

# SUBCOMMITTEE NO. 5

# Agenda

Senator Loni Hancock, Chair  
Senator Joel Anderson  
Senator Holly Mitchell



Thursday, March 20, 2014  
9:30 a.m. or Upon Adjournment of Session  
State Capitol - Room 113  
Consultant: Julie Salley-Gray

## Special Presentation

“Guiding Rage Into Power” Insight-Out’s Program at San Quentin Prison

## Items Proposed for Discussion

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## **SPECIAL PRESENTATION**

### **INSIGHT-OUT'S GRIP PROGRAM: GUIDING RAGE INTO POWER (A COMPREHENSIVE OFFENDER ACCOUNTABILITY PROGRAM)**

The Guiding Rage Into Power (GRIP) approach has been developed over 17 years of working with thousands of prisoners, mostly in San Quentin State Prison. This program offers an in-depth journey into the participants' ability to understand and transform violent behavior and replaces it with an attitude of emotional intelligence. The one-year long program helps participants to comprehend the origins of their violence and develop the skills to track and manage strong impulses before they are acted out in destructive ways. Students become "emotionally literate" by fully understanding feelings of anger and rage, learning to recognize the body signals that accompany those emotions, and engage in a process to stop and discharge the buildup of tension in a safe manner. The course helps participants to identify and communicate the feelings underneath anger and process 'the feelings within the feelings' such as sadness, fear, and shame. Students also develop the skills to understand and express the unmet needs that are covered up by the experience of rage.

The GRIP program has a distinct focus. Most rehabilitation programs singularly zero in on either academic or vocational purposes or addiction recovery. These are important efforts, yet they would be optimized if the root causes of what leads someone to offend were addressed directly. The GRIP methodology consists of a transformational re-education modality that commits the participants to a process of deep self-inquiry and healing. The program examines the origins of criminogenic conduct and undoes the characteristic destructive behavioral patterns (including addiction) that lead to transgressions. Participants learn to:

1. Stop their violence
2. Develop emotional intelligence
3. Cultivate mindfulness
4. Understand victim impact

The program is a trauma treatment-based model that integrates the latest brain research. One of the goals of the program is to heal the unprocessed pain from which people lash out. Participants partake in a process of creating an inventory of 'unfinished business' that relate to traumatic experiences that have become formative defense mechanisms which generate triggered reactions. They also make a personal history of 'violence suffered' and 'violence perpetrated' to gain insight into origins and patterns of behavior. Students sign a pledge to become a non-violent person and a peacemaker. A major component of the program is that it functions as a peer education model where experienced students co-facilitate the classes and mentor newer students. All participants are to become fully engaged as integral stakeholders of the program. The program employs a methodology that is called 'normative culture' wherein the students cultivate intrinsic motivation by being actively involved in both setting and enforcing the standards and norms that are integral to the course. This central value of the program

ensures maximum ownership of the participants for their own learning process. Through its status as a service provider through the Marin Probation Department, the program is certified to meet the needs of parolees that must take a 52-week court ordered domestic violence program before release to the community. It also is able to certify prisoners as facilitators of domestic violence as a job skill. The program actively interacts with the community by inviting in guest teachers, victims, California Department of Corrections and Rehabilitation (CDCR) officials, law enforcement, and other community members.

The program integrates three principal modalities:

- Instruction functions as a means to teach the information that is crucial to the program's theoretical framework.
- Process refers to the various exercises employed to work with a deep layer of emotional material that must be acknowledged, expressed, and integrated in order for insight and understanding to occur.
- Practice anchors the acquired insights into a durable behavior by spending time learning how to embody what has been learned.

Practicing the GRIP tools makes the insight operational as a behavioral skillset.<sup>1</sup>

**Staff Comment.** Prisons, such as San Quentin, that are located in highly populated areas often are able to provide a wide array of innovative programming through volunteer efforts and non-profit organizations, such as Insight-Out, the Prison Yoga Project, or the Insight Garden Program. However, remote institutions such as Pelican Bay in Crescent City or Ironwood State Prison in Blythe, do not have the same opportunities to use volunteers and community-based organizations to expand the availability of rehabilitative programs. The Legislature may want to consider creating a grant program that would provide funding for non-profit organizations who would like to expand their programs into underserved institutions.

