonies that are treated as "extraordinary crimes of violence" that should receive additional consideration for sentencing enhancements (California Penal Code, Section 667.5). Section 1192.7(c) lists specific serious felonies for which sentencing cannot be substantially reduced through a plea bargain (California Penal Code, Section 1192.7). Some counties have indicated that they will consider resentencing individuals with certain serious offenses, such as burglary and robbery.

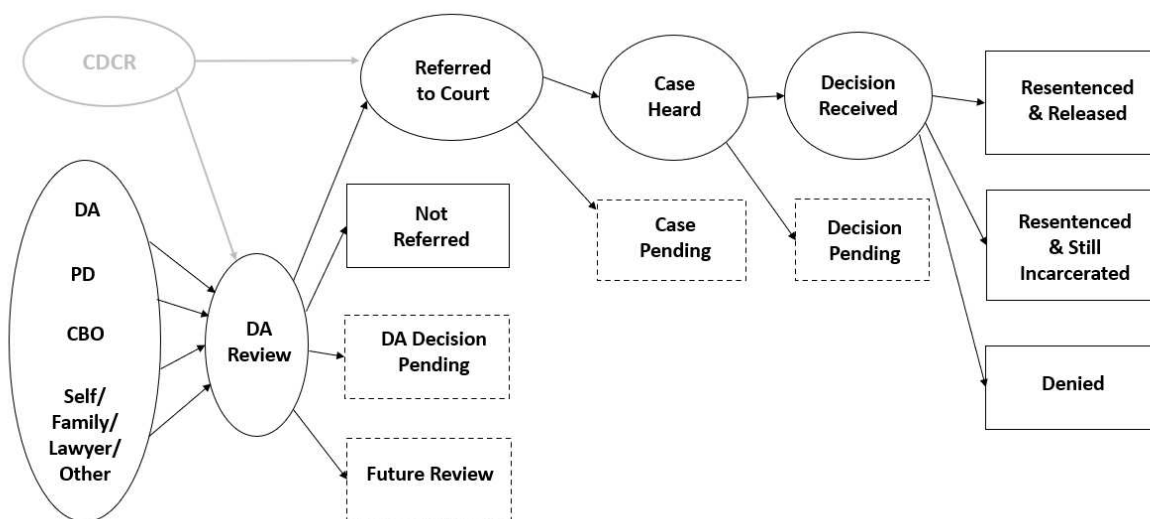
Prosecutor-Initiated Resentencing Review Process

Figure 1.2 summarizes the overall resentencing process. The first step involves identification of an individual's case for review. Although the county DA offices are actively identifying cases that meet their eligibility criteria for review, cases may also come to them by other means, including from a referral by the county PD's office, from another attorney representing the individual, from self-referral from the incarcerated individual or their family, or from a CBO. The county DAs, as discussed in Chapter 3, vary in terms of what sources they will accept for referrals of cases for resentencing consideration.

The county DA office will review the identified cases to determine whether a case should be referred to the court for sentencing. For a case to be considered by the court, it must have the DA's support because the DA initiates the referral to the court. As discussed later in Chapter 3, the county DA offices take into account various factors (such as evidence of rehabilitation, a strong reentry plan, and the victim's statement) in deciding whether to support referral of a case to the court for resentencing consideration.

The pilot program was specifically about prosecutorial discretion in resentencing. However, we include in Figure 1.2 a box indicating that CDCR also may initiate referral of cases to the court for resentencing consideration.⁶ Because our research has focused on the process for the county DA initiating the resentencing review, we only discuss the results of DA-initiated (i.e., prosecutor-initiated) cases in this report.

Figure 1.2. The Prosecutor-Initiated Review and Resentencing Processes



⁶ In these instances, the county DA's office does not necessarily review these cases; however, as discussed further in Chapter 4, there may be overlap, with both the county DA office and CDCR referring the same case to the court for resentencing consideration or with the county DA office determining that a case does not meet the county's criteria yet CDCR has referred that case to the court for resentencing consideration.

As shown in Figure 1.2, cases referred to the court for resentencing are eventually heard and a decision rendered. The decision may result in the resentencing of an individual, or the motion may be denied. Resentencing may result in an immediate release or immediate parole eligibility when the current time served, along with credits earned during incarceration, exceeds the requirements of the new sentence. Alternatively, the new sentence may shorten the time remaining until the individual's earliest possible release date or minimum eligible parole date (MEPD).

Evaluation Goals and Research Questions

RAND, a nonprofit research organization, was selected as the independent evaluator of the pilot program.⁷ The pilot term was September 1, 2021, through September 1, 2024; the evaluation term was originally September 1, 2021, through January 31, 2025. In addition, the legislature provided RAND with funding to conduct a separate recidivism analysis between January 2025 and June 2028. The evaluation is composed of three components: analysis of data collected by the DA offices and supplemented by data from CDCR; a qualitative implementation assessment; and a cost study to estimate the resources required to implement the pilot activities. Specifically, for the evaluation, we sought to determine how the pilot and individual counties' programs were implemented, whether the pilot was effective in reducing criminal justice involvement (e.g., time spent in incarceration and recidivism), and whether it was cost-effective. We are conducting an implementation assessment, a rigorous outcomes flow analysis, and a cost analysis to answer the following four research questions:

1. What were the key implementation challenges experienced by the programs, and how did prosecutors and PDs overcome these barriers?
2. What are the characteristics and outcomes of cases identified for possible resentencing at each stage of the resentencing process?
3. What are the costs of the pilot program?
4. What is the impact of the resentencing pilot on case outcomes and recidivism?

This report is one of a series of closely related RAND publications on this topic. This third report presents the overall evaluation results for the three-year pilot program. Specifically, this report focuses on the first three research questions; in subsequent reports, we will present the results of the recidivism analysis.

Approach

In this section, we summarize our overall approach. Appendix B contains the detailed evaluation design and methods.

⁷ AB 128 (2021) also appropriated up to \$1,350,000 to RAND to act as the *evaluator* as referenced in Penal Code Section 1170.01 (now 1172) and complete an evaluation of the California County Resentencing Pilot Program. The evaluation ran from September 1, 2021, through January 31, 2025.

Implementation Study

The implementation assessment documents the different strategies the pilot sites are using, the development and implementation of resentencing policies and procedures, which cases are prioritized for resentencing and the referral and resentencing processes, and factors that facilitated or hindered implementation. The pilot counties were required to provide quarterly updates to RAND on any implementation challenges, delays, and steps taken to address challenges or delays, as well as updates on the factors and criteria used to identify cases to be considered for PIR. In addition, the implementation assessment included in-depth interviews with key representatives within the pilot sites to understand the planning and implementation processes and pilot sites' support needs and to capture lessons learned.⁸

Outcomes and Other Study Measures

This component of the study measures the characteristics and outcomes at each phase of the resentencing process, including characteristics of the incarcerated individuals; offenses and sentences of the reviewed individuals; time served and remaining, as relevant to resentencing, and other current information; and the resentencing outcomes. The full-term pilot study informs the extent to which an individual's earliest possible release date or MEPD was advanced through resentencing efforts from 2021 to 2024. This report contains findings from the three years of the pilot term.

Cost Study

The legislation requires that the evaluation include a cost study to estimate the resources required to implement the pilot activities, including both new expenditures on personnel and other goods and services and the reallocation of resources from prior activities to the pilot activities. The data for the cost study come from the implementation interviews and from the quarterly updates on expenditures that the pilot sites are required by the legislation to provide as part of the data collection template. We report in Chapter 4 the findings from our interviews and implementation log summaries of what resources the counties used. In addition, we summarize findings from the quarterly expenditure data provided by the counties.

Recidivism Outcomes

The legislation required that the evaluator collaborate with the pilot sites to determine a measure of recidivism. During year 1, project team members met (virtually) with representatives from all the DA pilot sites to discuss four key issues related to measuring recidivism: (1) What is the preferred measure of recidivism (e.g., arrest, filing, conviction), (2) what would be the time frame to measure recidivism outcomes (e.g., six, 12, or 24 months after release to the community), (3) what sources would be best to use to gather recidivism outcomes, and (4) which of the required reports would contain recidivism outcomes. The overwhelming consensus by DAs was that convictions be the

⁸ Because we assured each site confidentiality, in most cases we lightly edited quotes from our interviewees.

measure of recidivism, especially because low-level misdemeanor arrests might not be recorded in data systems. Representatives agreed that it would be most informative to report convictions broken down by type. We plan to report the recidivism results in a series of reports beginning in December 2025.

Study Limitations

PIR is a complex initiative designed to work in the California context. It also competed with other initiatives at the same time. Thus, California's PIR is likely to be quite different from what other states are doing. Therefore, caution is needed for full extrapolation, but still there are lessons to be learned.

The initiative—and, by extension, the results of this evaluation—applies to only nine of California's 58 counties. Although they are diverse, the pilot counties are not necessarily representative of the other counties. So, we should view them more like case studies with illustrative findings rather than results that can be extrapolated to the rest of the state.

Three years may be too short a time to really assess the full variety of possible outcomes. This motivates the plan for longer follow-up, especially for recidivism. Findings as of this third report are still about implementation and process outcomes. Recidivism impacts will be presented in later reports starting in December 2025.

The study design does not equate to a causal impact analysis, as there is no control or comparison group of counties that did not implement PIR and for which we also measure the same outcomes and resources used. Even so, it is still valuable to assess the implementation of this initiative, the resources required, and the descriptive outcomes from the pilot.

The qualitative interviews we have conducted to date have been primarily with staff from the DA and PD offices. There was a wide group of stakeholders involved in PIR, but we were unable to cover all of them.

Road Map for This Report

This third report documents the evaluation results for the three-year California County Resentencing Pilot Program. Specifically, the report focuses on research question 1 (implementation challenges) and research question 2 (characteristics of cases identified for possible resentencing).

The following road map provides an overview of each chapter in the report and accompanying appendixes:

- Chapter 1 describes the California County Resentencing Pilot Program and the evaluation.
- Chapter 2 summarizes the key findings from the descriptive analysis of the outcomes and other measures the legislation has identified as important to track.
- Chapter 3 summarizes the key findings from the qualitative analysis of the data from the implementation study—specifically, the experiences of the counties in implementing the pilot program, successes and challenges, and the factors that influenced implementation and impacts moving forward.

- Chapter 4 describes the analysis of qualitative information on the counties' use of resources to implement the pilot and estimates of costs based on quarterly expenditure estimates provided separately by the DA and PD offices in each county for the three years of the evaluation.
- Chapter 5 describes the key takeaways from our analysis of the pilot program and outlines next steps for the evaluation.

In addition, Appendix A contains the Section 1172 legislation. Appendix B contains a detailed discussion of the evaluation design, analytic approach, and data sources for each study component. Appendix C contains supplemental tables to the results discussed in Chapter 2. Appendix D contains the large language model (LLM) code we used to generate summaries of the data collected.

This report is one of a series of closely related RAND publications on this topic. These reports share some material, including descriptions, figures, and tables.

Year 3 Case-Level Results

This chapter reviews outcomes for all cases for which PIR was initiated under the California County Resentencing Pilot Program. We examine a series of outcomes that track the flow of PIR cases from initial identification for review through DA review outcome, resentencing hearing, and release, as applicable for each case. We also examine relevant characteristics of the individuals considered for review and their controlling offenses. As discussed later, a portion of the cases initiated during the pilot are still in process. Most of these cases have been initiated for DA review more recently, and the decision of whether to recommend them for resentencing is still pending. We report on all PIR cases initiated under the pilot program up to the state of progress as of the end of the pilot term.

Two interim reports provided results of PIR cases in progress through the first six months and first 18 months of the pilot, respectively (Davis et al., 2022; Davis et al., 2023). In this chapter, we replicate the format of and draw phrasing directly from these interim reports so that readers following the progress of the case-level PIR results may more easily engage.

We tracked PIR outcomes and case-level characteristics through a set of primary and secondary data sources. On a quarterly basis, each of the nine participating pilot DA offices reported on the progress of each case initiated in that office cumulatively from the inception of the pilot. These data included basic details about the individuals and the controlling offenses that are the primary determinant of the length of their incarceration. The data reported by the DAs also included process information for each case, including the stage of the resentencing process the case had advanced to (see Figure 1.2 in Chapter 1) and the dates at which the case progressed to each subsequent stage. Because it is rare for a case to progress from initial DA review to resentencing within a single three-month span, the DA reports were composed of progress on cases that were initiated in prior quarters and details on cases initiated in the reporting quarter.

Complementing the DA quarterly reports, additional data were provided by CDCR on each of the cases reviewed for PIR. These data included additional information about the individual's controlling offense and sentence length. Sentence length included such details as the presence of frequently used sentence enhancements and additional sentence information for other convictions that might have occurred in a different county from the controlling offense or after incarceration. As each individual case progressed to the next stage in the resentencing process (e.g., referral for resentencing), CDCR provided information on the time served and time remaining for the individual as of the date that the case moved to that new stage. CDCR also provided additional information on the dates of entry into and release from prison, as applicable.

This report has information on 1,146 PIR cases for which the DA's first review was initiated between September 1, 2021, and August 31, 2024, and for which the individual was incarcerated in a

state prison facility.⁹ We focus on PIR cases in which the individual considered for resentencing was incarcerated in the custody of CDCR (i.e., those who were in state prison). Virtually every individual serving a California sentence and considered for PIR under the pilot program was in CDCR custody, as opposed to local custody in county jail. The exception was an isolated event in which 105 locally incarcerated individuals in Santa Clara County were released via PIR during a coronavirus disease 2019 (COVID-19) event. The details of those isolated local PIR cases were presented in our second interim report (Davis et al., 2023).

For context, it is important to also consider that in many cases, the same DA personnel working on PIR cases are simultaneously handling resentencing cases initiated by CDCR. The pilot DAs reported that an additional 271 cases initiated by CDCR were also being handled by their offices over the same time period. Although these cases are not PIR cases, they can consume some staff time that otherwise might be spent on PIR. This issue of other types of resentencing occurring concurrently with PIR is discussed in the implementation findings in Chapter 3.

Finally, we note that these reported results reflect our best understanding of the PIR cases as of the end of the pilot period, August 31, 2024. In some of the results reported in this chapter, individual cases may have been removed from specific displays or results if data for a reported field were unresolved.

District Attorney Resentencing Review Results

Figure 2.1 illustrates the trajectory of the 1,146 PIR cases for which review by the participating DA offices was initiated during the pilot.¹⁰ Among the 1,146 PIR cases, 240 (about 21 percent) were referred to the court for resentencing. About 62 percent of cases reviewed resulted in nonreferrals. An additional 174 cases were still under DA review, with 22 cases designated for possible future review, as of the end of the pilot period.¹¹ We examine the time needed for DA review later in this chapter, as well as in Chapter 3.

Of the 240 cases that were referred to the court under the pilot, 233 received resentencing decisions from the court. Six of the remaining seven were awaiting court hearings, and the court decision was pending for one case as of the end of the pilot period. Almost all the cases in which a decision was received from the court resulted in a resentencing. A total of 174 individuals have been resentedenced and released, and another 53 individuals have had their sentences reduced but were still

⁹ We consider a PIR case to be initiated at the first date the DA considers a review of an individual's case beyond screening the case to determine whether it meets initial criteria for review. Because each of the nine counties has its own processes for case review, how a case was considered initiated was not exactly uniform across counties; however, the guiding principle was the same, in that merely screening to determine whether a case met initial parameters for review did not constitute an initiation of PIR. Thus, if a source outside the DA's office recommended a case to the DA for review and the case was initially determined not to meet the criteria for a case the DA would consider for PIR, that case was not considered a PIR case for this reporting.

PIR cases initiated prior to the beginning of the pilot period—September 1, 2021—have been excluded from these analyses. Most counties did not have PIR cases prior to this date.

¹⁰ An additional six cases were considered for resentencing by pilot county DAs after the individuals had already been released from CDCR custody. We considered these cases to be outside the scope of interest and have excluded them from our analyses.

¹¹ A case is labeled as *future review* when the DA's review concludes that the individual is not yet ready to be referred for resentencing but could be in the future. This may involve, for example, an individual participating in a prison rehabilitative program, and the DA is awaiting program completion.

incarcerated as of the end of the pilot period. Only six cases resulted in denials of resentencing by the court. There are multiple reasons why a resentenced individual would still be incarcerated. For example, the individual's time served (plus sentence credits earned) may still be less than the length of the new revised sentence. In the case of a revised sentence that is still indeterminate, the resentencing may make the individual eligible for parole, but that does not guarantee that parole would be granted.

Figure 2.1. Current Status of Prosecutor-Initiated Resentencing Cases Initiated During the Resentencing Pilot

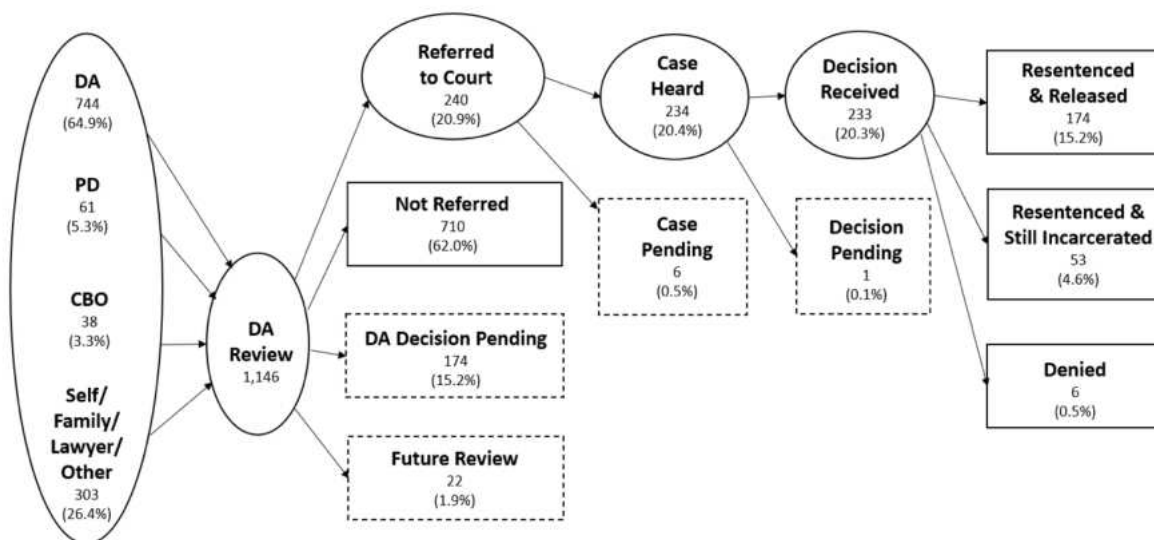


Figure 2.1 also illustrates the source of each case considered for PIR (the far left of the figure).¹² Sixty-five percent of PIR cases originated from within DA offices, with DA staff identifying cases that fit within the scope that the DA office wanted to consider for resentencing.¹³ Another 26 percent of PIR cases were brought to the attention of the DA by the incarcerated individual personally or through a family member or lawyer. More rarely, cases were identified through the PD (less than 6 percent) or a CBO (just over 3 percent). As discussed in Chapter 3, several PDs noted that although they recommended cases to the DA for PIR consideration, the DA often did not consider their referrals or rejected them right away. Such cases are not reflected in the Table 2.1 totals because PIR review was not initiated by the DA office. The source totals displayed in Figure 2.1, aggregated across all nine pilot counties, mask considerable variation in source from county to county. The most common source in all counties was either the DA office or self-referral (including a family member or

¹² Potential resentencing cases may be brought to the attention of the DA from multiple sources, as indicated in Figure 2.1. However, it is the DA office's decision whether to initiate a review of an individual's case for possible resentencing; therefore, cases from all of these sources fall under the *PIR* description.

¹³ At least one county DA used a third-party CBO to review data provided by CDCR and identify cases that fit the DA's parameters. Because the third party was executing at the direction of DA staff, we still categorize such cases as having a DA source.

lawyer). However, some counties relied very heavily on DA identification, while others relied heavily on self-referral. Others had more of a mix between the two. This is a natural reflection of each of the nine counties having the autonomy to set prioritization for the cases it considers for PIR. As discussed in Chapter 3, the counties vary in the criteria they use and how their criteria may have evolved over time.

Table 2.1 displays the number of incarcerated individuals originating from each of the pilot counties at the beginning of the pilot program, at one year into the program, and at two years into the program. The 1,146 PIR cases to date originate from a population of 51,767 individuals incarcerated in California state prisons at the beginning of the pilot program. Individuals convicted in the nine pilot counties account for 52 percent of the California prison population. This is driven by incarcerations from Los Angeles County, which alone account for 30 percent of those incarcerated in the state's prisons.

Table 2.1. California State Prison Population Originating from Each of the Nine Pilot Counties

	Contra Costa	Humboldt	Los Angeles	Merced	Riverside	Santa Clara	San Diego	San Francisco	Yolo	All Pilot Counties
As of August 31, 2021										
State prison population	1,585	345	30,009	879	8,010	3,350	6,530	573	486	51,767
Percentage of total state prison population	1.6	0.3	30.2	0.9	8.1	3.4	6.6	0.6	0.5	52.2
As of August 31, 2022										
State prison population	1,500	393	29,302	841	7,628	3,044	6,660	510	463	50,341
Percentage of total state prison population	1.6	0.4	30.3	0.9	7.9	3.2	6.9	0.5	0.5	52.2
As of August 31, 2023										
State prison population	1,453	376	28,513	823	7,793	2,942	6,981	455	420	49,756
Percentage of total state prison population	1.5	0.4	29.9	0.9	8.2	3.1	7.3	0.5	0.4	52.1

SOURCE: CDCR; Public Tableau database (CDCR, 2024).

NOTE: The California total statewide prison population was 99,368 as of August 31, 2021; 96,551 as of August 31, 2022; and 95,418 as of August 3, 2023 (CDCR, 2024).

Table 2.2 displays the number of PIR cases initiated by each county during the pilot period. Given the proportion of the total California state prison population originating from each county, it is not surprising to see much larger case counts in some counties. In addition, several counties developed their PIR infrastructure from scratch in the beginning months of the pilot, leading to delays before engaging on their first cases. In Appendix C, we further explore cases initiated, by month, in each county of the pilot (see Figure C.1). In several counties, a period of higher intensity in the initiation of new cases is observed.

Table 2.2. Number of District Attorney Prosecutor-Initiated Resentencing Reviews, by County: September 1, 2021, Through August 31, 2024

	Contra Costa	Humboldt	Los Angeles	Merced	Riverside	Santa Clara	San Diego	San Francisco	Yolo	Total
PIR cases initiated	73	4	308	234	49	150	150	99	79	1,146

SOURCE: Data provided by county DA offices, September 2024.

Characteristics of Reviewed Individuals

Approximately 4 percent of the California state prison population from the nine pilot counties is female.¹⁴ As expected, the overwhelming majority of PIR cases are male; only 56 of the pilot PIR cases (4.9 percent) involved female individuals.¹⁵ Table 2.3 displays the race and ethnicity of the individuals considered for PIR during the pilot. Over 40 percent of PIR pilot cases considered were Black individuals, and nearly 35 percent were Hispanic individuals. At the beginning of the pilot period, the state prison population from the nine pilot counties was 32.9-percent Black and 47.1-percent Hispanic. Table 2.3 also displays the racial and ethnic distribution separately by the progress of the PIR cases.¹⁶ The percentages in each row add up to 100 (allowing for slight differences due to rounding). Throughout the remainder of this chapter and in Appendix C, we present tabular results using this general format.

Note that among only PIR cases that were referred for resentencing, the share of cases that involve Hispanic individuals is just under 26 percent. Understanding why such a smaller percentage of Hispanic cases were considered for PIR than were in prison from the pilot counties and why an even smaller percentage were referred for resentencing would require additional investigation.

¹⁴ Throughout this report, citation of the characteristics of individuals incarcerated in state prison from the nine pilot counties originates from data provided by CDCR in September 2023.

¹⁵ Although a nonbinary gender option was available, no cases were indicated as such.

¹⁶ Throughout this chapter, because only six of the 240 cases referred for resentencing resulted in a denial by the court, to simplify table displays, we do not further parse the percentages of individuals referred for resentencing to those who were and were not resentenced.

Table 2.3. Distribution of Race and Ethnicity Among Cases Reviewed by Pilot County District Attorneys for Possible Resentencing Referrals: September 1, 2021, Through August 31, 2024

	Percentage Black	Percentage Hispanic	Percentage White	Percentage Other	Total Cases
All cases considered by DA	40.5	34.6	16.8	8.0	1,146
By PIR progress					
DA decision pending or future review	49.0	35.7	9.2	6.1	196
Not referred	35.2	37.3	19.0	8.5	710
Referred for resentencing	49.2	25.8	16.7	8.3	240

SOURCE: Data provided by CDCR, June 2022–September 2024.

NOTE: All individuals with Hispanic ethnicity are included in the Hispanic category. The White category is non-Hispanic White. The Black category is non-Hispanic Black. The Other category is non-Hispanic other.

Table 2.4 displays the ages of individuals considered for PIR at the time they entered prison for the controlling offense of their current sentences. Almost 60 percent of the cases reviewed for PIR involve individuals ages 18 to 35 at the time they entered prison. The percentage referred for resentencing who were in the 18–35 age bracket was similar. The next most common age group, 36–50 years of age at commitment, contained over 28 percent of the reviewed cases and 31 percent of those referred to the court for resentencing. Seventy-two of the cases initiated for PIR review (about 6.3 percent of the total) involved individuals who were minors at the time they entered prison but were tried as adults; this group of minors contains only 4.6 percent of the cases referred to the court thus far, although 8.7 percent of cases pending a review decision fall into this group.¹⁷

Table 2.4. Age (Years) at Time of Commitment Among Cases Considered by a Pilot County District Attorney for Resentencing: September 1, 2021, Through August 31, 2024

	Percentage 15 to 17	Percentage 18 to 35	Percentage 36 to 50	Percentage 51 to 66	Total Cases
All cases considered by DA	6.3	59.0	28.4	6.3	1,146
By PIR progress					
DA decision pending or future review	8.7	57.7	30.1	3.6	196
Not referred	6.2	59.3	27.0	7.5	710
Referred for resentencing	4.6	59.2	31.2	5.0	240

SOURCE: Data provided by CDCR, June 2022–September 2024.

¹⁷ If an individual was a minor at the time their crime was committed but they had reached the age of 18 when they were incarcerated in prison, they would be included in the 18–35 commitment age category.

Table 2.5 summarizes the ages of those being considered for PIR at the time the DAs initiated case review. Individuals ages 51 to 65 were most frequently reviewed, comprising 37.5 percent of all PIR cases and 45.4 percent of those referred for resentencing during the pilot. Individuals older than age 65 at the time review was initiated represent 10.6 percent of all PIR cases and 11.2 percent of those referred. Although these are low percentages of cases relative to other age groups, approximately 6 percent of the California prison population from the pilot counties at the beginning of the pilot were over the age of 65,¹⁸ implying that this age group is garnering considerable attention for PIR relative to its size.

Just over 48 percent of those reviewed for PIR during the pilot were over 50 years of age at the time of review. As previously reported (Davis et al., 2022), in the first six months of the pilot, about 70 percent of those reviewed were over age 50. This evolution over the remaining pilot period suggests a shift in case selection that may be tied to DAs turning to secondary priorities for case review. We further examine age at the time of DA review for cases initiated in each month of the pilot in Appendix C. Figure C.2 shows that individuals ages 51 to 65 were selected for review at a much higher frequency than individuals in other age groups through the first six months of the pilot, after which individuals in the lower age groups were selected for review at approximately the same rate.

Table 2.5. Age (Years) at Time of Pilot County District Attorney Review for Resentencing: September 1, 2021, Through August 31, 2024

	Percentage 17 to 35	Percentage 36 to 50	Percentage 51 to 65	Percentage over 65	Total Cases
All cases considered by DA	24.8	27.1	37.5	10.6	1,146
By PIR progress					
DA decision pending or future review	17.3	28.6	46.4	7.7	196
Not referred	28.2	28.2	32.4	11.3	710
Referred for resentencing	20.8	22.5	45.4	11.2	240

SOURCE: Data provided by county DA offices, September 2024.

