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Looking Past The Hype: 10 Questions Everyone Should Ask About California's Prison Realignment

Abstract: California's Criminal Justice Realignment Act passed in 2011 shifted vast discretion for managing lower-level offenders from the state to the county, allocated over \$2 billion in the first 2 years for local programs, and altered sentences for more than 100,000 offenders. Despite the fact that it is the biggest penal experiment in modern history, the state provided no funding to evaluate its overall effect on crime, incarceration, justice agencies, or recidivism. We provide a framework for a comprehensive evaluation by raising 10 essential questions: (1) Have prison populations been reduced and care sufficiently improved to bring prison medical care up to a Constitutional standard? (2) What is the impact on victim rights and safety? (3) Will more offenders participate in treatment programs, and will recidivism be reduced? (4) Will there be equitable sentencing and treatment across counties? (5) What is the impact on jail crowding, conditions, and litigation? (6) What is the impact on police, prosecution, defense, and judges? (7) What is the impact on probation and parole? (8) What is the impact on crime rates and community life? (9) How much will realignment cost? Who pays? (10) Have we increased the number of people under criminal justice supervision?

Keywords: prison realignment; California corrections; criminal justice; prisons; probation and parole; Jails; victim's rights; penology.

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1 Introduction

On April 2, 2011, Governor Jerry Brown signed into law Assembly Bill 109, the Criminal Justice Realignment Act of 2011. AB 109, commonly referred to as "realignment," took effect on October 1, 2011. AB 109 passed the legislature in a matter of hours after being introduced, and without any public input. Despite some misleading headlines, the law did not require the state to release anyone currently

in prison. It did, however, shift virtually all of the responsibility for monitoring, tracking, and imprisoning lower-level felons previously bound for state prison to county jails and probation. The legislation also makes it nearly impossible to return parolees to prison for non-felony parole violations, and instead caps punishment for these “technical violations” to shorter terms in county jail. In other words, California is changing the way that it manages its adult corrections system more completely than at any time in its history.

The importance of California’s realignment experiment cannot be overstated. In a nation struggling to rethink its policies over mass incarceration, California’s experiment with prison downsizing is critical. Realignment is testing the major crime policy issue of our time: Can we downsize prisons safely by transferring low-level offenders from state prisons to city and county systems, using an array of evidence-based community alternatives? Depending on the answer, California will become an important example of how to reduce the prison population and maintain public safety – or realignment will go down in history as just another failed attempt at prison diversion.

At its best, the state’s post-realignment criminal justice system will maintain, or even reduce, California’s historically low crime rates – but at lower fiscal and social costs than during the pre-realignment period. At its best, it will have spurred the use of risk assessments, enabling counties to implement best practices and to tailor their community corrections system in ways best suited to local conditions. At its best, as programs develop, information sharing will allow cross-county sharing of effective practices. At its best, realignment will return criminal justice to local control, reduce recidivism, and reserve prison for California’s most dangerous offenders. At its best, investing in rehabilitation for lower-level offenders will reduce their recidivism, and over time, reduce the pressure on California to build more prisons, which takes money away from the education and work programs that might have helped offenders in the first place.

At its worst, however, realignment will expand the criminal justice system, leave counties unable to fund their programs, and show that alternatives to incarceration cannot work on a large scale. At its worst, low-level offenders will serve their sentences in county jail facilities, many of which are overcrowded and not equipped to hold inmates for long periods of time. At its worst, the state will have dumped tens of thousands of criminals back to cash-strapped counties with imaginary treatment plans that are never delivered upon. At its worst, the State will have simply transferred its crowding problem to local jails, sheriffs will be required to resort to early releases to alleviate crowding, and crime rates will rise. At its worst, overcrowded jails become revolving doors providing “get out of jail free” cards for offenders who continue to commit crime with impunity. Or, if jails become too crowded, the litigation that motivated

realignment in the first place will be replicated in the county jail system. At its worst, more people will end up under criminal justice supervision, but at the county rather than state level, and realignment will just have shifted its mass incarceration to counties without any decreased cost or recidivism reduction, and without any improvement to public safety. At its worst, with no set performance standards, nor any state body to determine the success or failure of the programs, Californians will have spent billions and be left with little data on whether realignment achieved its goals. In short, California's unprecedented prison downsizing experiment backfires.

This is the biggest penal experiment in modern history, yet no comprehensive evaluation was funded to evaluate its impact.¹ Regardless of whether you support or oppose realignment, most everyone is baffled by the fact that although the counties received funding to cover the cost of supervising realigned felons, the state did not establish any statewide standards, nor provide any funding, for objectively evaluating county practices. In contrast, when California enacted its last major criminal justice reform, the "Substance Abuse and Crime Prevention Act of 2000" (Proposition 36), diverting drug offenders to treatment, the legislation required the state to "allocate up to 0.5% of the fund's total monies each year for a long-term study to be conducted by a public university in California aimed at evaluating the effectiveness and financial impact of the programs that are funded pursuant to the requirements of this act."² With AB 109, there is not only no outside evaluation funded but no mandate for any statewide data collection, cost benefit analysis, or outcome report back to the legislature.

How will we know the impact of realignment on crime, incarceration, justice agencies, or offender's recidivism? In just the first 2 years since realignment's passage, California will have spent over \$2 billion dollars to implement a criminal justice experiment of the largest scale, and over 100,000 offenders will have

¹ California's Board of State and Community Corrections (BSCC) provides technical assistance to California's adult and juvenile justice system, including to local governments on realignment. Their statutory duties are to collect and maintain data about state and community correctional policies, capacities, and needs. BSCC is not conducting any outcome evaluation, but will disseminate information on promising and evidence-based practices once identified.

² See California Department of Alcohol and Drug Programs, http://www.adp.state.ca.us/SACPA/Proposition_36_text.shtml (last visited Mar. 4, 2013). In addition to evaluation funding, Proposition 36 required annual "county reports" that "detailed the numbers and characteristics of client participants served as a result of funding provided by this act." (Sec. 1199.11). Proposition 36 also required two three-year follow up studies to evaluate the effectiveness and financial impact of the funded programs. In 2013, the US Department of Justice adopted a new requirement that two percent of all funds from its Office of Justice Programs would be set aside for research, evaluation and statistics. See Office of Justice Programs, Budget Request 2013, available at www.justice.gov/jmd/2013summary/pdf/fy13-ojp-bud-summary.pdf.

participated. If California adopted just a 0.1% set aside for research, that would equal about \$1 million per year for evaluation. Such an allocation is a wise investment. Regardless of funding, we need to consider realignment's impact broadly. This article attempts to provide a framework for doing that.

To understand how realignment impacts criminal justice we need ask ten essential, interdependent questions:

1. Have prison populations been reduced and medical care sufficiently improved to bring prison medical care up to a Constitutional standard?
2. What is the impact on victim safety and victim rights?
3. Will more offenders participate in evidence-based treatment programs, and will their recidivism be reduced and their social functioning improved?
4. Will there be equitable sentencing and treatment across counties?
5. What is the impact on jails? What is realignments' impact on crowding, staff safety, jail conditions, pre-trial releases, and litigation?
6. What is the impact on police, prosecution, defense, and judges?
7. What is the impact on probation and parole?
8. What is the impact on crime rates and community life?
9. How much will realignment cost, and who ultimately pays?
10. Have we increased the total number of people under criminal justice supervision? Did realignment just change the location where inmates are incarcerated or the agency they report to?

This article proceeds as follows: First, we provide a brief overview of the key components of AB 109; and second, we discuss in turn the ten critical questions that everyone should be asking about California's realignment. For each of these questions, we attempt to identify the important issues at stake. Additionally, we provide analysis and data where available, to help provide at least a partial answer to these important questions.

2 Key Components of California's Public Safety Realignment Act (Assembly Bill 109)

2.1 Target Felon Population

While the Realignment legislation is comprehensive and complex, it primarily affects three major groups. (Realignment made no changes to juvenile justice sentencing or their correctional placement.) First, lower-level felony offend-

ers whose current and prior convictions are non-violent, non-sex-related, and non-serious³ (referred to as “non-non-non’s”) will now serve their sentence under county jurisdiction rather than in state prison. Realignment amended about 500 criminal statutes eliminating the possibility of a state prison sentence upon conviction. These newly amended laws are contained in the California Penal Code, the California Health and Safety Code, and the California Vehicle Code. Realigned crimes include, for example, commercial burglary (California Penal Code 459 2nd), forgery (California Penal Code 470), possession of marijuana for sale (California Health and Safety Code 11359), corporal injury on a child (California Penal Code 273d), vehicular manslaughter (California Penal Code Section 192c), child custody abductions (Penal Code 278), and embezzlement from an elder or dependent adult (Penal Code section 368(d)(e)(f)).⁴

After October 1, 2011, any adult convicted of these amended felony crimes [Penal Code Section 1170(h)] cannot be sentenced to prison unless they have a prior serious or violent felony conviction.⁵ They can, however, be sentenced for the same length of time they would have been sentenced to prior to realignment, but that sentence regardless of its length, must be served in county jail and not state prison. The other big change for persons sentenced under section 1170(h) to county jail is that they will not be released to parole or postrelease supervision upon serving their term, unless the court chooses to impose a post-jail supervision period (i.e., split sentence). Once the jail sentence has been served, the defendant must be released without any restrictions or supervision.

Second, released prisoners whose *current* commitment offense qualifies as a “non-non-non” offense will be diverted to the supervision of county probation departments under “Post Release Community Supervision (PRCS).” Before realignment, state parole agents supervised individuals released from state prison. In fact, California was the only state that placed virtually *all* released prisoners on state supervised parole. Moreover, almost every offender’s parole supervision period was for 3 years, although they could be discharged at 13 months if they had no new violations. After realignment, state parole agents will only supervise

3 As enumerated by the statute under Penal Code Section 1170(h), and fully discussed in Richard Couzens and Tricia A. Bigelow, *Felony Sentencing After Realignment* (2013).

4 *Ibid.* at Appendix I.

