

SUBCOMMITTEE NO. 5

Agenda

Senator Nancy Skinner, Chair
Senator John M.W. Moorlach
Senator Jim Beall



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9:30 a.m. or upon adjournment of Session
State Capitol - Room 113

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Public Comment

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ITEMS TO BE HEARD

5225 DEPARTMENT OF CORRECTIONS AND REHABILITATION (CDCR)**Issue 1: Increasing Inmate Literacy BCP**

Governor's Budget. The budget proposes \$5.5 million General Fund and 35.0 positions in 2019-20 and ongoing to establish and support a literacy mentor program across all adult institutions.

Background. On December 1, 2018, the Division of Rehabilitation Programs (DRP) was serving over 26,000 literacy students daily in 35 adult schools accredited by the Western Association of Schools and Colleges. The curriculum includes courses in classroom and flexible education settings covering Adult Basic Education (ABE) of all grade levels, high school diploma and high school equivalency. According to point-in-time data from offenders with an assessed Tests of Adult Basic Education (TABE) reading score (excluding those currently unassessed in Reception Centers), of the Department's 35 in-state adult institutions, approximately 47 percent of California's adult offenders read below a ninth grade level. The CDCR defines literacy programs as all programs leading to a high school equivalency or diploma.

Current CDCR literacy programs. Currently, the CDCR offers the following:

1. Diagnostic remedial reading program—Reading Horizons is an evidence-based reading program focused on beginning reading literacy skills and English as a Second Language. This program presents both a teacher and computer-based learning platform able to assess and diagnose individual student literacy needs. Once assessed, each student receives an individualized learning plan.
2. Computer-based learning.
3. English as a Second Language— this component will provide for specific training to literacy teachers in second language acquisition theory, with a strong focus on “academic” language. The program will begin with a pilot at three institutions to develop a model whereby CDCR-trained instructors will ultimately train other teachers statewide.
4. Teacher mentor program—CDCR will deploy six teachers with extensive experience to provide coaching and mentorship for new teachers and teachers needing additional support in literacy instruction.

Relevant statute and legislation. California Penal Code Section 2053.1 requires the Department to implement programs that, in part:

1. Focus on increasing the reading ability of an inmate to at least a ninth grade level.
2. Focus on helping the inmate obtain a General Education Development (GED) certificate, or its equivalent, or a high school diploma.
3. Offer college programs through Voluntary Education Programs (VEP) or their equivalent Senate Bill 1200 (Hancock), Chapter 654, Statutes of 2012, updated the California Common Core State Standards: English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects (CA CCSS for EL/VLiteracy). The CA CCSS for ELA/Literacy were modified on March

13, 2013, following the recommendation of State Superintendent of Public Instruction, to include the addition of the College and Career Readiness Anchor Standards and technical changes. Under the current model, academic classrooms are limited to 27 students who attend five days per week, 3.25 hours per day. Voluntary Education Program instructors can have ratios of up to 120 students and see students in a face-to-face environment at least twice weekly.

Proposal details. This proposal seeks to expand the amount of possible offerings to inmates in order to raise the literacy level and reward credits to participants. This proposal is for literacy coaches. Literacy coaches will be established at each prison to teach monitor, and supervise qualified inmate-tutors allowing for the expansion of literacy learning opportunities in classrooms, libraries, and day rooms when appropriate. The CDCR proposes to establish 35 Literacy Instructors (academic teaching positions), one at each adult institution to create, maintain, and facilitate an Inmate Literacy Mentor Program.

Justification. In addition to the demonstrated amount of inmates who read below a ninth grade level, the CDCR believes it has a sizeable and ready pool of applicants for inmate instructors for its literary coaches program. According to the CDCR 5,200 offenders that have an Associates of Arts Degree or higher, ranging from 30 to 300 at a single adult institution. Additionally, they state that they have over 1,300 inmate teacher assistants/clerks. The CDCR believes that it can leverage this segment into literary peer mentors in a cost-effective manner.