Offenses and Sentences of Reviewed Individuals

Table 2.6 displays the categories of controlling offense for all cases considered for PIR during the review period. The table shows the four offense categories commonly reported by CDCR: crimes against persons, drug crimes, property crimes, and other crimes. Nearly 79 percent of all cases involved crimes against persons. Although the percentage of these cases appears to be an overwhelming majority, nearly 86 percent of all individuals incarcerated in California state prisons from the nine pilot counties have controlling offenses involving crimes against persons. Conversely, individuals with property-crime controlling offenses make up nearly 13 percent of PIR cases in the pilot period and

¹⁸ We extrapolated the proportion of the pilot county prison population that was over 65 at the beginning of the pilot using a combination of data provided by CDCR and publicly available CDCR data (CDCR, 2024).

nearly 18 percent of those referred for resentencing, but only 7 percent of the state prison population from the pilot counties.

Table 2.6. Category of Controlling Offense Among Cases Considered by Pilot County District Attorneys for Resentencing: September 1, 2021, Through August 31, 2024

	Percentage Crimes Against Persons	Percentage Drug Crimes	Percentage Property Crimes	Percentage Other Crimes	Total Cases
All cases considered by DA	78.7	3.6	12.6	5.1	1,146
By PIR progress					
DA decision pending or future review	71.9	4.1	17.3	6.6	196
Not referred	81.1	3.9	9.6	5.4	710
Referred for resentencing	77.1	2.1	17.5	3.3	240

SOURCE: Data provided by CDCR, June 2022–September 2024.

The four controlling offense categories are disaggregated into 28 specific offense subcategories in Appendix C. As Figure C.3 illustrates, the most common types of crimes against persons considered were robbery (274 cases), assault or battery (185 cases), and assault with a deadly weapon (145 cases). These three types of controlling offenses account for more than one-half of the PIR cases initiated during the pilot and have been consistently selected for PIR review at a higher rate than other types of controlling offenses. Other cases of crimes against persons considered for PIR may be more violent, including first-degree murder, second-degree murder, and manslaughter (102, 73, and 66 cases, respectively). Among property crimes, first-degree burglary cases (105 cases) accounted for 73 percent of all property-crime cases reviewed.

Table 2.7 displays the original sentence types for the PIR cases considered during the resentencing pilot. Determinate cases are split into second-strike cases and all other determinate cases. Indeterminate cases are parsed as third strike, life with parole, life without parole (LWOP), or condemned to death. Thirty-five percent of the PIR cases considered were third-strike cases, and 43 percent of the cases referred for sentencing fall into this category. Only about 7 percent of the California state prison population from the pilot counties were third-strike offenders at the outset of the pilot, highlighting this category as a relatively frequent target for PIR. Determinate and second-strike cases together accounted for about 38 percent of the cases reviewed but less than 29 percent of the cases referred for resentencing. Just over 3 percent of individuals considered for PIR and only 5.4 percent of those referred for resentencing had LWOP sentences. At the start of the pilot, 5.5 percent of the California prison population from the pilot counties were serving a LWOP sentence. Thus, the share of PIR cases involving individuals with LWOP sentences is relatively small but generally aligns with LWOP occurrence in the full prison population. Six PIR cases considered during the pilot (0.5 percent) involved individuals who were serving condemned sentences; five of these people were ultimately resentenced.

Table 2.7. Type of Original Sentence Among Cases Considered by a Pilot County District Attorney for Resentencing: September 1, 2021, Through August 31, 2024

	Determinate Cases		Indeterminate Cases				Total Cases
	Percentage Determinate Non-2nd Strike	Percentage 2nd Strike	Percentage 3rd Strike	Percentage Life with Parole	Percentage LWOP	Percentage Condemned	
All cases considered by DA	22.9	15.0	35.3	22.9	3.3	0.5	1,146
By PIR progress							
DA decision pending or future review	15.3	13.3	50.0	18.4	3.1	0.0	196
Not referred	27.5	16.2	28.6	24.9	2.7	0.1	710
Referred for resentencing	15.8	12.9	42.9	20.8	5.4	2.1	240

SOURCE: Data provided by CDCR, June 2022–September 2024.

Original sentence lengths among PIR cases considered during the reporting period are presented in Table 2.8 and Table 2.9. Table 2.8 reports the minimum sentence length for indeterminate PIR cases. Sixty-four percent of the indeterminate cases considered for PIR had minimum sentence lengths in excess of 30 years; this increases to over 68 percent among those referred for resentencing. The most frequent sentence lengths among determinate PIR cases considered by the pilot DAs tended to be just over 10 through 20 years, with sentences just over 20 to 30 years the next most common. This flips, however, when considering those referred for resentencing, with over 46 percent of referred determinate cases having sentence lengths of over 20 to 30 years, and over 30 percent of referred determinate cases having sentences of over ten through 20 years.

Table 2.8. Minimum Sentence Length Among Cases with Indeterminate Sentences Considered by a Pilot County District Attorney for Resentencing: September 1, 2021, Through August 31, 2024

	Percentage 10 or Fewer Years	Percentage >10 to 20 Years	Percentage >20 to 30 Years	Percentage over 30 Years	Total Cases
All cases considered by DA	2.0	6.9	27.1	64.0	711
By PIR progress					
DA decision pending or future review	1.4	3.6	35.0	60.0	140
Not referred	2.0	8.5	26.0	63.5	400
Referred for resentencing	2.3	5.8	23.4	68.4	171

SOURCE: Data provided by CDCR, June 2022–September 2024.

NOTE: A total of 38 individuals serving LWOP original sentences and six individuals condemned to death are included in the “Percentage over 30 Years” column.

Table 2.9. Sentence Lengths Among Cases with Determinate Sentences Considered by a Pilot County District Attorney for Resentencing: September 1, 2021, Through August 31, 2024

	Percentage 10 or Fewer Years	Percentage >10 to 20 Years	Percentage >20 to 30 Years	Percentage over 30 Years	Total Cases
All cases considered by DA	7.6	40.5	34.9	17.0	435
By PIR progress					
DA decision pending or future review	7.1	26.8	51.8	14.3	56
Not referred	8.4	45.2	29.4	17.1	310
Referred for resentencing	4.3	30.4	46.4	18.8	69

SOURCE: Data provided by CDCR, June 2022–September 2024.

To keep consistent with the way CDCR reports sentence types, second-strike and third-strike sentences were covered in Table 2.7. Second-strike convictions call for the doubling of the sentence imposed, whereas a third-strike conviction carries a minimum sentence of 25 years to life. We next consider all other types of sentence enhancements. Table 2.10 displays information on the number of enhancements present for each case, and Table 2.11 reports on the total numbers of years added to the sentences of those reviewed for PIR. Over 80 percent of cases considered for PIR and over 85 percent of cases referred for resentencing had at least one sentence enhancement. Thirty percent of PIR cases had three or more enhancements. The most common types of enhancements present were firearm enhancements, present in 39.8 percent of all cases, and nickel enhancements (five years for a subsequent conviction after a serious or violent felony), present in 35.1 percent of all cases. Most

commonly, the enhancements increased the individual's sentence by five to ten years, although a wide range of numbers of additional enhancement years were observed, from one year to more than 20 years.

Table 2.10. Number of Original Sentence Enhancements Among Cases Considered by a Pilot County District Attorney for Resentencing: September 1, 2021, Through August 31, 2024

	Percentage 0 Enhancements	Percentage 1 to 2 Enhancements	Percentage 3 to 4 Enhancements	Percentage 5 or More Enhancements	Total Cases
All cases considered by DA	19.5	50.6	22.0	7.9	1,146
By PIR progress					
DA decision pending or future review	20.4	50.5	25.0	4.1	196
Not referred	21.0	49.0	21.0	9.0	710
Referred for resentencing	14.6	55.4	22.5	7.5	240

SOURCE: Data provided by CDCR, June 2022–September 2024.

Table 2.11. Years Added to Original Sentence Length for Enhancements Among Cases Considered by a Pilot County District Attorney for Resentencing: September 1, 2021, Through August 31, 2024

	Percentage 0 Years	Percentage >0 to 5 Years	Percentage >5 to 10 Years	Percentage >10 to 15 Years	Percentage >15 to 20 Years	Percentage >20 Years	Total Cases
All cases considered by DA	19.5	17.5	22.3	15.0	9.4	16.2	1,146
By PIR progress							
DA decision pending or future review	20.4	15.8	19.4	18.9	11.2	14.3	196
Not referred	21.0	17.3	23.1	13.2	8.5	16.9	710
Referred for resentencing	14.6	19.2	22.5	17.1	10.8	15.8	240

SOURCE: Data provided by CDCR, June 2022–September 2024.

Current Information at Resentencing Review

Among the information provided by CDCR is the time served and the time remaining for each PIR case considered by the pilot DAs. Time served includes any time spent in local jail for the controlling offense prior to incarceration in state prison. For indeterminate cases, time remaining is the amount of time left before the individual reaches their MEPD, as future parole outcomes are unknown; thus, we report on time remaining separately for determinate and indeterminate cases. The time-remaining data provided by CDCR account for any credits the individual may have earned toward their sentence while incarcerated, thus shortening the time until their release or parole eligibility.

Table 2.12 displays the time served for all individuals reviewed for PIR. Thirty-six percent of all reviewed cases involved an individual who had served more than 20 years at the time the review was initiated. However, individuals having served more than 20 years accounted for about 46 percent of all the cases referred to the court for resentencing.

Table 2.12. Years Served by Individuals Considered by a Pilot County District Attorney for Resentencing: September 1, 2021, Through August 31, 2024

	Percentage 10 or Fewer Years	Percentage >10 to 15 Years	Percentage >15 to 20 Years	Percentage >20 to 25 Years	Percentage over 25 Years	Total Cases
All cases considered by DA	26.5	21.4	16.0	20.1	16.1	1,146
By PIR progress						
DA decision pending or future review	16.8	22.4	14.3	28.1	18.4	196
Not referred	32.4	22.3	15.4	16.9	13.1	710
Referred for resentencing	17.1	17.9	19.2	22.9	22.9	240

SOURCE: Data provided by CDCR, June 2022–September 2024.

Table 2.13 shows the minimum number of years remaining until parole eligibility among those individuals considered for PIR who have indeterminate sentences. The table excludes 38 individuals who were serving LWOP and six individuals with condemned sentences. Having reached one's MEPD is, of course, no guarantee that parole will be granted. As shown in Table 2.13, nearly one-fourth of the indeterminate cases considered for PIR involved individuals who were already eligible for parole; some had passed their MEPD by five years or more. Nearly 22 percent of indeterminate cases considered for PIR were individuals within five years of their MEPD. Forty-five percent of individuals who were serving indeterminate sentences and were referred for resentencing either were within five years of parole eligibility or had already met parole eligibility. However, individuals with considerably longer time to serve before their MEPD were also commonly under consideration. Table 2.14 displays the time remaining for determinate cases under PIR review. Over 41 percent of the determinate cases

considered concerned an individual with more than five years remaining until their scheduled release date. This group was also more likely to be referred for resentencing; 58 percent of those with determinate sentences who were referred for resentencing had more than five years remaining.

Table 2.13. Minimum Years Remaining for Individuals with Indeterminate Sentences Considered by a Pilot County District Attorney for Resentencing: September 1, 2021, Through August 31, 2024

	Percentage >5 Years Past MEPD	Percentage 0 to 5 Years Past MEPD	Percentage >0 to 5 Years Until MEPD	Percentage >5 to 10 Years Until MEPD	Percentage >10 to 20 Years Until MEPD	Percentage over 20 Years Until MEPD	Total Cases
All cases considered by DA	8.7	15.9	21.6	15.0	18.3	20.5	667
By PIR progress							
DA decision pending or future review	3.7	20.9	26.1	13.4	20.9	14.9	134
Not referred	9.2	15.8	20.3	14.2	17.4	23.2	380
Referred for resentencing	11.8	11.8	20.9	18.3	18.3	19.0	153

SOURCE: Data provided by CDCR, June 2022–September 2024.

NOTE: Time remaining was not calculable for 38 individuals serving LWOP and six individuals condemned to death.

Table 2.14. Years Remaining for Individuals with Determinate Sentences Considered by a Pilot County District Attorney for Resentencing: September 1, 2021, Through August 31, 2024

	Percentage 1 Year or Less Remaining	Percentage >1 to 3 Years Remaining	Percentage >3 to 5 Years Remaining	Percentage >5 to 10 Years Remaining	Percentage over 10 Years Remaining	Total Cases
All cases considered by DA	14.5	25.1	19.1	26.5	14.7	434
By PIR progress						
DA decision pending or future review	10.7	26.8	21.4	26.8	14.3	56
Not referred	16.8	24.9	20.7	23.6	13.9	309
Referred for resentencing	7.2	24.6	10.1	39.1	18.8	69

SOURCE: Data provided by CDCR, June 2022–September 2024.

NOTE: The time-remaining data were missing for one determinate case.

For each case under PIR consideration, CDCR provides, in addition to time served and time remaining, the individual's California Static Risk Assessment (CSRA) group as a measure of the risk of reconviction within three years of their release from prison (Turner, Hess, and Jannetta, 2009). Table 2.15 displays the CSRA classification at the time the DA's review of the individual's case commenced. About 75 percent of the pilot PIR cases initiated to date involved individuals who were classified as low risk, with most of the remaining cases being in the moderate-risk category. Of those referred for resentencing, the share of low-risk cases increases to over 80 percent. Two cases with CSRA scores in the high-risk, violent category at the time of the DA's first review were subsequently resentenced and released. One had a second-strike conviction for robbery, and the other had a third-strike conviction for assault with a deadly weapon. In each case, the resentencing essentially eliminated one of the strikes.

Table 2.15. California Static Risk Assessment Groups of Individuals Considered by a Pilot County District Attorney for Resentencing: September 1, 2021, Through August 31, 2024

	Percentage Low Risk	Percentage Moderate Risk	Percentage High Risk, Drugs	Percentage High Risk, Property	Percentage High Risk, Violent	Total Cases
All cases considered by DA	75.1	16.7	0.3	1.8	6.1	1,137
By PIR progress						
DA decision pending or future review	76.8	17.5	0.0	2.1	3.6	194
Not referred	72.9	16.5	0.4	1.7	8.5	705
Referred for resentencing	80.3	16.8	0.0	2.1	0.8	238

SOURCE: Data provided by CDCR, June 2022–September 2024.

NOTE: CSRA data were missing for nine cases.

Information reported by the participating pilot DA offices includes the date at which each milestone in the PIR process illustrated in Figure 2.1 was reached. Table 2.16 summarizes the time elapsed from DA first review to the filing of a resentencing motion with the court for those individuals who had been recommended for resentencing. The most common time frame for the DA's review is one to six months, with about 37 percent of cases taking longer than six months. Table 2.17 similarly displays the elapsed time for cases that remain under DA review, including those initiated closer to the end of the reporting period. Nearly 43 percent of all cases pending a DA review decision (74 of 174) have been under consideration for over one year. Another 15 percent of all pending cases have been under review for more than six months to one year. The wait times in Table 2.17 highlight the time it can sometimes take to build and document a case to the point that it is ready to be referred. As discussed in Chapter 3, the lengthy DA review process is viewed as being problematic by several PDs.

Table 2.16. Time Elapsed from Pilot County District Attorney First Review to Court Motion Filing Among Prosecutor-Initiated Resentencing Cases Referred to the Court for Resentencing: September 1, 2021, Through August 31, 2024

	Percentage Less Than 1 Month	Percentage ≥1 to 3 Months	Percentage >3 to 6 Months	Percentage >6 to 12 Months	Percentage over 12 Months	Total Cases
Cases referred for resentencing	19.5	22.1	21.2	21.2	16.0	231

SOURCE: Data provided by CDCR, June 2022–September 2024.

NOTE: The time-elapsed data were missing for nine cases.

Table 2.17. Time Elapsed from Initiation of Pilot County District Attorney Review Among Prosecutor-Initiated Resentencing Cases Awaiting a District Attorney Decision About Whether to Proceed with Resentencing: September 1, 2021, Through August 31, 2024

	Percentage Less Than 1 Month	Percentage ≥1 to 3 Months	Percentage >3 to 6 Months	Percentage >6 to 12 Months	Percentage over 12 Months	Total Cases
Cases pending DA decision	8.6	14.9	19.0	14.9	42.5	174

SOURCE: Data provided by CDCR, June 2022–September 2024.

Table 2.18 displays the amount of elapsed time from the filing of the resentencing motion to receiving the decision for those individuals referred to the court for which a resentencing decision has already been received. Over 42 percent of cases received a resentencing decision the same day as the filing. This reflects those counties where stipulation is being used with the court, when possible, in lieu of a full hearing.¹⁹ Nearly 74 percent of resentencing decisions were received from the court within one month of the resentencing motion being filed by the DA, but over 16 percent of cases lingered for over two months.

¹⁹ *Stipulation* refers to an agreement between opposing parties during the course of legal proceedings in which the parties stipulate that certain conditions or facts are true or agreed to in a case. A stipulation helps expedite a legal proceeding.

Table 2.18. Time Elapsed from Court Motion Filing to Resentencing Decision Among Prosecutor-Initiated Resentencing Cases Referred to the Court for Resentencing: September 1, 2021, Through August 31, 2024

	Percentage Zero (Same Day)	Percentage 1 Day to 1 Month	Percentage >1 to 2 Months	Percentage >2 to 4 Months	Percentage >4 to 12 Months	Total Cases
Cases heard and decision received	42.4	31.4	10.0	8.3	7.9	229

SOURCE: Data provided by county DA offices, September 2024.

NOTE: The time-elapsed data were missing for four cases.

Resentencing Outcomes

For individuals with indeterminate sentences who were resentenced, Table 2.19 displays the reduction in minimum sentence length, calculated as the revised minimum sentence length minus the original minimum sentence length.²⁰ Indeterminate minimum-sentence lengths were most commonly reduced by over 15 and up to 20 years (over 24 percent of cases), with reductions of over 20 and up to 40 years (nearly 22 percent of cases) also frequently observed. Among the resentenced indeterminate sentences cases, it was common for the new sentence to be of determinate length; 81.7 percent of resentenced indeterminate cases featured such a change.

Table 2.19. Minimum Sentence Length Reduction Among Individuals with Indeterminate Sentences Who Were Resentenced: September 1, 2021, Through August 31, 2024

	Percentage of Sentences Reduced 10 Years or Less	Percentage of Sentences Reduced >10 to 15 Years	Percentage of Sentences Reduced >15 to 20 Years	Percentage of Sentences Reduced >20 to 40 Years	Percentage of Sentences Reduced More Than 40 Years	Percentage of Sentences Reduced from LWOP or Condemned	Total Cases
All indeterminate resentenced cases	12.2	16.7	24.4	21.8	14.1	10.9	156

SOURCE: Data provided by CDCR, June 2022–September 2024.

NOTE: The sentence-reduction data were missing for three cases.

Similarly, Table 2.20 displays the reductions in sentence lengths among resentenced cases with determinate sentence lengths (i.e., revised sentence length minus original sentence length). Nearly 40 percent of resentenced determinate sentences featured reductions of over five to ten years, with

²⁰ For sentences that were originally indeterminate, the revised sentence may be either indeterminate or determinate. For cases with an original indeterminate sentence and a determinate revised sentence, the sentence reduction is calculated as the original minimum sentence length minus the revised sentence length.

another 35 percent receiving reductions of five years or less. Reductions of more than 15 years, common for the indeterminate cases, were rare for determinate case resentencing. These results are consistent with the time remaining among the reviewed determinate cases, as displayed in Table 2.14.

Table 2.20. Sentence Length Reduction Among Individuals with Determinate Sentences Who Were Resentenced: September 1, 2021, Through August 31, 2024

	Percentage of Sentences Reduced 5 Years or Less	Percentage of Sentences Reduced >5 to 10 Years	Percentage of Sentences Reduced >10 to 15 Years	Percentage of Sentences Reduced >15 to 20 Years	Percentage of Sentences Reduced More Than 20 Years	Total Cases
All determinate resentenced cases	35.3	39.7	16.2	2.9	5.9	68

SOURCE: Data provided by CDCR, June 2022–September 2024.

Finally, we consider the time saved (i.e., the reduction in the time an individual was incarcerated) among individuals who were resentenced and released. Table 2.21 displays the minimum time saved for resentenced and released individuals whose original sentences were indeterminate. Similarly, Table 2.22 reviews the time saved for resentenced and released individuals whose original sentences were determinate. In both cases, time saved is calculated as the time remaining at the time of resentencing minus the elapsed time between resentencing and release. For indeterminate cases, this is interpreted as the minimum time saved, as there was no guarantee of parole for these individuals once their eligibility under their original sentence was reached. Time saved may not correspond directly to the reduction in sentence length for released individuals. For example, suppose that an individual with one year remaining had their sentence reduced by five years; the time saved would account for only the year remaining.

For 30 percent of the individuals who originally had indeterminate sentences and were released after resentencing, time saved displays as 0. In these cases, the individual had already reached their MEPD but had not yet been granted parole. Among those who had not met their parole eligibility and were released after resentencing, most commonly a minimum of either five years or less remained or five to 15 years remained before resentencing and release. Although many different minimum time savings were observed, more than one-half were either within five years of parole eligibility or had already met parole eligibility. One released individual was originally serving LWOP, and another was originally condemned to death. Among individuals with determinate original sentences who were resentenced and released, over 73 percent had five years or less remaining at the time of resentencing, although a variety of amounts of time saved was observed.

Table 2.21. Minimum Time Saved Among Individuals with Indeterminate Sentences Who Were Resentenced and Released: September 1, 2021, Through August 31, 2024

	Percentage 0 Years Saved	Percentage >0 to 5 Years Saved	Percentage >5 to 15 Years Saved	Percentage >15 to 30 Years Saved	Percentage More Than 30 Years Saved	Percentage Reduced from LWOP or Condemned	Total Cases
Resentenced and released	30.0	26.7	25.0	9.2	7.5	1.7	120

SOURCE: Data provided by CDCR, June 2022–September 2024.

NOTE: Time-saved data were missing for five indeterminate cases of individuals who were resentenced and released.

Table 2.22. Time Saved Among Individuals with Determinate Sentences Who Were Resentenced and Released: September 1, 2021, Through August 31, 2024

	Percentage Less Than 1 Year Saved	Percentage ≥1 to 5 Years Saved	Percentage >5 to 15 Years Saved	Percentage >15 to 30 Years Saved	Total Cases
Resentenced and released	16.3	57.1	22.4	4.1	49

SOURCE: Data provided by CDCR, June 2022–September 2024.

Implementation Findings

One of the goals of the pilot program was to study the actions of prosecutors and the discretion they had under PIR. We highlight in this chapter what we learned using both the quantitative and qualitative data. To do so, we begin with a summary of how these review processes translated in terms of how PIR was implemented and what the PIR cases ultimately looked like based on the findings in Chapter 2 and Appendix C. We also include a summary of key metrics of success based on the quantitative analyses presented in Chapter 2 to examine variation in how PIR was implemented within the nine pilot counties. We then provide an overview of the resentencing process and a summary of how the selection criteria evolved over time. Next, we discuss what we learned in terms of the facilitators and barriers and strategies to implement the program. We conclude with feedback received from the pilot counties and their overall assessment of the program in terms of resources needed, plans for sustainability, how successful they thought they were in implementing PIR, what they would change to improve the pilot program, lessons learned, and advice they would give to other counties or localities interested in implementing PIR.

What the Quantitative Data Revealed in Terms of Types of Cases Selected for Prosecutor-Initiated Resentencing Review

How did the pilot counties implement the selection criteria, and what did the PIR cases ultimately look like? The results of our analyses presented in Chapter 2 and in Appendix C are summarized in this section.

The majority of pilot counties took primarily DA referrals in determining which cases to review (see Figures C.5 through C.13 in Appendix C). The exceptions were San Diego County, where 100 percent of cases came from either CBO or self/family/lawyer/other referrals; Contra Costa County, where 56 percent of cases came from DA referrals and the rest were referrals from the PD, CBOs, or self/family/lawyer/other referrals; and Santa Clara County, where only 17 percent of cases were from DA referrals.

The pilot counties used PIR to focus their resentencing efforts on crimes against persons. Nearly 79 percent of all the cases considered for PIR involved crimes against persons. This was consistent with the fact that the large majority (86 percent) of individuals incarcerated in California state prisons from the nine pilot counties have controlling offenses that fall into this category of crimes. In addition, the pilot counties used PIR to focus on property-crime controlling offenses (14 percent of PIR cases in the pilot period, but only 7 percent of the state prison population from the pilot counties).

The counties initially selected cases with a low risk of reoffending as indicated by their CSRA scores. About 75 percent of the pilot PIR cases initiated as of August 31, 2024, and 80 percent of those

referred for resentencing involved individuals who were classified as low risk, with most of the remaining cases in the moderate-risk category.

The pilot counties used PIR to focus on third-strike cases. Thirty-five percent of the PIR cases considered were third-strike cases, and 43 percent of the cases referred for sentencing fell into this category. Only about 7 percent of the California state prison population from the pilot counties were third-strike offenders at the outset of the pilot, highlighting this category as a relatively frequent target for PIR.

The pilot counties selected individuals who were near their parole date. Nearly one-fourth of the indeterminate cases considered for PIR involved individuals who were already eligible for parole. Nearly 22 percent of **indeterminate cases** considered for PIR were individuals within five years of their MEPD; however, individuals with considerably longer time to serve before their MEPD were also commonly under consideration. Over 41 percent of the **determinate cases** considered concerned an individual with more than five years remaining until their scheduled release date. This group was also more likely to be referred for resentencing; 58 percent of those with determinate sentences who were referred for resentencing had more than five years remaining.

In terms of demographic characteristics, 4.9 percent of PIR cases were female, which is consistent with their overall representation in the general California prison population from the pilot counties (4 percent). *The pilot counties initially tended to select older individuals for PIR review.* Almost 60 percent of the cases reviewed for PIR involved individuals between ages 18 and 35 at the time they entered prison. Of those being considered for PIR at the time the DAs initiated case review, individuals between the ages of 51 and 66 were most frequently reviewed, comprising 37.5 percent of all PIR cases and 45.4 percent of those referred for resentencing during the pilot. However, over time, the DAs began selecting individuals who fell into the younger age categories. That is, in the first six months of the pilot, about 70 percent of those reviewed were over age 50, but, over time, individuals in the lower age groups were being selected for review at approximately the same rate.

With respect to race and ethnicity, the story is more complex and will require further examination. Over 40 percent of PIR pilot cases considered were Black individuals and nearly 35 percent were Hispanic individuals. These proportions differ somewhat from the characteristics of the state prison population from the nine pilot counties at the beginning of the pilot period: The state prison population from the nine pilot counties was 32.9-percent Black and 47.1-percent Hispanic. And considering only PIR cases that were referred for resentencing, the share of cases that involved Hispanic individuals drops to just under 26 percent. Several factors could account for this—the DAs were not explicitly taking into account race and ethnicity in selecting cases for PIR review but, as noted previously, took into account a variety of factors in addition to the eligibility criteria in deciding which cases to consider for possible resentencing. These other factors could have affected the race and ethnicity distribution of cases being considered—for example, more than 35 percent of cases considered for PIR during the pilot involved third-strike enhancements, and, as noted previously, the DAs tended to focus on third-strike offenses. Bird et al. (2022) reported that more than 45 percent of those incarcerated in the state with third-strike sentences were Black individuals, an overrepresentation relative to the overall prison population.

Indicators of Progress

To assess how well the counties did in implementing PIR, we considered the following measures:

- number (and percentage) of cases processed during the pilot
- percentage of cases that were resentenced
- speed of processing cases from initial referral to final decision
- percentage by which the sentence was reduced (or the number of months reduced).