5 Offenders can be sentenced to prison even if they are currently convicted of a 1170(h) non-prison eligible crime if any of the following apply: 1) conviction of a current or prior serious or violent felony conviction listed in Penal Code section 667.5(c) or 1192.7c; 2) when the defendant is required to register as a sex offender under section 290; or 3) when the defendant is convicted and sentenced for aggravated theft under the provisions of section 186.1. See *ibid.* at 65.

individuals released from prison whose *current* offense is serious or violent (*regardless* of their prior criminal record), as well as certain other individuals, such as inmates who have been assessed to be mentally disordered or high risk sex offenders. All other prisoners will be released from prison directly to county jurisdiction. And, importantly, offenders now sent to county PRCS supervision terms are eligible for PRCS discharge at 6 months. Eligibility for PRCS and county probation supervision has been one of the most highly controversial aspects of AB 109, since *regardless* of prior criminal record, former state parolees are now sent to county probation supervision. Prison officials estimate that California county probation officers will now assume responsibility for supervising an additional 40,000 to 60,000 prisoners who were released in 2012 and qualify for PRCS.⁶

Third, parole and probation violators will generally serve their revocation terms in county jail rather than state prison. Before October 2011, individuals released from prison could be returned to state prison for violating their parole supervision. The maximum prison term for a violation of parole or probation was 1 year. Some of these violations were non-serious, such as a failed drug test or absences at a required program. Prior to realignment, these non-serious technical violators – about 20,000 parolees each year – were sent to prison.⁷ Now, under realignment, offenders released from prison – whether supervised by the state (on parole) or by the counties (on PRCS) – who violate the technical conditions of their supervision (rather than committing a new crime) must serve their revocation term in local jail or community alternatives. The maximum jail sentence for a probation or parole violation is 6 months. The only exception to this requirement is that individuals released from prison after serving an indeterminate life sentence may still be returned to prison for a parole violation. Individuals realigned to county supervision will no longer appear before the State Board of Parole Hearings (BPH) for revocation hearings. Starting July 1, 2013, the county trial courts will hear allegations of violations and impose sanctions.⁸

In sum, the prison door has slammed shut on tens of thousands of offenders – estimated to be nearly 100,000 offenders in 2012–2013 alone – who used to be under state control and faced prison but after October 1, 2011, remain in their communities where jail is the most severe sanction they confront.

⁶ California Department of Corrections and Rehabilitation, *The Future of California Corrections* (2012), available at www.cdcr.ca.gov/2012plan/docs/plan/complete.pdf [hereinafter CDCR].

⁷ Joan Petersilia, *California's Correctional Paradox of Excess and Deprivation*, in *Crime and Justice* (Michael Tonry, ed., University of Chicago Press 2007).

⁸ Before July 1, 2013, individuals supervised by state parole agents will continue to appear before BPH for revocation hearings. After that date, the trial courts will assume responsibility for conducting revocation hearings for state parolees.

2.2 Realignment Funding Formula, County Discretion, and State Monitoring

The State has allocated about \$2 billion through 2013–2014 to implement realignment, and anticipates giving California's 58 counties roughly \$4.4 billion by 2016–2017, excluding the funding allocated for county planning, staff training, local courts, and jail construction.⁹

The California Department of Finance uses a formula to determine each County's funding level. Roughly speaking, the legislature split the current cost of State supervision by about 50% to 60% with the counties. The current cost of housing a California prisoner is about \$52,000 per prisoner, per year. Front-end realignment is being funded at about \$25,000 per prisoner, per year. The cost of a year on parole in California is now about \$8,500 a year, per parolee, so PRCS supervision was funded at about \$5,000 per year, per offender.¹⁰

In the first fiscal year of Realignment, 60% each county's funding allocation was based on the county's historical average daily state prison population ("ADP") of persons convicted of non-violent offenses from the particular county; 30% was based on the size of each county's adult (18 to 64) population; and the remaining 10% was based on each county's share of grant funding under the California Community Corrections Performance Incentives Act of 2009 (SB 678). SB 678 was based on a county's ability to divert adult probationers from prison to evidence-based programs.¹¹

The funding formula was controversial from the start. Critics contended that the meager funding did not cover the true costs of "evidence-based" mental health treatment, substance abuse, or the housing that such serious offenders required. The amount of money each individual county received was based mostly (60%) on a funding formula that weighed heavily the projected number of non-non-non's each county would have returning home from prison, using historical prison sentencing data. This formula rewarded counties that had previously sent a higher percentage of their lower-level offenders to state prison and penalized counties who historically had invested in community alternatives and as a result, sent fewer offenders to prison.

In the second and third years of Realignment, counties were given the best result among three options in which funding was based on: (1) the county's adult

⁹ Brian Brown et al., Legislative Analyst's Office, *The 2012–2013 Budget: The 2011 Realignment of Adult Offenders – An Update* (2012), available at http://www.lao.ca.gov/analysis/2012/crim_justice/2011-realignment-of-adult-offenders-022212.aspx.

¹⁰ *Ibid.*, at 43.

¹¹ See *Ibid.*, at Figure 5. The last component of the formula refers to Senate Bill 678, also known as the California Community Corrections Performance Incentives Act, which in 2009 created a fiscal incentive for counties to improve probation outcomes.

population ages 18 to 64; (2) the status quo formula of FY 2011–12; or (3) weighted ADP.¹² Over a quarter of counties benefited from the new weighted ADP option, in some cases almost doubling what they would have received had their allocation been based on county population.¹³

Despite the new funding formula, many counties are still dissatisfied. In December 2012, thirteen rural Central California counties wrote a letter to Governor Brown complaining that urban counties are receiving a disproportionate amount of the AB 109 funding. This letter pointed to the fact that San Francisco and Marin Counties are receiving \$24,000 per new offender, whereas Kern and Fresno Counties receive less than \$8,000 per new offender.¹⁴

Initially, counties worried that the State had not guaranteed funding beyond the first 2 years. Some state leaders voiced concern that realignment would prove nothing but a shell game designed to dump the state's responsibilities onto already overburdened and underfunded counties. As Los Angeles County Supervisor Zev Yaroslavsky put it, "This has all the markings of a bait and switch. They promise us everything now, they shift this huge responsibility from the state to the counties now, and then a year or two or three from now, they will forget about that commitment, and it'll be – then was then and now is now, and we'll be left holding the bag."¹⁵

But in November 2012, California voters passed Governor Brown's Proposition 30, a sales and income tax increase. Proposition 30 increases personal income taxes on the wealthy and increases the sales tax by ¼ cent for 4 years. Proposition 30 is estimated to increase state revenues by about \$7 billion annually, and the funds are to be used for education and to "guarantee funding for public safety services realigned from state to local governments."¹⁶ The voters were never told how much would go to education and how much would go to realignment, but

12 County Administrative Officers Association of California realignment Allocation Committee, AB109 Allocation: Recommended Approach for 2012–13 and 2013–14 Briefing of County Administrative Officers (2012), available at http://www.csac.counties.org/sites/main/files/file-attachments/12.05.15_ab_109_allocation-051412_briefing_on_yrs_2_and_3_formula.pdf (presentation to the California State Association of Counties).

13 California State Association of Counties, Estimated funding levels for AB 109 Programmatic Allocation (2012–13 and 2013–14) (2012), available at http://www.csac.counties.org/sites/main/files/file-attachments/12.05.16_attachments_1_and_2_for_5-14-12_caoac_briefing.pdf.

14 Paige St. John, *Rural Counties Seek Bigger Share of Prison Money*, Los Angeles Times (Dec. 6, 2012), <http://latimesblogs.latimes.com/california-politics/2012/12/rural-counties-seek-bigger-share-of-prison-money.html>.

15 Carrie Kahn, *LA Prepares to Take on State Prisoners*, National Public Radio (Sept. 29, 2011), <http://www.npr.org/2011/09/29/140922171/l-a-county-prepares-to-take-on-state-prisoners>.

16 *California Legislative Analyst's Office*, http://ballotpedia.org/wiki/index.php/California_Legislative_Analyst%27s_Office (last visited Feb. 25, 2013) (Ballot Pedia, analysis of Proposition 30).

generally speaking, Proposition 30 was supposed to guarantee at least the same level of realignment funding going forward as had been given in the first 2 years.

This infusion of new funding surpasses any similar allocation for offender rehabilitation in California history, and the funding is now guaranteed for the next several years. The \$64,000 question is: How will counties choose to spend their dollars? Scholars worry that instead of using AB 109 as an opportunity to invest in treatment and alternatives to incarceration, the money will mostly be used to increase law enforcement, electronic monitoring, and jail capacity. If that happens, realignment will have simply been a very expensive and painful game of musical chairs. Whether that happens is mostly up to the discretionary authority of the local Community Corrections Partnerships (CCPs), the topic we now turn to.

2.3 Community Corrections Partnership and Discretionary Decision-Making

Not only did Realignment transfer an unprecedented amount of money and responsibility to the counties, it gave them unprecedented discretion concerning how they chose to spend it. The Legislation (Penal Code 1230) required that each county establish a Community Corrections Partnership (CCP), comprised of the Chief Probation Officer as chair, the District Attorney, the Public Defender, the Presiding Judge of the superior court (or his/her designee), the Chief of Police, the Sheriff, and a representative from social services. The Committee develops the spending and program plan, and submits it to the County Board of Supervisors, where it is deemed acceptable unless the board rejects the plan by a vote of four-fifths. Realignment fundamentally embraces the notion that locals can do things differently and better than the state.

So the threshold question for any assessment of realignment is: How did these counties choose to spend the available funds? How did they divide the funds among various agencies (e.g., law enforcement, probation, social services)? And within the plans, have the counties set-aside funding for specific offender groups (e.g., the mentally ill) or community organizations (e.g., mentoring or faith-based programs)?

Stanford law students analyzed all of the 58 county plans approved in 2011–2012 and found that most of them included estimates of the number of offenders to be realigned to the county, a description of their local capacity and proposed programs for handling these offenders, and an expenditure plan.¹⁷ While there

¹⁷ Angela McCray, Kathryn McCann Newhall and Jessica Greenlick Snyder, *Realigning the Revolving Door? An Analysis of California Counties' AB 109 Implementation Plans* (Stanford Criminal Justice Center, working paper 2012), available at http://www.law.stanford.edu/program/centers/scjc/#california_realignment. The McCray et al. analysis has now been expanded to include all 58 counties and will appear in a forthcoming report by Petersilia in 2013.

was a great deal of variation in the proposed county spending plans (as shown in Figure 1 below), the California average funding allocation for the first year of realignment was as follows:

- 35% to the sheriff’s department, primarily for jail operations;
- 34% to the probation department, primarily for supervision and programs;
- 12% for programs and services provided by other agencies, such as for substance abuse and mental health treatment, housing assistance, and employment services;
- 19% unallocated/reserved funds.

Stanford researchers are also studying twelve counties in detail. These counties, as a group, capture the majority of the California population, approximate the state’s population in terms of demographics and economic characteristics, and include the majority of the projected realignment population. Figure 1 displays these counties’ realignment allocations, showing the diversity in funding choices across counties.

