

1 DONALD SPECTER – 083925  
STEVEN FAMA – 099641  
2 ALISON HARDY – 135966  
SARA NORMAN – 189536  
3 RITA LOMIO – 254501  
MARGOT MENDELSON – 268583  
4 PRISON LAW OFFICE  
1917 Fifth Street  
5 Berkeley, California 94710-1916  
Telephone: (510) 280-2621  
6

MICHAEL W. BIEN – 096891  
ERNEST GALVAN – 196065  
LISA ELLS – 243657  
JESSICA WINTER – 294237  
MARC J. SHINN-KRANTZ – 312968  
CARA E. TRAPANI – 313411  
ROSEN BIEN  
GALVAN & GRUNFELD LLP  
101 Mission Street, Sixth Floor  
San Francisco, California 94105-1738  
Telephone: (415) 433-6830

7 Attorneys for Plaintiffs

8 UNITED STATES DISTRICT COURTS  
9 EASTERN DISTRICT OF CALIFORNIA  
10 AND NORTHERN DISTRICT OF CALIFORNIA  
11 UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES  
12 PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE

13 RALPH COLEMAN, et al.,  
14 Plaintiffs,

15 v.

16 GAVIN NEWSOM, et al.,  
17 Defendants.

Case No. 2:90-CV-00520-KJM-DB  
**THREE JUDGE COURT**

18 MARCIANO PLATA, et al.,  
19 Plaintiffs,

20 v.

21 GAVIN NEWSOM,  
22 Defendants.

Case No. C01-1351 JST  
**THREE JUDGE COURT**  
**DECLARATION OF THOMAS  
HOFFMAN IN SUPPORT OF  
PLAINTIFFS' EMERGENCY  
MOTION**

23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DECLARATION OF THOMAS HOFFMAN

I, Thomas Hoffman, declare:

1. I am a public safety executive who has been involved in California municipal and State law enforcement and corrections for over 42 years. During my career I served with the City of Inglewood Police Department (1975-1994), the City of West Sacramento Police Department (1994-2004), and as the Director of the California Department of Corrections and Rehabilitation’s (CDCR) Division of Adult Parole Operations (DAPO) (2006-2009). Since August 2009 I have worked as a consultant on public safety, corrections, and parole issues.

2. While serving with the City of Inglewood Police Department (1975-1994), I promoted through the ranks from Officer to Captain, working in the areas of Operations, Investigations, Special Operations and Administration. I also served with the City of West Sacramento Police Department (1994-2004) serving as Captain, Deputy Chief of Police and as Interim Chief of Police.

3. In 2006, I was appointed to be the Director of the Division of Adult Parole Operations (DAPO) of the California Department of Corrections and Rehabilitation. DAPO is the arm of CDCR that is responsible for all parole operations. As Director, I was responsible for policy development, administration, and oversight of an organization of 2,400 sworn and 1,800 non-sworn employees charged with the day-to-day supervision of over 135,000 State parolees. During that time, DAPO was responsible for all programming provided to California parolees being released from prison. Furthermore, during my tenure as Director of DAPO, parole supervision became one of the most hotly debated public safety issues of our time. From 2006 to 2009, DAPO initiated the largest expansion in the number, scope and diversity of post-release rehabilitative programs in its history. During that time, DAPO was also responsible for the implementation of Jessica’s Law (the highly controversial and complex sex offender management law), the development of a validated risk and needs assessment instrument (COMPAS/CSRA), and the development of the parole violation decision making instrument (PVDMI).

1           4.       During my tenure at DAPO, I also personally directed the Division’s strategy  
2 for the implementation of the recommendations of the California Expert Panel (2007) and  
3 the Rehabilitation Strike Force (2008). The California Expert Panel was a nationally  
4 renowned group of correctional professionals and academics who gathered to conduct an  
5 analysis of CDCR policies and practices, and to recommend areas for improvement. The  
6 Rehabilitation Strike Force was tasked with offering recommendations for the resources  
7 provided as part of AB 900, which provided funding for additional criminal justice  
8 facilities to California communities. The recommendations identified in these two reports  
9 often served as my personal “roadmap” when I considered a specific policy or strategy for  
10 implementing organizational change throughout my tenure as Director.

11           5.       Upon my retirement from CDCR/DAPO in August 2009, I was engaged as a  
12 correctional/parole consultant by the Adult Parole Operations division of the Colorado  
13 Department of Corrections to facilitate the development of a parole violation decision  
14 making instrument. As was the case in California, this process was undertaken to ensure  
15 transparency, equity, and consistency in the remedies imposed by officers and supervisors  
16 in response to parole violations or criminal activity by those under their supervision.

17           6.       Since my retirement from CDCR I have also served as an Executive Fellow  
18 with the Police Foundation, headquartered in Washington DC. The Police Foundation is a  
19 national non-profit, bipartisan organization with a commitment to improve American  
20 policing. In this capacity I have served as a primary point of contact for the Foundation’s  
21 work on the implementation of AB 109 (California’s 2011 “realignment” of the criminal  
22 justice system), parole reform, sentencing reform, and most recently, the debate about the  
23 militarization of the American police.

24           7.       Since October 2012, I have also served as the Senior Public Safety Advisor  
25 for Californians For Safety and Justice (CSJ). CSJ is a foundation-funded non-profit  
26 organization that encourages the development of “smart justice” solutions for local, county  
27 and State organizations. In this capacity, I played a lead role in developing the campaign  
28 strategy for outreach and communication with local law enforcement leaders and others in

1 the successful Proposition 47 campaign in 2014. I am also working with the Fontana,  
2 Santa Barbara and San Luis Obispo Police Departments as they implement enforcement  
3 programs designed to improve the resources and services available for their Officers when  
4 they interact with mentally ill individuals, disabled veterans and homeless people in their  
5 communities.