Overall, the pilot counties reviewed 1,146 cases and resentenced 227 cases (19.8 percent). Table 3.1 shows how this varied by county. A larger share of the cases reviewed by Contra Costa, Los Angeles, and San Diego were resentenced (57.5 percent, 36.7 percent, and 21.3 percent, respectively) than was the case in the other counties. Three counties (San Francisco, Santa Clara, and Yolo) resentenced only 10 to 12 percent of the cases they reviewed. The three remaining counties (Humboldt, Merced, and Riverside) referred very few of the cases they reviewed to the court for resentencing—and, of the total number of cases reviewed by these counties, less than 5 percent were resentenced. The observed differences in the percentage resentenced across the counties may be somewhat reflective of the variation in the selection criteria implemented. In general, using a stricter set of criteria may ensure a focused effort on identifying those best suited for resentencing, whereas casting a wide net provides a stronger chance that a PIR candidate is not missed at the cost of sorting through a higher volume of cases.

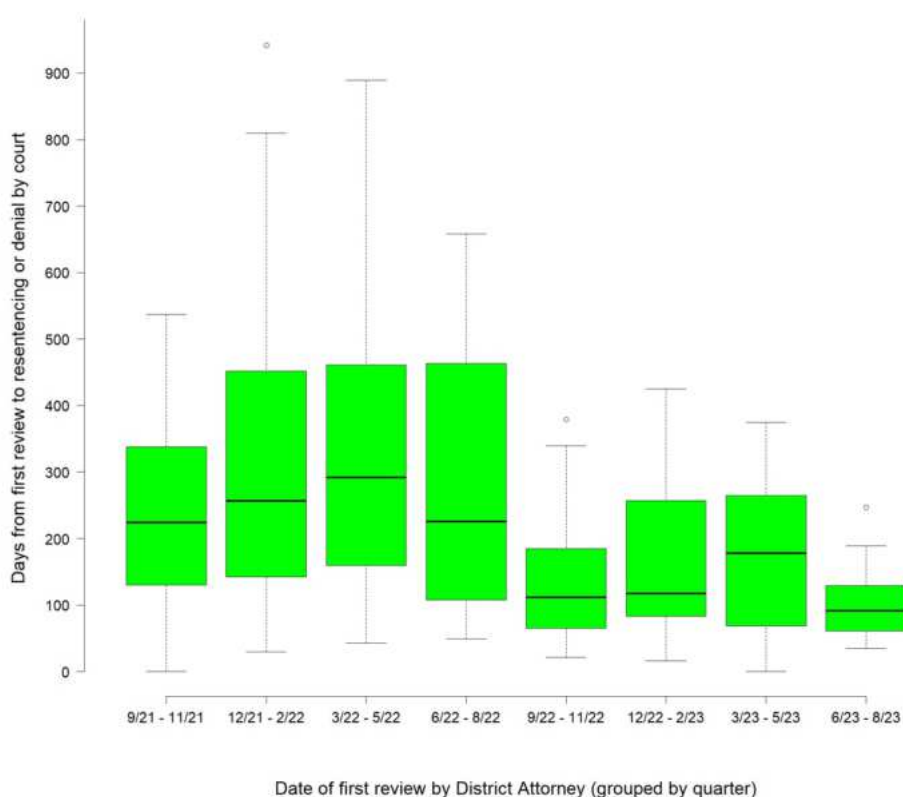
Table 3.1. Of the Total Number of Cases Reviewed, the Percentage That Were Resentenced, by County

County	Total Reviewed	DA Decision Pending or Future Review	Not Referred	Cases Pending or Decision Pending	Resentenced and Released	Resentenced and Still Incarcerated	Denied	Percentage Resentenced
Contra Costa	73	3	28	0	40	2	0	57.5
Humboldt	4	0	4	0	0	0	0	0.0
Los Angeles	308	104	88	1	78	35	2	36.7
Merced	234	7	223	3	1	0	0	0.4
Riverside	49	0	45	2	2	0	0	4.1
San Diego	150	29	89	0	23	9	0	21.3
San Francisco	99	11	71	1	9	3	4	12.1
Santa Clara	150	39	94	0	13	4	0	11.3
Yolo	79	3	68	0	8	0	0	10.1
All	1,146	196	710	7	174	53	6	19.8

SOURCE: Data provided by CDCR, June 2022–September 2024, and county DA offices, September 2024.

Figure 3.1 shows the length of the PIR process for the 196 cases reviewed in the first two years of the pilot program and that had a final resolution (resentenced or denial by the court). We focus on cases initiated during the first two years because many cases initiated in pilot year 3 are still pending a DA review decision. We binned the first review dates by quarter, with Figure 3.1 showing the median processing time—the middle line in each box—for the first eight quarters of the pilot program. For the first two years of the pilot program, Figure 3.1 indicates that the processing times were getting shorter on average over time, suggesting that the pilot counties may have become more efficient at reviewing cases.

Figure 3.1. Box Plots of the Length of the Prosecutor-Initiated Resentencing Process over the First Two Years of the Study Period



NOTE: The plot's vertical axis indicates the number of days to process a PIR case referred to the court for resentencing from initial DA review through final court resentencing or denial. For each of the eight first review time intervals shown, a box plot summarizes the time distribution for all PIR cases first reviewed during the interval. The large green rectangle in each box plot extends from the 25th percentile of process days at the bottom to the 75th percentile at the top. Above and below the box plots are vertical whiskers that extend downward and upward to the low and high values of the observed distribution of process days, respectively, for that first review time interval, with rare outlier values indicated separately with circles. Cases initiated in pilot year 3 are excluded to avoid truncation because of cases still in process at the end of the pilot period.

In terms of the percentage that sentences were reduced by, Table 2.19 in Chapter 2 indicated that among **indeterminate cases**, the indeterminate minimum sentence lengths were most commonly reduced by over 15 and up to 20 years (over 24 percent of cases), with reductions of over 20 and up to

40 years (nearly 22 percent of cases) also frequently observed. Table 2.20 in Chapter 2 indicated that among **determinate cases**, nearly 40 percent of resentenced determinate sentences resulted in reductions of over five and up to ten years, with another 35 percent receiving reductions of five years or less. When we examine how sentence reductions varied by pilot county, Los Angeles County has by far the most cases and therefore highly influences the overall trend. Among counties with sufficient cases from which to draw a pattern, some deviations occur. For example, of the 36 **determinate** cases in Los Angeles County that were resentenced, 50 percent resulted in reductions of over five and up to ten years, and 16.7 percent resulted in reductions of over ten and up to 15 years (Table 3.2). In comparison, in Contra Costa and San Diego counties, the percentages of determinate sentences reduced were either five years or less or between five and ten years. In terms of **indeterminate** sentences, unlike Los Angeles County, where the indeterminate minimum sentence lengths were most commonly reduced by over 15 and up to 20 years (29.9 percent of cases) or by over 20 and up to 40 years (24.7 percent of cases), in Contra Costa, San Diego, and Santa Clara counties, the indeterminate minimum sentence length reductions were spread differently across categories (Table 3.3).

Table 3.2. Determinate Cases: Percentage of Resentenced Individuals with Sentence Reductions in Each Category

County	5 Years or Less	>5 to 10 Years	>10 to 15 Years	>15 to 20 Years	More Than 20 Years	Total Determinate Cases
Contra Costa	66.7	16.7	8.3	0.0	8.3	12.0
Humboldt						0.0
Los Angeles	22.2	50.0	16.7	5.6	5.6	36.0
Merced						0.0
Riverside						0.0
San Diego	66.7	33.3	0.0	0.0	0.0	9.0
San Francisco	0.0	66.7	33.3	0.0	0.0	3.0
Santa Clara	0.0	50.0	0.0	0.0	50.0	2.0
Yolo	33.3	16.7	50.0	0.0	0.0	6.0

SOURCE: Data provided by CDCR, June 2022–September 2024. No determinate cases resulted in resentencing in Humboldt, Merced, or Riverside counties.

Table 3.3. Indeterminate Cases: Percentage of Resentenced Individuals With Minimum Sentence Reductions in Each Category

County	10 Years or Less	>10 to 15 Years	>15 to 20 Years	>20 to 40 Years	More Than 40 Years	Reduced from LWOP or Condemned	Total Indeterminate Cases
Contra Costa	13.8	17.2	17.2	24.1	24.1	3.4	29.0
Humboldt							0.0
Los Angeles	14.3	14.3	29.9	24.7	7.8	9.1	77.0
Merced							0.0
Riverside	0.0	0.0	0.0	50.0	50.0	0.0	2.0
San Diego	9.1	22.7	22.7	18.2	27.3	0.0	22.0
San Francisco	11.1	22.2	0.0	11.1	0.0	55.6	9.0
Santa Clara	0.0	13.3	33.3	13.3	13.3	26.7	15.0
Yolo	50.0	50.0	0.0	0.0	0.0	0.0	2.0

SOURCE: Data provided by CDCR, June 2022–September 2024. No indeterminate cases resulted in resentencing in Humboldt County. One indeterminate case in Merced County was resentenced, but that case is one of three for which sentence reduction information is unavailable (see note in Table 2.19).

Overview of the Resentencing Process and How the Selection Criteria Have Evolved over Time

In Chapter 1, we summarized the initial criteria for identifying and resentencing cases initially set by the DA offices in the pilot counties and the exclusion criteria used. Here, we discuss how those criteria evolved over time and provide a brief summary of the resentencing process.

How Selection Criteria Evolved over Time

Criteria for identifying and resentencing cases were initially set by the DA offices in all counties. In year 2 of the pilot, some DA offices continued to base resentencing case selection decisions on a predetermined set of criteria. However, as counties implemented their pilot programs, DA offices realized there were fewer inmates who met the criteria if adhered to strictly. This led several offices to reevaluate their criteria and how they were applied. As one DA summarized their current criteria,

We have general criteria, which is a totality of the circumstances. So, for example, we look for inmates that are over 50 years old. We look for inmates who do not have 290 registration, which is sex [offender] registration. We look for inmates who are in [prison] on property crimes as opposed to violent crimes. We look for inmates who have served at least half their sentence or generally a minimum of 15 years.

Only three counties were, as of the end of the pilot term, using an approach to their resentencing decisions based on relatively strict criteria. Two of these counties are using the same eligibility criteria they initially set, and another has made its criteria more restrictive. Generally, as counties have

resentenced individuals, most have found it necessary to expand the criteria or embrace some level of flexibility. This trend is typically rooted in an interest in avoiding excluding cases involving more-serious crimes when there are unique considerations. The complexity of applying the criteria was explained by one DA interviewee as follows:

Each of the counties [has] their [eligibility] criteria, and a lot of them follow kind of the criteria that were laid out in the legislation. I'll give you an example of one county that—because it doesn't go to one judge, it goes to judges all over the county—it means that it varies a lot in terms of what it ends up looking like. A judge may ask for more information. So, you need to follow up with that additional information and why or if they accept it or not; some of the judges don't even understand what this pilot program is. If they [the DA office] don't have the relationship with the judge, there's no common understanding of what kind of cases they're looking for, what the criteria are, etc.

DA representatives generally expressed a goal of helping ensure that anyone resentenced will be successful in society after release from prison. Because of this, DAs generally have been reluctant to recommend resentencing for individuals convicted of more-serious crimes, such as murder and sex offenses. There continues to be an interest in pursuing cases in which the inmate is over 50, has already served a significant portion of their sentence, or was a minor sentenced as an adult.

Programming and a clean prison record also weigh heavily in resentencing decisions. DAs are interested in resentencing inmates who demonstrate remorse, growth, and change. Many counties are engaged in outreach activities to victims so that they can weigh in on the decision. In some counties, the victim's input is very heavily weighted in the DA's decision of whether to recommend a case for resentencing, while, in others, it has less impact, especially for inmates perceived as very good candidates.

Within the last year of the pilot program, several counties have explored expanding their criteria to include more women, individuals sentenced under the age of 18, and cases of manifest injustice.²¹

Overview of the Resentencing Process

In our year 2 report, we provided a detailed description of the resentencing process for PIR (Davis et al., 2023). Here, we provide a high-level summary and refer the reader to the previous report for the detailed description.

Identification and Referral of Cases for Prosecutor-Initiated Resentencing Review

The DA offices take the lead in reviewing cases for PIR consideration. To identify possible candidates that may meet their eligibility criteria, most of the pilot counties started with a list from CDCR of all individuals incarcerated in state prison from their county. The DA offices in some counties also posted information on their websites with respect to the resentencing guidelines, an

²¹ *Manifest injustice* is a legal term that refers to an outcome in a case that is plainly and obviously unjust (e.g., a case in which a defendant pleads guilty but only because they were forced to or because the prosecution changed their mind about a plea agreement) (LSData, undated).

application form, or answers to frequently asked questions to provide guidance to individuals who would like to be considered for resentencing.

Figure 2.1 in Chapter 2 summarized the overall sources of referral of PIR cases for DA review consideration, and Figures C.5 through C.13 in Appendix C show the sources of referral of cases by county. Of the 1,146 cases that were reviewed by the DAs, the source of referral was the DA in 64.9 percent of cases; self/family/lawyer/others were the source in 26.4 percent of cases; the PD was the source of referral in 5.3 percent of cases; and 3.3 percent were referred by CBOs. The sources of referral of cases varied somewhat across the pilot counties. In five counties, the DAs were the only or predominant sources of referral. In San Diego County, the sources of referral were self/family/lawyer/others or CBOs.

Although this is not shown in Figure 2.1, CDCR could also make referrals to the courts regarding cases to consider for resentencing. In some instances, CDCR may refer a case that the DA also had referred to the courts for consideration; in other instances, CDCR may refer a case that the DA had determined did not meet their eligibility criteria or, after reviewing the case, had decided not to recommend that individual for resentencing.

Analysis of the CDCR offender central file (C-file). When a case has been identified as possibly meeting the county's inclusion criteria and thus is eligible for resentencing consideration, the DA will work with the PD or last known counsel to contact the incarcerated individual and obtain additional information about their case. The DA or PD will request that the individual sign a waiver for release of their C-file so that their prison records can be obtained to inform the review of their case.²² In addition, the DA may work with the PD or nonprofit organizations to ensure that the individual has access to free legal services to help them navigate the application process. The DA takes multiple factors, in addition to the eligibility criteria, into account as part of the case review process to determine whether someone is eligible for resentencing. Such factors may include evidence of in-prison rehabilitation; disciplinary history; reentry plan; evidence that reflects whether age, time served, or diminished physical condition, if any, has reduced the risk for future violence; and evidence that reflects that circumstances have changed since the original sentencing such that continued incarceration is no longer in the interest of justice (Los Angeles County District Attorney's Office, undated). As part of putting together the application or packet of information for the DA's review of a case, the DA or PD also may attempt to reach out to any victims, as required under Marsy's Law,²³ to notify them about the potential for a resentencing and to give them a chance to voice their opinion if they wish to do so. Several DA offices partnered with FTP or law school clinics to do data scrapes or the case review itself, which may include a full in-depth review of the C-file.

²² The C-file is the master file maintained by CDCR that contains reports, evaluations, and correspondence regarding an individual in the custody of CDCR. It includes information received from courts, law enforcement, probation officers, and other relevant agencies. It also contains information regarding the classification, treatment, employment, training, and discipline of each prisoner (CDCR, 2022).

²³ California's Proposition 9, the Victims' Bill of Rights Act of 2008, known as Marsy's Law, provides all victims with rights and due process. One right, in the "Information About Conviction, Sentence, Incarceration, Release, and Escape" category, is the right to "be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody" (State of California Department of Justice, undated).

District Attorney Review Decision of Whether to Refer a Case to the Courts for Resentencing

All but one county had established resentencing units or committees to handle the review of PIR cases or were using existing units, such as a conviction and sentencing review unit. These units and attorneys typically were tasked with reviewing the data to identify individuals who met the county's eligibility criteria, working with the PD or outside counsel to develop the documentation needed for PIR review, determining which cases to recommend for resentencing consideration, and then preparing and filing the resentencing request to be sent to the court for consideration.

When the DA files a resentencing request, a court date may be set to hear evidence and arguments on whether to reduce an individual's sentence. The packet of information is presented to the judge. In some instances, the judge may request additional information, such as evidence that any victims have been notified and their input obtained, additional information regarding the rehabilitation programming an individual participated in, and a reentry plan. In other instances, the judge may be unfamiliar with the resentencing pilot program and request additional information to understand the legislation and intent. In addition, the incarcerated individuals or their legal representatives can present evidence as to why continued incarceration is no longer in the interest of justice, including evidence of rehabilitation and adequate reentry support. Although the DA is authorized to request and recommend the resentencing of a case, the judge makes the final decision of whether to grant or deny such a request.

In some of the pilot counties, a specific court or judge has been designated to handle PIR resentencing cases. Per the DA, this has helped facilitate the resentencing process in that only one judge had to be oriented to the resentencing pilot program, and it helped ensure uniform treatment of these cases. In addition, stipulation can facilitate the resentencing determination. Of the nine pilot counties, two indicated that most of their PIR cases are being done by stipulation. These two counties each have a dedicated court for resentencing. Another two counties indicated that just a few of their PIR cases were done by stipulation. Five counties reported that no PIR cases were done by stipulation (although one of these counties noted that only the CDCR-initiated cases are being done by stipulation). Those counties that are using stipulation appear to have a more streamlined resentencing review process than counties that do not. A PD from one of these counties explained how they are using stipulation:

We are doing stipulation, but that has been an evolving process. When the pilot program first started, we were going to different judges, and we were bringing motions and trying to educate the judges about what 1172.1 was. We are finally at this place where things are going well. We have an assigned judge who knows 1172.1, and she's comfortable and familiar with it and knows all the factors she's supposed to consider. She allows us in her department to file a stipulation. We provide the court some background on the case, including what the facts of the case were, what the original sentence was, what the postconviction conduct has been, and what the reentry plans are. When we have the victim's input, we also include it. We then indicate, "Here's our proposed new sentence, which both sides have agreed to." And we lay it out, every count, what the new terms will be, and we file that with the court.

The PD interviewee went on to explain why they like stipulation:

The court never has us come in for a hearing; they'll sign the paperwork, they fill out the new abstract of judgment, and they email it to us and say, "This person's been resentenced" without us ever having to go to court. This is a big time-saver because we don't have to set a hearing date and bring the defendant to court, even if it's a video OTP [order to produce]. We just file the paperwork, which, normally within about a week, they process it and the person is resentenced. It's a much more efficient way of doing it. I also like stipulation because it creates a record of saying, "Here's what the facts are; here's what the conduct is"; it's all laid out in a public court document saying why an individual is being resentenced and that it's agreed to by all the parties.

Decision not to refer a case to the courts for resentencing. For those individuals who submitted an application for consideration but did not meet the eligibility criteria or, upon review of their case, the DA decided not to refer them for resentencing, the DA may send them a letter stating that they did not qualify for the program. For those cases that the DA thought were good candidates for resentencing but did not have a strong-enough application (e.g., the reentry plan was weak, they had a Rules Violation Report [RVR] within the past three years), some of the DAs will let an individual know what the issue is and that if they address any deficits, the DA would reconsider them in the future. For other DAs, the appeal process may be more informal: If an individual is notified that they are not eligible for resentencing, they can appeal to the head of the resentencing unit. One DA reported initiating a reconsideration process in which, if their resentencing committee has denied an application, the applicant can submit a written request and additional information for reconsideration by the committee.²⁴

Our Assessment of Factors That Facilitated or Hindered Implementation

Table 3.4 summarizes the factors that facilitated or hindered implementation, which are then discussed in detail in this section.

²⁴ Except in those cases in which fixed-category exclusions apply: felony sex offenses, domestic violence, and individuals who are required to register as a sex offender with local authorities upon release.

Table 3.4. Factors That Facilitated or Hindered Implementation

Category	Factors
Factors that facilitated implementation	• There was a prior history of collaboration between the DA and PD. • Leadership support to implement PIR and a positive political climate were present. • Adequate resources were available (including staff and technical assistance to analyze CDCR data, select cases, review cases, and make referral decisions). • Strong coordination with the courts, including having a dedicated judge and use of stipulation, helped move cases along, thus facilitating the resentencing review process and decision.
Factors that hindered implementation	• The political context changed in some counties becoming less supportive of PIR. • New sentencing legislation complicated the implementation of PIR. • PIR eligibility criteria were broad and left a lot of discretion to the DA; plus, many factors were considered, requiring a lot of documentation to inform DA review. • Initially the pilot counties selected the low-hanging fruit; however, over time, the counties were dealing with more-serious and more-complex cases, which, in some instances, lengthened the review time needed to build and document these cases. Still, data support that the review time overall was getting shorter. • DAs and PDs who lacked a prior history of collaboration were more likely to differ in their views as to the respective role of the PD in the PIR review process. • The review time by the DA was lengthy, with no explicit requirements regarding timeline; furthermore, the review process by the DA was opaque—e.g., the PD was excluded from the process. • Staffing shortages presented challenges. • Reentry planning was complex, and counties encountered challenges in contracting with CBOs.

Counties Picked Low-Hanging Fruit Initially and Then Turned to Considering More-Complex Cases

The quantitative data from Chapter 2 indicated that the pilot counties initially selected the low-hanging fruit first, such as picking cases for which the CSRA scores indicated a low risk of reoffending. This tended to leave the more-complex cases to be reviewed later on and led, in some instances, the pilot counties to expand their eligibility criteria to select the next group of cases to review. For example, one DA commented that by the time their office got its PIR grant funding, its prison population was small and some people had recidivated, and so their office was now being more careful in taking its time to review these more-complex cases. Another DA noted,

As we get further along in the PIR process, the candidate pool has evolved. We have already removed the best candidates from the pool by resentencing them. Many of the remaining candidates have committed serious crimes and/or their rehabilitation efforts in prison are not as impressive as the efforts of those already resentenced.

As a result, during the second year of implementation, some DA and PD offices indicated that they were now reviewing more-serious and more-complex cases. These cases can require more time and staff to assess and compile the necessary documentation to review. According to one interviewee, “There’s a lot more to conducting these reviews than we initially thought. We initially thought we could just go based on the shared data without having to get all of the information from the C-files.” Another interviewee explained that the initial review could point toward eligibility but that issues and red flags arise upon a deeper review:

We’ve had situations where someone may have really good numbers on paper and then yet they—when you dig into it—they’re Mexican Mafia shot callers and the reason they’re not getting RVRs is because they’re telling everyone else what to do and they’re sitting in their cells minding their own business and not getting caught doing stuff.

Several interviewees also commented that for DAs who were more risk averse, this meant that it took longer to review these cases, while at the same time, as discussed later, some PDs encouraged the DAs to consider these more-complex cases as time went on.

District Attorney Review Process in Some Cases Continued to Be Lengthy

Our analysis of wait times in Chapter 2 (i.e., the time elapsed from the DA’s first review to the filing of a resentencing motion with the court) supports the assertion that the amount of time it can take a pilot county to build and document a case to the point that it is ready to be referred to the court can be lengthy. We found that the most common time frame for the DA’s review was one to six months, with just under one-quarter of cases taking longer than six months (Table 2.16 in Chapter 2). However, considering the elapsed time for cases that remain under DA review (including those initiated closer to the end of the reporting period) (see Table 2.17), one-third of all cases pending a DA review decision (84 of 248) had been under consideration for over one year. Another 38 percent of all pending cases have been under review for between six months and one year. Yet, even with the more-serious and more-complex cases, the offices still felt that they were getting quicker at the review process.

Contributing to this was the fact that the PIR eligibility criteria were broad and left a lot of discretion to the DA. Furthermore, as noted previously, the DAs took into account multiple factors in reviewing a case for resentencing consideration, which required compiling extensive documentation and was a time-consuming process. In addition, it has been challenging to comply with Marsy’s Law, in which the pilot counties attempt to contact victims to provide them notice of forthcoming resentencing petitions. For cases that are quite old (e.g., 20 years), it has been difficult to locate the victims to notify them.

In addition, pilot counties continued to be plagued with delays in obtaining and analyzing the C-files. One DA commented that the primary obstacle to bringing more PIR cases to fruition was the

slow pace of obtaining the C-files. This county was working with the University of California, Berkeley, to implement a new tool to automate much of the review process of C-files. Another DA commented that their office continues to experience delays in obtaining prison C-files and other necessary documents. The office's resentencing unit has had over 100 pending cases since mid-2021 for which it was awaiting the C-files from CDCR.

Counties Varied in the Degree to Which There Was Collaboration Between the District Attorney and Public Defender Offices in Implementing Prosecutor-Initiated Resentencing

The Section 1172 legislation stated,

Each participating district attorney's office shall do all of the following:

- (1) Develop and implement a written policy which, at minimum, outlines the factors, criteria, and processes that shall be used to identify, investigate, and recommend individuals for recall and resentencing. The district attorney's office may take into account any input provided by the participating public defender's office or a qualified contracted community-based organization in developing this policy.
- (2) Identify, investigate, and recommend the recall and resentencing of incarcerated persons consistent with its written policy.

Both the DA and PD have prominent roles in the consideration for resentencing, identifying, and recommending incarcerated persons for resentencing consideration. Multiple DA offices that we spoke with were working collaboratively with the PD office for input regarding the factors, criteria, and processes to be used by the DA. The legislation was somewhat vague, though, as to what the role of the PD would be and gave much discretion to the DA to determine that role. In general, differing views between the DA and PD as to the role of the PD and the lack of a prior history of collaboration meant that this collaborative work continued to be an implementation challenge in some of the pilot jurisdictions.

Counties that had a prior history of collaboration between the DA and PD offices were able to move the resentencing process along. This was especially true for San Diego and Contra Costa counties.

DAs varied as to how they viewed the role of the PDs. All the DAs indicated that the PDs make referrals to them of cases to consider. Most of the DAs, though, saw the primary role of the PDs as happening after the DAs had identified candidates for resentencing: A PD then works with a candidate to help them put together an application and supporting materials and to develop a strong reentry plan. As one interviewee put it, "When we start making petitions to the court for resentencing, that's really when the PDs will come in and be appointed by the court to represent each of these petitioners." However, this same interviewee stated that a PD could get involved earlier in the process and play an advocacy role: "There might be something that the DA office is not seeing, that the inmate forgot to tell us, that the PD can talk with the individual and get further information and advocate on their behalf."

PDs said that they would like to play a more proactive role from the beginning of the process, including discussing the eligibility criteria, identifying cases for consideration, and helping make the decision as to which cases the DAs should refer to the courts for resentencing consideration. Several PDs commented that they thought the DAs' eligibility criteria were too strict and ultimately excluded good candidates for resentencing who might have had, for example, a serious or violent felony charge but had been incarcerated for 30 years with extensive rehabilitative programming and were in their 60s. PD offices indicated that the resentencing pilot could have been more effective and that, overall, more cases should have been referred for resentencing, but because of the DAs' reluctance—or, in some cases, refusal—to work with the PD offices, the DAs were often a “bottleneck” or “not a good-faith partner.”

These differences are partly reflected in the fact that, overall, less than 6 percent of cases identified for DA review were referrals from PD offices. The exceptions were Santa Clara County, where 22 percent of cases reviewed by the DA were referred by the PD office, and Contra Costa County, where 26 percent of cases reviewed by the DA were referred by the PD office. Although in San Diego County the DA and PD reported a prior history of collaboration, in this instance, the county made the decision that cases accepted for DA review would be referrals from CBOs or from self/family/lawyer/other.

There has been some disconnect in how this process has played out. One county DA noted that the PD identified too many cases early on that the DA was not interested in or that did not fit their eligibility criteria. From the PD's perspective, they were trying to encourage the DA to be more liberal with their criteria. Another example cited was when the DA hoped that the PD would work up the cases that the DA sent to them (e.g., obtain the defendants' C-files, provide summaries of these cases to the DA, help the individuals develop a reentry plan, and put together the supporting documentation for their application). Instead, the DA expressed that early in the pilot, the PD did not fully understand the DA's eligibility criteria. Also, the interviewee noted there was disagreement on some of the cases as to whether they should be considered for resentencing. These DA and PD offices subsequently were able to reach agreement about how to move forward. In at least one county, the PD office reported getting cases referred to them and not knowing that the DA was also working on that case or had already decided that the case was not suitable for resentencing consideration.