We are now collecting the 2012–2013 CCP plans and analyzing their budgets. At first glance, there do not appear to be major changes in funding allocations within counties or across the state. This data is critical to understanding how spending aligns with – or possibly thwarts – the Legislature’s goals.

We are also analyzing how county characteristics (e.g., crime rate, population characteristics, fiscal health, political preferences) are associated with county

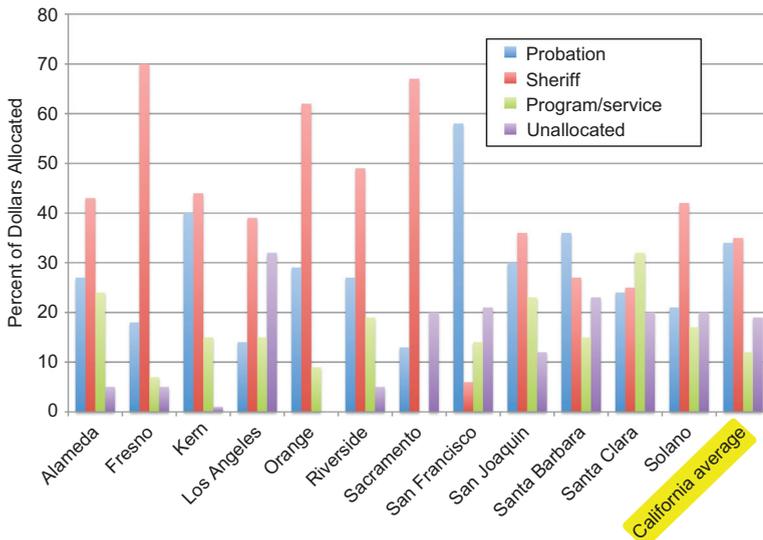


Figure 1: Realignment Funding Allocations by County and Category, 2011–2012.

choices on realignment spending. Our preliminary results suggest that counties tend to allocate a higher proportion of available realignment dollars to the sheriff when the serious crime rate is higher or the probability of (historical) imprisonment for offenses is higher. Counties tend to allocate a greater proportion of their realignment dollars to treatment when median household income is higher, the proportion of population below the poverty line is lower, and their residents have historically voted more Democratic. Understanding why counties spent their realignment dollars in the way they did is an important threshold question. The following 10 questions look to whether those dollars made any difference.

Question 1: Have prison populations been reduced and medical care sufficiently improved to bring prison medical care up to a Constitutional level?

The size of the prison population is the outcome everyone is watching. On the eve of the passage of realignment in October 2011, the prison population was 160,295, more than double what the prison system was designed to hold. In the first 3 months of realignment, the number of inmates in California prisons dropped by 11,000 – a decline of nearly 10% – an astonishingly steep decline.¹⁸ By the end of 2012, California’s prison population had dropped another 15,000, reaching 132,619 prisoners, its lowest level in 17 years. California’s prison population has declined 24% since 2007, while its adult resident population increased by 5.6%.¹⁹ In fact, realignment reduced California’s inmate population so much that Texas now has a larger prison system, although Texas has about 12 million fewer residents.

The primary reason for the reduction in the state prison population has been the removal of the option to send parole violators back to state prison for non-felonious parole violations. During the first 8 months of realignment, the number of parole violators returned to prison was down by 47%. But prison commitments for less serious crimes were also down.²⁰ As shown in Figure 2, in

¹⁸ Magnus Lofstrom and Katherine Kramer, *Capacity in California’s Jails*, (2012), available at http://www.ppic.org/main/publication_quick.asp?i=1034.

¹⁹ For prison population numbers, see *Monthly Total Population Report Archive*, California Corrections and Rehabilitation, http://www.cdcr.ca.gov/reports_research/offender_information_services_branch/Monthly/Monthly_Tpop1a_Archive.html (last visited Mar. 6, 2013) (each month comes from the respective monthly total population report). For California adult population numbers, see *American Fact Finder*, US Census Bureau, <http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t> (last visited Mar. 6, 2013) (adult population was calculated by multiplying the percent of the population 18 years and over by the total population).

²⁰ LAO Legislative Analyst’s Office, *California’s Criminal Justice System: A Primer* 43 (2013) [hereinafter LAO].

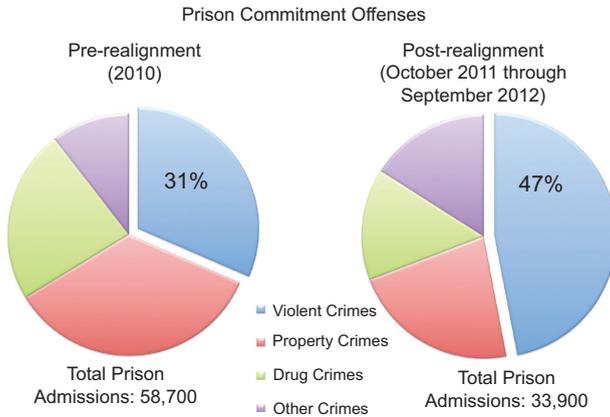


Figure 2: California Prison Admissions by Commitment Offense, 2010 vs. 2011–2012. Source: LAO Legislative Analyst’s Office, *California’s Criminal Justice System: A Primer* (2013) at 43.

2010 – the year before realignment – most admissions to state prisons were for property crime and drug crimes (58%). Decreases in commitments for drug sales other than for marijuana (down 75%), petty theft (down 62%), and marijuana offenses (down 69%) were substantial. In the first year following realignment, almost half of all admissions to state prison were for violent crimes (47%) – a 62% increase relative to 2010.²¹

Interestingly, the number of female prisoners has dropped by 45% since realignment passed – from about 10,500 inmates to 5,830 inmates by January 2013. A substantial portion of female inmates fell under the definition of non-non-non’s, and their decline in the overall prison population allowed CDCR to convert a female prison into a facility for male inmates. From the state’s vantage point, realignment is working: Prison is being increasingly reserved for the most serious and violent offenders.

On January 14, 2013 – just 14 months after realignment’s enactment – Governor Brown called a press conference to declare California’s long-running prison crisis over. “The prison emergency is over in California. There is no question that there were big problems in California prisons,” but after “decades of work, the job is now complete.”²² Further reductions, the Governor said, would require releasing some significantly violent criminals, putting public safety at risk. He argued that

²¹ *Ibid.* at 43.

²² Don Thompson, *California Prison Population: Jerry Brown Challenges Inmate Cap*, *Huffington Post* (Jan. 8, 2013), http://www.huffingtonpost.com/2013/01/08/california-prison-populat_n_2433421.html.

while the State would not be able to meet the court's 2009 mandate to reduce its population to 112,000 inmates by June 2014, its prisons were now constitutional at the current level of about 133,000 and 150% of design capacity. The Governor said the "prisons are not overcrowded as a matter of fact," and the number of prisoners the state needs to reduce as stipulated by the courts is "arbitrary."²³ He said the state prison system deserved to be freed from federal oversight because of realignment. Governor Brown told reporters, "We've gone from serious constitutional problems to one of the finest prisons systems in the United States."²⁴ California recently saw its prison population stabilize and even start to climb slightly, but official projections show that it will have gained just 2,700 inmates by 2018.²⁵ A new normal for California prisons may be about 132,000–135,000 inmates. Of course, this could all change if serious crime increases.

Moreover, it is easy to lose sight of the fact that the motivating cause of the judicial order was not overcrowding itself, but the inadequacy of the medical and mental health care in prison. The judges held that prison crowding was preventing the delivery of adequate prisoner health care and that one inmate was dying each week from healthcare neglect. The court appointed a federal receiver, and ruled that reducing the prison population was a prerequisite to improving inmate health care. But less crowding will not in and of itself improve health care. Improving health care required the construction of new specialized space to provide health care and the hiring of trained medical professionals.

San Quentin prison opened a new hospital in 2010 with 50 beds, at a cost of over \$136 million. Prisoners go there to receive medical, dental, and mental health care. San Quentin was the first prison in California to build a new health care facility after a federal judge ordered California to upgrade its prison hospital system in 2005, but it isn't the last. Slated for completion summer 2013, at a cost of \$900 million, the California Health Care Facility in Stockton will provide 1,722 beds for inmates requiring long-term in-patient medical care and intensive in-patient mental health care. The completion of this facility is designed to ensure the continued constitutional levels of health care.

California's prison system comes at tremendous cost to the taxpayers. The average cost of housing a prisoner in the US is about \$25,000–\$27,000 per year. The California's Legislative Analyst Office recently reported that the annual cost to incarcerate an inmate in California is \$51,998, twice the national average – with

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ California Department of Corrections and Rehabilitation, Fall 2012 Adult Population Projections (2012), available at http://www.cdcr.ca.gov/reports_research/offender_information_services_branch/Projections/F12pub.pdf.

\$16,042 (31%) going to inmate health care. Importantly, just \$926 (1.8%) of that roughly \$52,000 goes to fund rehabilitation programs.²⁶ The hope is that the investments in inmate healthcare and medical facilities will improve California's prison healthcare system ultimately convincing a federal judge to end his oversight of prison medical care.

Improving California's prison healthcare system – and regaining State control of the entire prison medical system – is intricately tied to whether the state can keep its prison population down, which is totally dependent upon the success of realignment. Right now, the prison system is reaping the full benefits of realignment, primarily due to the decline of technical violations being admitted to prison. But, prison admissions over time remain unknown – mostly because local law enforcement and court systems will have a great deal of discretion in the new AB 109 system. Depending on how counties exercise that discretion, the decline in prisoners may not last. But of one thing we can be sure: this high profile court case²⁷ and the litigants involved in monitoring its progress, will be providing answers to these questions. In fact, this is the only one of the ten questions for which data is currently being collected as part of the court's continued monitoring.

Question 2: What is the impact on victim safety and victim rights?

Although the focus of AB 109 is clearly on what to do with offenders, it is important to note that realignment significantly impacts crime victims and witnesses. Victims' rights and safety is a significant concern that has, for the most part, gone unmentioned in realignment discussions. Despite their centrality, victims were not heavily involved in planning for realignment. They did not have a representative in the major policy negotiations when realignment was being designed. And AB 109 did not give them a voting seat on the local Community Corrections Partnership (CCP). Their rights to notification, safety, and a place of primacy in custody determinations were unaccounted for in the law's original form, and there is no clear sign that they are soon to be re-engaged. In short, in a rush to protect the constitutional rights of offenders, the rights and needs of victims appear to have been minimized.²⁸

Realignment's impact on crime victims is multifaceted. More felons may be granted early release due to jail overcrowding, and these early releases may increase the risk of citizens becoming crime victims. On the other hand, if

²⁶ LAO, *supra* note 21 at 50.