6 8. As noted above, I am familiar with the tools available for addressing the  
7 public safety impacts of changes in the way people transition from incarceration to the  
8 community. There is a well-developed body of evidence regarding the risks that persons  
9 will re-offend during the first few years of release from prison. The California Department  
10 of Corrections and Rehabilitation publishes result recidivism statistics periodically. The  
11 last published set of data is for persons released in fiscal year 2014/2015.<sup>1</sup> The data  
12 follows these people for the three years after their release. This data shows that persons  
13 who are over 60 years old present dramatically lower risks of a new conviction within  
14 three years after release compared to other age groups.<sup>2</sup> This is consistent with the general  
15 consensus in the field of correctional risk assessment that people age out of criminal  
16 behavior. A person who engaged in criminal behavior in his twenties is very unlikely to  
17 return to such behavior after age 45. CDCR publishes demographic data showing that as  
18 of December 2018, approximately 8.4% of the in custody population, or approximately  
19 10,600 people, were aged 60 or older, and of them approximately 5,000 people were age  
20 65 or over.<sup>3</sup> The next lower age bracket, 55 to 59 years of age, also a generally low risk  
21 age group, numbered over 9,000 people.

---

22  
23 <sup>1</sup> See Recidivism Report for Offenders Released From the California Department of  
24 Corrections and Rehabilitation in Fiscal Year 2014-2015 (Recidivism Report), available at,  
25 <https://www.cdcr.ca.gov/research/wp-content/uploads/sites/174/2020/01/Recidivism-Report-for-Offenders-Released-in-Fiscal-Year-2014-15.pdf>.

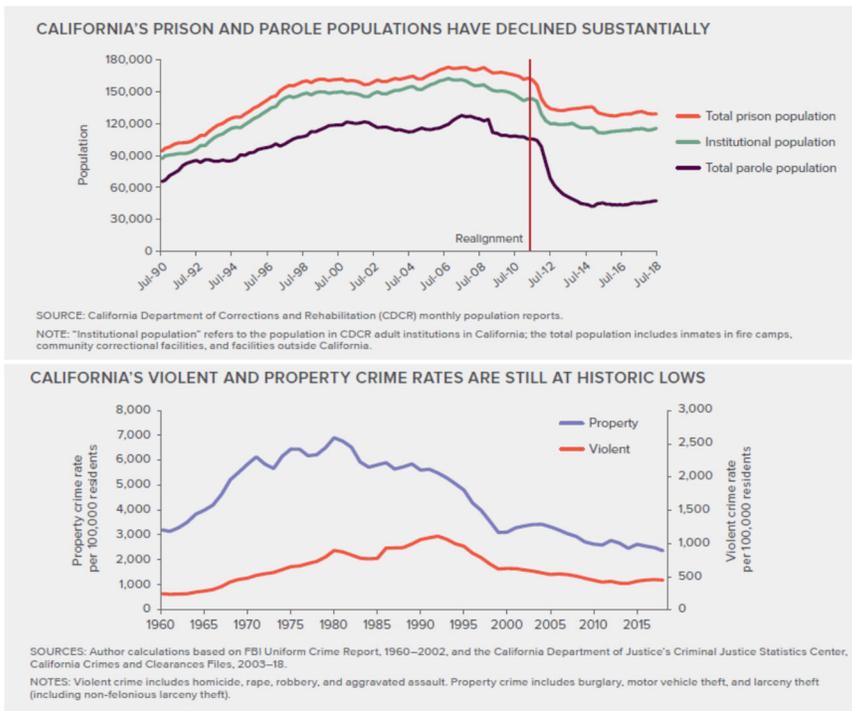
26 <sup>2</sup> *Id.* at viii, Persons over 60 have a three-year conviction rate of 20.5 percent compared to  
27 59 percent for persons aged 20 to 24.

28 <sup>3</sup> California Department of Corrections, Offender Data Points: Offender Demographics for  
the 24-month Period Ending December 2018 (January 2020) (CDCR Demographics) at

1 9. The recidivism rates for “lifers,” persons with indeterminate sentences are  
 2 extremely low, regardless of age. Of the 688 lifers released in 2014-2015, sixteen  
 3 individuals (2.3 percent) were convicted of a new crime, the majority of which were  
 4 misdemeanors.<sup>4</sup>

5 10. California’s tracking of risk assessment scores is also public.<sup>5</sup> CDCR reports  
 6 that as of the end of 2018, 49.8% of its in custody population, or over 63,000 people,  
 7 scored at a “Low Risk to Reoffend” on the California State Risk Assessment Score  
 8 (CSRA).<sup>6</sup>

9 11. Much work has been done to study the public safety impact of California’s  
 10 post-2009 prison population reduction. Both violent and property crime rates have  
 11 remained at historic lows during the same period in which the prisoner and parolee



12 population dropped. To  
 13 the left are two tables from  
 14 a January 2020 report by  
 15 the Public Policy Institute  
 16 of California,<sup>7</sup> one  
 17 showing the drop in and  
 18 the prison and parole  
 19 population, and the other  
 20 showing the drop in crime  
 21 rates.

22 page 20, available at [https://www.cdcr.ca.gov/research/wp-content/uploads/sites/174/2020/01/201812\\_DataPoints.pdf](https://www.cdcr.ca.gov/research/wp-content/uploads/sites/174/2020/01/201812_DataPoints.pdf).

23  
 24  
 25 <sup>4</sup> Recidivism Report, *supra* note 1, at viii, 19-20.

26 <sup>5</sup> CDCR Demographics, *supra* note. 3.

27 <sup>6</sup> *Id.* at 16.

28 <sup>7</sup> Public Policy Institute of California, “California continues to reshape its criminal justice