One PD explained the tension as follows:

The numbers of resentencings remain low. The district attorney's office's process remains encumbered, and their criteria remain very stringent. In fact, it is starting to feel like the standards are being elevated even higher. The more the DA sees candidates who have performed exceptionally (by engaging in specific programs, writing convincing personal statements, obtaining employment offers, etc.), the more they seem to expect that level of performance in the next candidate.

We continue to work up cases that are under consideration by the DA's office, as their criteria remain very stringent. Many cases raise special considerations, for which we are doing extra diligence to convince the DA that a PIR should go forward. [For example,] while the DA has no official policy against resentencing people who are registered sex offenders, this office has never resentedenced anyone in that category. While the DA has no official policy against resentencing validated gang members, in reality, they have been unlikely to do so.

Another PD explained that the way the legislation is written, the role is more advisory; however, this PD is trying to make it more than that while also acknowledging that there is a limited amount they could do. This interviewee said they wanted to see the PD office get more involved on the front end in helping the DA identify resentencing candidates. As the interviewee put it, although they were not involved in setting the eligibility criteria, they can push the DA office to expand its criteria.

The pilot counties varied in the degree to which the DAs and PDs have been able to meet regularly. In one county, the DA and PD have a history of collaboration and have been meeting regularly since the start of the pilot program. In another county, the DA stated that they had a good relationship with the PD office and with outside attorneys and met with them often. The PD noted that high turnover in the DA office, however, had hindered collaboration, making it difficult to establish a protocol for addressing PIR cases. In addition, there are counties where the two offices do not meet or speak regularly about these cases. Another factor complicating the process is that not every client is represented by the PD or the DA but instead may be represented by a private attorney.

Political Context Changed, with Some Counties Becoming Less Supportive of Prosecutor-Initiated Resentencing

When an elected official who was committed to the pilot is no longer in office, the DA who replaces them may be less supportive of PIR. This occurred in at least three pilot counties. In at least two counties, the original DA who had signed on for the PIR pilot program was subsequently voted out of office and replaced by a new DA who was less committed to the pilot program. In another county, the new DA put a pause on reviewing PIR cases until their office could reevaluate all that had been done by the prior administration and determine the priorities for the new administration. This also influenced the timeline, causing delays in the overall PIR resentencing process. As the political climate changed, some DAs became more risk averse and cautious in reviewing the more-complex cases, which tended to lengthen the review process.

Staffing and Personnel Shortages Continued to Affect Some Counties

Throughout the three-year pilot, staffing continued to be an issue in some of the pilot counties. Counties had been experiencing staffing shortages independent of the pilot program. As an interviewee from one county indicated, “There’s just been a lot of turnover in staff, and for that reason, it’s been difficult to really accomplish as much as we would prefer to have accomplished.” Interviewees from some counties noted that the civil service process can lengthen the hiring process.

An interviewee from one county mentioned the effects of staff shortages on the time it takes to process applications:

We need more people reviewing applications so you can do it quicker. But I think we’re working within the limitations that are probably across the board in the whole office, right? Every unit, every division has high caseloads; there is a backlog from COVID; there is just a lot of work. And so I think we have maybe the same limitations that any unit would experience.

An interviewee from another office agreed and said they could use more assistance, specifically a full-time dedicated attorney, instead of splitting attorneys' time with other priorities.

Another DA explained,

The program continues to be hampered by consistent understaffing officewide. Several deputy district attorneys in our county's appellate and resentencing units have been trained and are working through the applications the office received, but time is limited by high caseloads and a heavy volume of court-initiated resentencing, such as Senate Bill 483 and Senate Bill 1437.

Multiple Resentencing Options Complicated Implementation of Prosecutor-Initiated Resentencing

As summarized in our year 1 report (Davis et al., 2022), other resentencing efforts were underway prior to the initiation of the California County Resentencing Pilot Program in September 2021. The impact of the pilot program needs to be understood in the context of these recent resentencing efforts. In addition to PIR, counties might consider other resentencing options for an individual case. As one PD interviewee explained,

When a case comes in, I don't look at it for one particular type of relief in mind; I look at it with the gamut of options and try to figure out what might work, and sometimes it's only one option and sometimes it's layered. The benefit of some of the other options [other than PIR or CDCR-initiated resentencing] is that we can initiate them ourselves. We can file the petition ourselves . . . so we try to think globally and find something that we can actually do without just relying on the mercy of what someone else may or may not decide to do.

Resentencing options that PD and DA interviewees mentioned most frequently were

- CDCR-initiated resentencing: California Penal Code Section 1170(d)(1) authorized the courts, CDCR, the Board of Parole Hearings, and local correctional administrators (for individuals in jails) to refer individuals back to the trial court for recall and resentencing to a lesser sentence. In 2018, resentencing was expanded by AB 1812 to provide additional funds to CDCR to make referrals to courts and allow the courts to recall sentences after plea agreements, as well as sentences imposed after trials. Section 1170(d)(1) was also modified to allow for resentencing in the "interests of justice" and for consideration of postconviction factors, such as disciplinary actions and rehabilitation while incarcerated and time served (Prison Law Office, 2018).
- California Senate Bill (SB) 483 resentencing:²⁵ SB 483 is the Repeal Ineffective Sentencing Enhancements (RISE) Act of 2021 and went into effect January 1, 2022. SB 483 removed enhancements for prior prison terms under California Penal Code 667.5(b) imposed prior to January 1, 2020, and California Health and Safety Code 11370.2 imposed prior to January 1, 2018 (California Health and Safety Code, 2021); the court had until December 31, 2023, to

²⁵ SB 483 was first codified as Penal Code Sections 1170.1 and 1171 and was subsequently renumbered 1172.7 and 1172.75.

resentence eligible current inmates (California Legislative Information, 2021). The legislation “authorizes courts to retroactively remove these 1-year prison prior and 3-year drug prior enhancements from the sentences of currently or formerly incarcerated people, whether they are still on appeal or their sentence is ‘final’” (Ella Baker Center for Human Rights, 2022, p. 32).

This means that some counties were reviewing cases with an eye toward identifying what other resentencing options may be applicable. Several interviewees noted that CDCR-initiated cases and SB 483 cases in general took priority over PIR cases because these cases already had a court hearing scheduled and SB 483 cases had to be resentenced by December 31, 2023. Other potential mechanisms for resentencing were cited as reasons why the review process for PIR cases can take longer than for other cases. Several interviewees explained that the criteria for PIR cases were less clear-cut than those for other resentencing options, such as SB 483. Thus, other resentencing mechanisms, in their view, tended to skim off the less-complex cases because the resentencing criteria for these cases are more straightforward, leaving the more-complex or more-serious cases for PIR consideration:

It is becoming more and more common to see applicants who have been denied PIR or who have an open PIR application to enter the court system through a different avenue, mainly CDCR resentencing request or court-initiated resentencing. The DA's office process of evaluating cases is terribly prolonged. It's very difficult to encourage clients to apply for PIR now, when they could submit an AB 600 petition and get an answer much faster.

Table 3.5 summarizes additional comments from the DAs and PDs on the implications of other legislation for PIR implementation within their counties.

Table 3.5. Comments from District Attorneys and Public Defenders Regarding Prosecutor-Initiated Resentencing and Related Legislation

Type of Interviewee	Comment on Other Legislation
PD	During this period, the California Racial Justice Act (RJA) became retroactive to people who are still serving sentences, and we have spent a significant amount of time training on this law and reviewing cases for potential racial justice issues. As with SB 483, we hope to use the RJA to open up new channels of discussion for possible PIR. Because the [RJA] is now retroactive and the district attorney's office has agreed in theory to prioritize RJA claims when making an 1172.1 decision, cases must be additionally reviewed for the RJA claims, including case-specific review for evidence of racism or bias and statistical analysis of the particular charges involved. We are also looking at [our county's] prison population globally in an effort to identify buckets of cases that have statistic-based RJA claims so that we can bring all of those up for 1172.1 consideration.
DA	Work on the PIR pilot program has been significantly hampered by the number of SB 483 resentencings pending in our county. Resources and staff have had to be directed to the hundreds of cases countywide that require a full resentencing hearing under Penal Code Section 1172.75. Additionally, many individuals who may have been a candidate for the pilot program have already been resentenced pursuant to the new law. Effective January 1, 2024, the legislature amended Penal Code Section 1172.1 to allow the court on its own to resentence an individual without an invitation from CDCR or the district attorney's office. In our county, there have already been defendants filing invitations to the court to consider this form of resentencing. It is anticipated that this law change will also require that resources be directed away from the PIR pilot program.
PD	A key challenge is the existence of other resentencing laws that automatically confer jurisdiction on the court (as opposed to PIR, in which case nothing happens without a DA recommendation). For example, the DA resentencing unit is also handling the CDCR (1172.1) recommendations, and much of their time is spent on those rather than DA-initiated cases. From the PD perspective, SB 483 has provided an avenue for resentencing for a huge number of individuals, and focusing efforts there has been more fruitful than focusing on individuals from the DA's list.
DA	Our resentencing unit has been tracking pending legislation that has the ability to drastically impact future resentencing. Significantly, AB 600 has passed and will go into effect 1/1/2024. AB 600 amends Penal Code Section 1172.1 to authorize the court to recall a sentence on its own motion, at any time. We have been in discussions with the court and public defender about how best to implement these changes come January 2024. At this time, it is unknown how significant the impact of this legislation will be. It has the potential to be huge and engulf PIR efforts. On the other hand, the court is not required to initiate a resentencing hearing or even respond to petitions to resentence, so this change might have a minimal impact.
PD	We have had a series of weekly meetings with the assigned deputy DA and the assigned judge regarding how AB 600 will impact DA-initiated resentencings and worked together to create court forms and a process for AB 600. We mutually agree that AB 600 petitions will create a greater demand for resentencing, some of which can be resolved via PIR. AB 600 has forced a reorganization of PIR, and we have worked together to collaborate and exercise flexibility to accommodate these changes in the most efficient and productive way possible.

California Department of Corrections and Rehabilitation Referrals for Resentencing

Our evaluation focused on the implementation of PIR by the nine pilot counties. However, as noted previously, another resentencing avenue is via CDCR; thus, it is worth noting the implications of CDCR's referral of cases to the courts for the pilot counties. The reader is cautioned to keep in mind that we are reporting the opinions of the DA and PD interviewees; the perspectives of CDCR and the courts may differ.

As summarized in our year 2 report, the process by which a case is referred by CDCR to the courts is as follows: CDCR sends a referral letter to the court. Once the court receives the letter, the individual must be appointed counsel. The court notifies the DA's office, which then assigns the case to the PD. In addition, the court schedules a hearing for that individual. Because a hearing is set, the CDCR case gets priority over PIR cases. To prepare for the hearing, the PD reaches out to the client to obtain additional information. If a client has a physical or mental health condition, the PD may also seek to obtain their medical records. The PD may reach out to family and friends for statements from them in support of the client. In some cases, the PD may have a staff member reach out to the client to help the client develop a reentry plan. All this information takes time to be compiled and provided to the DA office in advance of the hearing. The interviewees also commented that CDCR cases tend to have more variability in their offense type than PIR cases do.

Pilot counties varied in the number of CDCR cases they have received since the start of the PIR pilot program. During the pilot period, 271 CDCR-initiated cases were reported by the pilot counties as being handled by their offices. Five of the nine counties reported receiving CDCR-initiated cases: Three reported receiving fewer than 12 cases, one reported receiving over 50, and the last reported receiving over 190 cases. One county reviewed a backlog of CDCR-referred cases that the court had taken no action on since 2019 because of COVID-19. During the course of the pilot program, this PD had processed more than 190 of these CDCR-referred cases. The interviewee noted that these cases in general can be very time-consuming to review and were eventually assigned to a different unit from that which handles the county's PIR cases.

For some CDCR-initiated cases, the DA may oppose a case being considered for resentencing. The DAs and PDs in at least two counties commented that they felt that CDCR did not take into account all the mitigating factors in deciding whether a case should be referred for resentencing. In these cases, the county interviewees said, they felt that more in-depth vetting was needed to ensure that the individual was a good candidate for resentencing. The DA staff would then conduct further research of a CDCR case and, if the DA staff opposed, would create a briefing for the court to argue why they feel that particular individual was not a good candidate for resentencing.

In some instances, CDCR will submit a case to the court for resentencing consideration and the pilot county DA would also submit the same case. There were instances in which CDCR referred a case to the courts for resentencing consideration but the DA may have decided not to refer that case or that the defendant did not meet the pilot county's criteria for resentencing consideration:

We have found there is substantial crossover with PIR cases. Some CDCR-initiated resentencings are already under consideration for PIR and have been, or are in the process of being, reviewed for PIR consideration. These cases can often be presented to the court with the recommendation of both CDCR and the district attorney—

creating a hybrid of CDCR-initiated and PIR. Having one unit handle both types of Penal Code Section 1172.1 resentencing helps maintain consistency. Both PIR and CDCR-initiated resentencings require understanding and evaluation of the postconviction conduct. On the other hand, as previously stated, some CDCR-initiated cases result in contested hearings that are time-consuming and pull resources away from other PIR evaluations. For these reasons, we continue to evaluate the best unit suited for handling the CDCR-initiated resentencings. One challenge is that the CDCR referrals are unpredictable. We saw an increase this quarter, but it remains unknown how many recommendations CDCR will make in the future.

Reentry Planning Is Complex

The counties recognized the importance of having robust reentry plans and took that into account in considering cases for resentencing. It has varied from county to county which entities are responsible for developing those plans. Some counties assign the PD that responsibility, others contract with CBOs to do so, and still other counties hire a specialist within the DA or PD office to fill that role. In addition, at least one county is partnering with the Stanford Three Strikes Project to assist with developing reentry plans for inmates identified as promising resentencing candidates.

Development of reentry plans has been problematic because of several factors. For example, the PD office or CBO may develop robust reentry plans for its county but then the resentenced individuals may be released to another county. In one pilot county, the DA asked the CBO to focus instead on the first 72 hours after an individual is released from prison and then put a reentry plan into place once it knew where the individual would be sent.

To try to ensure access to reentry services, as noted in our year 1 report (Davis et al., 2022), the DAs in several pilot counties made it a requirement for resentencing consideration that individuals agree to waive excess credits in the hope that this would increase the likelihood that CDCR would place them on parole (and so, in theory, these individuals would have access to reentry resources and transitional housing via parole). As one county PD noted, they are assuming that most of their resentenced and released individuals are put on parole for two years.²⁶

Further complicating reentry planning is the timeline for the release process once a case has been resentenced. Once CDCR receives the abstract of judgment from the court indicating that an individual has been resentenced and is to be released, CDCR is required to release that individual within five business days. Several county interviewees commented that this leaves little time for resentenced individuals to participate in the prerelease planning that CDCR normally does.²⁷ The fact that CDCR is required to release individuals within five business days also means that the county and CBOs have little time to do reentry planning or to connect an individual to the CBO or other reentry services. Furthermore, an individual coming back to a pilot county can be released from any of

²⁶ However, it is unclear to us the degree to which this actually occurs.

²⁷ For example, CDCR has an 11-week course that a client will take as they get closer to their scheduled release date, which, among other things, helps prepare them for employment. However, it is offered only to clients who are within six months of release. And for many who are being resentenced, the release date on their file does not qualify them for this course. At least one county PD has asked CDCR to work with them to identify individuals in advance who are likely to be released and then have them be enrolled in this course; however, CDCR is following its standard protocol, which may conflict with PIR.

California's 33 prison facilities, making it difficult for the CBO to know who is returning to the local county and to contact that individual in advance.

In general, interviewees commented on how difficult it was to work with CDCR on reentry planning, as illustrated by the following quotes:

The biggest challenges we continue to face are in communicating with our clients in CDCR and reentry. It takes a significant amount of time and effort to set up legal calls with our clients given the varied requirements for each prison, the limited availability, and the sporadic responses to our efforts. Even with our names added to the statewide gate clearance list, this hasn't seemed to speed up any arrangements.

On the release front after resentencing, CDCR lacks a means of working to coordinate and implement release prior to the completion of court order, and Administration of Justice precludes appropriate connection with transportation, benefits applications, [and] ensuring a reentry bed is available at the correct time. If there were a centralized CDCR person to assist on understanding the particular needs and timelines for pilot resentencing clients, a great deal less unnecessary resources would be expended.

Contracting with Community-Based Organizations Has Been Challenging

As noted in Chapter 1, the county DA offices were provided \$250,000 each to contract with a CBO and had discretion as to what services they would require.²⁸ Specifically, the legislation stated,

(c) A participating district attorney's office may contract with a qualifying community-based organization for the duration of the pilot. The community-based organization shall have experience working with currently or formerly incarcerated individuals and their support networks, and shall have expertise in at least two of the following areas:

- (1) Supporting and developing prerelease and reentry plans.
- (2) Family reunification services.
- (3) Referrals to postrelease wraparound programs, including, but not limited to, employment, education, housing, substance use disorder, and mental health service programs.
- (4) Restorative justice programs.²⁹

The DAs have varied in how the CBO appropriation has been used. As of June 2024, five counties had contracted with a CBO (four for reentry support, one for sentencing planners).³⁰ In two of these

²⁸ The exception was San Francisco County, where, in lieu of contracting with a CBO, the DA office received \$250,000 to be used for sentencing planners.

²⁹ In June 2022, Section 1170.01 of the Penal Code was amended and renumbered to 1172. The only other change made was the elimination of "utilizing a participatory defense model" as an area of expertise for CBOs (see AB 200, 2022).

³⁰ San Diego, Riverside, and Contra Costa had contracted with CBOs for reentry support. San Francisco had contracted with a CBO to use its Service Planning Instrument (known as SPIn). Los Angeles had contracted with a community and social services specialist. Yolo, Humboldt, and Merced did not have CBO contracts.

counties, the DA involved the PD in the selection of the CBO. In several counties, FTP helped identify a CBO to contract with. Four counties have not put a CBO contract into place. For these four counties, our interviews revealed that several factors affected their decision, including too few cases having been resentenced to date, limited reentry resources within the county, and the perception by one DA that the PD had reentry planning needs covered and so there was no need to contract with a CBO for this purpose.

As indicated in Chapter 1, the amount of funding was the same regardless of the size of the county's incarcerated population. Several pilot counties that had contracted with a CBO noted that the \$250,000 amount was too low and limited what services they could contract for. For example, as reported in our year 2 findings (Davis et al., 2023), a medium-sized county had issued a request for proposals (RFP) for a wide range of reentry services, but no CBOs responded. The DA cut back the scope of the RFP in terms of what reentry services were to be provided, including omitting transportation from the prison to the county. After reducing the scope of the RFP, the county received four bids from CBOs.

Under the pilot program, the CBO funding was given to the DA. As noted earlier, in two counties, the DA worked closely with the PD in identifying a CBO for reentry purposes. In those counties where the DA had not yet identified a CBO to contract with, several PDs said they felt that their office would be better positioned to identify and contract with CBOs to provide reentry services.

Partly because the resentencing process has taken so long, counties were slow in putting CBO contracts into place. In some counties, too few individuals have been resentenced and released to date, which limited what CBOs could do with reentry planning. Furthermore, as summarized in the section on reentry, numerous factors make it difficult for CBOs to engage with resentenced individuals prior to their release from prison and to connect them with reentry resources once they return to local communities. One DA summarized the status of their CBO contract as the following:

Referrals to our CBO reentry program have been slower than initially anticipated. This means our anticipated number of participants has fallen short of what we allotted. During this quarter, we began to expand our referrals and evaluate additional cases for PIR that are identified by other resentencing teams as individuals who are good PIR candidates in need of reentry support. We continued discussions with our CBO to ensure that the appropriate services are being provided to our reentrants. One identified area of need amongst our reentrant population is housing. At the initial outset of our program, the CBO raised this concern; however, we did not believe there was sufficient funding to include housing as part of our program. We are currently reevaluating whether some housing assistance can be provided or not.

Reflection and Future Plans

We asked people involved in the program (both the DA and PD offices) to reflect on the past three years and provide suggestions on what assistance was needed, changes needed for improvement, and advice they would give other jurisdictions. We also asked them about their future plans for the program. We summarize their feedback in this section.

Future Plans

All of the jurisdictions plan to continue the resentencing work, using all available legal avenues. Many still had grant funding left that was seen as essential in maintaining the staff needed to review these cases. Those that did not have funding left planned to continue to resentence cases with the available staff, acknowledging, however, that their offices were understaffed and overworked. As an interviewee from one county said, “We will do as much as we can, with dwindling resources, to continue to advocate for PIRs in our county.”

Changes Needed for Improvement

Jurisdictions involved in the resentencing pilot identified several changes they would like to see implemented to improve the program’s effectiveness and efficiency. They proposed establishing a continuum of care that extends beyond resentencing and includes mandatory programs for individuals after release from incarceration. These programs would focus on reentry support and self-care, ensuring smoother reintegration into the community.

As discussed in this report, the relationship between the DA and PD offices was often strained. Both the DA and PD offices suggested that stronger, mandatory collaboration between DA and PD is needed to ensure that both offices are equally invested and working together on the resentencing process.

Especially in year 3, as the original lists of eligible individuals provided to counties had been analyzed, jurisdictions would like an expanded list of records, potentially with a broader inclusion criteria, accessible directly from CDCR. The original list of available records was insufficient for thorough case evaluations. They wanted more active participation from CDCR in identifying eligible individuals for resentencing. This, in their view, would help speed up the identification process and ensure that qualified inmates are considered in a timely fashion.

One suggestion that was given by multiple offices was that instead of CBO funding going to DA offices, these funds be redirected to PD offices. This would make it easier to hire reentry specialists within PD offices, which would streamline and enhance reentry efforts. They recommended better coordination between PD offices and CBOs to create comprehensive reentry plans for incarcerated persons. These plans would include self-care resources available both in custody and upon release.

Jurisdictions also suggested implementing some form of a quota for resentencing cases. If quotas are not met, an explanation would be required. This would hold all parties accountable for processing a reasonable number of cases in a timely manner.

There was a push for the creation of a self-petition process in which individuals who met specific qualifying criteria could directly apply for resentencing. This would empower inmates to take the initiative and reduce dependence on external parties for application.

Establishing best practices to speed up the review process was seen as essential. This included advice on which portions of the C-file should be prioritized and reviewed, as well as training on how to properly read and interpret C-files. Streamlining this process would make case evaluations faster and more efficient.

These changes reflected a desire to improve the fairness, transparency, and efficiency of the resentencing process, while ensuring that individuals were better supported throughout their reentry

journey. The DAs and PDs emphasized the importance of collaboration between various stakeholders, expanded access to resources, and streamlined processes for quicker decisionmaking.

Assistance

We asked jurisdictions about the assistance that aided their resentencing work and assistance that they needed but did not have. Addressing these gaps could improve the efficiency and fairness of the resentencing process, provide better support to individuals transitioning out of incarceration, and foster greater public trust in the system.

Jurisdictions discussed the additional staff and support that provided assistance, including social workers and paralegals, and the assistance provided by FTP. These professionals were considered essential in supporting clients during the application and reentry processes. Their involvement improved case management and helped provide more-personalized care for individuals navigating the system. Several DA offices discussed the importance of the PDs, who played a significant role in providing deeper insights into the rehabilitation and remorse of incarcerated individuals. This also included advocates, who, through recordings of prison videoconferencing calls and other personal interactions, were able to present a more comprehensive view of each individual than what could be gathered from case files alone.

In several pilot counties, a central attorney was designated to receive and review applications, and a tracking system was in place to monitor the progress of each case. This helped streamline the intake process and ensure accountability. Other offices were able to hire specialists to help evaluate individuals for eligibility, contributing to a more accurate and thorough assessment for potential resentencing or reentry support. These dedicated responsibilities were seen as a benefit and were recommended to other jurisdictions.

Some jurisdictions set up a resentencing committee or unit, basically a diverse group of experienced professionals (prosecutors, defense attorneys, and social workers) responsible for carefully evaluating eligible applications. This multidisciplinary approach helped ensure that decisions were well-rounded and considered from multiple perspectives.

We also asked jurisdictions what additional assistance was needed. A lot of their feedback focused on the need for additional staff. They said they needed more staff to review C-files and create summaries, which would have expedited the review process and improved the overall efficiency of handling applications. They also said they required more administrative support to manage grants and funding streams. Furthermore, they noted, better access to data from CDCR was needed to facilitate accurate assessments and decisionmaking.

According to participants, there was a lack of training in reviewing C-files and analyzing cases. Additionally, clearer guidelines from the DA office were needed to help staff apply consistent criteria when evaluating inmates for potential resentencing or reentry. Recommendations included setting up a clear policy for who would be considered for resentencing and ensuring ongoing collaboration between DAs and PDs to avoid discrepancies in eligibility decisions.

One jurisdiction suggested providing funding for public service announcements to educate the community and families about the program. They also said they required well-defined, written criteria for identifying eligible inmates, ensuring both transparency and fairness in the process.

Lastly, according to participants, stronger conversations between PD and DA offices were viewed as necessary to ensure that both parties were equally committed and aligned on program goals and implementation.

Advice to Jurisdictions

For jurisdictions looking to implement or improve postincarceration programs, the pilot counties provided advice based on what worked in their jurisdiction.

The first piece of advice that was mentioned throughout the pilot evaluation was the importance of maintaining ongoing conversations and collaboration between the PD and DA. A unified approach was viewed as essential to create coherent policies and streamline decisionmaking. This included establishing clear policies about which inmates will be considered for the program, ensuring consistent eligibility standards. Counties that were successful in this collaboration advised identifying specific attorneys within the PD office to collaborate with the DA, facilitating smoother coordination and case management. They also mentioned the importance of being flexible and open to refining the program based on feedback and results. Regular meetings with stakeholders ensure that the program remains responsive to evolving needs and challenges.

A second piece of advice was to ensure that all stakeholders involved in the process received proper training. This would help clarify roles and responsibilities and establish clear lines of authority, promoting efficiency and accountability. Another suggestion was to engage with counties that have already implemented PIR programs to learn from their experiences. This would allow new jurisdictions to benefit from proven strategies and avoid common pitfalls.

A strong reentry program was seen as crucial. It should provide postincarceration support, including resources to help individuals with reintegrating into society, reduce recidivism, and promote rehabilitation.

Lastly, jurisdictions advised creating a process to assist clients in preparing their applications for the program. This might include guidance on writing statements of accountability, creating reentry and relapse prevention plans, and demonstrating rehabilitation. A structured guidance packet would help streamline the process for applicants. Additionally, jurisdictions advised developing clear, written criteria for identifying eligible inmates, which would help ensure transparency and consistency. It also was seen as critical that both the PD and DA offices be equally committed to the program's goals for it to succeed.

Feedback Received from the Community

We asked the pilot counties what feedback they had received from the community and from CBOs. We summarize here their responses but note that we were unable to independently verify the information provided.

According to information provided by the counties, the feedback from the community regarding the program was predominantly negative, particularly from the public, inmates, and their families, who expressed frustration because of a perceived lack of results.

Both the public and the families of inmates were upset, mainly because they did not see the anticipated outcomes. Families were especially frustrated, as they did not understand why their family members were denied participation in the program.

For example, in one pilot county, the DA office sent out a letter at the outset, giving the impression that the program would reach everyone who was eligible. When this did not happen, many expressed that they felt misled and became even more frustrated with the process.

According to the DAs and PDs, CBOs were critical of the program as well. Some referred to it as a “false promise.” The main concern was the program’s failure to deliver on its reentry promises, which were supposed to support individuals after their release from incarceration.