²⁷ *Brown v. Plata*, 131 S. Ct. 1910, (2011).

²⁸ Jessica Spencer and Joan Petersilia, *California Victims' Rights in a Post-Realignment World*, Fed. Sentencing Rep. (forthcoming Summer 2013).

counties divert offenders to more effective treatment and work programs, reducing recidivism, overall victimization rates will decline.

In addition to victimization issues, realignment may threaten the due process and statutory rights guaranteed California crime victims as a result of Marsy's Law, the California Victims' Bill of Rights Act of 2008. Marsy's Law created a substantial expansion of victims' rights and imposed certain obligations on district attorneys, peace officers, probation departments, parole, the courts, and the Governor. California victims have the legal right to be notified of all court proceedings, receive notification of adult inmate's status in prison, request special conditions of parole for the inmate when he or she is released from prison, and receive victim restitution. Victims have the right to reasonably confer with the prosecuting attorney and, upon request, be notified of and informed before *any* pretrial disposition of the case. Victims have a right to be heard at *any* proceeding involving a post-arrest release decision, plea, sentencing, post conviction release decision, or any proceeding in which a right of the victim is at issue.

Marsy's Law added a public safety bail provision [Art. I, § 28(f)(3)], which requires that in setting bail or own recognizance release, the protection of the public and the safety of the victim shall be the primary considerations. Importantly, Marsy's Law requires that the safety of the victim, the victim's family, and the general public be considered before any parole or other post-judgment release decision is made. It is not clear how realignment is preserving and enforcing these victim rights. What does seem clear is that the consequences of AB 109 on victim's rights have not been fully considered. The Crime Victims Action Alliance formally opposed AB 109 and sent a strong opposition letter to Governor Brown asking him to veto it. Fearing that it will negatively affect public safety, some victim lobbyist groups like Crime Victims United of California have uniformly disapproved of AB 109 and called for its repeal.²⁹

Realignment may reduce the ability of victim's to collect restitution. Under the former system, victims would get their restitution payments through CDCR and the parole system, and an offender that failed to make those payments was violating a term of parole. Prisoners subject to longer periods of incarceration were usually required to work during their incarceration, and CDCR had the power to garnish any wages earned and put it toward any restitution order that was in place. However, offenders sent to PCRS instead of parole can now discharge their supervision at 6 months (half the minimum length of time under the old parole system). When offenders are discharged from PCRS, there is no administrative

²⁹ AB 109 – *Public Safety Realignment*, Crime Victims Action Alliance, <http://www.cvaactionalliance.com/ab-109-public-safety-realignment>; Crime Victims United of California <http://www.crimevictimsunited.com/lawsuit>.

body responsible for monitoring restitution payments. Victims often have little recourse to collect court ordered restitution under realignment. In addition, local authorities are now more responsible for collecting crime victim restitution payments – and given their workload, it often does not happen. “That’s a major problem,” says Kelly Keenan, chief assistant district attorney in Fresno County.³⁰ The CDCR tracks restitution orders for inmates in state prisons, collecting even after they are released on parole. But it’s more difficult to track someone who serves a 3-year jail sentence and then leaves with no supervision or probation program. “We’re struggling with it,” Keenan says. For the present, he says, crime victims may have to go after restitution themselves in civil court.³¹

Realignment has also seriously diminished crime victims’ access to the notice that Marsy’s Law requires, mostly because it is not clear who is responsible for providing that notification and when. Realignment created several new types of custodial sentences (e.g., electronic monitoring, day reporting centers), and no one has yet determined which of those sentences require notice to the victim under Marsy’s Law. CDCR had an automated system that allowed victims, family members of victims, or witnesses who testified against the offender to request to be notified of the release, parole hearing, death, or escape of their offender.³² Local police chiefs are also apprehensive because under state parole supervision, there was a statewide database for checking criminals’ status on the street. There is no similar statewide system for offenders on county probation. While there is an effort to put such a system in place, most counties have not allocated the funds required to do so. County jails and probation usually lack these structures, and so now an AB 109 offender could be released into the community without the victim being made aware of the release.

In some counties there are no processes to communicate with victims when the actual sentence of the offender is determined. Thus, victims often have no way of knowing whether the offender will be sentenced to county jail or state prison, the length of the sentence, and whether they will be under any form of supervision when they are released. This is all of grave concern to victims – and a violation of rights under Marsy’s Law. Such legal conflicts could result in significant litigation challenging various applications of realignment. Additional administrative staff and resources could be required if prosecutors have to notify victims so that they have the opportunity to be heard at all stages of court processing. Such notifications will likely require additional court appearances, increasing

³⁰ Spencer and Petersilia, *supra* note 28.

³¹ Pamela A. MacLean, *Prison Realignment: Now What?* California Lawyer, Aug. 17, 2012, <http://www.callawyer.com/Clstory.cfm?eid=923950>.

³² *Request for Victim Services (CDCR 1707)*, California Department of Corrections and Rehabilitation, http://www.cdcr.ca.gov/Victim_Services/application.html (last visited Feb. 28, 2013).

prosecutor, defense, and judicial resources. If they fail to provide opportunities for victim and witness input, realignment may indeed conflict with existing law and the State Constitution.

Question 3: Will more offenders participate in evidence-based treatment programs, and will their recidivism be reduced?

At its core, realignment is designed to increase treatment for offenders. In 2007, California's Expert Panel on Adult Offender Programming found that fewer than 10% of all prisoners and parolees participated in substance abuse or vocational education programs, despite the fact that nearly three quarters of all inmates had serious needs in these areas. Moreover, 50% of all exiting prisoners did not participate in *any* rehabilitation or work program, nor did they have a work assignment, during their entire prison stay. Offenders did not get help on parole either: 60% of parolees did not participate in *any* parole programs while under state supervision. In other words, most California prisoners and parolees left the state system with their literacy, substance abuse, and employment needs unmet.³³ It is not surprising that California's 3-year rearrest rate for released prisoners was 70%—the highest in the nation.

Realignment proponents argue that shifting program authority and funding to local governments will result in better programs and more accountability for outcomes. Counties have a far greater stake than the state does in trying to rehabilitate as many offenders as possible, because they have to live with them after they are released. Those going to county jail will almost surely return to the same community after serving their sentences. At its core, realignment is designed to increase offender program participation rates and improve offenders' chances of success.

But for realignment to actually reduce offender recidivism, three things must happen. The first two necessary elements to reducing offender recidivism are squarely within the counties' control: First, offenders must have the *opportunity to participate* in treatment programs, and second, the program's design must incorporate elements consistent with the *principles of effective correctional intervention*. Research has shown that programs incorporating these principles reduce recidivism. California developed the Correctional Program Assessment Process, which is a checklist of items that must be present for a program to qualify as an

³³ Joan Petersilia and Marisela Montes, co-chairs, Meeting the Challenges of Rehabilitation in California's Prison and Parole System: A Report from Governor Schwarzenegger's Expert Panel on Rehabilitation (Dec. 2007), available at http://www.cdcr.ca.gov/news/docs/govrehabilitationstriketeamrpt_012308.pdf.

“evidence-based program.”³⁴ If offenders do not participate in these types of programs post-realignment, we should not expect recidivism reduction.

The third necessary element to reducing offender recidivism is less within the counties’ control: Offenders must *want to take advantage* of the programs offered. Counties can open up more programs, and those programs can be evidence-based, but if the offender does not want to take advantage of them, recidivism will not be reduced. After all, we must remember that many of these offenders are the same ones who failed the last time they were “treated” or jailed in county facilities. “You can lead a horse to water, but you can’t make it drink.” In discussions of recidivism reduction, we often forget this basic point: We can offer offenders opportunities, but if they don’t actively participate, they will not succeed.

While realignment is designed to increase offender programming, it is unclear whether it will have done so significantly in the first year. Yes, more offenders are under the *supervision* of county organizations, but it is unclear how much money is actually going to evidence-based programs or how good the funded programs are. To be sure, there are counties that are using their realignment dollars to invest in better programs. Sacramento, Solano, and thirty-one other counties are funding Adult Day Reporting Center (ADRCs) for realigned offenders, where clients receive counseling, GED tutoring, and employment assistance at no cost to offenders. Santa Clara County funded the Santa Clara Reentry Center,³⁵ and San Diego, Merced, San Francisco³⁶ and Santa Barbara³⁷ created Community Assessment and Social Services Centers: one-stop hubs for all services provided to AB 109 offenders. San Mateo County has funded “Service Connect,” a full service program that begins working with the inmates prior to their prison release. The Orange County Sheriff’s Department has initiated an in-jail transition program, which combines classroom learning with a re-entry coordinator at release. The San Francisco and Sacramento District Attorney’s Office has dedicated resources to an “alternative sentencing planner.” This new position is designed to give

³⁴ See Ryken Grattet et al, *Evidence-based Practices in Corrections: A Training Manual for the California Program Assessment Process (CPAP)* (2006), available at <http://ucicorrections.seweb.uci.edu/pdf/CPAPTrainingManual.pdf>.

³⁵ *Re-Entry Resource Center Brings Crucial Services to Former Offenders as they Transition Back to the Community*, County of Santa Clara News Releases (Oct. 18, 2012), <http://www.sccgov.org/sites/opa/nr/Pages/Re-Entry-Resource-Center-Brings-Crucial-Services-to-Former-Offenders-as-they-Transition-Back-to-the-Community.aspx>.

³⁶ Trent Rhorer and Wendy Still, *Public Safety Realignment Act of 2011 (AB109): Impacts on San Francisco County* (2012), available at <http://www.cwda.org/downloads/meetings/conference2012/Realignment-San-Francisco.pdf> (presentation at County Welfare Directors Association of California).

³⁷ *San Francisco Realignment: A Well Resourced Traditional Model*, Reentry Court Solutions (Oct. 8, 2012), <http://www.reentrycourtsolutions.com/tag/san-francisco-realignment-plan/>.

prosecutors information about local community-based sentencing options and identify diversion-appropriate defendants. Many counties have also expanded electronic monitoring and jail work release programs. The lessons learned from these innovative programs will be instructive for the rest of the state.