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<sup>1</sup> Program information provided by Jacques Verduin, Executive Director, Insight-Out

## ITEMS TO BE HEARD

### **0552 Office of the Inspector General**

The Office of the Inspector General (OIG) protects public safety by safeguarding the integrity of California's correctional system. The OIG is responsible for contemporaneous oversight of the California Department of Corrections and Rehabilitation's (CDCR) internal affairs investigations, use of force, and the employee disciplinary process. When requested by the Governor, the Senate Committee on Rules, or the Speaker of the Assembly, the Inspector General reviews the policies, practices, and procedures of CDCR. The Inspector General reviews the Governor's candidates for appointment to serve as warden for the state's adult correctional institutions and as superintendents for the state's juvenile facilities; conducts metric-oriented inspection programs to periodically review delivery of medical care at each state prison and the delivery of reforms identified in the department's document, released in April 2012, entitled "The Future of California Corrections: A blueprint to save billions of dollars, end federal court oversight, and improve the prison system" (blueprint). The OIG receives communications from individuals alleging improper governmental activity and maintains a toll-free public telephone number to receive allegations of wrongdoing by employees of CDCR; conducts formal reviews of complaints of retaliation from CDCR employees against upper management where a legally cognizable cause of action is present; and reviews the mishandling of sexual abuse incidents within correctional institutions. The OIG provides critical public transparency for the state correctional system by publicly reporting its findings.

In addition, the Public Safety and Offender Rehabilitation Services Act of 2007, established by AB 900 (Solorio), Chapter 7, Statutes of 2007, created the California Rehabilitation Oversight Board (C-ROB) within the OIG. C-ROB's mandate is to examine CDCR's various mental health, substance abuse, educational, and employment programs for inmates and parolees. (C-ROB is discussed in more detail in the next section.)

Following is the total funding and positions for the OIG, as proposed in the Governor's Budget. The OIG is funded exclusively from the General Fund.

(dollars in thousands)

Funding	2012-13	2013-14	2014-15
General Fund	\$13,507	\$15,762	\$17,031
<b>Total</b>	<b>\$13,507</b>	<b>\$16,366</b>	<b>\$17,031</b>
<b>Positions</b>	<b>87.2</b>	<b>93.4</b>	<b>95.4</b>

## Issue 1: C-ROB Update

**Background.** AB 900 (Solorio), Chapter 7, Statutes of 2007, established the California Rehabilitation Oversight Board (C-ROB) within the Office of the Inspector General (OIG). C-ROB is made up of state and local law enforcement, education, treatment, and rehabilitation professionals who are mandated to examine and report biannually on rehabilitative programming provided by CDCR. The board meets quarterly to recommend modifications, additions, and eliminations of offender rehabilitation and treatment programs. The board also submits biannual reports to the Governor, the Legislature, and the public to convey its findings on the effectiveness of treatment efforts, rehabilitation needs of offenders, gaps in offender rehabilitation services, and levels of offender participation and success. In performing its duties, C-ROB is required by statute to use the work of the Expert Panel on Adult Offender Reentry and Recidivism Reduction Programs.

C-ROB uses the California Logic Model as the framework by which to evaluate CDCR's progress in implementing rehabilitative programming. The California Logic Model is eight evidence-based principles and practices, identified by the expert panel, that show what effective rehabilitation programming could look like as an offender moves through the state's correctional system. The eight areas are: (a) assess high risk; (b) assess need; (c) develop behavior management plan; (d) deliver programs; (e) measure progress; (f) preparation for reentry; (g) reintegrate; and (h) follow-up.

On March 15, C-ROB released the fourteenth biannual report, which examines the progress the CDCR made in providing and implementing rehabilitative programming between July and December 2013.

**C-ROB Recommendations.** The following are the board's findings, and the department's progress in response to those findings, regarding effectiveness of treatment efforts, rehabilitation needs of offenders, gaps in rehabilitation services, and levels of offender participation and success.

***The board recommends CDCR's Division of Rehabilitative Programs continue to work closely with CDCR's Division of Adult Institutions' Female Offenders' Mission to provide female offenders with gender-responsive treatment, services, and gender-specific curricula that increase opportunities for successful reintegration into their communities to reduce their rate of recidivism.***

The characteristics of the female offender population have, and will continue, to change. The board is focused on how the department administers programs for female offenders and has identified a gap in rehabilitation services as it applies to the female offender population. The department is working with the Division of Adult Institution's Female Offenders' Mission, and future reports will include information about progress implementing a curriculum to meet this need.

***The board recommends the department work with the California Arts Council and California Lawyers for the Arts to develop a dedicated “Arts in Corrections” program to be administered statewide.***

The board is pleased with the initial results from the Arts in Corrections pilot program, and is aware that offenders who engage in arts programs experience better parole outcomes and lower rates of recidivism. Studies indicate that prison arts education results in a reduction of disciplinary actions and reduced tension within the institution. The department’s own study of parolees between 1980 and 1987 showed that offenders who had engaged in the Arts in Corrections programs experienced better parole outcomes and lower rates of recidivism. The California Arts Council, in conjunction with the California Lawyers for the Arts, is proposing a \$1.214 million budget proposal, which will fund an arts institution program in nine California prisons for two years. Included in the proposal is an integrated evaluation system to provide an assessment of the program’s effectiveness and allow the department and the California Arts Council to focus future funding on the most effective programs.