Cost Analysis

One of the goals of this study was to conduct a cost analysis to better understand the resources required to implement the PIR pilot program; this chapter focuses on the results of that analysis based on both qualitative and quantitative data (see Appendix B for additional details). To do so, we begin with a review of the resources required to implement PIR in the pilot counties, drawing on county-level interviews and narrative reports covering the three years of the pilot implementation. This part of the analysis updates information that was presented in the year 2 report (Davis et al., 2023). In addition, we use information from the quarterly expenditure data provided by the DA and PD offices in each pilot county over the 12 quarters of the pilot. In the data collection template for this component of the study, county DA and PD offices separately reported their estimated quarterly expenditures across pilot-related direct personnel, direct nonpersonnel resources, and other indirect costs. Those data allow us to qualitatively summarize the types of resources used for implementation, as we also did in the year 2 report.

For this third report, we feature, for the first time, estimates of expenditures, in dollars, based on the quarterly financial reports. As noted earlier, DA and PD offices were asked to report all resources used, regardless of the funding source, as part of their financial reporting. Thus, expenditures could exceed the funds appropriated for each county (see Table 1.1 in Chapter 1). Because of differences in the sizes of the prison populations and therefore the scale of PIR operations, we standardize county-level dollar expenditures by dividing quarterly, annualized, or total county expenditures by the total number of DA PIR reviews during the pilot (as reported in Table 2.2 in Chapter 2). We refer to this metric as *expenditures per case reviewed*. For the analysis of expenditure amounts, we focus on six of the nine counties. Humboldt, Merced, and Riverside were excluded because of low rates of PIR activity, as noted in Chapter 3 (see Table 3.5). (Riverside also had a high rate of missing data, especially for the PD office.)

Resource Utilization: Perspectives from Interviews

Interviews with the county DA and PD offices in the first two years of the pilot provided insights on how resentencing work is structured.³¹ As noted in the year 2 report, each case considered for resentencing typically represents a substantial time investment for those involved. In general, DA staff tend to focus on identifying, screening, and reviewing cases for resentencing. PD offices also participate in identification and screening by sending referrals to DAs, reviewing CDCR C-files, and helping inmates with their applications to the DA.

³¹ This section covers results presented in the year 2 report (Davis et al., 2023).

Most county DA and PD offices have allocated staff to form a dedicated unit that focuses on resentencing. Although they function similarly, each of these resentencing units has unique considerations for staffing. The structure of the unit depends on various factors, such as DA priorities, resentencing ideology, availability of funding and human resources, and existing structures.

Interviewees identified several factors that affect how many resources and how much time are needed for the DA and PD offices to identify, review, and prepare a given case for submission to the courts for resentencing consideration. One PD interviewee explained how different factors can affect the level of effort required for a case as follows:

- how well organized the family or client is—if well organized, it makes it easier because they have done some of the leg work for the DA or PD
- degree and ease of access to the individual at the prison institution—[there is] wide variation from prison facility to facility
- how much time it takes to get the prison records for an individual—[this] varies widely from prison facility to prison facility
- if someone has a substantial disciplinary record—more work is required to contextualize rules violations
- certain kinds of crimes or degrees of crimes would result in having an independent risk assessment done—in which case the PD would hire an expert to do so
- certain kinds of cases require additional effort in release planning, such as major medical or mental health needs.

Another PD interviewee explained the amount of effort required:

Some cases require a lot of assistance, and other cases are straightforward. Understanding the history of an older person with a long prison record can take time to figure out what is going on for that individual. Some cases may be relatively straightforward—e.g., [the] individual has done a lot of programming while incarcerated, has no rules violations, whereas another individual may be struggling to get the programming he or she needs or may have mental health issues. It takes time to sort this out. Further, some individuals have a set plan for when they get out, whereas others who may have been incarcerated a long time need help in putting together a solid reentry plan.

Another factor, the DA and PD interviewees commented, is that PIR cases tended to be more complex than other resentencing cases. They said they felt that, partly, this situation was because the criteria for identifying a PIR candidate were vague, so these cases required several steps to gather the information needed for the DA to determine whether an individual was a viable candidate for PIR resentencing. Also, interviewees noted, in the first year of the pilot program, the low-hanging-fruit cases were reviewed and a decision made; however, then the more-complex cases remained.

In addition, as described earlier, the process of gathering supporting documentation for review and consideration of a case continues to be laborious for both the DA and PD offices. What a judge may ask for in terms of additional documentation to make a resentencing decision can also vary widely. In

the counties where cases are handled primarily by stipulation or where there is a designated court to handle PIR cases, the process is streamlined. In other counties, PIR cases may go to a variety of different courts, with each judge varying in their knowledge of the pilot programs and their requirements for supporting documentation. In some cases, this has meant that the DA and PD had to do additional work, depending on what the judge was asking for.

Some PD interviewees also commented on the long review process by the DA office, which, in some instances, involved multiple layers of review and approval.

We discussed earlier that some counties, in considering a case for PIR, may also look at what other resentencing options a case might qualify for. In these instances, it is difficult to separate out what staff time and other resources were used to identify and review PIR cases specifically. For example, it is difficult to isolate how much time a PD office lawyer or paralegal may spend on a PIR case because they are looking at a variety of resentencing options for an individual and, in some cases, layering these options.

The pilot program provided counties with funding support, but the grant funding did not necessarily cover the total cost of the pilot program. In many counties, the cost of a single full-time attorney would not be covered by the grant. Funding was used primarily for personnel, including salaries of attorneys, paralegals, and other support staff, such as reentry specialists and investigators.

Resource Utilization: Perspectives from Quarterly Financial Forms

The goal of the expenditure data collection for the evaluation is to estimate the total cost for the resentencing pilot, recognizing that the additional grant funds provided through the pilot program might not have covered the full cost of implementation for some counties, whereas other counties may have spent less than the grant funding allowed for. We begin this section by summarizing the expenditure data reported by the counties since the inception of the pilot to qualitatively document the types of resources used by the counties for pilot implementation.

The work under the pilot program required the allocation of substantial resources for personnel and other direct and indirect costs. Most of the expenditures for the resentencing activities, as reported by the counties, were used to pay salaries of key personnel in each office's resentencing program. In general, staffing represented the primary cost of resentencing efforts, with counties attributing over 80 percent of their reported costs to staff. For programs to be successful, they need personnel who possess a solid understanding of criminal law in California and CDCR processes.

Table 4.1 lists common staff positions found in the resentencing programs across the nine counties. All counties used attorneys to guide and supervise resentencing. These were typically deputy DAs in DA offices and deputy PDs in PD offices. Attorneys comprised the bulk of the staff and accounted for 50 percent of reported costs. Most offices also used paralegals or legal assistants and other legal support staff to assist with case identification, information-gathering, and case preparation. In addition, the majority of counties used more-specialized positions, which could substantially reduce the burden on attorneys and help improve the efficiency of the process. For example, investigators may have been brought on by DA offices to gather information from inmates and victims for cases under consideration. Other specialized staff were investigators, office managers, reentry specialists, social workers, and mental health care providers. Social workers and reentry specialists, for example, were

hired by some units to make postrelease arrangements, such as housing for inmates under consideration. These staff also provide follow-up support for resentenced individuals to facilitate a successful transition out of prison.

Table 4.1. Resentencing Personnel Expenditures Reported by County District Attorney and Public Defender Offices Combined

County	Attorney	Investigator	Office Manager	Other Specialized Staff	Paralegal, Legal Assistant, or Clerk	Reentry Specialist	Social Worker or Mental Health Care Provider
Contra Costa	✓	✓			✓	✓	✓
Humboldt	✓	✓	✓		✓		
Los Angeles	✓			✓	✓		✓
Merced	✓	✓	✓		✓		
Riverside	✓	✓		✓	✓		
San Diego	✓				✓	✓	
San Francisco	✓	✓	✓	✓	✓		✓
Santa Clara	✓			✓	✓		
Yolo	✓			✓	✓	✓	
Total number of counties	9	5	3	5	9	3	3

Differences in the expenditures for personnel between the DA and PD offices reflect the different roles of the offices, dictated by the nature of PIR. As seen in Table 4.2, DA offices heavily used personnel to identify and screen cases for resentencing. PD offices were often involved in inmate outreach and application assistance, release preparation, and reentry support.

Table 4.2. Personnel Types Reported by County Office Resentencing Programs

Personnel Category	Number of County DA Offices	Number of County PD Offices
Attorney	9	9
Investigator	3	3
Office manager	2	2
Other specialized staff	3	1
Paralegal, legal assistant, or clerk	9	6
Reentry support (e.g., reentry specialist, social worker, mental health care provider)	0	5

Beyond personnel, as summarized in Table 4.3, common direct costs reported include computing, training, travel, and services. Counties purchased computing hardware—such as laptops, computers, docking stations, monitors, keyboards, and associated warranties—as well as case management systems. Expenditures were also reported for mileage and other travel, as well as training. Contract and support services from CBOs and other providers were obtained by counties to provide client support and other services, in addition to fees for filing requests to obtain C-files from CDCR.

Table 4.3. Types of Direct and Indirect Expenditures by County District Attorney and Public Defender Offices Combined

County	Nonpersonnel Direct Costs						Indirect Costs
	Document Processing	Computing Hardware and Software	Reentry Preparation and Support	Training	Travel	Other	
Contra Costa	✓	✓	✓	✓	✓	✓	✓
Humboldt		✓					✓
Los Angeles	✓	✓	✓		✓		✓
Merced		✓					✓
Riverside							
San Diego	✓						✓
San Francisco	✓			✓	✓	✓	✓
Santa Clara		✓	✓	✓			✓
Yolo	✓		✓				✓
Total number of counties	5	5	4	3	3	2	8

As noted in Chapter 3, from our discussions with the DA and PD offices, we learned that five of the nine counties reported using grant funding to contract with a CBO as of June 2024. However, expenditures related to the CBO were explicitly reported by only two counties as of the final evaluation year. Aside from CBO contracts, which are initiated through the DA office that received dedicated grant funding, direct costs associated with providing client and inmate support were reported exclusively by PD offices.

Indirect expenditures reported were incurred primarily from overhead costs, such as office and general staff support services, communications, rent for facilities, and office supplies. These indirect costs were reported at similar rates by DA and PD offices (see Table 4.4).

Table 4.4. Types of Direct and Indirect Costs Reported by County Office Resentencing Programs

Expenditure Category	Number of County DA Offices	Number of County PD Offices
Nonpersonnel direct costs		
Document processing	0	5
Computing hardware and software	2	3
Reentry preparation and support	3	4
Training	0	3
Travel	0	4
Other	0	2
Indirect costs	5	5

The resources required to implement a resentencing program varied among the participating counties and offices. All counties required legal support staff who understood California criminal and legal processes and had the time, office space, and supplies available to dedicate to the work. In general, human resources were the main direct costs associated with implementing the resentencing pilot program.

Resource Utilization: Expenditure Estimates from Quarterly Financial Forms

As noted earlier, county DA and PD offices separately reported their estimated quarterly expenditures across categories of direct and indirect costs and were instructed to report all resources used, regardless of the funding source. Before we present the results, it is important to note several limitations of our analysis. First, we are reporting on the efforts of six counties with diverse contexts and approaches to PIR implementation. Thus, findings for these counties should be viewed as illustrative and not necessarily representative of what would be expected if other California counties—or jurisdictions outside the state—were to implement a similar resentencing initiative.

Second, the expenditure data we analyzed were reported by the counties and were not audited or otherwise independently verified. It was evident during the data collection process that the county DA and PD personnel assigned to this task took the quarterly financial reporting seriously and endeavored to be as accurate as possible. Although we asked counties to report on all resources used, some resources may have been provided in-kind and therefore were not counted as part of the expenditures reported. In addition, in the six counties we examine, some quarterly data were not provided: A total of five quarters of data were missing (four from DA offices and one from a PD office), which was a missing data rate of 3 percent. For these reasons, our estimates of total expenditures may undercount the true cost of implementing the pilot.

Third, we are not able to assign a cost at the person level for processing a given PIR case. Thus, although there are considerable differences across cases in the resources required, as noted earlier, we

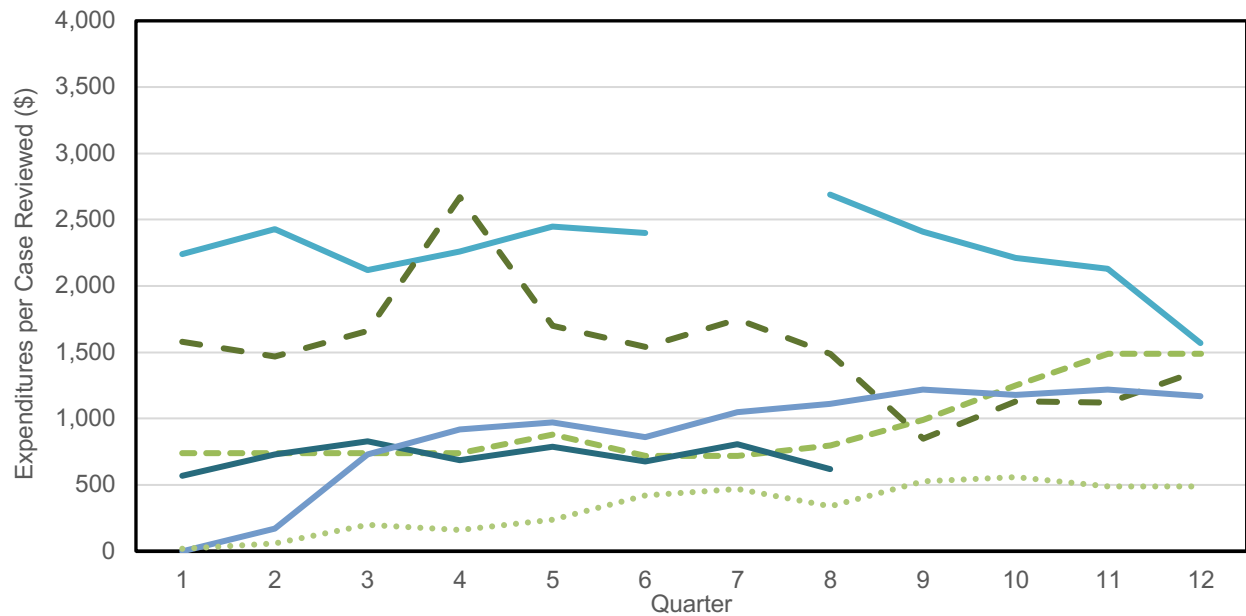
cannot measure that variation in terms of dollars for a given case. All results are averages across the cases in a given county or across the six counties examined.

Fourth, the expenditures for each county are not necessarily comparable. We have not adjusted for cost-of-living differences across the counties. For example, we would expect differences in salary levels for an attorney in a higher-cost, urban area compared with an attorney in a lower-cost, lower-density area. The counties also differ in the mix of offenses and other details in the caseload under PIR review in ways that may have affected how cases were handled and the accompanying cost. To avoid comparisons across counties, we do not identify specific counties in our reporting of the expenditure estimates. In addition, estimates are rounded to the nearest \$1,000.

Patterns of Expenditures by Counties over Time

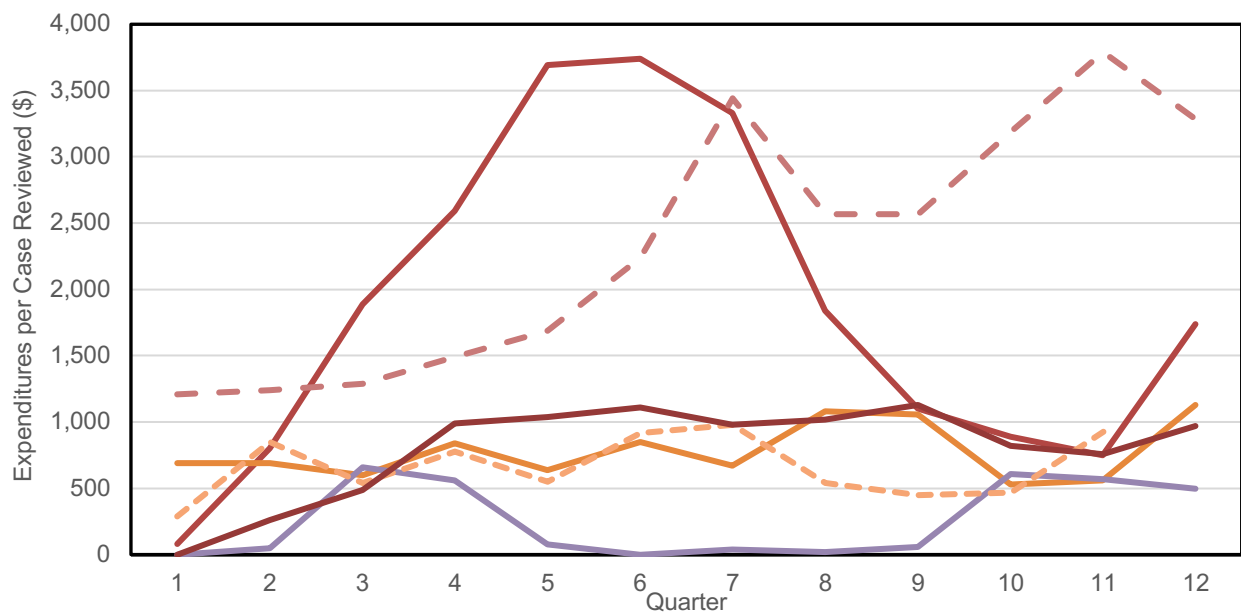
We first consider the pattern over time of expenditures per case reviewed for the six counties in our focus. This metric is shown for the 12 quarters of the pilot separately for county DA offices in Figure 4.1 and PD offices in Figure 4.2. For both DA and PD offices, we see some differences in the time path of expenditures. At the start, some counties started at a low level of expenditures (some even reported zero expenditures) and then ramped up their spending as the pilot progressed. Others started at a higher level of spending for the first quarter, which was then maintained at a fairly stable or increasing level over time. Still other counties peaked in their expenditures midway through the pilot period and then spending declined. The most common pattern for both DA and PD offices appears to be a steady increase over time. These differential patterns likely reflect such factors as whether a county already had resentencing activities underway before the pilot started (which appears to be more likely for DA offices than for PD offices), the number of PIR cases to review relative to the resources in place, and the time it took to process the initial backlog of cases prior to reaching a steadier flow of cases.

Figure 4.1. Quarterly Expenditures per Pilot Prosecutor-Initiated Resentencing Case Reviewed: District Attorney Offices in Six Counties



NOTE: Counties are not identified. Humboldt, Merced, and Riverside are excluded. Missing quarterly data are shown as a gap in the trend line.

Figure 4.2. Quarterly Expenditures per Pilot Prosecutor-Initiated Resentencing Case Reviewed: Public Defender Offices in Six Counties



NOTE: Counties are not identified. Humboldt, Merced, and Riverside are excluded. Missing quarterly data are shown as a gap in the trend line.

Variation in Expenditures by Counties

The prior discussion from interviews and implementation logs, as well as Figures 4.1 and 4.2, signal considerable variation in spending per case reviewed. Table 4.5 confirms these differences by showing, across counties, the minimum, maximum, median (50th percentile), and average expenditures per case reviewed on a quarterly and annualized basis, separately for DA and PD offices in the six counties across the three years of pilot implementation. On a quarterly basis, across counties, the central tendency at the median and mean is expenditures for both DA and PD offices of about \$1,000 per case reviewed. On an annual basis, this equates to about \$4,000 per case. The mean across counties is generally higher than the median, indicating a skew toward higher expenditures per case. Although these summary indicators are very similar on average for DA and PD offices across the six counties, at the county level, that similarity was present for just two of the six counties. For two other counties, the DA office spent more than the PD office on a per-case basis, whereas for the remaining two counties, the pattern was the reverse.

The variation is also evident at the extremes of the expenditure distribution. For example, the ratio of the maximum to the minimum expenditures per case is about seven to one for the six DA offices and nine to one for their PD counterparts, indicating considerable variation from the lowest- to the highest-spending counties. As noted earlier, these differences could result from variation in the cost of living and hence salaries and other resource costs, the mix of personnel employed, variation in the cases handled in the PIR program, the nature of the supports for community reintegration, and other factors.

Keeping in mind that not all cases require the same amount of resources for processing, we note that case-level differences in expenditures are another type of variation that we are not able to measure. In addition, some cases reviewed as part of the pilot may continue to require additional resources beyond the pilot period if they are still being processed. Indeed, as shown in Figure 2.1 in Chapter 2, about 20 percent of the 1,146 cases with a PIR case review still had a decision pending at some stage in the process by the end of the three-year pilot. Thus, accounting for all the resources required to see all 1,146 cases to a final decision will require more resources than we observe. Our estimates of the full average cost per case reviewed based on expenditure information collected during the pilot are therefore likely to be an underestimate of the final full cost.

Table 4.5. Summary Indicators for Quarterly and Annualized Expenditures, in Dollars, per Pilot Prosecutor-Initiated Resentencing Case Reviewed

Indicator	Quarterly		Annualized	
	DA Offices	PD Offices	DA Offices	PD Offices
Minimum	332	263	1,327	1,050
Median	913	788	3,650	3,152
Mean	1,111	1,118	4,442	4,470
Maximum	2,265	2,333	9,058	9,333

NOTE: Humboldt, Merced, and Riverside are excluded.

Expenditures Versus Funding

The six counties that were most active in implementing the PIR pilot reported spending a total of \$27.6 million over the three-year pilot. That sum was about evenly divided between expenditures by DA offices, a total of \$13.8 million, and PD offices, a total of \$13.8 million. The funds allocated for these same counties, including the funds for CBO support, totaled \$12.5 million, less than half of the actual expenditures. Furthermore, PD offices were allocated less funding than their DA counterparts, yet both parties spent about the same amount during the pilot. These figures indicate that substantial resources were required for counties to implement the PIR pilot. Because we do not have expenditure information for prior to the pilot or for other comparable counties, it is not clear whether other activities by the DA or PD offices were displaced to support the pilot. Regardless, the allocation of funding from the legislature was likely a critical component in supporting implementation for at least some of the counties. The differential allocation of funds between DA and PD offices for the pilot, though perhaps justified by other factors, does not appear to be based on differential resource utilization on average between these two key institutions, given the nature of the resentencing initiative in California.

Resource Utilization: The Potential for Economic Benefits

Another topic of inquiry is to consider whether the PIR initiative is worth the investment of public funding. For example, if PIR reduces the number of prison days for the population resentenced, the savings to the public sector from the prison days avoided can be compared with the cost to achieve that outcome. Another potential outcome of benefit to participants would be any increase in their income if they are successful in becoming employed once they are released into the community, which, in turn, generates additional tax revenue to the government. While a full benefit-cost analysis would require estimates of the causal impact of the resentencing initiative on all relevant outcomes, such as prison time and labor market earnings, it is possible to produce a back-of-the-envelope estimate of the outcomes required for benefits to cover the cost—a type of break-even analysis. To do so, we focus on savings in prison time.

In the case of the six counties that were most active in the PIR program, total expenditures over three years were about \$27.6 million to review 859 cases, including all direct costs and indirect PIR-related activity. This effort resulted in 171 individuals resentenced and released from prison. California was recently estimated to spend about \$133,000 per year per inmate in a state prison (Hwang and Duara, 2024). Thus, if the initiative saved 208 person-years in prison time (\$27.6 million divided by \$133,000), the savings from reduced prison time would just cover the cost of the initiative. With 171 individuals resentenced, the savings of 208 person-years would be achieved if each person released saved, on average, 1.2 years of prison time (208 divided by 171). The net benefits would be positive if more than 208 person-years in prison were saved; the net benefits would be negative if the person-years saved was below the break-even point of 208. Data from CDCR (2024) as of fiscal year 2018–2019, the latest year available, indicate a three-year recidivism rate for adults of about 17 percent. Under reasonable assumptions, the required break-even savings of 1.2 years of prison time on

average could be realized.³² In sum, it is not unreasonable to expect that the PIR initiative would produce positive net benefits to the state of California and California society as a whole.

In this discussion, we excluded the three counties with the lowest level of PIR activity. Because they would not have spent their full grant funding by the end of the pilot period (September 2024), these three counties (along with other counties that had not spent all their grant funds), according to FTP, received a nine-month, no-cost extension (to June 2025). Of the six counties covered in our analysis in this chapter, only Contra Costa, Los Angeles, San Diego, and Santa Clara had fully spent their grant funds by the pilot end date. San Francisco's level of activity was paused while a new DA, installed in January 2023, and their team identify their priorities.

³² If we assume a three-year 18-percent recidivism rate evenly spread over the three years (i.e., a 6-percent return after 0.5 years, 6 percent after 1.5 years, and 6 percent after 2.5 years), the 18 percent of the 171 prisoners released who then recidivate would save 46 person-years of prison time. For the remaining 83 percent who recidivate after three or more years or not at all, there will be additional person-years of prison time saved. Assuming an average of 3.5 years in person-year savings as a lower bound, the 83 percent of prisoners who do not recidivate within three years would generate additional savings in prison time of about 490 person-years, for a combined total of nearly 540 person-years (or an average of 3.2 years of prison time saved per case resentenced). The 540 data point is 2.6 times the break-even estimate of 208 person-years of prison time. These estimates would need to account for the time remaining on each person's original sentence at the time of their release, but the results in Tables 3.2 and 3.3 in Chapter 3 suggest that most people released have multiple years of prison time reduced from their sentences—suggesting, at most, a modest downward shift in our estimate.

Conclusions and Next Steps

Key Takeaways

Prosecutor-Initiated Resentencing Filled an Important Gap in Our Sentencing Policies by Focusing on Crimes Against Persons

Unlike previous resentencing legislation that focused on, for example, drug crimes, PIR filled an important gap in California's sentencing policies by focusing on crimes against persons, thereby targeting crimes that other legislation had not. The question that remains is whether the counties got it right in terms of the resentencing of these cases. Key questions the DAs were interested in answering were (1) of the individuals they resentenced, how many reoffended, and (2) what factors and reentry supports were important for those who were successful on the outside.

It Is Important to Understand the Context in Which Prosecutor-Initiated Resentencing Was Being Implemented

The PIR pilot program was not a single intervention at the county level but rather a set of different types of interventions by the nine pilot counties. For example, San Diego County chose to take referrals for DA review consideration from only the individual/family/lawyer/other or CBOs, whereas four other counties accepted only DA referrals, and two counties took referrals from a variety of sources.

Counties varied in their incarceration policies, resentencing priorities, and political support for PIR. For example, San Francisco has a lower incarceration rate than other counties in the pilot and so tends to send only individuals with more-serious felony convictions to prison. In terms of resentencing priorities, some counties, such as San Francisco, chose to review all of their prisoners. Other counties prioritized cases in which the sentence received was harsher than it would be under current law, cases of older inmates, and cases of inmates who had already served a significant portion of their sentences. And as time went on, resentencing priorities generally evolved to include a wider variety of cases and inmate characteristics.

As noted in Chapter 3, at the beginning of the pilot program, nine counties whose DAs indicated support for PIR were selected to participate. However, political support for PIR evolved over time as new DAs were voted into office. This affected the priorities and timelines for PIR. In at least three counties, DA support for PIR lessened, while in two counties, DA support of PIR remained strong. An issue to consider is when an elected official who was committed to the pilot leaves office, how does that affect the implementation of and priority assigned to PIR? And what steps might be taken to

ensure that the commitment to implementing PIR remains, even as leadership changes? This is a common implementation challenge with any new program.

The pilot program was being implemented in the aftermath of the COVID-19 pandemic, which meant that counties were plagued by staffing shortages as a result (see the year 1 report, Davis et al., 2022). This, in turn, affected what resources were available to implement PIR. Staffing shortages continued throughout the three-year pilot program.

It is critical to understand that PIR was being implemented in the context of other resentencing legislation, which affected how PIR was prioritized over time, what cases it was applied to, and how its application evolved. In California, as summarized in Chapter 3, there are multiple resentencing options in addition to PIR that the counties can consider. This meant that—especially in the last year or so of the pilot program—some counties were reviewing cases with an eye toward identifying what other resentencing options may be applicable. Several interviewees noted that CDCR-initiated cases and SB 483 cases in general took priority over PIR cases because these cases already had a court hearing scheduled and SB 483 cases had to be resentenced by December 31, 2023. Other potential mechanisms for resentencing were cited as reasons the review process for PIR cases may take longer than other cases as other resentencing options take priority in DA offices.