Despite these examples of promising programming, analysis of the county spending plans (shown in Figure 1) during the first year suggests that perhaps not much money is being invested in rehabilitation – and even less in evaluations to see whether the programs reduced recidivism. This is concerning because even well intentioned efforts can do harm if they are not well designed and appropriately targeted. Research has shown that some popular rehabilitation programs currently in use are not effective at reducing criminal behavior (e.g., intensive supervision or electronic without treatment). But other programs are effective, such as therapeutic custody programs with aftercare for drug offenders. Quality vocational education programs with job placement have yielded positive results, as have cognitive behavior treatment in prison and in the community. Gender-responsive programs have demonstrated positive outcomes for female offenders.³⁸ Fully implementing evidence-based rehabilitation programs should reduce California's recidivism rate by about 10–20% overall, although programs with different risk populations can expect different recidivism reduction outcomes.³⁹

Many people have become concerned with the discrepancy between the 58 different counties implementing AB 109. Some, like Donald Specter, the director of the Prison Law Office, have lamented the lack of “guiding principles, oversight, or monitoring” from the State and predicts “extreme variations” in the effectiveness of county programming.⁴⁰ For example, almost all counties plan to employ GPS monitoring, but only 34% of counties plan to use drug courts or community service as part of an alternative sentencing regime.⁴¹ For rehabilitation, virtually all of the 58 county plans mentioned they intended to use evidence-based programming, but only five counties spent more than one paragraph describing what they meant by this.⁴² Eighty percent of counties plan to use vocational training,

38 The Office of Justice Programs' CrimeSolutions.gov uses rigorous research to determine what works. This website identifies programs that have been reviewed and rated as “effective” by reviewers. However, just because a particular program isn't classified as “effective” doesn't necessarily mean the program couldn't *be* effective, only that there is no rigorous research to date demonstrating that it has or has not been proven effective. See Office of Justice Program Crimes Solutions.gov, <http://www.crimesolutions.gov>.

39 Mark W. Lipsey and Francis Y. Cullen, *The Effectiveness of Correctional Treatment: A Review of Systematic Reviews*, 3 Ann. Rev. L. & Soc. Sci. 297, 297–320 (2007).

40 Jennifer Medina, California Begins Moving Prison Inmates, *NY Times*, Oct. 8, 2011, at A14.

41 McCray, Newhall and Snyder, *supra* note 17.

42 *Ibid.* at 30–31.

and 60% plan to provide economic support, but only 3% plan to use mentoring programs.⁴³ About 65% of the counties plan to partner with community-based organizations, although only 34% plan to actually have a contract with them.⁴⁴

As previously discussed, our analysis of county plans revealed that just 12% of the total first year allotment for realignment across the state was given to community agencies that provide treatment services. It may be that funds within the probation or sheriff's department will be spent on treatment, but so far that doesn't appear to be the case. We found that about 35% of all the AB 109 money allocated in the first year was earmarked for probation and sheriff staff salaries.⁴⁵

Planned realignment spending on these different categories is widely divergent, as shown in Figure 1. Some counties like Sacramento plan to spend a disproportionate amount of their AB 109 funding on salaries of county officials, while others like San Francisco, Orange, Riverside, and Santa Cruz are spending less money on salaries.⁴⁶ Some counties plan to use a majority of AB 109 funds to focus on a single issue; for example Riverside allocated over \$4 million to its Department of Mental Health.⁴⁷ Other counties, like Santa Clara, took a more balanced approach, allocating about 25% each to the sheriff, probation, and social services, and leaving about 20% in reserve.⁴⁸

What might be even more concerning than the relatively small chunk of realignment funds going to services and the significant divergence between counties, is the fact that few rigorous studies are being done to assess the costs and impacts of those rehabilitation programs that are being funded. Some counties are conducting process evaluations but, as far as we know, no county is conducting a randomized trial or cost benefit analysis of realignments' impact. This is an important missed opportunity. How will we know if investing in rehabilitation versus incarceration worked or not? Ideally, we would conduct a true experiment to assess AB 109-funded programs, by comparing initially equivalent program participants (individuals who participated in the AB 109 program) with control individuals (individuals who did not participate in the program but share characteristics with those who did). Even if counties can not apply a true experimental design to their program evaluation, they should compare "quasi-control" groups, where the control group is matched to the program group on similar characteristics (e.g., age, race, prior criminal record), and then behavior is measured pre- and post-program participation. We should shift to offender behavior outcomes (such

⁴³ *Ibid.*

⁴⁴ *Ibid.*

⁴⁵ *Ibid.* at 82.

⁴⁶ *Ibid.* at 78.

⁴⁷ *Ibid.* at 81.

⁴⁸ *Ibid.* at 82.

as days drug free, job retention) rather than simply measuring recidivism, which can be driven by policy changes rather than real offender behavior changes.

To us, this is probably the most important of the 10 questions – and the one not receiving serious attention. Without program evaluations, we will not be able to ever answer the most important question that realignment raises: what works, with whom, and what are the costs and benefits?

Question 4: Will there be equitable sentencing and access to treatment across California's 58 counties?

Under realignment, judges now have widespread discretion to impose a jail term or a community-based alternative for a large class of convicted criminals. Because the realigned “non-non-non” offenders must now serve their sentences at the county level as opposed to state prison, judges now have wide discretion to impose a jail term (for the same sentence length that the offender would have received pre-realignment), a community-based alternative, or some combination of jail and mandatory supervision. This latter option is known as split sentencing, where the judge imposes a sentence that is a combination of county jail time and mandatory probation supervision.

As Berkeley law professor Jonathan Simon wrote, if judges simply sentence felons to jail instead of prison for the same time period, they will have simply “traded one form of incarceration, state prison, for another, county jail; a cynical shell game designed to relieve court pressure without altering our basic addiction to incarceration.”⁴⁹

Some counties may well do that, particularly if they have unused jail capacity. In fact, realignment seems to have been somewhat inspired by the observation that pre-realignment, the county jails in California had 10,000 empty beds while state prisons had an excess of 30,000 prisoners.⁵⁰ But other counties appear to be using their AB 109 funds to expand collaborative courts, particularly drug, mental health, and veteran courts. Still other counties are imposing split sentences where offenders serve a few months in jail followed by intensive supervision or programming.

Sentencing disparity across counties has likely increased under realignment. In the first 9 months of realignment, there were about 21,500 felony offenders sentenced to local jail terms under Penal Code section 1170(h)(5).⁵¹ Approximately

⁴⁹ Jonathan Simon, *California penal policy: Realignment and beyond*, The Berkeley Blog (Oct. 11, 2011), <http://blogs.berkeley.edu/2011/10/11/california-penal-policy-realignment-and-beyond/>.

⁵⁰ Margo Schlanger, *Plata v. Brown and Realignment: Jails, Prisons, Courts, and Politics*, 48 *Harvard Civil Rights & Civil Disabilities Law Review* (forthcoming 2013).

⁵¹ Penal Code section 1170(h) refers to those felons who are convicted of a felony offense that is non-serious, non-violent, and non-sexual and are now receiving county jail instead of prison terms.

5,000 or 23% of those offenders were sentenced to a split sentence.⁵² The remaining 77% were sentenced to a straight-term jail sentence, with no mandatory supervision to follow. Once their jail term is served, they must be released, and have no post-incarceration supervision.

Counties vary significantly with respect to the imposition of split sentencing. Los Angeles, with roughly a third of all felons in the state, imposes split sentencing in just 5% of its cases, whereas Contra Costa imposes it in 84% of its cases. On July 1, 2013, county judges will be taking on another new role and will become responsible for the parole revocation hearings for the realigned parole population. The California Board of Prison Terms (BPH) currently oversees all parole revocation hearings and decides disposition, but judges will assume that responsibility shortly. Given the vast county differences observed so far in the use of split sentencing, we can presume that the punishment meted out to parole violators across the state will be similarly disparate. Counties differ in terms of culture, resources, treatment availability, and system capacity, and these aspects are certain to play themselves out not only in sentencing decisions but also parole revocation decisions. As Barry Krisberg of UC Berkeley, recently observed, “The counties will get several billion dollars that they can spend with virtually no oversight or accountability. This *laissez faire* approach means that 58 counties will produce many differing versions of the reform – we will see the emergence of justice by geography.”⁵³

We should worry about whether realignment allows unfettered discretion, which in turn leads to widespread sentencing disparities. As a general matter, defendants with similar criminal records found guilty of similar crimes should receive similar sentences and access to treatment. Of course, this ideal has never been fully realized in California or elsewhere,⁵⁴ but we must be diligent to assure that realignment does not increase the impact of extralegal factors, such as race, income, and geography, on sentencing outcomes. In fact, it is important to remind ourselves that California current system of determinate sentencing was adopted in 1977 in part to rid the state of racial biases and geographical differences that were evident in its former highly discretionary indeterminate sentencing law. Researchers should track type and length of sentence imposed on felons convicted of different crimes with different criminal records, and pay particular

⁵² Chief Probation Officers of California, *Split Sentencing in California under Realignment*, 1 CPOC Issue Brief (Winter 2012) 1, 2.

⁵³ Barry Krisberg, *Realigning the criminal justice system in California*, The Daily Californian, November 1, 2011, <http://www.dailyca.org/2011/11/01/realigning-the-criminal-justice-system-in-california/>.

⁵⁴ David Ball, *Tough on Crime (on the State's Dime): How Violent Crime Does Not Drive California Counties' Incarceration Rates – And Why It Should*, 28 Ga. St. U. L. Rev. 987 (2012).

attention to how these sentences vary across counties and with the demographic characteristics of the defendants (e.g., age, race, gender).

Question 5: What is the impact on jails? How does realignment impact crowding, staff safety, institutional violence, and medical care?

The most immediate impact of realignment was to exacerbate jail overcrowding. When sentencing began on October 1, 2011, all qualifying low level offenders convicted on non-non-non offenses – as well as PRCS violators – began serving their sentences locally rather than in state prison. The door to prison for these offenders had shut, and if judges wanted to impose incarceration, local jail was their only option.

But some of California’s jails were already dangerously overcrowded. Currently, 17 of California’s 58 county jails are operating under a court-ordered population cap, and 20 more have a self-imposed cap on their jail populations.⁵⁵ Realignment caused an immediate increase in jailed inmates. By March 2012, the California jail population reached 78,796 inmates, 11% higher than the same period in 2011.⁵⁶ Sheriffs reported being forced to release 11,000 inmates early each month due to lack of space.⁵⁷

The legislature recognized the need for added jail capacity and passed Assembly Bill 900, creating \$1.2 billion in state matching funds for county jail expansions, and a later Senate Bill 1022 added an additional \$500 million to expand jail capacity. As of May 2012, 18 counties had received conditional awards for a total planned gain of 9,222 jail beds.⁵⁸ With these jails built, California will have expanded its jail capacity to about 88,000 inmates. As *California Lawyer* put it, “Prison building, essentially, has gone local.”⁵⁹

The jail building phenomena, however, might have long-term costs to the counties. As Magnus Lofstrom of Public Policy Institute of California writes, “Counties need to analyze closely the long-term benefits of building their way out of capacity problems. The costs of operating new facilities are substantial: construction costs account for less than 10% of the total cost of a jail over its lifetime.”⁶⁰

⁵⁵ Magnus Lofstrom, Joan Petersilia, Steven Raphael, Public Policy Institute of California, *Evaluating the Effects of California’s Corrections Realignment on Public Safety* 10 (2012).