***The board recommends the department work collaboratively with CalPIA to improve access to PIA programs.***

The California Prison Industry Authority (CalPIA) has proven to be effective at reducing recidivism. The department and CalPIA strive to increase public and prison safety and reduce recidivism. Therefore, in addition to increasing access to career technical education (CTE), the department should enhance access to CalPIA. The board recommends the department work collaboratively with CalPIA to leverage the programs offered to offenders.

The board reports that the department and CalPIA continue to work collaboratively to improve access to rehabilitative programs offered to offenders. CalPIA is mandated to operate a work program for prisoners that will ultimately be self-supporting by generating sufficient funds from the sale of products and services to pay program expenses.

***The board recommends the department develop strategies to improve its efficiency in providing continuity of care for offenders released into the community.***

The board notes that the department continued to utilize contracted benefits workers within the institutions to apply for, and secure, federal and state benefit entitlements. The board reiterates the importance of the pre-release benefit application process in order to provide continuity of care for offenders released into the community. The department should develop strategies to improve its efficiency in this area.

***The board recommends that pre-release reentry COMPAS assessments be performed on all offenders.***

While assessment and case management are extremely important functions on the front end, the board reiterates its desire to see pre-release reentry COMPAS assessments performed on all offenders.

***The board recommends the department implement an incentive-based system to encourage substance abuse treatment completion rates.***

The most recent reported community SAT completion rate of 36 percent is 11 percent lower than the national average of 47 percent, as reported by the Substance Abuse and Mental Health Services Administration. The data clearly indicates that the number of exits far exceeds the number of completions. The board underscores the importance of the Expert Panel Report's recommendation to "*Enact legislation to expand [CDCR's] system of positive reinforcements for offenders who successfully complete their rehabilitation program requirements, comply with institutional rules in prison, and fulfill their parole obligations in the community.*" The board would like to see an increase in the community aftercare SAT completion rates and recommends an incentive-based system to encourage completion.

The board would like clarity regarding the data, including the categories and what factors determine whether all, some, or none of the needs were met. The board recognizes that there are a number of factors during this blueprint transition year that may have affected the outcomes in the post-realignment needs met percentages. The department may have been unable to meet a need because the program is being established. Conversely, an inmate may have been reported as having a need met after spending only one day in a program. The board recommends the department modify its reporting of progress to ensure the data captured accurately reflects the challenges and successes of addressing offenders' needs. One day in a program should not be counted as meeting a need. The board will continue to monitor the department's progress as more offender assessments are completed and programs are activated.

**Questions for the OIG.** The OIG should be prepared to answer the following questions:

1. In addition to looking at the number of people who are or were provided with treatment services and the completion rates, does C-ROB evaluate the effectiveness of the actual treatment and education programs in the institutions? If so, can you please discuss the effectiveness of the programs and how widely the programs vary among institutions?
2. Please provide more detail on how CDCR could improve access to the CalPIA programs.

3. Please provide more detail on what an incentive-based substance abuse treatment program would entail.
4. Outside of the recommendation that a new COMPAS assessment and case management be done toward the end of a person's sentence, have you found that CDCR does an effective job of providing a rehabilitation plan and case management throughout an inmate's incarceration? In addition, can you tell us what happens to any rehabilitation planning if an inmate is moved to another institution?
5. Do you have any recommendations for changes in C-ROB's statutory requirements? Are there requirements that are no longer relevant and those that you believe the Legislature should add to C-ROB's mission?

**Questions for CDCR.** CDCR should be prepared to respond to the C-ROB report recommendations and answer the following questions:

1. Some of the recommendations in the C-ROB report are not new and have been made in the past. Please explain how you have attempted to incorporate the C-ROB recommendations into your programs and if you have not implemented them, please explain why not.
2. Please address the concern raised in the report that an inmate who participates one day in a program is counted toward the completion goals.

**Staff Comment.** C-ROB's biannual reports have been helpful in providing information regarding the types of programs and program utilization within CDCR. However, given the changes, including realignment and the recent ruling by the federal three-judge panel, that have impacted the department since C-ROB was established, the subcommittee may wish to assess whether some of C-ROB's statutory requirements should be revised to include additional evaluations or to remove any requirements that are no longer relevant.



## **5225 Department of Corrections and Rehabilitation**

Effective July 1, 2005, the California Department of Corrections and Rehabilitation (CDCR) was created, pursuant to the Governor's Reorganization Plan No. 1 of 2005 and SB 737 (Romero), Chapter 10, Statutes of 2005. All departments that previously reported to the Youth and Adult Correctional Agency (YACA) were consolidated into CDCR and include the California Department of Corrections, Youth Authority (now the Division of Juvenile Justice), Board of Corrections (now the Board of State and Community Corrections (BSCC)), Board of Prison Terms, and the Commission on Correctional Peace Officers' Standards and Training (CPOST).