Race and Ethnicity Are a Complex Story

We saw in our analyses some differences by race and ethnicity. Over 40 percent of PIR pilot cases considered during the pilot program were for Black individuals, and nearly 35 percent were for Hispanic individuals. At the beginning of the pilot period, the state prison population from the nine pilot counties was 33-percent Black and 47-percent Hispanic. However, when considering only PIR cases that were referred for resentencing, the share of cases that involved Hispanic individuals dropped to just under 26 percent. Understanding why such a smaller percentage of Hispanic cases were considered for PIR than were in prison from the pilot counties and an even smaller percentage were referred for resentencing would require additional investigation. As discussed in Chapter 3, each DA office develops its own priorities on the cases to review for PIR; one possibility is that the race and ethnicity distribution among the prison population from the pilot counties may not match that of the prisoners who met the various criteria that the participating DA offices used to sort which cases to address. For example, third strikes make up a tiny fraction of the incarcerated population from the nine pilot counties, but the DAs tended to focus on third-strike offenses. More than 35 percent of cases considered for PIR during the pilot involved third-strike enhancements. Bird et al. (2022) reported that more than 45 percent of those incarcerated in the state with third-strike sentences are Black individuals, an overrepresentation relative to the overall prison population. Over one-half of the PIR third-strike cases involved Black individuals, suggesting that this is a partial explanation. The story with respect to race and ethnicity is complex and merits further examination.

Case Flow for Prosecutor-Initiated Resentencing

Over the course of the pilot, 1,146 cases were reviewed by the DAs for PIR; of these, 240 cases (21 percent) were referred to the court for resentencing, with the DA office deciding not to refer 710

cases (62 percent), and 196 cases (17 percent) were still under DA review or had been deferred for future review as of the end of the pilot term. DA case reviews can take an extended amount of time. Among those cases awaiting a DA decision on whether to proceed with resentencing, 57 percent had been under review more than six months. Thirty-seven percent of cases referred for resentencing took more than six months to review.

Of 233 cases for which the court has ruled on a resentencing motion, 227 cases (over 87 percent) resulted in resentencing, with 174 resented individuals being released from prison.

Individuals serving third-strike sentences were a high priority for PIR review. Such individuals comprise only 7 percent of the state prison population from the nine pilot counties, but 43 percent of all PIR cases referred for resentencing were third-strike cases. Enhancement cases in general were common among PIR review, with 85 percent of cases referred for resentencing including at least one sentence enhancement.

Fifty-six percent of the cases the DA offices referred for resentencing involved individuals who were over the age of 50. This age group was the focus of a higher concentration of cases earlier in the pilot, indicating that they were an initial high priority for PIR.

Nearly 79 percent of PIR cases involved crimes against persons, as compared with 86 percent of incarcerated individuals from the pilot counties having controlling offenses in this category. Among the cases selected for DA review, the most common categories of controlling offenses were robbery, assault or battery, assault with a deadly weapon, and first-degree burglary. Although it was somewhat less common, nearly 14 percent of cases referred for resentencing involved first-degree murder offenses.

PIR cases were more likely to feature individuals who were closer to the end of their sentences. Among individuals with indeterminate sentences who were referred for resentencing, 45 percent either were within five years of parole eligibility or had already met parole eligibility. Among those with determinate sentences who were referred for resentencing, 58 percent had five years or less remaining to serve. Among resented and released individuals who were serving indeterminate sentences, 30 percent were already parole eligible but had not been granted parole, and 27 percent had five years or less remaining before parole eligibility. Seventy-three percent of resented and released individuals who were serving determinate sentences had five years or less remaining on their sentences.

Variation in Implementation Is Reflected in the Variation in Resources Used

The variation in PIR implementation at the county level, for the reasons articulated in this section, is also evident in the types and amount of resources that the county DA and PD offices deployed to implement the resentencing pilot. For example, for the six counties whose detailed expenditure data we analyzed, the highest-spending county DA office, measured by dollars per case reviewed, spent seven times more than the lowest-spending DA office did. The equivalent ratio for the county PD offices across the same six counties was nine to one. Despite these differences, for all counties, expenditures for pilot-related activities were primarily for personnel, and all counties relied on attorneys and other support personnel, such as paralegals, legal assistants, or clerks. DA offices appeared to use a staffing mix focused on identifying and screening cases for resentencing, while PD

offices were more likely to deploy staff involved in inmate outreach and application assistance, release preparation, and reentry support.

A key finding is that the total expenditures for the six counties that were most actively engaged in the pilot reached nearly \$28 million over the three years of the pilot, more than twice as much as the funding of about \$12.5 million allocated to those counties. And the lower level of funding for PD offices created a larger gap between funding and expenditures compared with their DA counterparts. While at the county level, some DA and PD offices had similar total expenditures, there were also instances in which spending was higher for the DA office and others in which spending was lower. Decisionmakers for future initiatives would be advised to consider whether funding differentials are appropriate, given the expected resource use across the stakeholders being supported with public funds.

Recommendations

The following summary presents our initial thoughts about how the implementation of PIR in California might be improved and draws on the experiences of interviewees from the pilot counties and our observations.

In California, PIR was being implemented at the same time as other resentencing initiatives, which complicated the process. For other states considering implementing PIR, a landscape analysis would be important to help identify what the potential is for this kind of resentencing within their state and where there may be other competing demands. The landscape analysis could estimate how many cases might be resentenced under PIR versus other types of resentencing legislation to get a sense of the potential for PIR within a state.

The pilot program was designed to give DAs the lead on implementing PIR in California, and, indeed, the DAs were provided additional funding than the PDs to do so. However, the DAs' and PDs' roles were complementary, and DAs and PDs spent a similar amount of resources. Yet, at the same time, the PDs in most counties were limited by what they could do while often awaiting DA engagement. It may be worth revisiting how to clarify their respective roles, including whether some type of accountability mechanism is needed for DAs and PDs working together.

There were no legislative or grant requirements for the number of cases to be reviewed or the time it should take to process cases. In the pilot, sites reported that the amount of documentation required to prepare a case for DA review was substantial, and processing time to obtain the C-files from CDCR lengthened the overall sentencing review timeline. As a result, the DAs took over a year to review and recommend some cases to the courts for resentencing. The PDs were concerned about the length of time it took the DAs to reach a resentencing decision. The PDs said they felt that the long processing time kept many individuals in suspense for a year before they learned the outcome of their case.

Our study revealed that case processing was influenced by the type and seriousness of the crime, the amount of documentation required, the amount of time it took to notify any victims, and the complexity of a case in general. Now that the pilot counties' DAs and PDs have experience with the resentencing review process, it would be useful to convene them to discuss what criteria were most important in reviewing a case, what documentation was critical to their decision, how the documentation varied by type of crime and features of the case, and reasonable time frames for the

review process and targets for the number of cases reviewed. This could serve as a guideline for other counties (and states) interested in implementing PIR.

Unlike other sentencing legislation operating at the time of the pilot, the PIR eligibility criteria were quite broad and gave counties much leeway in determining which cases could be considered. Furthermore, the extensive documentation that was required to assess the full set of factors that the pilot counties took into account was overly burdensome. The eligibility criteria need to be revisited and possibly streamlined, along with some standardization of what factors should be considered in the review of cases and decisions about whether to recommend cases to the courts for resentencing.

The pilot program was a collaborative effort involving many different players at the community, county, and state levels. One stakeholder that DA interviewees said they felt they needed more direct involvement and engagement with was CDCR. That need was not restricted to obtaining the C-files but went beyond that in terms of the resentencing process and other documentation needed. In addition, interviewees from the pilot counties expressed an interest in coordinating more closely with CDCR to get access to soon-to-be-released individuals and cited coordination challenges that hampered their ability in some instances to provide reentry support to resentenced and released individuals. A more formal arrangement between CDCR and the counties may help address the complexity of resentencing under PIR and improve access to clients and documentation.

A recommendation suggested by interviewees from both DA and PD offices was to provide training, especially in such areas as the overall PIR initiative, case reviews, and C-file analysis. Training provided by a technical assistance provider or in-house training, if available, could encompass the general responsibilities of PIR in the DA or PD office, including collaboration between agencies, and the specific protocols involved in initiating cases. Both prosecutors and defenders also would benefit from training in analyzing C-files in detail, including what areas to focus on and where additional information may be needed.

Key factors that helped streamline the resentencing process were the use of stipulation and assignment of a dedicated court to PIR cases. In the future, counties implementing PIR might consider using these two mechanisms.

The grant funding for CBO contracts was the same regardless of the size of the incarcerated prison population a county had. San Diego County found that the grant funding was too low to contract with a CBO to provide a full range of reentry services and ended up scaling back what it asked the CBO to do. Other counties struggled to find CBOs that had the capabilities required by the county to support individuals resentenced under PIR. Although in two counties the DA sought input from the PD, in general, the PDs and at least one DA said they felt that the PDs were better positioned than the DAs to manage these contracts. In the future, California might consider allocating the CBO contract funding to the PDs to implement and varying the amount of the funding according to the size of the incarcerated population from a county.

Reentry planning is one area that requires further examination. As noted in our year 1 report (Davis et al., 2022), development of robust reentry plans for individuals who were being considered for resentencing was an important factor in the DA offices' and the courts' reviews of cases. In fact, the PDs in some of the pilot counties said they felt that one of the ways they could help individuals prepare their supporting materials for resentencing consideration was to assist in development of these plans. However, multiple factors made development of reentry plans problematic, as detailed in

Chapter 3. Furthermore, the potential role of CBOs in reentry planning and support for the resentenced population merits future examination.

What Remains to Be Learned

A key issue that needs to be examined is the experiences of individuals who have been resentenced when they return to the community—both in terms of recidivism and in terms of their reentry experiences. A critical step in monitoring the experiences of those resentenced and released under PIR is understanding the incidence of recidivism. Because the majority of individuals released under PIR have rejoined society over the second half of the pilot, we will produce additional reports focused on the recidivism experiences of these individuals. In particular, we will focus on convictions for new crimes over the three years following release.

More broadly, information on what happened to individuals who were resentenced and released—what type of support needs they had, what reentry services they received, and what made a difference in terms of whether they were successful following release and had a lower risk of reoffending—is important to examine to understand the context and full impact of the PIR pilot, as well as what could be improved in terms of ensuring that individuals received the support services they needed for successful reentry.

Regarding the ability to measure outcomes from the PIR initiative, another topic of inquiry is to consider whether the PIR initiative is worth the investment of public funding. For example, if PIR reduces the number of prison days for the population resentenced, the savings to the public sector from the prison days avoided can be compared with the cost to achieve that outcome. Another potential outcome of benefit to participants would be any increase in their income if they are successful in becoming employed once they are released into the community, which, in turn, generates additional tax revenue to the government. While the back-of-the-envelope break-even analysis presented in Chapter 4 suggests that the financial benefits of PIR may be able to cover the costs, a full benefit-cost analysis would require estimates of the causal impact of the resentencing initiative on all relevant outcomes, such as prison time and labor market earnings.

Section 1172 Legislation

The original legislation was codified at Penal Code Section 1170.01. In June 2022, Section 1170.01 of the Penal Code was amended and renumbered to 1172. The only other change was the removal under paragraph (c) of “utilizing a participatory defense model” as one of the areas of expertise for CBOs. We reproduce in this appendix Section 1172—the most recent version of the legislation.

State of California

PENAL CODE

Section 1172

1172. (a) The County Resentencing Pilot Program (pilot) is hereby established to support and evaluate a collaborative approach to exercising prosecutorial resentencing discretion pursuant to Section 1172.1. Participants in the pilot shall include a county district attorney's office, a county public defender's office, and may include a community-based organization in each county pilot site.

(b) Each participating district attorney's office shall do all of the following:

(1) Develop and implement a written policy which, at minimum, outlines the factors, criteria, and processes that shall be used to identify, investigate, and recommend individuals for recall and resentencing. The district attorney's office may take into account any input provided by the participating public defender's office or a qualified contracted community-based organization in developing this policy.

(2) Identify, investigate, and recommend the recall and resentencing of incarcerated persons consistent with its written policy.

(3) Direct all funding provided for the pilot be used for the purposes of resentencing individuals pursuant to the pilot, including, but not limited to, ensuring adequate staffing of deputy district attorneys, paralegals, and data analysts who will coordinate obtaining records and case files, support data entry, assist in the preparation and filing of pleadings, coordinate with victim services, and any other tasks required to complete the processing and facilitation of resentencing recommendations and to comply with the requirements of the pilot.

(c) A participating district attorney's office may contract with a qualifying community-based organization for the duration of the pilot. The community-based organization shall have experience working with currently or formerly incarcerated individuals and their support networks, and shall have expertise in at least two of the following areas:

(1) Supporting and developing prerelease and reentry plans.

(2) Family reunification services.

(3) Referrals to postrelease wraparound programs, including, but not limited to, employment, education, housing, substance use disorder, and mental health service programs.

(4) Restorative justice programs.

(d) Nothing in this section shall be construed to limit the discretion or authority granted to prosecutors under Section 1172.1.

(e) All funding provided to a participating public defender's office shall be used for the purposes 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 resentencing, identifying and recommending incarcerated persons to the district attorney's office for resentencing consideration, and developing reentry and release plans. A participating public defender's office may provide input to the county district attorney's office regarding the factors, criteria, and processes to be used by the district attorney in their exercise of discretion under Section 1172.1.

(f) Each participating district attorney's office shall utilize the same template developed by the evaluator to identify and track specific measures consistent with the goals of this section. The template shall be finalized no later than October 1, 2021. The measures shall include, but not be limited to, the following:

- (1) A summary of expenditures by each entity receiving funds.
- (2) A summary of any implementation delays or challenges, as well as steps being taken to address them.
- (3) The total number of people incarcerated in state prison on the first day of each reporting year for convictions obtained in the reporting county.
- (4) The factors and criteria used to identify cases to be considered for prosecutor-initiated resentencing.
- (5) The total number of cases considered by a pilot participant for prosecutor-initiated resentencing. For each case, information collected shall include the date the case was considered, along with the defendant's race, ethnicity, gender, age at commitment, categories of controlling offenses, date of prison admission, earliest possible release date or minimum eligible parole date, and date of birth.
- (6) The total number of prosecutor-initiated resentencing recommendations by the pilot participant to the court for recall of sentence, date of referral, and information on the defendant's race, ethnicity, gender, age at commitment, groups of controlling offenses, age at time of recall consideration, time served, and time remaining.
- (7) The total number of prosecutor-initiated resentencing recommendations by the pilot participant in which the court responded, the date the court considered each case referred, how many cases the court considered, and information on the defendant's race, ethnicity, gender, age at commitment, groups of controlling offenses, age at time of recall consideration, time served, and time remaining.
- (8) The total number of prosecutor-initiated resentencing recommendations denied by the court, and for each case the date of the denial and the reasons for the denial, and information on the defendant's race, ethnicity, gender, age at commitment, groups of controlling offenses, age at time of recall consideration, time served, and time remaining.
- (9) The total number of people who were resentenced, the date of resentencing, and information on the defendant's race, ethnicity, gender, age at commitment, groups of controlling offenses, age at time of recall consideration, time served, and time remaining.
- (10) The total number of people released from state prison due to prosecutor-initiated resentencing by the pilot participant, how many were released from state prison and the date of release, and information on the defendant's race,

ethnicity, gender, age at commitment, groups of controlling offenses, age at time of recall consideration, time served, and time remaining.

(g) The participating district attorneys' offices shall provide the data listed in subdivision (f) to the evaluator on a quarterly basis.

(h) To the extent possible, the evaluation of data reported by the participating district attorneys' offices shall be conducted in a manner that allows for comparison between the pilot participant sites. This includes, but is not limited to, collection and reporting of data at the individual case level using the same definitions. Each pilot participant shall provide any information necessary to the evaluator's completion of its analysis.

(i) Notwithstanding any other law, state entities, including, but not limited to, the Department of Corrections and Rehabilitation, the State Department of Social Services, and the Department of Child Support Services, shall provide any information needed for the completion of the evaluator's analysis.

(j) The evaluator shall do all of the following:

(1) For each case considered by a pilot participant, calculate the time served by an individual and the time remaining on their sentence.

(2) Analyze the data and prepare two preliminary reports and a final report to the Legislature. The first preliminary report shall be submitted to the Legislature on or before October 1, 2022. The second preliminary report shall be submitted to the Legislature on or before October 1, 2023. The final report shall be submitted to the Legislature on or before January 31, 2025.

(3) As part of the evaluation, the evaluator shall conduct, at minimum, four assessments, as follows:

(A) An implementation assessment shall be conducted to determine if pilot activities were implemented as intended. This assessment shall include semi-structured in-depth interviews with all relevant stakeholders, including, but not limited to, representatives from the district attorney agencies, public defender agencies and community-based organizations participating in the pilot jurisdictions. The assessment shall document the different strategies the pilot sites used, the development and implementation of the written resentencing policies and procedures, which cases were prioritized for resentencing and the referral process, and factors that facilitated or hindered implementation.

(B) A cost study that shall estimate the resources required to implement the pilot activities, to include both new expenditures on personnel and other goods and services, and the reallocation of resources from prior activities to the pilot activities. The assessment shall include total cost and cost per case.

(C) An assessment of the estimated amount of time by which an individual's earliest possible release date or minimum eligible parole date was advanced due to prosecutor-initiated resentencing, including a descriptive analysis of the process of cases from initial recommendation to final resentencing outcomes to document points of attrition in the process and allow for comparison between individuals based on age, gender, race, offense, and county. This assessment shall include a description of recidivism outcomes for individuals released from prison, based on definitions created

in collaboration with pilot participants. This assessment shall include a calculation of the total number of days of incarceration avoided, and amount of time by which the person's earliest possible release date or minimum eligible parole date was advanced due to prosecutor-initiated resentencing for those individuals released from prison using data maintained by the Department of Corrections and Rehabilitation data systems.

(D) An assessment which compares, to the extent feasible, records at the individual case level with county or state administrative data files that capture utilization of government benefit and social service programs, such as Temporary Assistance for Needy Families, Supplemental Nutrition Assistance Program, and other government cash or in-kind social services, and court-ordered child support and visitation. The evaluator shall document changes in these indicators at the individual case level during the evaluation period, in order to determine whether any observed changes can be attributed to the pilot. The evaluator shall combine the descriptive information on outcomes from the third and fourth evaluation components with the cost analysis findings from the second component to estimate the potential for cost savings to state and local governments from the pilot activities. The evaluator shall, using the data collected from the pilot, estimate the potential for cost savings to state and local governments from the pilot activities.

(k) The pilot term shall begin on September 1, 2021, and end on September 1, 2024. The evaluation term shall begin on September 1, 2021, and end on January 31, 2025.

(Added by renumbering Section 1170.01 by Stats. 2022, Ch. 58, Sec. 8. (AB 200) Effective June 30, 2022.)

Evaluation Design

This appendix provides a high-level overview of the study components and their associated research questions. It also describes the analytic approach to each study component and describes the key data sources and the relationship to the different evaluation components.

Evaluation Components

The evaluation comprises three components: analysis of quantitative data collected by the DA offices and supplemented with data provided by CDCR, a qualitative implementation assessment, and a cost study to estimate the resources required to implement the pilot activities. Specifically, the evaluation seeks to determine how the pilot was implemented in the individual counties, whether the pilot was effective in reducing risk factors for criminal justice involvement (e.g., time spent in incarceration and recidivism), and what resources were required to implement the pilot program. We are conducting an implementation assessment, a rigorous outcomes flow analysis, and a cost analysis (see Table B.1) to answer the following research questions:

1. What were the key implementation challenges experienced by the programs, and how did prosecutors and PDs overcome these barriers?
2. What are the characteristics and outcomes of cases identified for possible resentencing at each stage of the resentencing process?
3. What are the costs of the pilot program?
4. What is the impact of the resentencing pilot program on recidivism?

Table B.1. Evaluation Components and Sources of Data

Data Source	Implementation Study	Outcomes Study	Cost Study
Case-reporting template to be completed by DA offices		✓	
CDCR data		✓	
Pilot county key informant interviews with DA and PD offices	✓	✓	✓
Implementation Word logs	✓		✓
Other key informant interviews (e.g., FTP)	✓	✓	✓
Fiscal and cost data template to be completed by DA and PD offices	✓		✓

This report is one of a series of closely related RAND publications on this topic. This third report presents the overall evaluation results for the three-year pilot program. Specifically, this report focuses on the first three research questions; in subsequent reports, we will present the results of the recidivism analysis.

Outcomes and Other Measures Study

This component of the study measures the characteristics and outcome decisions at each phase of the resentencing process, including characteristics of the incarcerated individuals; offenses and sentences of the reviewed individuals; time served and remaining, as relevant to resentencing, and other current information; and the resentencing outcomes. We also examine the extent to which individuals' earliest possible release dates or MEPD were advanced through resentencing. As noted above, this third report presents the overall evaluation results for the three-year pilot program focusing specifically on the first three research questions; in subsequent reports, we will present the results of the recidivism analysis.

Sources of Data

We developed a reporting template for the county DA offices to supply case-level data regarding each incarcerated individual considered by a DA office for resentencing in a uniform format. Contents for the template were informed through data elements required for evaluation as specified in the legislation establishing the resentencing pilot, as well as data elements motivated by the goals of this evaluation. The data reporting elements contained within the template include

1. background information, race, ethnicity, gender, and, for prisoners, CDC number³³
2. original sentencing information, including controlling offense and original sentence length, and facility type (state prison or county jail)
3. information relevant to the DA's consideration of a resentencing referral for the individual, including the source that brought the case to the DA's attention, the individual's age at the time of the DA's review, and the DA's decision to refer the individual for resentencing
4. information regarding the court's consideration of a motion to resentence the individual, including whether the court has responded and the court's resentencing decision
5. for cases in which resentencing was granted, information regarding the revised sentence and whether the individual had been released from state prison as a result of resentencing
6. for cases in which resentencing was denied, the reason for the court's denial of resentencing
7. process dates, including, as applicable, the date the DA reviewed the case for resentencing, the date the DA referred the case to the court for recall of the sentence, the date the court considered the motion for resentencing, the date the court responded to the motion, the date the court resented the individual, the date the individual was released from state prison as a result of resentencing, and the date the court denied resentencing

³³ The *CDC number* is a unique identifier used by CDCR for individuals incarcerated in state prison.

8. for cases in which the individual considered for resentencing is in county jail, information regarding the individual's time served, time remaining, earliest possible release date, and MEPD, as applicable, at each resentencing process date.

Additional information required for the evaluation and specified in the legislation establishing the resentencing pilot was not available to the individual DA offices. To collect this information, we developed a supplemental data template for CDCR to fill in. This template ports such information as CDC number and process dates from the DA data as a framework from which CDCR may provide the additional information. The CDCR data template consisted of the following:

1. background information, including age at commitment, race, ethnicity, and gender
2. original sentencing information, including age at the time admitted to prison, types of major enhancements attached to the sentence, the number of enhancements, total time added to the sentence for enhancements, and time served at the time of prison admission, as well as controlling offense and original sentence length
3. resentencing information, including a prison release date (if applicable) and the revised sentence type and length
4. for each process date provided by the DA, time served, time remaining, earliest possible release date (as applicable), MEPD (as applicable), and CSRA score (Turner, Hess, and Jannetta, 2009).

Certain background information and sentencing information were included in both the DA and CDCR case-level data templates. This redundancy enhanced data validation across data sources.³⁴

The first data delivery collected from the DA offices covered the first six months of the pilot, from September 1, 2021, through February 28, 2022, including all cases first reviewed by the DA offices on or after September 1, 2021. Subsequent case-level data reports were provided by the pilot DA offices every three months. Supplemental data reports were provided by CDCR twice annually. A data use agreement was entered into with each county establishing data security and protection measures.³⁵

Because of the limited time window for completing the pilot evaluation, the short time in the community for many of the released individuals, and the processes typically involved with obtaining individual-level criminal history information from the California Department of Justice, we will present recidivism outcomes in a follow-up report. Future recidivism analyses are described in more detail below.

Analysis Plan

The evaluation of the pilot at full term will employ the flow analyses, considering cases through the various stages of the resentencing process (DA review, motion to the court to resentence, court hearing, resentencing decision, and release, as applicable), to elucidate the important characteristics of progression and relevant interim outcomes at each stage. Each process segment will be characterized

³⁴ In a small number of cases, this data validation exercise allowed clarification of items, such as the exact charge identified as the controlling offense and race and ethnicity. It also helped verify cases for which an incorrect CDC number was present in the data.

³⁵ Depending on how the county functioned, some of the data use agreements were established with the DA's office, and some were with the county.

descriptively to illustrate key elements that will be of value to nonpilot counties as they consider implementation of their own resentencing plans. Analyses of final resentencing outcomes will calculate and illustrate the extent to which remaining time to serve has been reduced through the resentencing process, along with description of contemporaneous variables to help place the time reductions into context.

Recidivism Outcomes

The legislation requires that the evaluator collaborate with the sites to determine a measure of recidivism for the pilot sites. In year 1, project team members met (virtually) with representatives from all the DA pilot sites. We discussed four points related to recidivism: (1) What is the preferred measure of recidivism (e.g., arrest, filing, conviction); (2) what would be the time frame to measure recidivism outcomes (e.g., six, 12, or 24 months following release to the community); (3) what sources would be best to use to gather recidivism outcomes; and (4) which of the required reports would contain recidivism outcomes.

The overwhelming consensus by the DAs was that convictions should be the measure of recidivism. Representatives agreed that it would be most informative to report convictions by type. Thus, we would break down convictions by felony and misdemeanor and by seriousness (e.g., serious and violent). Groups agreed that they would like to have at least a 12-month follow-up period of recidivism for all individuals released from prison, particularly because some counties had individuals spend some time in residential facilities after release as part of the resentencing agreement. Recidivism outcomes will be primarily descriptive; results will be presented by county, with dichotomous (i.e., yes or no) measures for any conviction, felony or misdemeanor convictions, and serious or violent conviction. Recidivism outcomes will be presented in a follow-on study using criminal history data requested from the California Department of Justice for those individuals who were resentenced and released. The analyses will be conducted and reported annually for three years. For each year of the follow-on study, we will present yearly recidivism outcomes for individuals who have at least one year, two years, and three years in the community after release.

Implementation Study

The implementation assessment documents the different strategies the pilot sites are using, the development and implementation of resentencing policies and procedures, which cases are prioritized for resentencing and the referral and resentencing processes, and factors that facilitated or hindered implementation. The pilot counties were required to provide quarterly updates to us on any implementation challenges, delays, and steps taken to address them, as well as updates on factors and criteria used to identify cases to be considered for PIR. In addition, the implementation assessment included in-depth interviews with the pilot sites to understand the planning and implementation process and pilot sites' support needs, as well as to capture lessons learned. In future years of the evaluation, site visits will be conducted.

Sources of Data

We developed an implementation log Microsoft Word template for the county DA offices and PD offices to provide quarterly updates on the state of the implementation of their pilot programs, information on any implementation delays or challenges encountered that quarter, and a summary of steps taken to address them. In addition, the implementation log template contains a section where the DA and PD offices were asked to summarize the factors and criteria used to identify cases for resentencing consideration and whether there had been any changes in those factors or criteria during the past quarter.

Implementation logs were requested quarterly from each DA office throughout the evaluation period starting at the end of the first quarter of the pilot. PD offices did not begin submitting implementation logs until quarter 2. Across the evaluation period, the county offices submitted 96.6 percent of the implementation logs requested. All implementation logs from the DA offices were received; however, the Los Angeles, Merced, Riverside, and Yolo PD offices had some missing logs. The overall completion rate for implementation logs requested from DA and PD offices is shown in Table B.2.