⁵⁶ Board of State and Community Corrections, *Jail Profile Survey: 2012, 2nd Quarter Survey Results* (2012), available at http://www.bscc.ca.gov/download.php?f=/2012_2nd_Qtr_JPS_full_report.pdf.

⁵⁷ *Ibid.*

⁵⁸ Lofstrom and Kramer, *supra* note 18.

⁵⁹ MacLean, *supra* note 32.

⁶⁰ Lofstrom and Kramer, *supra* note 18.

But it isn't just inmate population increases that worry jail managers. Equally problematic are the very long sentences being imposed under 1170(h), the special medical and mental health needs of the AB 109 populations, and the custody and classification issues raised by this new more serious offender population.

Since realignment, through the use of enhancements, some offenders have received staggeringly long sentences to county jail. A recent study by the California State Sheriff's Association found that since realignment 1,153 inmates have been sentenced to serve over 5 years in county jail, with 44 of these inmates sentenced to terms longer than 10 years.⁶¹ One inmate in Los Angeles County is serving a 43-year term in the county jail for drug trafficking.⁶² Some other counties have seen similarly long sentences, with one inmate sentenced to 23 years in Santa Barbara County, and two Sacramento County inmates sentenced to 18 years.⁶³ The Sheriff's Association report found that the majority of offenders sentenced to 5 or more years (58%) were from just three counties (Los Angeles, San Bernardino, and San Diego).

Such long sentences, however, are rare. The sheriff's report notes that just 2.7% of offenders sentenced under realignment [1170(h)] were sentenced to 5 to 10 years and 0.1% were sentenced to more than 10 years. To date, about 42,000 felons have been sentenced to jail as a result of PC 1170(h), and an estimated 2.75% were sentenced to 5 or more years. Los Angeles reports that 98% of its 1170(h) inmates had less than 2.5 years left to serve after receiving their sentence.⁶⁴ Regardless of their number, jails are not equipped to handle long-term prisoners.

The second major concern is about the changed nature of the local jail population. Garden Grove Police Chief Kevin Raney in Orange County asserted that many of the low-level offenders are actually "hardened criminals," adding, "[a]s we were looking at some of the packets (of inmates sent to local jails), you look at the prior convictions and they are startling, alarming and concerning."⁶⁵ Lt. Charles Powell of Santa Barbara similarly noted that the influx of a different population of inmates affected by realignment has negatively affected jail dynamics. He said, "Our average daily population in the jail is increasing dramatically and

⁶¹ Don Thompson, *Jails House 1,100 Long Term Inmates*, Associated Press, Feb. 28, 2013, <http://www.utsandiego.com/news/2013/feb/28/ap-exclusive-jails-house-1100-long-term-inmates/>.

⁶² *Ibid.*

⁶³ Gillian Flaccus, *Calif. inmate realignment law puts pressure on county jails, but full effects remain unclear*, *The Republic*, May 18, 2012, <http://www.therepublic.com/view/story/553867254923406ba92f9c3e07bf6ee4/CA--California-Prisons-Realignment/>.

⁶⁴ Mark Feldman, *Realignment: The Sheriff's Perspective* (Stanford Criminal Justice Center, working paper, Mar. 4, 2013).

⁶⁵ Norberto Santana, *Orange County Grapples With Wave of State Parolees*, *Voice of Orange County*, May 23, 2012, http://www.voiceofoc.org/countywide/county_government/article_9ac41a8e-a4f2-11e1-8b93-0019bb2963f4.html.

we're really struggling with how to deal with that *type* of population."⁶⁶ Further, Cmdr. James Buttrey, who used to manage corrections for the Merced County Sheriff's Department, noted, "They're all bad guys in jail. There's nobody left in jail that's singing too loud in church."⁶⁷

Counties are also unprepared for the medical and mental health care costs of realignment. County jails generally lack the infrastructure to house long-term inmates with significant healthcare needs. Jails also have problems with disability access and having enough space to separate gangs and other vulnerable inmates. As Bill Brown, Sheriff of Santa Barbara County, observed, the funding formula for jail inmates was based on the marginal cost of each inmate and did not sufficiently account for the fixed costs of constructing medical infrastructure where none existed. Counties that do not have a full complement of medical personnel inside the jail will have to find a specialist on the outside to diagnose and treat the inmate. In small rural counties, the closest specialist willing to treat inmates may be hours away, and the jail will have to utilize its resources to transport the inmate to receive treatment. If counties are unable to provide adequate healthcare, they will likely see an increase in lawsuits and litigation costs.

Sheriff Keith Royal of Nevada County, the president of the California State Sheriffs' Association, said members were worried about their capacity to provide "adequate treatment" in jails and about "litigation at the local level." Because a number of counties, including Los Angeles County, are already under court supervision because of the unconstitutional conditions of their jails, many experts fear that one of AB 109's hidden costs could be an increase in litigation over the overcrowded jails. Orange County District Attorneys and Public Defender Frank Ospino agree that the county is facing huge litigation costs with so many new legal challenges concerning the overcrowded county jails.⁶⁸

Two months after AB 109 was passed, the Prison Law Office (PLO) sued Fresno County on behalf of four inmates who say the county's jail system violates their constitutional rights by denying them medical and mental health care. In March 2013, the PLO sued Riverside jails on behalf of three prisoners, claiming the County is subjecting them to cruel and unusual punishment by depriving them of basic medical and mental health care. Alameda County was sued in November 2012, and Monterey County is expecting to be sued. The Prison Law Office is the same firm that sued the state to improve medical care for inmates – ultimately leading to realignment.

⁶⁶ *Ibid.*

⁶⁷ Joshua Emerson Smith, *Softer sentences in hard times; packed jails spark debate*, Merced Sun-Star, May 5, 2012, <http://www.mercedsunstar.com/2012/05/05/2334586/softer-sentences-in-hard-times.html>.

⁶⁸ Santana, *supra* note 65.

In March 2012, the ACLU released a report that was very critical of the counties that were reacting to realignment by building more jails. The report confirmed the growing fears of many people: that many counties, instead of pursuing cost-effective methods to reduce recidivism through programs, were repeating the same mistakes of the state correctional system by locking offenders away for the maximum amount of time without engaging in a serious effort to help them avoid returning to criminal behavior.⁶⁹ The report explained that, “left unchecked, these counties will build larger jail systems that will cost more tax dollars than they do now and hold more people than they do now.”⁷⁰ Emily Harris of Californians United for a Responsible Budget, which opposes heavy prison spending, said, “If realignment just becomes a massive jail expansion plan, we are continuing the 30 years of failed corrections policy.”⁷¹

Counties are caught between a rock and a hard place: If they do not expand jail capacity, they risk huge litigation costs due to crowding and inadequate care. But if they use most of their realignment dollars to simply build more jail beds, they will have missed an opportunity to test whether local resources and programming could rehabilitate offenders. If realignment becomes just a massive jail expansion program, we will ultimately have created a corrections system that costs more than it does today with little positive benefit.

Question 6: What is the impact on police, prosecution, defense attorneys, and judges?

There are myriad ways that realignment will impact the workings of law enforcement and the court system. These impacts will be highly variable from county to county and likely determine the entire success or failure of realignment. It is important to ask: How and in what ways will prosecutorial discretion, plea bargaining, judicial sentencing and court processing change? How will the workload of the district attorneys, judges, and defense attorneys be impacted? Will these various actors change their working relationships with one another and with what impact?

The realignment legislation provided counties with additional options for managing realigned offenders but to make full use of them, court personnel have to become familiar with them. The most important new sentencing option is “split sentencing,” which allows the judge to sentence a felon to jail and community supervision. This is somewhat different than what prior law allowed, where

⁶⁹ Chris Megerian, *ACLU Is Critical of State Prison Realignment*, L.A. Times, Mar. 22, 2012.

⁷⁰ *Ibid.*

⁷¹ *Ibid.*

a judge often sentenced someone to either jail or probation. In addition, AB 109 allows county probation officers and judges to return offenders who violate the terms of their community supervision to jail for up to 10 days, which is commonly referred to as “flash incarceration.” The rationale for using flash incarceration is that short terms of incarceration when applied soon after the offense is identified can be more effective at deterring subsequent violations than the threat of longer terms following what can be lengthy criminal proceedings.⁷² It appears that counties are slowly increasing the use of split sentencing and flash incarceration, but many are still unfamiliar or unsupportive of the concepts, and as such, there is concern that there will be growing sentencing disparities across counties for similar crimes. In this way, it is as if realignment has created 58 systems of justice, each with their own sentencing commission.

The complexity and redundancy of the California penal code has always enabled prosecutors – indeed, often required them – to exercise discretionary judgement in mapping provable facts on to alternative statutory crime definitions. In light of AB 109, some prosecutors may believe that, holding sentence length constant, the experience of county jail is inherently more lenient than state prison, or they may fear putting too great a burden on county resources. If so, where the facts fit overlapping crime definitions, District Attorneys might tilt towards exercising that discretion in the direction of charging prison-eligible felonies, rather than crimes in the 1170(h) non-prison category. This tendency might be greater if prosecutors believe that jail crowding is so severe that it might lead judges to choose split sentences or strengthen the hand of defense lawyers in plea bargaining. It is currently unclear whether these effects will occur, and to what extent.

Most experts believe realignment increases defense attorneys’ leverage in negotiations with prosecutors. Freedman and Menchin quote an attorney from the San Francisco Public Defender’s Office who said, “The Public Defender will have a little bit of an upper hand in the sense that more options are on the table, such as supervision, and more things are off the table, such as prison.”⁷³ Perhaps the most frequently mentioned source of defense attorneys’ newfound power

⁷² Mac Taylor, Legislative Analyst’s Office, *The 2013–13 Budget: Governor’s Justice Proposals* (2013), available at http://www.lao.ca.gov/analysis/2013/crim_justice/criminal-justice-proposals/criminal-justice-proposals-021513.pdf. See also, Angela Hawken and Mark Kleiman, *Managing Drug Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii’s HOPE*, National Institute of Justice, 2009, available at <https://www.ncjrs.gov/pdffiles1/nij/grants/229023.pdf>.