The mission of CDCR is to enhance public safety through safe and secure incarceration of offenders, effective parole supervision, and rehabilitative strategies to successfully reintegrate offenders into our communities.

The CDCR is organized into the following programs:

- Corrections and Rehabilitation Administration
- Juvenile: Operations and Offender Programs, Academic and Vocational Education, Health Care Services
- Adult Corrections and Rehabilitation Operations: Security, Inmate Support, Contracted Facilities, Institution Administration
- Parole Operations: Adult Supervision, Adult Community-Based Programs, Administration
- Board of Parole Hearings: Adult Hearings, Administration
- Adult: Education, Vocation, and Offender Programs, Education, Substance Abuse Programs, Inmate Activities, Administration
- Adult Health Care Services

The 2013 Budget Act projected an adult inmate average daily population of 128,885 in the current year. However, the current year adult inmate population is now projected to exceed budget act projections by 6,101 inmates, a 4.7 percent increase, for a total population of 134,986. The budget year adult inmate population is projected to be 137,788, a 6.9 percent increase of 8,903 inmates over the revised current year. Current projections also reflect an increase in the parolee population of 3,439 in the current year compared to budget act projections, for a total average daily population of 45,934. The parolee population is projected to be 36,652 in 2014-15, a decrease of 5,843.

The Governor's budget proposes \$9.8 billion (\$9.5 billion General Fund and \$320 million other funds) and 60,598.7 positions for CDCR in 2014-15. The following table shows CDCR's total operational expenditures and positions for 2012-13 through 2014-15.

(dollars in thousands)

<b>Funding</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
General Fund	\$8,534,272	\$9,263,117	\$9,494,977
General Fund, Prop 98	16,824	17,910	17,698
Other Funds	53,534	62,690	63,053
Reimbursements	138,275	179,647	185,043
Recidivism Reduction Fund	-	-81,109	72,811
SCC Performance Incentive Fund	-615	-1,000	-1,001
<b>Total</b>	<b>\$8,742,290</b>	<b>\$9,441,255</b>	<b>\$9,932,581</b>
<b>Positions</b>	<b>50,728.7</b>	<b>60,790.1</b>	<b>60,598.7</b>

## Issue 2: LAO's Population Reduction Recommendations

**Background.** In 2009, a federal three-judge panel declared that overcrowding in the state prison system was the primary reason that CDCR was unable to provide inmates with constitutionally adequate health care. The court ruled that in order for CDCR to provide such care, overcrowding would have to be reduced. Specifically, the court ruled that by June 2013, the state must reduce the inmate population to no more than 137.5 percent of the "design capacity" in the 33 prisons operated by CDCR. Design capacity generally refers to the number of beds CDCR would operate if it housed only one inmate per cell and did not use temporary beds, such as housing inmates in gyms. Inmates housed in contract facilities or fire camps are not counted toward the overcrowding limit. In May 2011, the U.S. Supreme Court upheld the three-judge panel's ruling. Under the population cap imposed by the federal court, the state would need to reduce the number of inmates housed in its 33 state prisons by about 34,000 inmates, relative to the prison population at the time of the ruling.

In October 2012, the federal three-judge panel ordered the state to present two plans for how it would further reduce the state's prison population either by the original deadline of June 2013, or by a deadline of December 2013. On January 7, 2013, the Administration released its response to the court. The Administration requested that the court modify or vacate its population reduction order altogether. While the three-judge panel did not issue judgment on whether to vacate the population limit, it did extend the deadline for meeting the limit from June 2013 to December 2013. It also ordered the Administration to continue working toward meeting the limit in December but did not order the Administration to take any specific actions.

In June of 2013, the court ordered Governor Brown to reduce the prison population by 9,600 inmates by the end of the year. The state's response was reflected in part by the passage of SB 105 (Steinberg and Huff), Chapter 310, Statutes of 2013, which provided CDCR with an additional \$315 million in General Fund support in 2013-14 and authorized the department to enter into contracts to secure a sufficient amount of inmate housing to meet the court order and to avoid the early release of inmates which might otherwise be necessary to comply with the order. The measure also required that if the federal court modifies its order capping the prison population, a share of the \$315 million appropriation in Chapter 310 would be deposited into a newly-established Recidivism Reduction Fund. The Governor's proposed budget estimates that approximately \$82 million will be available in the Recidivism Reduction Fund.