Expected outcomes from increasing inmate literacy. The CDCR anticipates improved financial, credit, and literacy outcomes for literary mentors and students. The CDCR expects that this program will result in additional one-on-one learning opportunities within classrooms, libraries, and day rooms, when appropriate. The voluntary instructor model creates a flexible model allowing for a greater number of students to participate in literacy instruction, including those with other assignments, local institutional jobs, or working in the Prison Industry Authority. This proposal would allow for each literacy instructor to train and establish a cohort of 20 literacy mentors, who would have a ratio/assignment roster of 20 students each, thus expanding the reach of each academic instructor from 120 to 400. Moreover, the CDCR expects to pay inmate literacy mentors who successfully complete the program, pay ranging from \$0.85-\$1.00 per hour, depending upon their level of education. Those participating in the literacy mentor assignment will receive hours toward earning Rehabilitative Achievement Credits. These credits will be in addition to normal earning credits. Literacy mentors the opportunity for additional milestone completion credits and educational merit credits. Finally, they project increases in high school equivalency/diplomas, gains in TABE, and gains in Comprehensive Adult Student Assessment Systems because of this program (see BCP for in-depth statistics).

LAO Assessment

Program Could Improve Literacy but Actual Effectiveness Remains Unclear. The LAO finds that the Governor's proposal merits legislative consideration as it could be a relatively low-cost way of expanding literacy education to additional inmates. However, students would only receive an average of 90 minutes of support from inmate mentors per week. While this would likely be higher than the Voluntary Education Program, it is far lower than the roughly 16 hours of instruction offered in the traditional classroom model. Furthermore, it is unclear how effective inmate mentors would be at improving inmate students' literacy and educational attainment relative to instructors. This is because there is little research available regarding the effectiveness of similar inmate mentor programs. These factors raise questions about whether the effect of this program would be large enough to justify its costs.

Program Would Benefit Inmates Beyond the Impact on Literacy. In addition to any improvements in literacy, inmates who receive tutoring services would receive rehabilitative achievement credits for the time they spend with inmate mentors. The LAO estimates that such inmates could earn an average of roughly a couple weeks of credit annually through the program. Inmate mentors would also benefit from the program. Over the course of the required mentorship training, inmate mentors could earn up to six weeks of milestone completion credits and an additional 90-day educational merit credit. The LAO also notes that the proposed pay rate for inmate mentors of \$0.85 to \$1.00 per hour is competitive with the high end of the pay scale for other inmate work opportunities, such as those offered through the California Prison Industry Authority (CalPIA).

Requiring All Mentors to Take Criminal Personality Therapy Could Have Unintended Consequences. In 2017-18, about 41 percent, or about 44,000, of assessed offenders were found to have a moderate to high need for criminal personality therapy. This suggests that many of the inmate mentors could have a low need for the therapy but would nevertheless be required to receive such therapy under the Governor's proposal. This is problematic for two reasons. First, requiring such therapy for prospective mentors who do not have a moderate to high need would increase the time it takes to train them, and as a result, delay when inmate students could begin receiving literacy tutoring. Second, there could be unintended consequences depending on how potential inmate mentors are prioritized for therapy. For example, if the mentors are prioritized over other inmates, it could prevent offenders with a greater need for the therapy from being able to enroll in it. This is especially problematic given that, as of June 2018, CDCR only had the capacity to provide criminal personality therapy to 9,840 offenders, or about 28 percent of those who have a moderate to high assessed need.

Funding Does Not Account for Training. As mentioned above, the proposal includes \$1.1 million to provide a full year of pay to inmate mentors beginning in July 2019. However, based on the proposed training plan, it would take a minimum of eight months, or at least until March 2020, before an inmate completed training and began receiving wages—suggesting that no more than \$367,000 in inmate mentor wages would be needed in the first year of implementation.