⁷³ Malaina Freedman and Craig Menchin, *Realignment’s Impact on the Public Defender and District Attorney: A Tale of Five Counties*, 20 (Stanford Law School, working paper, 2012), available at <http://www.law.stanford.edu/organizations/programs-and-centers/stanford-criminal-justice-center-scjc/california-realignment>.

is the removal of prison from the host of options facing an 1170(h) defendant. Prosecutors used to induce pleas by offering to take prison off of the table if the defendant agreed to plead guilty. Most agree that the removal of prison changes the dynamics and augments the defense attorney's leverage.

Whether realignment works or not will likely depend on how local authorities handle prosecutorial charging, plea-bargaining, and sentencing. AB 109 cut off the parole revocation route to prison (and SB 18 and AB 109 reduced the number of parolees and length of supervision), but a possible unintended consequence is that prosecutors will feel more pressure to file new criminal charges, and if felons are convicted, those charges will result in *longer* prison terms than the previous parole revocation terms. Pre-realignment, parole violators could be returned to prison for a maximum 12-month prison term for technical violations, but the actual prison time served averaged 3–4 months (once pre-trial and good time credits were applied). A critically important question, for which we do not yet have enough data to answer, is whether many of these former “technical violations” will now be filed as new felony charges. The growth of California's prison population heavily depends on how many of these filings result in prison terms, and the length of prison sentence imposed.

These changes do not simply alter the population of prisons and jails. The institutions of criminal justice constitute a hydraulic, interactive system in which any change in one part can catalyze changes in the practices of the prosecution, the defense, and the judiciary. For example, these sentencing changes will greatly impact prosecutorial discretion and guilty plea rates. It is an axiom of criminal law that prosecutors can induce guilty pleas from defendants by trading off the prosecutor's power to threaten higher charges and very serious sentences. The prosecutors' ability in this regard and the likelihood of guilty plea is enhanced especially when charges carry mandatory or fixed minimum sentences.

If AB 109 removes some of the arrows from the prosecutor's quiver, cases that previously ended in guilty pleas may result in different outcomes because defense counsel might advise defendants that it may be worth their while to risk a trial, including a jury trial, on the lower maximum charges they face. The guilty plea rate, which approaches 95% of the convictions across jurisdictions, is the biggest cost- and efficiency savings the prosecutor and the courts have (and even the public defenders) enjoy. So counties will have to hazard guesses as to how many more full trials, including jury trials, will occur as result of AB 109. Any increase will put pressure on staffing in district attorneys' offices, on the available space and staff resources of and caseloads of the Superior Courts, and on the budgets for indigent defense representation. This potential change in trial rates is just one example of the unintended consequences arising from AB 109 that counties should be prepared to address.

Question 7: What is the impact on probation and parole?

Of all the agencies involved in realignment, probation occupies center stage. It is safe to say, that the success of realignment hinges on the performance of probation – and in many ways the future of California probation hinges on the success of realignment. The Chief Probation Officer is the chair of the CCP—the engine of change for each county under Realignment. Probation is also the natural leader within each county to coordinate community-based punishments for PRCS offenders. As Don Meyer, Chief of Probation for Sacramento County, recently told the authors, “We’ve been the silent partner of the criminal justice system. Now we’re out in front.”

Parole too has a critically important – albeit more nuanced – role to play in realignment’s success. Both agencies have to accommodate an increasingly serious offender population, all while adhering to formal agency mission statements and public pronouncements that prioritize rehabilitation. But line staff in both of these agencies echo the same sentiment: they are being asked to do too much, too fast, with too little. It is not just that resources are insufficient, which is what most focus on, but that offenders – *regardless* of how many programs are thrown at them – have to make the personal decision to fully participate and take advantage of program opportunities.

For California’s probation system, realignment gives it an opportunity to test whether it can reduce recidivism through evidence-based programming. Probation has always supervised two-thirds of Californians under correctional supervision but never gotten the resources commensurate with their responsibilities. According to a study by the Pew Center on the States, for every dollar spent on prisons, the US spend just 6 cents on probation and parole.⁷⁴ Realignment balances the scales slightly by investing more in community-based treatment. As shown in Figure 1, probation received 34% of all allocated first-year realignment money. Probation is seeing a significant infusion of much-needed cash to implement offender programming.

While the resources are welcomed, they came with a very big string attached: The population now sent to probation is more serious and more of them are struggling with addiction and mental illness. One of the biggest points of controversy is the fact that released prisoners are now reassigned to county-probation *regardless* of their prior criminal record. Assignment to PCRS is determined only by the current prison conviction offenses regardless of prior record, mental health status, or in-prison behavior.

⁷⁴ The Pew Center on the States, *One in 31: The Long Reach of American Corrections* (The Pew Charitable Trusts, Mar. 2009).

This systematically alters probation's caseload and creates a higher-need, higher-risk population. In fact, CDCR's research division is tracking the characteristics of prisoners being realigned to county probation/PCRS versus those being retained on state parole. CDCR data reveal that in the first year of realignment prisoners sent to PCRS were *more* likely to have a "high" California Static Risk Assessment (CSRA) score. In the first year, 55% of PCRS offenders scored "high risk" compared with 44% of those retained on state parole (see www.acjrca.org/images/ppf12/1seale.pptx). It is quite possible that California's realignment experiment is systematically testing whether the evidence-based programs shown to work in previous settings, usually with much less serious offenders, will work in California with its higher risk population.

It is critically important to remember that even those identified as "low" and "medium" risk prisoners using California's Risk Assessment have historically had high recidivism rates. A recent study by CDCR tracked the cohort of prisoners released in 2007–2008 for 3 years. By the end of the 3 years, 41% of prisoners classified as "low risk" and 57% of those classified as "medium risk" were returned to a California prison. While these recidivism rates were lower than for prisoners classified as "high risk" (who had a 74% return-to-prison rate within 3 years), most would not consider an average 50% return-to-prison rate "low risk." It is better thought of as *lower* risk (and it is important to recall that this figure represents a return to a California prison, not rearrest, return to jail, or return to another state or federal prison). Susan Turner at the University of California Irvine, who developed California's risk assessment tool, reported that 11% of those classified as "low risk" and 22% of those classified as "moderate risk" were rearrested for a violent felony within 3 years of release. Between 23% and 38% of those classified as "high risk" were rearrested for a violent felony within 3 years of release.⁷⁵ So, regardless of how one slices the data, California counties are dealing with a risky offender population. The challenge in California's realignment experiment is whether evidence-based alternatives – which for the most part have been tested on lower risk populations – can work here. Tracking offenders' characteristics, the programs they participate in, and the resulting social and criminal justice outcomes is critically important to advancing knowledge of the utility of evidence-based programming for higher risk offenders.

⁷⁵ California Office of Research, California Department of Corrections and Rehabilitation: 2012 Outcome Evaluation Report (Oct. 2012), available at http://www.cdcr.ca.gov/Adult_Research_Branch/Research_Documents/ARB_FY_0708_Recidivism_Report_10.23.12.pdf; For data on rearrests and reconvictions, by crime type and risk level, see Susan Turner, California Static Risk Assessment (CSRA) (2008), available at www.acjrca.org/ppt08/2.pvdmturner.ppt.

Supervising higher risk offenders will change the cultures of probation and parole agencies. Since both agencies will see a hardening of their caseloads, what impact will this have for supervision and support mechanisms? Probation was designed for less serious offenders. Probation staff members work for the county. They often have social-work degrees, they usually are not armed, and they are not considered sworn law enforcement officers. Historically, probation is designed to be the “helping” part of the criminal justice system. Yet many probation agencies are now arming more of their officers, and there is more concern for staff safety.

Probation is hiring agents while parole is laying them off – yet there is little difference in their high-risk caseloads post-realignment. Interestingly, to accommodate probations’ increase in staffing levels, probation departments are looking to recruit laid off parole agents since they already have safety and weapons training. These “transfers” may still benefit State coffers, since parole agents are paid about 30–50% more than probation officers, they do not need additional training or weapons certification, and when they transfer to probation they lose eligibility for membership in the California Correctional Peace Officers Association (CCPOA), arguably the most powerful union in the state.⁷⁶

Long-term members of CCPOA get hefty pensions and lifetime medical insurance, something the State wants to reduce. If California can downsize the State’s CCPOA workforce, and replace it with less expensive agents doing essentially the same job with lower salaries and fewer benefits, the State wins. This economic benefit should not go unnoticed when we examine why realignment – and the shift from state to county supervision – took the form that it did. But, importantly, when you infuse probation agencies with former parole agents, you also bring into probation the surveillance culture that permeated parole in recent years.

There are serious implications if parole agents simply turn around and get hired to work for county probation departments. Parole agents were considered law enforcement officers for a reason – they supervised the most serious criminals. If they are doing the same job for probation – will they be able to switch their “enforcement” hats for “rehabilitation” hats? If they bring their “nail ‘em and jail ‘em” mentality to the new job, will rehabilitation programs have been given a fair try? Interestingly, the State won’t save as much money as budget analysts project,

⁷⁶ California CCPOA members have by far the most generous wages and benefits that prison officers get anywhere in the county. In 2009, corrections employees received an average of \$70,000 a year and more than 40,000 of them earned over \$100,000. See Brian Joseph, *State prison system lucrative for corrections*, Orange County Register, Jan 6, 2011, <http://www.ocregister.com/articles/-283117.html>. Since then, wages have gone up. Their contract includes pensions of up to 90% of salary starting at as early as 50 – more than teachers, nurses or firefighters get. The CCPOA contract was very much on the minds of legislators when they approved the realignment legislation.

because the State may have to pay twice; it may pay the former parole agents' pensions and that same person's new county probation-agent salary.

These are complicated issues and no one is studying them. Both probation and parole are undergoing significant changes, and it is not clear how they will play out over time. Prior to realignment, parole agents supervised all inmates released from prison. Post-realignment, parole agents will supervised only offenders whose current commitment offense is a serious or violent felony, or when the offender has been convicted of a third strike. All high-risk sex offenders or officially diagnosed mentally disordered offenders report to parole. But while parole agents will be supervising the most serious offenders in the State, they now are dependent on county judges and sheriffs to impose a sanction for a technical violation (e.g., using drugs, not participating in treatment). Parolees who violate parole conditions can no longer go to prison but must serve their revocation terms in county jails (where they face a maximum 6-month term in jail, whereas before they faced a maximum 1-year term in prison).