**Recent Court Order.** On February 10, 2014, the court granted the state's request for a two-year extension to meet the population cap and largely adopted the plan submitted by the Administration. The order established the following benchmarks:

Benchmark Date	Percent of Capacity	Number of Inmates <sup>2</sup>	Reduction from Projected Population
June 30, 2014	143%	116,651 <sup>3</sup>	1,266 <sup>4</sup>
February 28, 2015	141.5%	117,030 <sup>5</sup>	12,193 <sup>6</sup>
February 28, 2016	137.5%	116,989 <sup>7</sup>	17,927 <sup>8</sup>

In addition, the court order established the following requirements for the state:

1. Prohibits an increase in the number of inmates housed in out-of-state facilities.
2. Requires an immediate increase in credits prospectively for non-violent second-strike offenders and minimum custody inmates. In addition, allows non-violent second-strikers to earn good time credits at 33.3 percent and earn milestone credits.
3. Requires implementation of a new parole determination process which will allow non-violent second-strikers to be eligible for parole once they have completed 50 percent of their sentence.
4. Requires the parole of certain inmates serving indeterminate sentences who have already been granted parole by the Board of Parole Hearings but have future parole dates.
5. Requires the implementation of an expanded parole process for the following types of inmates:
  - a. Medically incapacitated inmates.
  - b. Inmates who are 60 years of age or older and have already served 25 years.
6. Requires the activation of 13 reentry hubs by February 10, 2015.
7. Requires the pursuit of the expansion of the state's pilot reentry program to include additional counties.

<sup>2</sup> Based on a current prison capacity of 81,574, which grows to 85,083 with the activation of DeWitt and the three infill projects.

<sup>3</sup> Assumes DeWitt is not activated in time to meet this deadline.

<sup>4</sup> Based on the 1/31/2014 institution population of 117,917.

<sup>5</sup> Assumes DeWitt is activated and increases the state's capacity by 1,133 beds.

<sup>6</sup> Based on the Department of Finance "Three-Judge Court Compliance Projections with Two-Year Extension" Prison Population, with Blueprint projection of 129,233.

<sup>7</sup> Assumes activation of all three infill projects approved in the Blueprint, which will increase capacity by 2,376 beds.

<sup>8</sup> Based on the Department of Finance "Three-Judge Court Compliance Projections with Two-Year Extension" Prison Population, with Blueprint projection of 134,916.

8. Requires an expanded alternative custody program for female inmates.
9. Requires monthly status reports to the court.
10. Appoints a Compliance Officer who will release inmates in the event that the established benchmarks are not reached.
11. Waives all statutory, constitutional, and regulatory provisions, except the California Public Resources Code, which may impede the implementation of the order.

**Legislative Analyst's Office (LAO) Analysis.** On February 28, the LAO released their analysis of the recent court order and the Governor's plan to reduce the prison population. While the LAO agreed that the plan will likely allow the state to reach the 137.5 percent cap by the deadline of February 26, 2016, they did find that the plan is very costly and will not allow the state to maintain compliance with the cap in the long run. The LAO found that the centerpiece of the Governor's plan is to place almost 17,000 inmates in contract beds, 9,000 out of state and 8,000 within the state. They estimate the on-going cost of those beds to be approximately \$500 million per year.

The report notes:

*While the plan is likely to achieve compliance with the court order in the short run, current projections indicate that CDCR is on track to eventually exceed the cap. CDCR is currently projecting that the prison population will increase by several thousand inmates in the next few years and will reach the cap by June 2018 and exceed it by 1,000 inmates by June 2019. However, we note that this projection is subject to considerable uncertainty. Given the inherent difficulty of accurately projecting the inmate population several years in the future, it is possible that the actual population could be above or below the court imposed limit by several thousand inmates.*

*In addition, we are concerned that the plan's heavy reliance on contract beds makes it a very costly approach. As we note earlier, the Administration is currently considering alternatives to contracting for additional prison beds indefinitely to maintain long-term compliance with the cap. However, until such alternatives are implemented, the state will likely need to continue spending nearly \$500 million annually on contract beds in order to maintain compliance with the prison population cap. In contrast, other options available to the Legislature could actually decrease state expenditures.*

**LAO Recommendations.** The LAO makes the following recommendations for the Legislature to consider:

- Reject funding for the Integrated Services for Mentally Ill Parolees (ISMIP) program expansion and require an evaluation.
- Approve the drug treatment expansion but require an evaluation.
- Withhold funding for rehabilitation programming in contract facilities and direct the department to provide a more comprehensive plan during the spring budget hearings.
- Reject the Northern California Reentry Facility (NCRF) proposal.
- Reject the \$40 million jail and community reentry facility proposal.
- Evaluate CDCR's current rehabilitative programs.
- Expand the program created by SB 678 (Leno), Chapter 608, Statutes of 2009, commonly referred to as SB 678, which provides counties a fiscal incentive to reduce the number of felony probationers that fail on probation and are incarcerated.
- Reclassify certain felonies and wobblers as misdemeanors.
- Reduce sentences for certain crimes.
- Increase the earned release credits inmates can earn.
- Expand the Alternative Custody Program (ACP) to male inmates.
- Modify rehabilitative programs based on the evaluation recommended above.