LAO Recommendations. Approve Proposed Program on a Pilot Basis. Given that it is unclear how effective inmate mentors would be at improving literacy and educational attainment, the LAO recommends that the Legislature approve the proposed inmate literacy mentorship program as a three-year pilot—rather than as an ongoing program as proposed by the Governor. The LAO recommends that the Legislature approve \$700,000 in 2019-20, \$800,000 in 2020-21 and 2021-22, and five instructors on a three-year, limited-term basis. This would allow the department to implement an inmate literacy mentorship pilot with up to 100 inmate mentors and 2,000 students across five different prisons.

The LAO also recommends that the Legislature direct the Administration to select participating prisons that would reflect the larger system, particularly in regards to security levels and missions. In addition, the LAO recommends that the Legislature require CDCR to report by January 10, 2022, on the effect that the program has on inmate students' TABE scores relative to similar inmates who are enrolled in traditional education programs, as well as those who lack access to traditional educational programs. This would help the Legislature determine whether the program's effects on inmate literacy and educational attainment is large enough to justify funding the program on an ongoing basis in the future.

Remove Criminal Personality Therapy Requirement Unless Mentors Have Moderate to High Need. Due to the potential negative impacts of mandating criminal personality therapy for inmate mentors, the LAO recommends that the Legislature direct the Administration to require that inmate

mentors who participate in the pilot complete criminal personality therapy only if they have a moderate or high need for the therapy.

Staff Recommendation. Hold open.

Issue 2: Prison to Community Pipeline

Background. The purpose of this special panel is to highlight three critical processes that an incarcerated person, who eventually is released, experiences: 1) exposure to rehabilitation programs, 2) reception of programs and services that aid in the transition to the community, and 3) reintegration into communities upon release. Each step has complex challenges to service providers as well as recipients that serve as opportunity spaces for policy solutions. Bearing the goals of improved well-being inside and outside of prisons, reduced recidivism rates, reduced violence, administrative appeals, and use of force incidents, and increased restorative justice, each step must be addressed properly to achieve true “rehabilitation.”

In-prison rehabilitation programs. Effective rehabilitation programs are a critical component to assisting individuals in their preparation for their eventual release and successful reentry into society. The passage of Proposition 57 provided the CDCR with the authority to expand credits for participation in rehabilitative programming and expand the varieties of in-prison programming to manage the prison population in a manner that supports the rehabilitation of incarcerated individuals. In a relatively short amount of time, the CDCR has implemented policies and procedures that have resulted in steady population reductions that move the state in a direction towards eventually freeing itself from its current court orders. In November 2017, the Administration filed final regulations with the Office of Administrative Law on credit earning. CDCR proposed new changes to its credit regulations in December of 2018, to further increase credits inmates earn for participating in rehabilitative and educational activities starting in May 2019. California funds various categories of in-prison rehabilitation programs and manages other non-funded rehabilitation programs within CDCR.¹

The rehabilitation programs can be operated by CDCR employees, other governmental employees, private entities, or nonprofits. These categories are:

- ***Academic Education.*** Academic education programs include adult basic education, General Education Development (GED) certification, the high school diploma program, and various college programs. State law requires inmates with low literacy scores to attend adult basic education programs.
- ***Career Technical Education (CTE).*** CTE programs provide job training for various career sectors, including masonry, carpentry, and auto repair.
- ***Cognitive Behavioral Therapy (CBT).*** CBT programs are designed to help offenders change the patterns of behavior that led to criminal activity. Specifically, these programs provide various forms of therapy to address rehabilitative needs—such as criminal thinking and anger management—that, if left unaddressed, can increase the likelihood of recidivism.
- ***Employment Preparation.*** Employment preparation programs provide employment skills, such as job readiness and job search techniques, for inmates up to six months prior to their release in order to aid their transition back into society.
- ***Substance Use Disorder Treatment (SUDT).*** SUDT programs focus on helping inmates treat their substance use disorders, avoid relapse, and successfully reintegrate into society. Unlike for other rehabilitation programs which inmates generally attend on a voluntary basis, CDCR requires certain inmates who are caught using alcohol or illegal substances while in prison to attend SUDT programs.
- ***Arts-in-Corrections.*** Arts-in-Corrections programs focus on providing inmates with arts programs ranging from theatre to creative writing.