Table B.2. Implementation Logs Completed by District Attorney and Public Defender Offices

Office	Completed	Missing	Total Requested	Percentage Completed
DA	108	0	108	100
PD	92	7	99	92.9
Combined	200	7	207	96.6

SOURCE: Analysis of quarterly implementation logs.

In spring 2023, we also conducted telephone interviews with each county's DA and PD offices to learn more about their implementation experiences and progress in implementing their pilot programs. Interviews typically included one or two staff members, and all staff provided spoken consent for participation in the interviews. The purpose of these 45- to 60-minute virtual interviews was to understand how each agency implemented the pilot, the process of resentencing, the nature of communication across the agencies, facilitators and barriers to implementation, and opportunities for improvement. For the full interview protocol, see the year 2 report (Davis et al., 2023).

Analysis Plan

For analysis of the interview notes, codes were largely developed deductively based on the interview guide. Three members of the evaluation team worked closely with the notes from each interview and pulled out key themes and domains. We also drew illustrative quotes from interview notes. Because we assured each site confidentiality, we lightly edited the quotes in most cases.

Cost Study

The legislation requires that the evaluation involve a cost study to estimate the resources required to implement the pilot activities, including both new expenditures on personnel and other goods and services and the reallocation of resources from prior activities to the pilot activities.

Sources of Data

The data for the cost study come from the implementation interviews and from the quarterly updates on expenditures the pilot sites were required to provide as part of the data collection template as mandated by the legislation. We developed a template for expenditure data collection early in the evaluation and sought feedback from the pilot counties on its different elements. We are interested in capturing each county's overall expenditures for any program-related activities, not just those covered by the grant. Thus, the template was designed to capture all expenditures for the pilot program, separately for DA offices and PD offices, regardless of the funding source. Specifically, the template asked counties to report on (1) all direct personnel supporting the pilot, including salaries and benefits, prorated for the share of their time in the quarter; (2) all nonpersonnel direct costs, such as those related to computers or other equipment, travel, or contract support services; and (3) all indirect resources (or overhead), such as general administrative functions (e.g., upper-level management); general expenses that support all system-level components (e.g., expenditures for space rental, utilities, office supplies); and other back-office functions (e.g., human resources, finance). County DA and PD offices were then asked to complete the template for each quarter of the pilot (12 quarters in total).³⁶ In addition, we collected qualitative data on costs and resources used as part of our implementation assessment activities—specifically the interview data and the quarterly implementation Word logs.

Several county DA and PD offices did not provide the full series of quarterly expenditure updates. Those with missing data included Merced PD, Humboldt PD, and Yolo PD offices, with one missing quarter each; Riverside DA office, with two missing quarters; San Francisco DA office, with four missing quarters; and Riverside PD office, with nine missing quarters. The overall completion rate for cost reports requested from DA and PD offices is shown in Table B.3.

Table B.3. Cost Reports Completed by District Attorney and Public Defender Offices

Office	Completed	Missing	Total Requested	Percentage Completed
DA	102	6	108	94.4
PD	96	12	108	88.9
Combined	198	18	216	91.7

SOURCE: Analysis of quarterly expenditure data.

³⁶ We use *project quarters* versus the state's fiscal quarters because the legislation requires that counties report their cost data on a quarterly basis for the pilot program, which began September 1, 2021. Thus, quarter 1 encompasses September 1, 2021, through November 30, 2021; quarter 2 encompasses December 1, 2021, through February 28, 2022; and so on.

Analytic Approach

We conducted an in-depth analyses of the expenditure data, which are presented in Chapter 4 of this report. We report both the findings from our interviews and implementation log summaries of what resources the counties were using. In addition, we report on the quarterly and annualized expenditure data separately for DA and PD offices. For the detailed expenditure data, because of differences in the scale of the county prison population and cases reviewed during the pilot, we computed the expenditure per case reviewed (as reported in Table 2.2 in Chapter 2) as our expenditure metric. Because of the low level of pilot activities (as well as missing data) for Humboldt, Merced, and Riverside, we excluded these three counties from our analysis. Thus, the cost analysis focuses on the six of the nine pilot counties that were most fully engaged in the PIR pilot.

Supplemental Results

Table 2.2 in Chapter 2 shows the cumulative number of PIR reviews initiated by each county participating in the pilot program. We further examine the accumulation of county PIR case counts in Figure C.1. Time, in months, is displayed on the x-axis of the figure. Each line represents the number of cases initiated by that county DA from the beginning of the pilot through the time shown on the x-axis. Typically, a pattern of early inactivity is seen, followed by a sharp uptick in cases. Consider Yolo County, represented by the purple line. There were essentially no cases initiated through December 2021. Then, over the first two months of 2022, nearly 60 cases were identified, with PIR review initiated. As seen in Table 2.17, PIR cases, once initiated, may take considerable time to develop.

Table 2.5 displays the age of the individuals selected for PIR at the time review was initiated. In Figure C.2, we consider the monthly accumulation of cases, by age, through the end of the pilot period. Between November 2021 and March 2022, individuals ages 51 to 65 were selected at a much higher rate for PIR review than other age groups, as indicated by the sharper increase in the “51 to 65” line over that span.

Figure C.1. Cumulative Accrual of Pilot County District Attorney Prosecutor-Initiated Resentencing Reviews Initiated, by Month: September 1, 2021, Through August 31, 2024

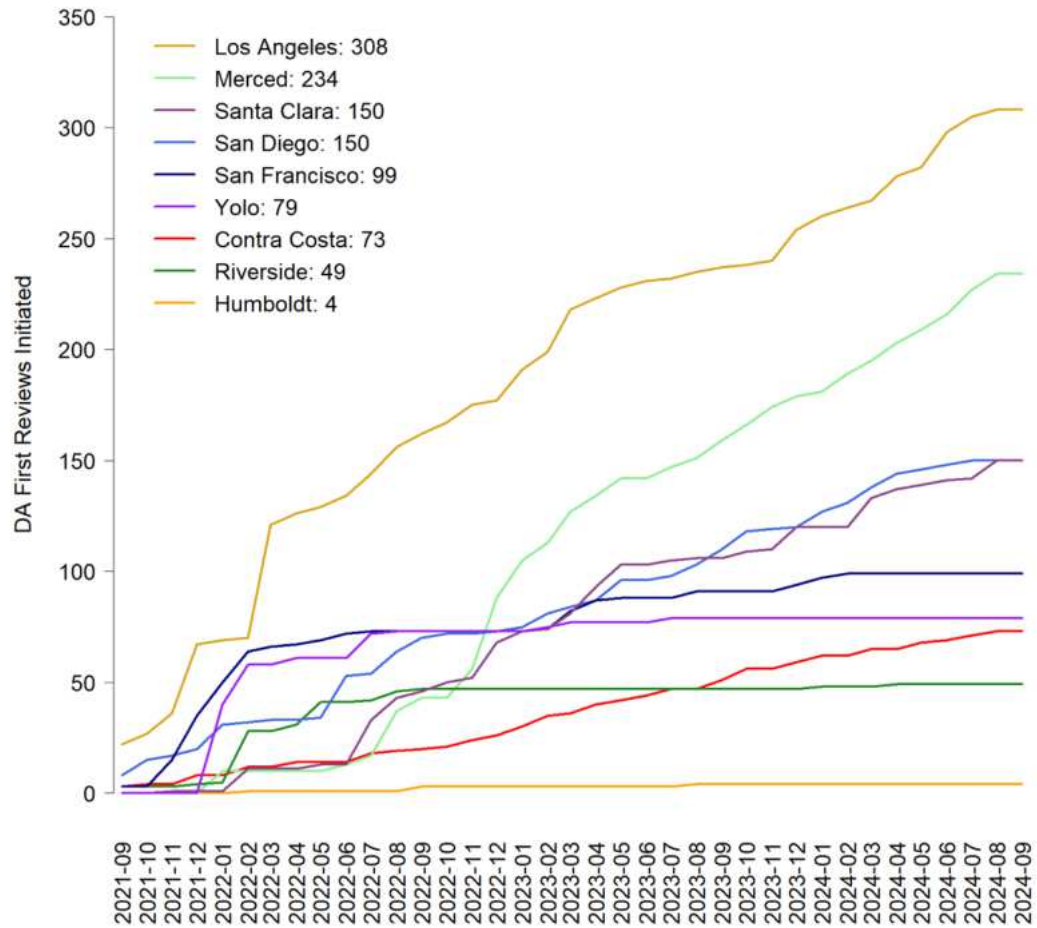
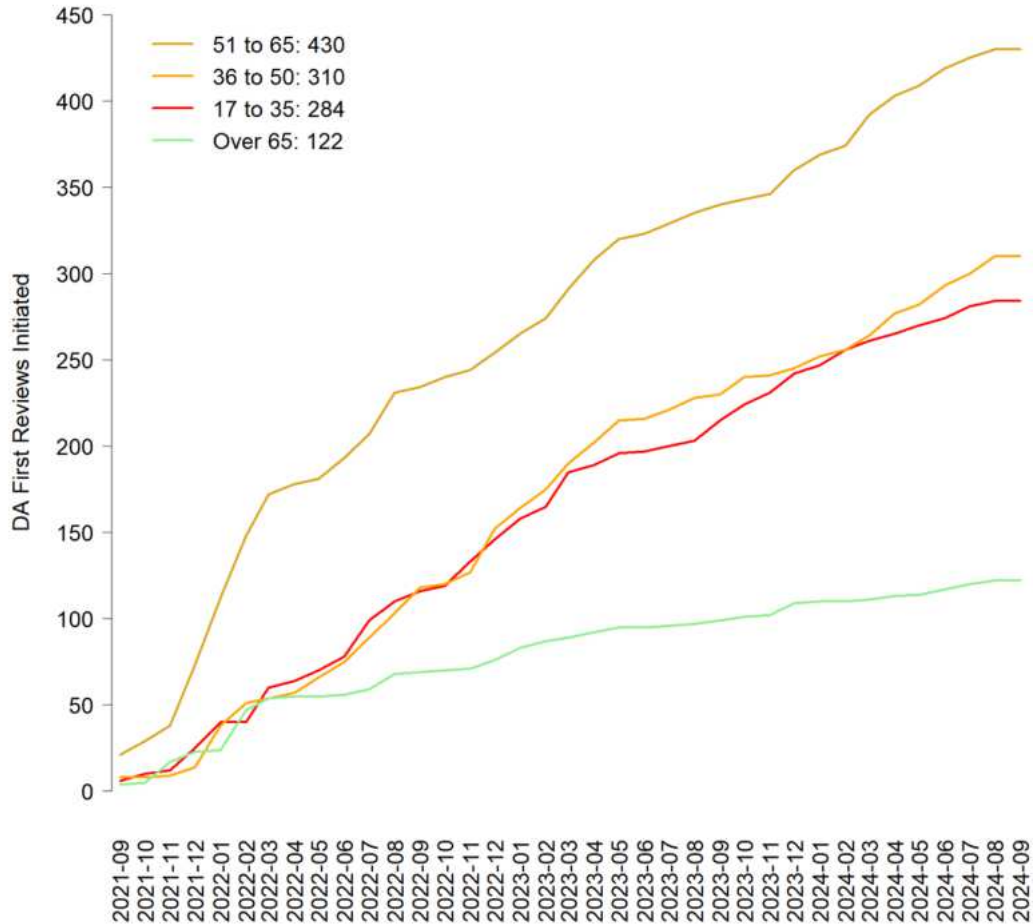


Figure C.2. Cumulative Monthly Accrual of Prosecutor-Initiated Resentencing Cases, by Prisoner Age at the Time of Review: September 1, 2021, Through August 31, 2024



The controlling offenses in cases reviewed by the pilot DA offices for potential resentencing were discussed in Chapter 2. Results are presented in Table 2.6 across four broad offense categories typically reported by CDCR: crimes against persons, property crimes, drug crimes, and other crimes. CDCR also categorizes crimes in a set of more-granular groupings, allowing a more-detailed view of controlling offense. Results for controlling offense are presented in these more-detailed grouping categories in Tables C.1 through C.4. Crimes against persons and property crimes have the highest volume of PIR cases; for each, we also present graphs (Figures C.3 and C.4) demonstrating the monthly accumulation of cases groupings within these categories over the three-year pilot period.

Table C.1. Cases of Crimes Against Persons Considered by Pilot County District Attorneys for Resentencing: September 1, 2021, Through August 31, 2024

	Percentage Assault Deadly Weapon	Percentage Kidnapping	Percentage Lewd Act with Child	Percentage Manslaughter	Percentage Murder, 1st Degree	Percentage Murder, 2nd Degree	Total Cases
All cases considered by DA	16.1	3.4	1.4	7.3	11.3	8.1	902
By PIR progress							
DA decision pending or future review	20.6	3.5	1.4	7.1	8.5	4.3	141
Not referred	17.4	3.1	1.9	6.8	11.3	9.4	576
Referred for resentencing	8.6	4.3	0.0	9.2	13.5	7.0	185
	Percentage Oral Copulation	Percentage Other Assault/Battery	Percentage Other Sex Offenses	Percentage Rape	Percentage Robbery	Percentage Vehicular Manslaughter	Total Cases
All cases considered by DA	0.3	20.5	0.3	0.4	30.4	0.3	902
By PIR progress							
DA decision pending or future review	0.0	25.5	0.0	0.0	28.4	0.7	141
Not referred	0.5	19.8	0.5	0.7	28.3	0.3	576
Referred for resentencing	0.0	18.9	0.0	0.0	38.4	0.0	185

SOURCE: Data provided by CDCR, June 2022–September 2024.

NOTE: Percentages may not add to 100 due to rounding.

Figure C.3. Cumulative Accrual of Pilot County District Attorney Prosecutor-Initiated Resentencing Reviews Initiated for Cases of Crimes Against Persons, by Month: September 1, 2021, Through August 31, 2024

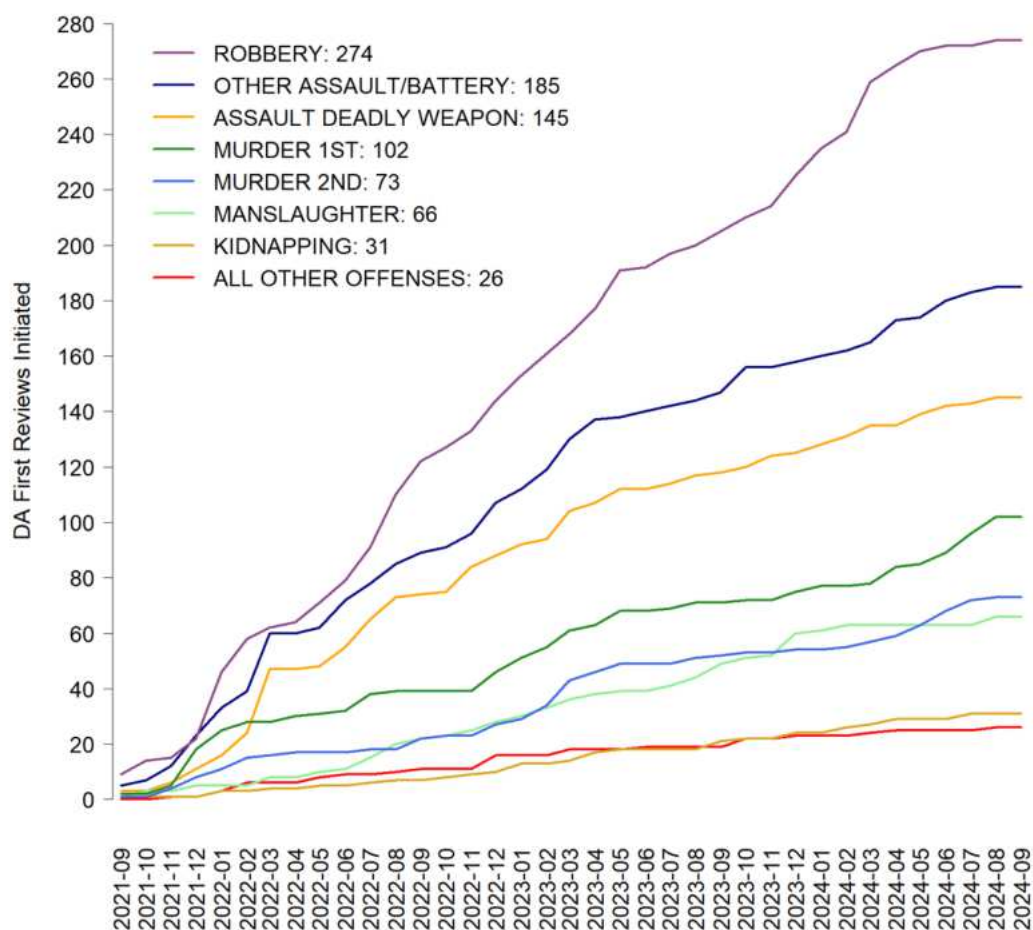


Table C.2. Cases of Property Crimes Considered by Pilot County District Attorneys for Resentencing: September 1, 2021, Through August 31, 2024

	Percentage Burglary, 1st Degree	Percentage Burglary, 2nd Degree	Percentage Forgery/Fraud	Percentage Grand Theft	Percentage Petty Theft	Percentage Receiving Stolen Property	Percentage Vehicle Theft	Percentage Other Property Offenses	Total Cases
All cases considered by DA	72.9	13.2	3.5	1.4	4.9	2.8	0.7	0.7	144
By PIR progress									
DA decision pending or future review	67.6	17.6	0.0	0.0	8.8	0.0	2.9	2.9	34
Not referred	66.2	13.2	7.4	1.5	5.9	5.9	0.0	0.0	68
Referred for resentencing	88.1	9.5	0.0	2.4	0.0	0.0	0.0	0.0	42

SOURCE: Data provided by CDCR, June 2022–September 2024.

Figure C.4. Cumulative Accrual of Pilot County District Attorney Prosecutor-Initiated Resentencing Reviews Initiated for Cases of Property Crimes, by Month: September 1, 2021, Through August 31, 2024

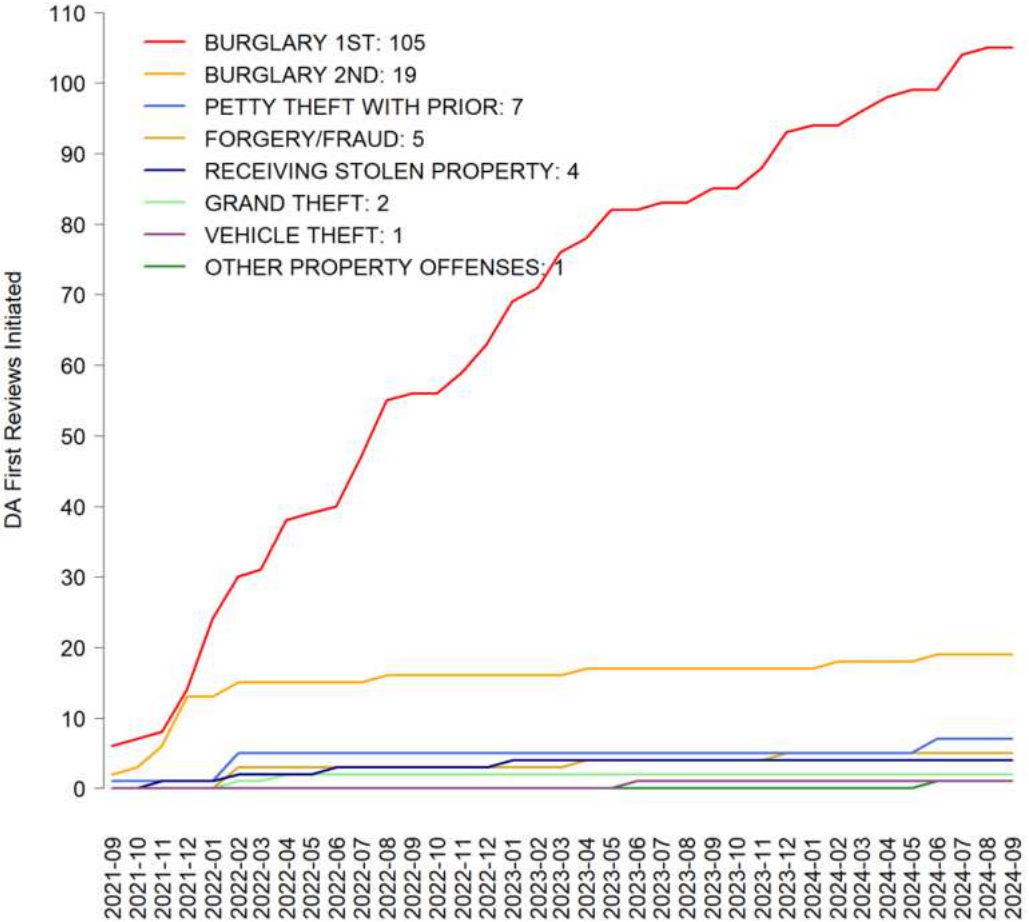


Table C.3. Cases of Drug Crimes Considered by Pilot County District Attorneys for Resentencing: September 1, 2021, Through August 31, 2024

	Percentage CS + Manufacturing	Percentage CS + Other	Percentage CS + Possess for Sale, Etc.	Percentage CS + Possession	Percentage CS + Sales, Etc.	Total Cases
All cases considered by DA	4.9	14.6	31.7	29.3	19.5	41
By PIR progress						
DA decision pending or future review	0.0	0.0	50.0	37.5	12.5	8
Not referred	0.0	21.4	25.0	28.6	25.0	28
Referred for resentencing	40.0	0.0	40.0	20.0	0.0	5

SOURCE: Data provided by CDCR, June 2022–September 2024.

NOTE: Percentages displayed are out of the total number of drug crime cases. CS = controlled substance.

Table C.4. Cases of All Other Crimes Considered by Pilot County District Attorneys for Resentencing: September 1, 2021, Through August 31, 2024

	Percentage Arson	Percentage Driving Under the Influence	Percentage Escape	Percentage Other Offenses	Percentage Possession of Weapon	Total Cases
All cases considered by DA	5.1	10.2	5.1	39.0	40.7	59
By PIR progress						
DA decision pending or future review	15.4	7.7	0.0	30.8	46.2	13
Not referred	2.6	10.5	7.9	47.4	31.6	38
Referred for resentencing	0.0	12.5	0.0	12.5	75.0	8

SOURCE: Data provided by CDCR, June 2022–September 2024.

Figure 2.1 in Chapter 2 illustrated the trajectory of the 1,146 PIR cases for which review by the participating DA offices was initiated during the pilot. In Figures C.5 through C.13, we display the trajectory of the reviewed PIR cases by county.

Figure C.5. Status of Prosecutor-Initiated Resentencing Cases Initiated During the Resentencing Pilot: Contra Costa County

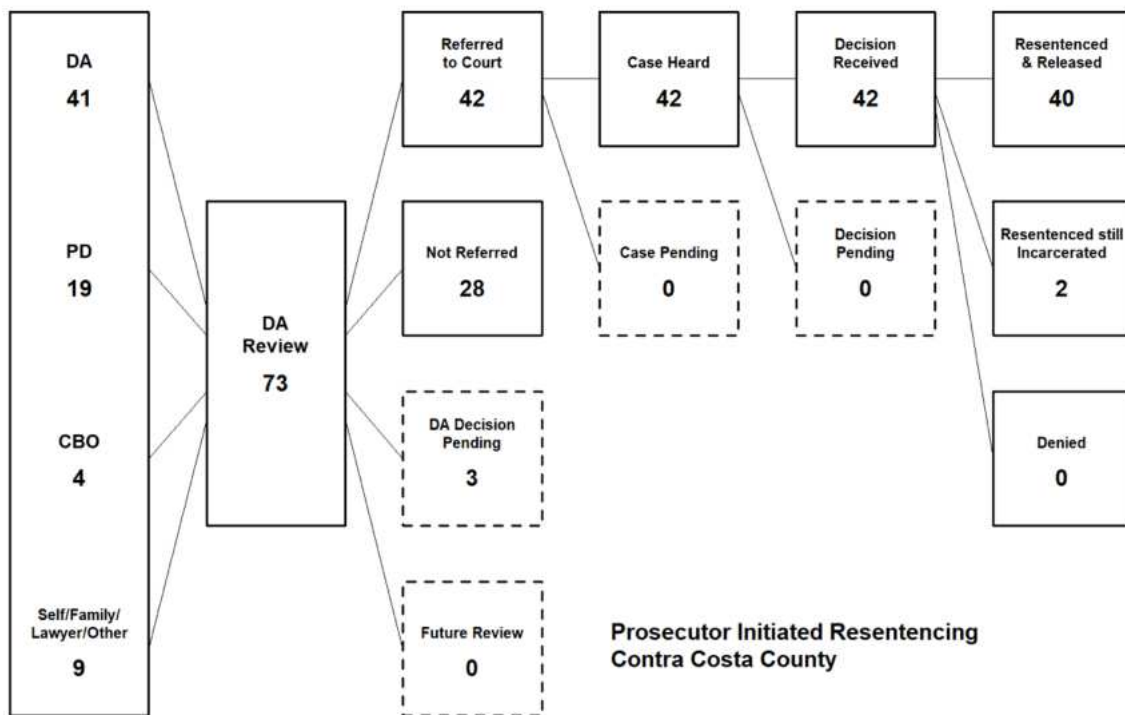


Figure C.6. Status of Prosecutor-Initiated Resentencing Cases Initiated During the Resentencing Pilot: Humboldt County

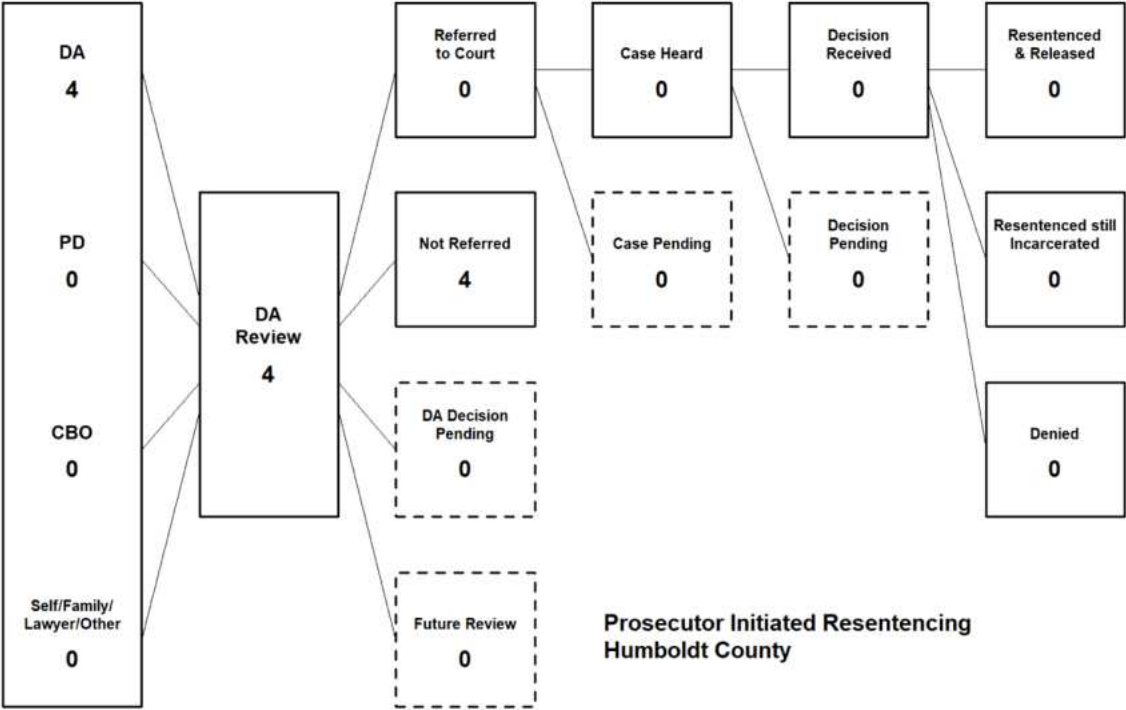


Figure C.7. Status of Prosecutor-Initiated Resentencing Cases Initiated During the Resentencing Pilot: Los Angeles County