**Questions for the LAO.** The LAO should be prepared to present their recommendations and to address the following questions:

1. Please provide details on how you would expand the SB 678 incentives program.
2. Please provide details on the types of earned release credits you are proposing.
3. You recommend adopting the Governor's proposal to expand drug treatment. What evidence shows that the program is worth expanding at this time and that it is

effective? Why didn't you make the same recommendation for drug treatment that you made for ISMIP and other CDCR programming?

4. Have you been able to estimate how your recommendations might allow the state to reach the 137.5 percent cap by February 2016 and maintain the population below that cap into the future?

Specifically, if the information is available, can you please tell the subcommittee how much you estimate each of the following policies will reduce the prison population:

- a. The proposed sentencing changes.
- b. Expansion of SB 678.
- c. Creating an ACP for male inmates.
- d. The increase of early release credits.

**Issue 3: Recidivism BCP**

**Background.** In September 2013, the Legislature passed, and the Governor signed, SB 105 (Steinberg and Huff), Chapter 310, Statutes of 2013, to address the federal three-judge panel order requiring the state to reduce the prison population to no more than 137.5 percent of design capacity by December 31, 2013. SB 105 provided CDCR with an additional \$315 million in General Fund (GF) support in 2013-14 and authorized the department to enter into contracts to secure a sufficient amount of inmate housing to meet the court order and to avoid the early release of inmates, which might otherwise be necessary to comply with the order. The measure also required that if the federal court modifies its order capping the prison population, a share of the \$315 million appropriation in Chapter 310 would be deposited into a newly-established Recidivism Reduction Fund.

**Budget Proposal.** The Governor's budget reflects total expenditures of \$228 million from the \$315 million appropriated in AB 105. The proposed plan would set aside \$82 million for recidivism reduction efforts. The following proposals are contained in the Governor's proposed recidivism BCP:

- \$11.3 million to increase the number of slots in the Integrated Services for Mentally Ill Parolees program from 600 to 900.
- \$40 million to support state reentry programs in the community, either through programs provided in jails or for services provided within communities.
- \$6 million GF for the workload associated with accelerating lifer hearings from 180 days to 120 days, expanding medical parole and implementing an elderly parole process.
- \$1.1 million GF for case records overtime for the processing of enhanced credit earnings for non-violent second strike inmates.

**Questions for the Administration.** The department should be prepared to present the proposal and to address the following questions:

1. Please provide details as to how you reached the \$40 million amount for community reentry.
2. The Governor's two-year plan assumes that 500 offenders will move to community reentry beds. Please provide information on how you arrived at that number and where you assume those reentry beds will be located.
3. Please provide an update on the status of expanded parole and the processing of enhanced credit earnings.



4. Over the next two years, your court compliance projections show that approximately 185 people will be paroled due to the expansion of medical and elderly parole. The BCP asks for \$12 million GF (\$6 million for 2014-15 and \$6 million for 2015-16) for the associated increased workload for the Board of Parole Hearings and CDCR. That equals to \$65,000 per parolee for the hearing process. Please explain why this process is so expensive.

**Legislative Analyst's Office (LAO) Recommendations.** The LAO makes the following recommendations directly related to the Recidivism BCP, for the Legislature to consider:

- Reject funding for the Integrated Services for Mentally Ill Parolees (ISMIP) program expansion and require an evaluation.
- Reject the \$40 million jail and community reentry facility proposal.

**Staff Comment.** In the 2013-14 budget, CDCR was given the authorization to provide up to \$5 million in funding to enter into a three-year Reentry and Community Transition pilot program with Los Angeles, Marin, San Diego, and San Francisco counties. Those projects are not underway yet, in fact the San Francisco Board of Supervisors only recently granted permission for the county to participate in the project. The Legislature may wish to consider whether it is prudent to provide an additional \$40 million toward this effort, prior to knowing if the projects will be successful. Further, the Administration has indicated that the \$40 million in funding for community reentry is not based upon an assessment of county's willingness or interest in providing reentry services.

Additionally, the Administration has noted that the funding amounts for expanded parole and processing enhanced credit earnings are placeholder amounts and need to be further refined.

**Issue 4: SB 260 Youth Offender Parole Services BCP**

**Background.** SB 260 (Hancock), Chapter 312, Statutes of 2013, requires the Board of Parole Hearings (BPH) to establish parole suitability hearings for offenders who were under 18 at the time they committed their crime and were sentenced to state prison. The bill also expanded the type of youth offender eligible for a parole consideration hearing, which historically only included indeterminately sentenced inmates. Now, under the changes enacted by SB 260, determinately sentenced offenders who meet certain criteria are entitled to a youthful offender parole hearing. Specifically, an offender is ineligible if he or she is sentenced under the “Three Strikes” law, the “One-Strike” sex law, or sentenced to life in prison without the possibility of parole. In addition, an offender is ineligible if, subsequent to attaining 18 years of age, he or she commits an additional crime for which the person is sentenced to life in prison or commits murder. The bill also requires that all currently eligible youthful offenders have their parole hearing date by July 1, 2015.