¹ Legislative Analyst’s Office. “Improving In-Prison Rehabilitation Programs.” December 6, 2017.

- ***Innovative Programming Grants.*** Innovative Programming grants provide not-for-profit organizations the opportunity to apply for funding to expand programs they are currently providing in other California state prisons that have demonstrated success and focus on offender responsibility and restorative justice principles. Many institutions are underserved by volunteer and not-for-profit organizations offering innovative programming. Innovative Programming grants have historically been one-time in nature and have been awarded to expand programs that have demonstrated that they would become self-sufficient or would be funded in the long-term by donations or other ongoing funding. Innovative programming grants to support various volunteer-run programs—such as restorative justice, prison gardening programs, and mentorship projects—at certain prisons.

In addition to the state-funded rehabilitation programs, the CDCR allows certain non-state entities and the California Prison Industry Authority (CalPIA) to offer rehabilitation programs at prisons:

- ***Programs Led by Inmates or Outside Organizations.*** Inmates and outside organizations can operate rehabilitation programs with CDCR approval. These programs are generally referred to as Inmate Leisure Time Activity Groups (ILTAGs). Specifically, ILTAGs are groups initiated by inmates and volunteers that provide various rehabilitation opportunities—such as self-help support, creative writing, or peer mentorship. These programs allow inmates to be engaged in activities outside state-funded rehabilitation programs and/or work assignments. CalPIA is a semi-autonomous state agency that provides work assignments and vocational training (similar to certain Career Technical Education rehabilitation programs) to inmates. It is funded primarily through the sale of the goods and services produced by the program.

The importance of rehabilitation programs to the recipient. The most effective rehabilitation programs are typically those that provide the incarcerated with a safe space, support and guidance to address and process their unresolved traumatic experiences. By doing so advocates argue, the participants are able to rehabilitate in a way that leads to improved emotional intelligence and communication skills. For example, some programs lead to better management of anger and stress. A byproduct of this is the reduction in recidivism and other measurements for effectiveness. The Insight Garden Program (IGP) conducted an informal recidivism study of 108 IGP graduates (over an eight year period), who paroled from San Quentin, found that only seven returned within three years. Insight-Out Guiding Rage into Power GRIP reports that in six years, 109 graduates were released and zero have come back to prison. Overall when rehabilitative programs are well-designed and implemented effectively, various studies show that they can reduce the number of people who recidivate², deliver contentment from victims with the justice system³, and that the resulting savings can more than offset their costs.

The importance of rehabilitation programs to the state. If rehabilitation programs are successful at reducing recidivism, they not only can reduce crime but also can result in both direct and indirect fiscal benefits to the state. Direct fiscal benefits include reduced incarceration costs—as offenders will not return to prison—as well as reduced crime victim assistance costs. Indirect benefits could include reduced costs for public assistance, as some offenders may receive job training that leads to employment,

² Daly, K., Bouhours, B., Broadhurst, R., & Loh, N. (2013). Youth sex offending, recidivism and restorative justice: Comparing court and conference cases. *Australian & New Zealand Journal of Criminology*, 46(2), 241–267. <https://doi.org/10.1177/0004865812470383>.

³ Jeff Latimer, Craig Dowden, Danielle Muise, “The Effectiveness Of Restorative Justice Practices: A Meta-Analysis” *The Prison Journal*, Vol. 85 No. 2, June 2005 127-144 DOI: 10.1177/0032885505276969.

thereby reducing the level of public assistance needed. If rehabilitation programs are operated effectively, these benefits can exceed the costs of providing the programs and result in net fiscal benefits to the state.