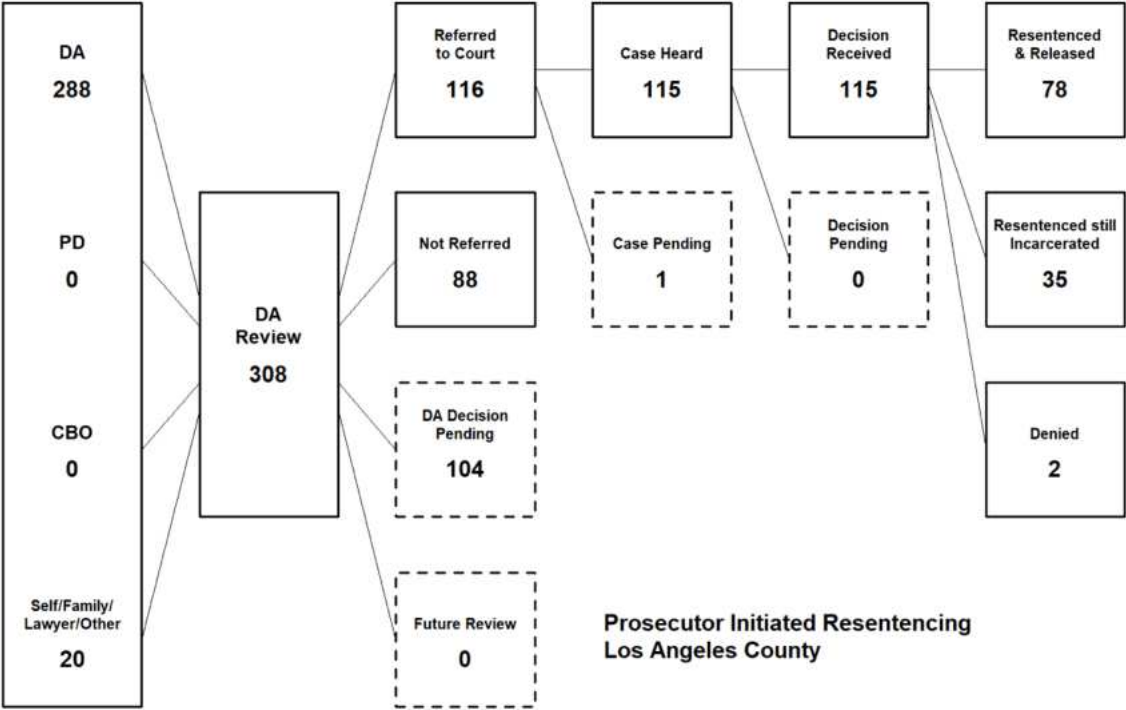


Figure C.8. Status of Prosecutor-Initiated Resentencing Cases Initiated During the Resentencing Pilot: Merced County

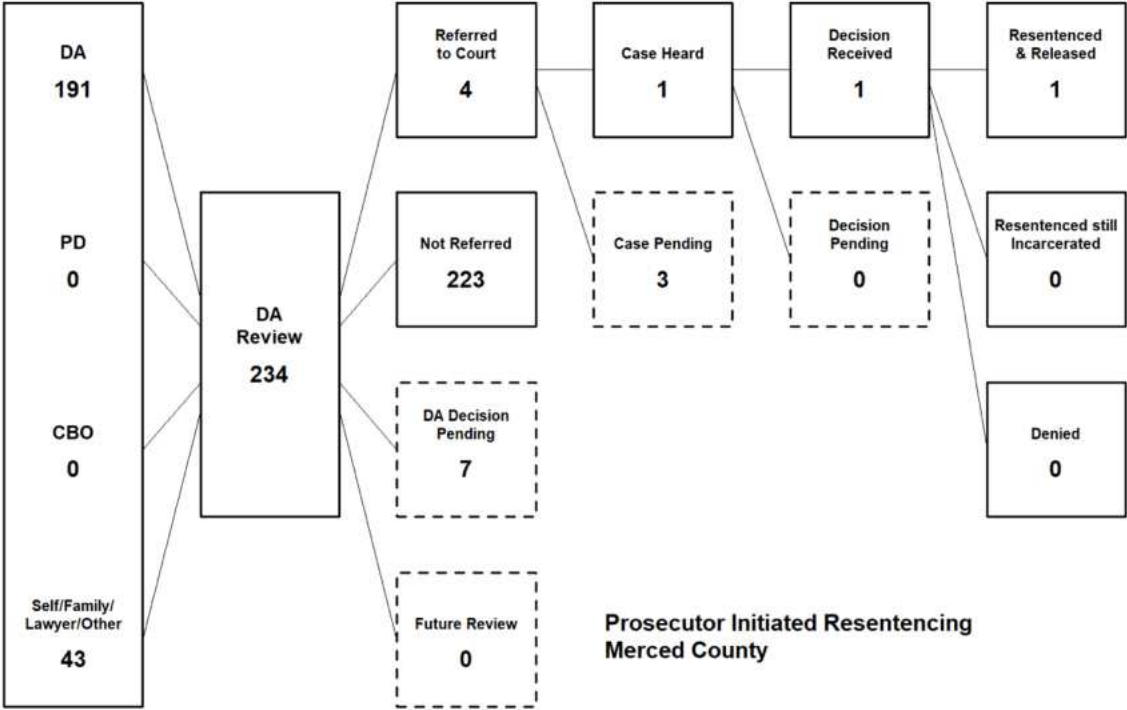


Figure C.9. Status of Prosecutor-Initiated Resentencing Cases Initiated During the Resentencing Pilot: Riverside County

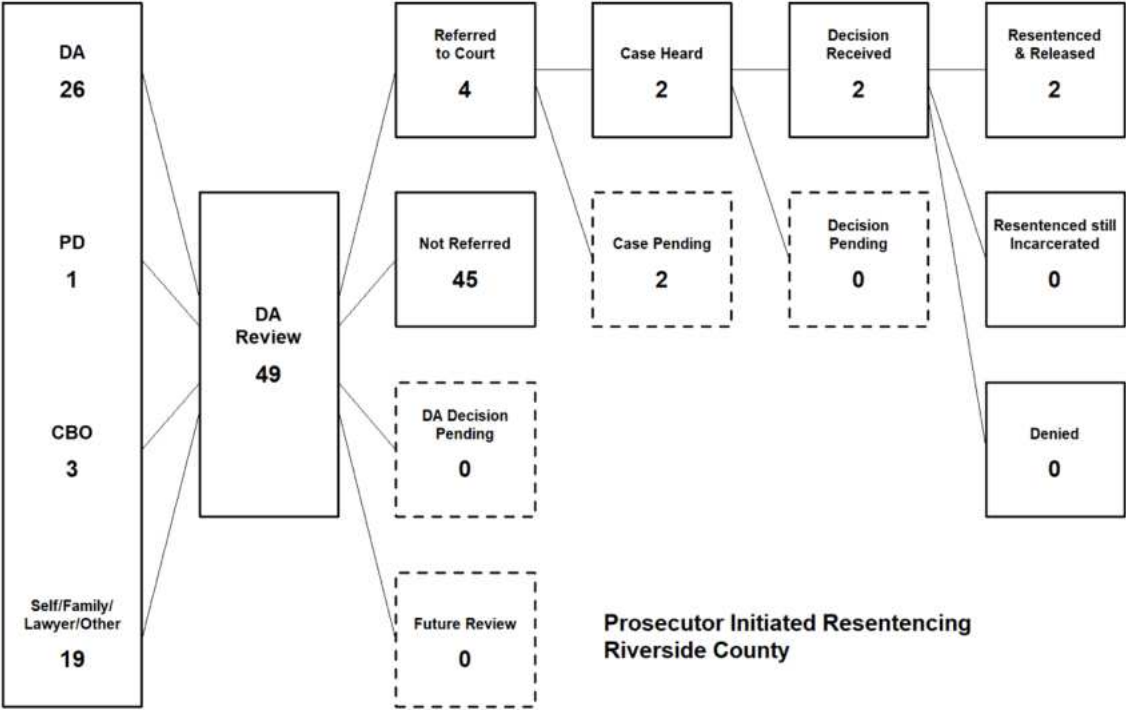


Figure C.10. Status of Prosecutor-Initiated Resentencing Cases Initiated During the Resentencing Pilot: San Diego County

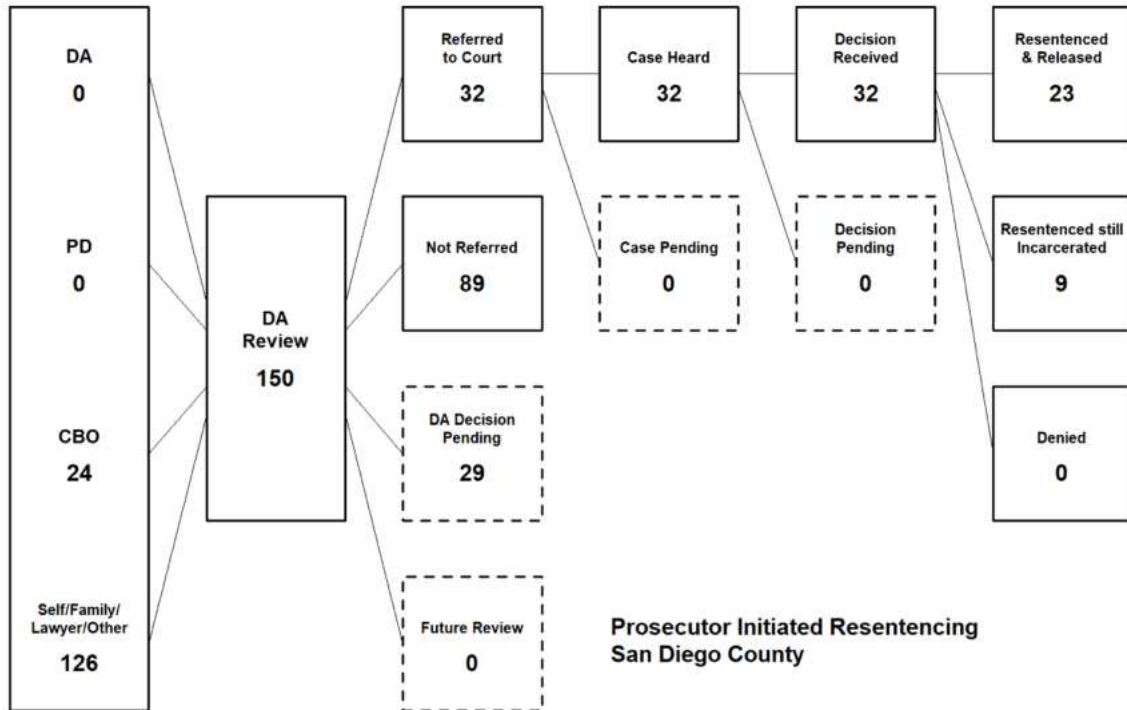


Figure C.11. Status of Prosecutor-Initiated Resentencing Cases Initiated During the Resentencing Pilot: San Francisco County

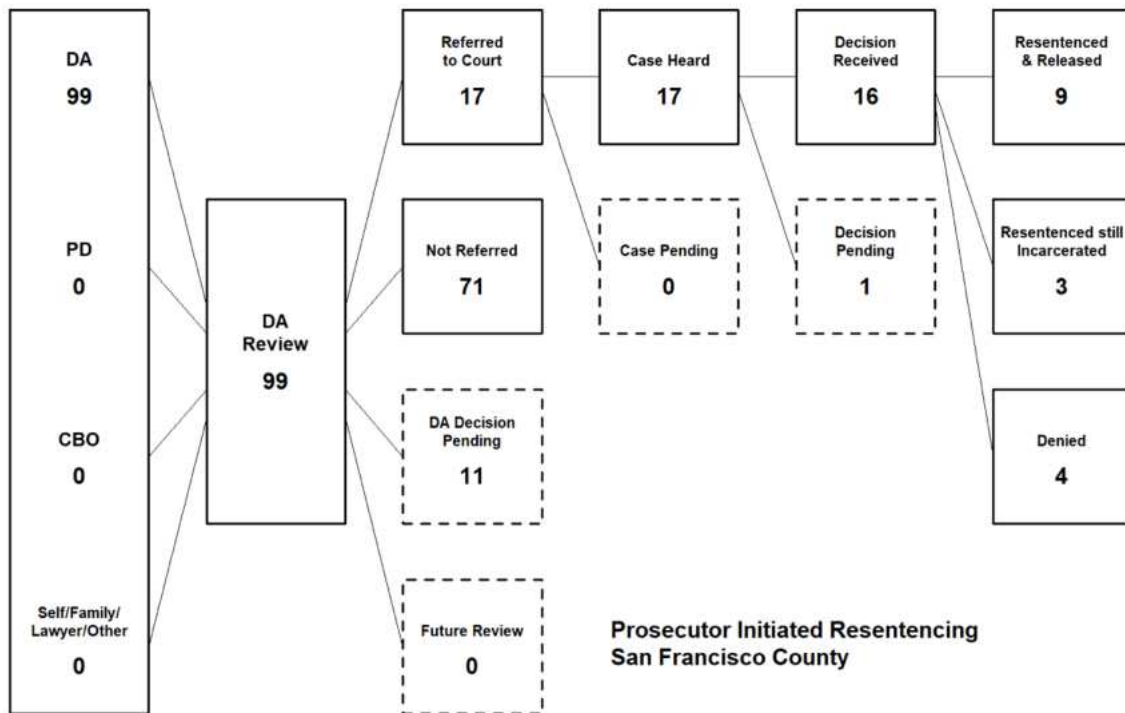


Figure C.12. Status of Prosecutor-Initiated Resentencing Cases Initiated During the Resentencing Pilot: Santa Clara County

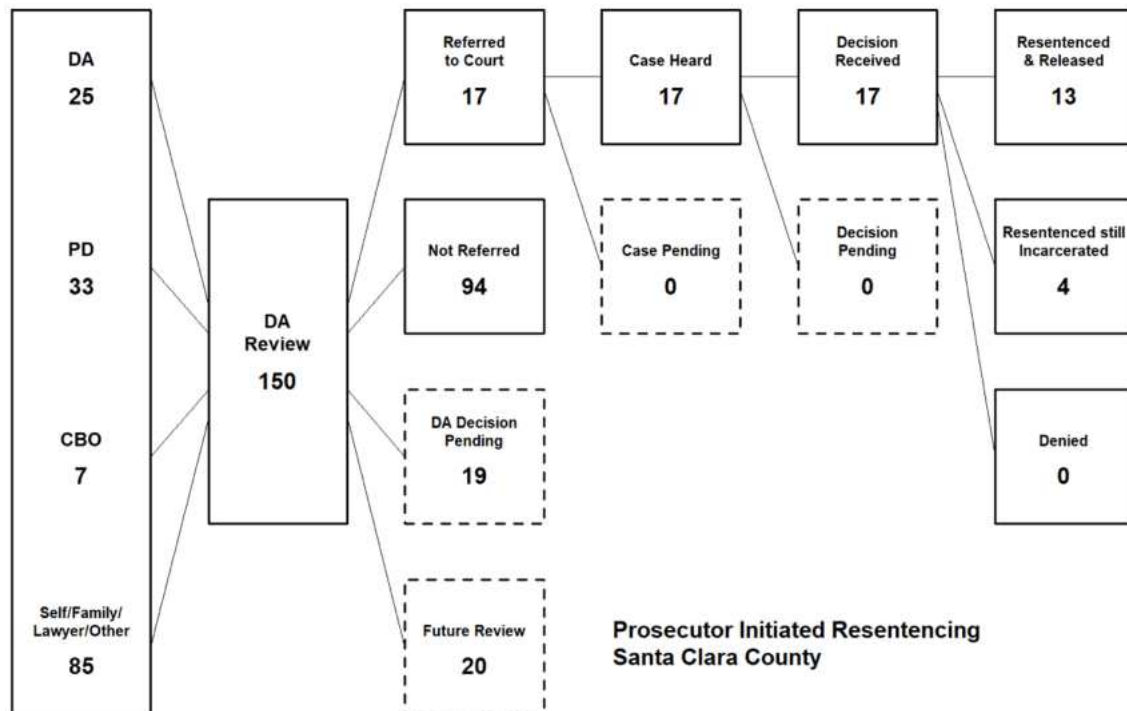
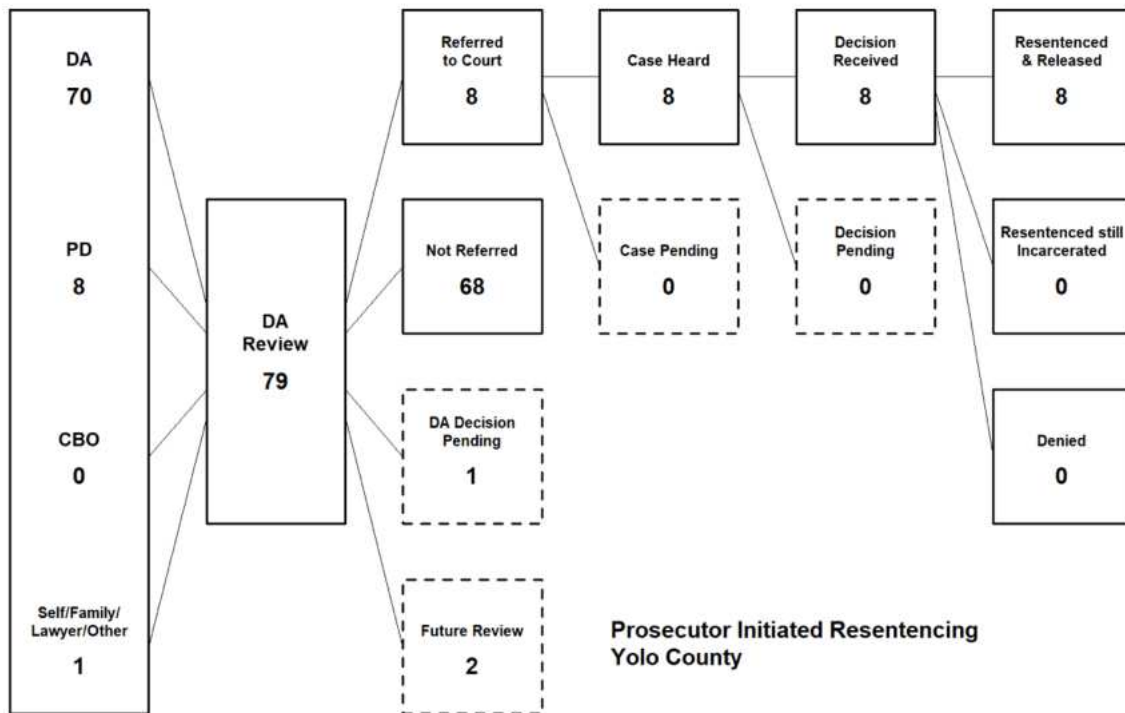


Figure C.13. Status of Prosecutor-Initiated Resentencing Cases Initiated During the Resentencing Pilot: Yolo County



Large Language Model Data Summaries

To help us better understand the large amount of narrative data collected from the county offices, we leveraged LLMs to generate summaries of the data collected. This was done so that we could supplement our understanding of the information obtained with an additional perspective. This analysis was performed in R with the following general workflow:

1. Implementation logs were converted to Microsoft Word documents and imported into R as plain text.
2. Text data were aggregated into various groupings for analytic comparisons.
3. Application programming interface (API) calls were used to prompt the LLM to analyze the various text groupings systematically.

The following snippets of code were used to produce narrative summaries and extract various details of interest to us.

Code for LLM Analysis: Cross-County Summaries

```
api_key <- [API KEY]
Sys.setenv(chatGPT_API_KEY = api_key)

chatGPT <- function(prompt,
  modelName = "gpt-4-v0125-preview-base",
  temperature = .2,
  #max_tokens = 2048,
  top_p = 1,
  apiKey = Sys.getenv("chatGPT_API_KEY")) {

  # Parameters
  params <- list(
    model = modelName,
    temperature = temperature,
    # max_tokens = max_tokens,
    top_p = top_p
  )

  # Add the new message to the chat session messages
  chatHistory <- append(chatHistory, list(list(role = "user", content = prompt)))
  response <- POST(
    url = [API URL],
    add_headers("Ocp-Apim-Subscription-Key" = api_key),
    content_type_json(),
    body = toJSON(c(params, list(messages = chatHistory)), auto_unbox = TRUE)
  )

  if (response$status_code > 200) {
    stop(content(response))
  }

  response <- content(response)
  answer <- trimws(response$choices[[1]]$message$content)
  chatHistory <- append(chatHistory, list(list(role = "assistant", content = answer)))

  # return
  return(answer)
}

chatHistory<-NULL
chatHistory <- list(list(role = "system", content = paste0("You are a helpful AI who is scholarly, accurate, and concise. You have information about resentencing efforts also referred to as prosecutor initiated resentencing (PIR) provided by 6 California county District Attorney (DA) and public Defender (PD) offices called Y2Study. I will ask about Y2Study which you have access to here: ",[DATA TO ANALYZE],". Information for each county is grouped by office (district attorney or public defender) and presented in chronological order")))
sink([OUTPUT FILEPATH])
cat(chatGPT(paste0("What factors impacted the county's ability to identify cases for PIR review?")))
```

```

cat(chatGPT(paste0("How did eligibility criteria change over time in each county? Were there noteworthy
differences in criteria used between counties?")))
cat(chatGPT(paste0("What were common approaches used to identify eligible cases for resentencing? Were
there noteworthy differences in criteria used between counties?")))
cat(chatGPT(paste0("How was the final decision for resentencing made? Were there noteworthy differences
in criteria used between counties?")))
cat(chatGPT(paste0("Which counties mentioned resentencing cases by Stipulation? How did that process
work in those counties?")))
cat(chatGPT(paste0("What are the most common ways that counties measured success in their PIR efforts?")))
cat(chatGPT(paste0("What was collaboration between the DA and PD offices like across the counties? What
was the typical role of the DA office? What was the typical role of the PD office? What counties appeared to
have the most productive collaboration between the PD and DA offices? What counties appear to have
struggled with collaboration between the DA and PD offices?")))
cat(chatGPT(paste0("What was the typical DA case review process? What key differences in the process exist
between counties?")))
sink()
chatHistory<-NULL

```

SOURCE: Source code provided by RAND Information Services and modified by the authors.

Code for LLM Analysis: DA and PD Comparisons

```
extractLOGcomp <- function(DA,PD,county,quarter) {
  library(httr)
  library(jsonlite)
  require(officer)
  require(dplyr)
  require(quanteda)
  require(stringr)

  api_key <- [API KEY]
  Sys.setenv(chatGPT_API_KEY = api_key)

  chatGPT <- function(prompt,
    modelName = "gpt-4-v0125-preview-base",
    temperature = .2,
    #max_tokens = 2048,
    top_p = 1,
    apiKey = Sys.getenv("chatGPT_API_KEY")) {

    # Parameters
    params <- list(
      model = modelName,
      temperature = temperature,
      # max_tokens = max_tokens,
      top_p = top_p
    )

    # Add the new message to the chat session messages
    chatHistory <- append(chatHistory, list(list(role = "user", content = prompt)))
    response <- POST(
      url = "https://apigw.rand.org/openai/RAND/inference/deployments/gpt-4-v0125-preview-
base/chat/completions?api-version=2023-05-15",
      add_headers("Ocp-Apim-Subscription-Key" = api_key),
      content_type_json(),
      body = toJSON(c(params, list(messages = chatHistory)), auto_unbox = TRUE)
    )

    if (response$status_code > 200) {
      stop(content(response))
    }

    response <- content(response)
    answer <- trimws(response$choices[[1]]$message$content)
    chatHistory <- append(chatHistory, list(list(role = "assistant", content = answer)))

    # return
    return(answer)
  }
  chatHistory<-NULL
}
```

```

chatHistory <- list(list(role = "system", content = paste0("You are a helpful AI who is scholarly, accurate, and
concise. You have information about the implementation efforts for the CA County Resentencing Pilot Program
provided by the county District Attorney office called DA that can be found here: ",DA,". You also have
information about the implementation efforts for the CA County Resentencing Pilot Program provided by the
county Public Defender office called PD that can be found here: ",PD,". You will use this information to
provide insight about this county's implementation of the CA County Resentencing Pilot Program")))
sink(paste0("C://Users//mstrawn//RAND Corporation//CA County Resentencing Pilot - General//Quarterly
Data//Analysis//output//",county,"_",quarter,".md"))
cat(chatGPT(paste0("What were some key distinctions made between the District Attorney information and
the Public Defender information?"))))
cat(chatGPT(paste0("What were some key areas where the District Attorney information and the Public
Defender information are in alignment?"))))
sink()
comps<-as.data.frame(chatHistory) %>%
  select(content.2)
chatHistory<-NULL
framename<-paste0(county,"_",quarter)
assign(framename, paste0(comps), envir = .GlobalEnv)
}

```

SOURCE: Source code provided by RAND Information Services and modified by the authors.

Code for LLM Analysis: Key Updates by Office

```
extractLOGcomp <- function(DA,PD,county,quarter) {
  library(httr)
  library(jsonlite)
  require(officer)
  require(dplyr)
  require(quanteda)
  require(stringr)

  api_key <- [API KEY]
  Sys.setenv(chatGPT_API_KEY = api_key)

  chatGPT <- function(prompt,
    modelName = "gpt-4-v0125-preview-base",
    temperature = .2,
    #max_tokens = 2048,
    top_p = 1,
    apiKey = Sys.getenv("chatGPT_API_KEY")) {

    # Parameters
    params <- list(
      model = modelName,
      temperature = temperature,
      # max_tokens = max_tokens,
      top_p = top_p
    )

    # Add the new message to the chat session messages
    chatHistory <- append(chatHistory, list(list(role = "user", content = prompt)))
    response <- POST(
      url = "https://apigw.rand.org/openai/RAND/inference/deployments/gpt-4-v0125-preview-
base/chat/completions?api-version=2023-05-15",
      add_headers("Ocp-Apim-Subscription-Key" = api_key),
      content_type_json(),
      body = toJSON(c(params, list(messages = chatHistory)), auto_unbox = TRUE)
    )

    if (response$status_code > 200) {
      stop(content(response))
    }

    response <- content(response)
    answer <- trimws(response$choices[[1]]$message$content)
    chatHistory <- append(chatHistory, list(list(role = "assistant", content = answer)))

    # return
    return(answer)
  }
}
```

```

chatHistory<-NULL
chatHistory <- list(list(role = "system", content = paste0("You are a helpful AI who is scholarly, accurate, and
concise. You have information about resentencing efforts provided by the ",[COUNTY]," ",[OFFICE]," office called
[QUARTER_DATA_ID]. I will ask about [QUARTER_ID] which you have access to here: ",[QUARTER_ID],"."))
sink([FILEPATH])
cat(chatGPT(paste0("What were the key updates regarding the status of this offices' implementation of their
resentencing pilot program?")))
sink()
[QUARTERLY ANALYSIS DATA]<-as.data.frame(chatHistory) %>%
  select(content.2)
[QUARTERLY ANALYSIS DATA]<-paste0([QUARTERLY ANALYSIS DATA][1,1])
chatHistory<-NULL

```

SOURCE: Source code provided by RAND Information Services and modified by the authors.

Abbreviations

AB	California Assembly Bill
API	application programming interface
CBO	community-based organization
CDC number	California Department of Corrections and Rehabilitation prisoner identifier
CDCR	California Department of Corrections and Rehabilitation
C-file	California Department of Corrections and Rehabilitation offender central file
COVID-19	coronavirus disease 2019
CS	controlled substance
CSRA	California Static Risk Assessment
DA	district attorney
FTP	For The People
LLM	large language model
LWOP	life without parole
MEPD	minimum eligible parole date
PD	public defender
PIR	prosecutor-initiated resentencing
RFP	request for proposals
RVR	Rules Violation Report
SB	California Senate Bill

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