**Budget Proposal.** The Governor's budget includes \$1.586 million (General Fund) and 3.5 positions on a one-year limited-term basis (decreasing to approximately \$315,000 and 1.5 positions in 2015-16) to conduct the additional youthful offender parole hearings required by SB 260. Of the \$1.586 million, \$1.298 million and 3.5 positions are for BPH and the remaining \$288,235 is for CDCR's Case Records Unit.

## Issue 5: Status Update on Reentry Hubs

**Background.** In April 2012, CDCR released *The Future of California Corrections: A blueprint to save billions of dollars, end federal court oversight, and improve the prison system* — the *Blueprint* — detailing the Administration's plan to reorganize various aspects of CDCR operations, facilities, and budgets in response to the effects of the 2011 realignment of adult offenders, as well as to meet federal court requirements. The blueprint was intended to build upon realignment, create a comprehensive plan for CDCR to significantly reduce the state's investment in prisons, satisfy the Supreme Court's ruling to reduce overcrowding in the prisons (to 145 percent of design capacity as proposed by the Administration at the time as an alternative of 137.5 percent), and get the department out from under federal court oversight.

The Legislature, through the Budget Act of 2012 and its related trailer bills, approved funding augmentations and reductions associated with the blueprint and adopted necessary statutory changes. In addition, the Legislature made several changes to the blueprint to increase transparency and accountability, including creating a separate budget item for CDCR's rehabilitative programs and giving the Office of the Inspector General (OIG) oversight over the implementation of certain aspects of the blueprint.

The blueprint included the establishment of reentry hubs at designated prisons. Those reentry hubs are to contain career technical education programs, cognitive-behavioral therapy programs, substance abuse treatment programs for the last six to twelve months of incarceration, employment training, state-issued identification cards, academic programs, and a variety of self-help and volunteer programs.

Thirteen reentry hubs are in the process of being established in the existing designated institutions to provide relevant services to inmates who are within four years of release and who demonstrate a willingness to maintain appropriate behavior to take advantage of these services. The services for those reentry hubs will be available for inmates who are deemed to have a moderate to high risk of reoffending.

CDCR asserts that reentry hub programming will be geared toward ensuring that, upon release, offenders are ready for the transition back into society. The core of the programming is Cognitive Behavioral Treatment (CBT), an evidence-based program designed for inmates who have a moderate-to-high risk to reoffend, as assessed by the California Static Risk Assessment (CSRA), or who have an assessed criminogenic need, as identified by the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) and/or other assessment(s) identified by CDCR. CBT programs address the following major areas:

- Substance Abuse
- Criminal Thinking
- Anger Management
- Family relationships

In addition, reentry hubs will include the California Identification Card (Cal-ID) Program to ensure that offenders obtain a valid California identification card upon release, which is critical for employment and other services. The Transitions Program is also offered to provide inmates with job readiness and search skills and practical financial literacy to facilitate successful reentry into their communities.

The following table includes the locations of the 13 reentry hubs, their activation date or status and the security level of the hub.

Reentry Hub Location	Location	Activation Date	Security Level
Avenal State Prison (ASP)	Avenal	Within 45 to 60 days	II
California Institution for Men (CIM)	Chico	Within 45 to 60 days	I
California Institution for Women (CIW)	Corona	September 2013	I - IV
California Men's Colony (CMC)	San Luis Obispo	September 2013	II
California Treatment Facility (CTF)	Soledad	Within 45 to 60 days	II
Central California Women's Facility (CCWF)	Chowchilla	September 2013	I - IV
Chuckawalla Valley State Prison (CVSP)	Blythe	Within 45 to 60 days	II
Folsom Women's Facility (FWF)	Folsom	April 2014	I - III
High Desert State Prison (HDSP)	Susanville	Pending DGS approval	III
Ironwood State Prison (ISP)	Blythe	September 2013	III
California State Prison – Los Angeles (LAC)	Lancaster	No vendor – out for bid	IV
Substance Abuse Treatment Facility (SATF)	Corcoran	Pending DGS approval	II
Valley State Prison (VSP)	Chowchilla	Pending DGS approval	II

**Questions for the Administration.** The department should be prepared to provide an update on the 13 reentry hubs and to address the following questions:

1. According to the blueprint, all of the reentry hubs are to be operating by June 30, 2014. Please provide a status update.