Upon reentry into communities; however, formerly incarcerated people often face a range of challenges.⁴ Many have low levels of education and literacy, limited prior attachment to the legal workforce, reduced ties to family and community, and histories of substance abuse and mental health problems. Other challenges include lack of basic documentation such as a current driver's license, the use of criminal background checks by employers, and state laws and licensing requirements for jobs in certain fields impede their ability to gain employment. Research has shown that large numbers of people are released into a disproportionate number of vulnerable communities, causing instability and reduced social cohesion within these neighborhoods.⁵ And, California has among the highest recidivism rates in the nation, with many low-level criminal offenders committing new crimes within a year of release. Employment and housing are just two critical pieces of the reentry puzzle amongst many.

Studies have shown that the first month after release is a vulnerable period “during which the risk of becoming homeless and/or returning to criminal justice involvement is high.”⁶ Yet, in most jurisdictions to which individuals return after incarceration, accessible and affordable housing is in exceedingly short supply. Additional challenges unique to people with a criminal history make it even more difficult for them to obtain suitable housing.

Studies suggest that employment programs offer the formerly incarcerated are a better opportunity to reduce recidivism and increase the chances of addressing criminogenic behaviors. Employment offers stable incomes, structured timelines, resources and services through training that enhances a formerly incarcerated person's ability to reintegrate into his/her communities.⁷ The collection of factors and challenges illustrates that there is a critical need for programming and policies inside and outside of the prison system to improve their eligibility for employment. Employment carries significant meaning and importance, especially those coming from vulnerable and disadvantaged communities. For these people employment provides emotional, financial, and mental stability, promotes self-esteem and self-sufficiency, and aids in recovery from mental illness, reintegration from prison, and/or physical/developmental disabilities.

Overall the importance of comprehensive supportive and wraparound services during the pursuit of pre- and post-release should not be neglected. These services aid in the rehabilitation process and, eventually, provide a warm landing upon reentry—helping to provide a semblance of stability upon reentry. Increasing funding and development of will lead to the impacted populations being able to develop skills such as managing substance use disorder treatment, education, housing, family reunification, vocational training and employment services. Investments in local residency and support services to parolees

⁴ Jeanne Bellotti et al., “Examining a New Model for Prisoner Re-Entry Services: The Evaluation of Beneficiary Choice Final Report,” March 16, 2011. https://www.dol.gov/asp/evaluation/completed-studies/Examining_a_New_Model_for_Prisoner_Reentry_Services/FINAL_REPORT_examining_new_model_prisoner_reentry_services.pdf.

⁵ Ibid.

⁶ Council of State Governments, Report of the Re-Entry Policy Council (New York: Council of State Governments, 2005), 272.

⁷ Jeremy Travis, Bruce Western, and Steve Redburn, *The Growth of Incarceration in the United States: Exploring Causes and Consequences*. http://johnjay.jjay.cuny.edu/nrc/nas_report_on_incarceration.pdf

including substance use disorders treatment, cognitive outpatient and drop-in programs for parolees provide support in employment assistance and placement, relationships, Cognitive Behavioral Therapies, education, housing and vocational training, behavioral therapies, life skills, employment, education and transitional housing are also necessary.

Staff Recommendation. This is an informational item. No action is necessary at this time.

5227 BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC)**Issue 3: Oversight of Adult Reentry Grant**

Background. In an effort to address some of the barriers to reentry, the Budget Act of 2018 allocated \$50 million on a one-time basis for reentry and diversion efforts. Budget bill language within SB 840 (Mitchell), Chapter 29, Statutes of 2018, specifies that the funding should be allocated for reentry grants to community-based organizations for rental assistance (\$25 million), the rehabilitation of property or buildings for housing offenders released from prison (\$15 million), the warm hand-off and reentry of offenders transitioning from prison to communities (\$9.4 million), and the Berkeley Underground Scholars Initiative (\$150,000). The BSCC was selected as the entity to administer grant funding.

Staff Recommendation. This is an oversight item meant to provide the subcommittee with an update. There is no needed action at this time.