2. Three reentry facilities are pending DGS approval. Can you please tell the subcommittee how long the DGS contracting process takes in general and how this part of the approval process takes? Are there things that can be done through trailer bill that would help expedite the contracting process?
3. Why does CDCR have to rebid the contract for the reentry hub at the California State Prison in Los Angeles? How long do you anticipate that process taking?
4. The reentry hub model calls for substance abuse treatment only in the last 6 to 12 months of a person's sentence. Why wait until the end of a person's sentence to provide treatment for addiction? Wouldn't it be more effective to provide upfront treatment when a person enters prison and then provide on-going maintenance/therapy for the duration of the sentence?
5. As discussed earlier, C-ROB recommends that a pre-release reentry COMPAS assessment be performed on all offenders. Has the department considered adopting this recommendation to better assess the needs of individuals who will be receiving reentry services and programming? If CDCR will not be implementing this recommendation, please explain why not.
6. Is the Strategic Offender Management System (SOMS) used in choosing inmates for the various reentry hubs, monitoring their programs, and measuring their success?
7. Will all offenders at medium to high risk of reoffending be placed in a reentry hub before their release? In determining the reentry hub, will CDCR be taking into account the proximity of the county they will ultimately be released to?
8. Will offenders be receiving in-reach services from the officers who will be supervising them upon their release and other providers, such as mental health treatment or substance abuse treatment providers, who may be responsible for providing services upon the offender's release?

**Issue 6: Northern California Reentry Facility Capital Outlay BCP**

**Background.** The Northern California Reentry Facility (NCRF) would be located at the former Northern California Women's Facility (NCWF) in Stockton, which has been closed since 2003. The facility is adjacent to the California Health Care Facility (CHCF) in Stockton and would be overseen by the warden of CHCF. In addition, the facility would share services, such as warehousing and food preparation with CHCF and the DeWitt-Nelson facility. When completed in Spring of 2017, the facility will house approximately 600 male inmates.

CDCR argues that this facility is necessary because other existing Northern California institutions were deemed unsuitable for a reentry hub due to either their remote location or because they primarily house inmates participating in other special programs.

**Budget Proposal.** The Governor's budget proposes \$8.3 million (Recidivism Reduction Fund) for the design phase of a new project to add new construction and renovate existing buildings at the new Northern California Reentry Facility (previously known as the Northern California Women's Facility) in Stockton. This entire project is expected to cost roughly \$130.3 million (\$3.3 million for planning, \$5 million for working drawings, and \$122 million for construction). The on-going costs to run the facility are approximately \$50 million per year.

**Questions for the Administration.** The department should be prepared to introduce the proposal and to address the following questions:

1. Please explain why the Administration believes that capital outlay planning is an appropriate use of the Recidivism Fund?
2. Given the severe overcrowding in two of the three women's facilities in the state, has the Administration considered rehabilitating and reopening NCWF to house female inmates? If not, please tell the committee how you plan to significantly reduce the population in the female institutions?

**Legislative Analyst's Office (LAO) Analysis.** The LAO has several concerns with the Administration's plan to allocate \$8.3 million from the Recidivism Reduction Fund to support the design of NCRF. First, they are concerned that the proposal is an inappropriate use of the Recidivism Reduction Fund. The Legislature created the Recidivism Reduction Fund to support programs designed to reduce recidivism, such as substance abuse treatment and cognitive behavioral therapy. As such, they are concerned that the Governor's proposed use of these funds to support the design of a new prison is inconsistent with legislative intent, particularly since the department has not provided any information on how NCRF would reduce recidivism. Second, they are concerned about the potential cost of NCRF. In 2010, the department estimated that the total construction costs would be \$115 million and that the facility would cost about \$90,000 per inmate to operate—one and a half times the current average cost to house an inmate in state prison. Thus, even if NCRF is operated in a way that would reduce

recidivism, its potential cost makes it unlikely to be the most cost-effective approach for doing so.

**LAO Recommendation.** The LAO recommends that the Legislature reject the administration's plan to allocate \$8.3 million from the Recidivism Reduction Fund to support the design of NCRF.

**Staff Comment.** When completed, the facility would house approximately 600 male inmates who have four years or less to serve on their sentences. The facility is not scheduled to be completed until May of 2017 and therefore will not help meet the February 2016 deadline to reduce the state's prison population to 137.5 percent of the state's institutional capacity. However, it may help the state maintain that reduced population if the population continues to increase and if CDCR does not employ any effective rehabilitation efforts that succeed in reducing the prison population over the long-term.

Two of the three women's prisons are the most over-crowded institutions in the state (Central California Women's Facility at 183 percent and California Institution for Women at 151 percent). In addition, the Inspector General found that approximately one-third of the 160 women spending time in segregated housing units at these institutions are there not because they have done something that caused them to be placed in segregation but because none of the women's prisons have a special needs yard for women who are unsafe in the general population. Finally, the population reduction plan proposed by the Administration has very little in it that would reduce overcrowding at these women's institution. The plan focuses primarily on increasing capacity for male inmates. Therefore, the Legislature may wish to explore whether or not the former Northern California Women's Facility in Stockton, which will be the site of NCRF, might not be put to better use as a women's institution and that the institution include a special needs yard for women who are unsafe in the general population.