For parole, the threat of revocation has lost its teeth because of the 6-month cap in county jail (and they might be released much sooner if the jail is overcrowded). Because of this, agents have lost their most powerful tool for encouraging offenders to comply with the conditions of parole, including participating in mandated treatment. On the other hand, since they do not have sure access to jail to punish violations, parole agents might work harder to find intermediate sanctions other than jail to respond to violations. If such programs do not exist or are unavailable to parolees, the agents essentially have no recourse but to ignore the violations. The same dynamic is now in play with probation agents and their caseloads. It is unclear how these changing dynamics will alter parole and probation supervision, but it is critically important to realignment's ultimate success.

Probation will experience expansion in terms of scope, personnel and funds. For most probation departments, the immediate task will be surveillance of former parolees. Depending on county investments and political will, some will experiment and succeed with community alternatives. These innovative probation departments will provide an opportunity for counties to learn from each other. However, if not monitored closely, probation will lose its rehabilitation function and be totally focused on surveillance. In the end, this will backfire, since evidence-based corrections require surveillance plus treatment.

There is another emerging development that deserves attention: being referred to as "AB 109 exceptionalism." The term is borrowed from health care, where a debate is being waged over "AIDS exceptionalism."⁷⁷ When the HIV/AIDS epidemic

⁷⁷ Julia H. Smith and Alan Whiteside, *The history of AIDS exceptionalism*, 13 J. Int. AIDS Soc. 47, (2010), available at <http://www.biomedcentral.com/1758-2652/13/47>.

grew in the 1980s, the government poured billions into research and treatment, treating HIV/AIDS differently from other diseases. Now critics claim that the HIV/AIDS category is receiving a response above and beyond “normal” diseases and interventions, diverting resources and threatening overall public health. In a paradox, some say the decline of these other services makes it harder to care for people whose behavior puts them at risk for AIDS/HIV, but who are not yet infected.

California policymakers are voicing similar concerns with the AB 109 funding. California now invests close to \$1 billion a year on the AB 109 offender classification. If we assume even 30% of it goes to fund work, education, and housing opportunities for realigned offenders, that means we are deploying \$300 million a year – a significant infusion of rehabilitation funding in California’s cash-strapped social services system. Special need offenders *outside* of the AB 109 population – including the mentally ill, developmentally disabled, and first time probationers – who might be on lower-risk caseloads, may not have access to the specialized AB 109 funding and programs.

The irony is that we might be ignoring the risky behavior of “regular” probationers we could have helped *before* they committed a serious felony, while spending our dollars on much higher risk offenders, simply because they are members of the triple-non designate group targeted by the legislation. Ideally we would have enough resources to deliver needed programming to all offenders, but that seems naïve. Even worse, some have pointed out that the programs those *in* the criminal justice system can take advantage of – e.g., Section 8 housing, job training, substance abuse counseling – are made possible due to cuts in those exact same programs for *non*-criminally involved Californians.⁷⁸ The Los Angeles County Housing Authority announced in September 2012 that it will move parolees to the front of the line for limited and much-sought-after Section 8 housing vouchers, which provide rent subsidies to low-income individuals.⁷⁹ A mother, whose son is blind with cerebral palsy and intellectual disabilities, wrote to the *San Francisco Chronicle* in an article titled “Would disabled receive better care in prison?”⁸⁰ She noted that California programs to support persons with disabilities – including dental, healthcare, housing, work training, counseling – have all been drastically reduced over the last 5 years to fund those exact programs for prisoners. This isn’t the place to debate priorities for funding but rather to point out the irony of what realignment funding portends in the years ahead.

⁷⁸ See, e.g., Laura Repke, Would disabled receive better care in prison?, *San Francisco Chronicle*, Mar. 31, 2011, <http://www.sfgate.com/opinion/openforum/article/Would-disabled-receive-better-care-in-prison-2376903.php#ixzz1IIIsIR99n>.

⁷⁹ Editorial, Helping homeless ex-cons, *LA Times*, Apr. 18, 2012, <http://www.latimes.com/news/opinion/opinionla/la-ed-section8-homeless-lancaster-20120418,0,6314406.story>.

⁸⁰ Repke, *supra* note 78.

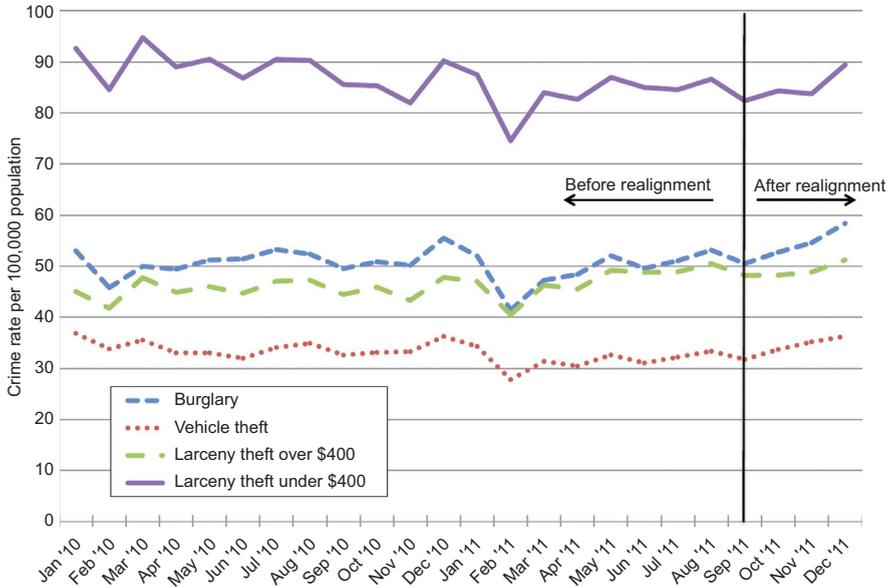


Figure 3: California's Property Crime Rate, 2010–2011.

Source: Magnus Lofstrom, *Crime Trends in California*, Public Policy Institute of California 2012, http://www.ppic.org/main/publication_show.asp?i=1036.

Question 8: What will the impact be on crime rates and community life?

California's overall crime rate has declined every year since 2003 and now has reached its lowest level in the past 50 years. This declining trend is similar to the rest of the nation. Will realignment increase or decrease crime rates, or have no negligible impact? Potentially, crime could rise as offenders serve shorter sentences and more of them are on the streets. On the other hand, realignment could contribute to a decrease in crime if counties apply evidence-based programs that have been found in other states to reduce recidivism. This is an important question to answer, both at the state and local levels. Realignment's impact on crime will likely vary by county, particularly since counties differed on crime rates pre-realignment and are using their funds in vastly different ways post-realignment.

Magnus Lofstrom, an economist at the Public Policy Institute of California (PPIC), recently analyzed county level crime data from the California Attorney's General's Division of Criminal Justice Information Services and concluded that statewide "violent crime continues to decline but that the downward trend in property crimes is ending."⁸¹ However, as shown in Figure 3 below, his analysis

⁸¹ Magnus Lofstrom, *Crime Trends in California*, Public Policy Institute of California, (September 2012), http://www.ppic.org/main/publication_show.asp?i=1036.

reveals that the property crime rate has been higher in nearly every month since May 2011 – several months *before* California implemented public safety realignment. Statistics on felony larceny theft are the strongest indication that some property crime may be on the rise: since July 2010, this rate has increased in all but 2 months (February and March 2011) relative to the same month in the previous year. When looking at the change in property crime rates pre-realignment to post-realignment (from September 2011 to December 2011, the latest data available), the property crime rate has increased approximately 11%. Looking at this same time period, we find that violent crime has dropped 4.3%.⁸²

Many law enforcement practitioners throughout California blame realignment for rising crime in their communities. On public radio station KPBS Chief William Lansdowne of the San Diego Police Department said that San Diego's increased crime rate was caused in part by the "state mandated return of prison inmates to county jails."⁸³ In Humboldt County, the Willits News reported that police officials are blaming the spike in property crime on realignment.⁸⁴ In Bakersfield, Sheriff Donny Youngblood was recently quoted in news reports connecting the increased crime rate in Kern County to AB 109: "When you have that many people who should be in custody and aren't, it just goes without saying that we're going to have a higher crime rate than we did in 2011."⁸⁵

Despite the fact that these news reports rely on correlation as evidence of causation, there is reason to take the stories seriously. A recent study found that the average daily jail population in California has increased about one inmate for every three felons who are no longer serving time in state prison. "This finding suggests that some inmates who would have been incarcerated prior to realignment are now either not locked up or are not spending as much time in jail."⁸⁶

Many counties have addressed the fear of rising crime rates by hiring more law enforcement officers, or hiring back law enforcement officers that they had previously been forced to lay off because of strapped county budgets. Approximately

⁸² If larceny under \$400 is included, the rate is 10.5%. If larceny under \$400 is excluded, the property crime rate has increased 11.8% post-realignment. For these statewide data (including violent crime) see *CJSJ Statistics: Crimes and Clearances*, State of California Department of Justice, Office of the Attorney General, <http://oag.ca.gov/crime/cjsc/stats/crimes-clearances>.

⁸³ *San Diego Crime Rate increases 6.9 Percent*, KPBS, Feb. 13, 2013, <http://www.kpbs.org/news/2013/feb/13/san-diego-crime-rate-increases-69-percent/>.

⁸⁴ Grant Scott-Goforth, Humboldt: Spike in property crimes coincides with prison realignment, *The Willits News*, Feb. 17, 2013, http://www.willitsnews.com/ci_22607046/officials-spike-property-crimes-coincides-prison-realignment.

⁸⁵ Angela Chen, Crime spiked last year; local officials blame prison realignment, *Bakersfield Now*, Jan. 22, 2013, <http://www.bakersfieldnow.com/news/local/Crime-spiked-last-year-local-officials-blame-prison-realignment-187998161.html>.

⁸⁶ Lofstrom and Kramer, *supra* note 18.

35% of the allocated first year AB 109 funding was spent on sheriff's departments, and \$33 million of this was for the salaries of new sheriffs' deputies.⁸⁷

Other county sheriffs are concerned not just about the increasing numbers of prisoners on their streets, but also a general message to would-be-criminals that they will not be punished as harshly. A recent article in the *Los Angeles Times* highlighted the growing problem of sex offenders cutting off their GPS monitoring bracelets with little consequence because of jail overcrowding and shorter jail terms if they are caught (maximum 6 months). The article noted that 3,400 arrest warrants have been issued for sex offender GPS tamperers since realignment went into effect, an increase of 28% compared to the year before realignment.⁸⁸ State Senator Ted Lieu, D-Los Angeles, has introduced a new bill requiring parolees who tamper with their GPS monitors to be sent back to prison for up to 3 years.

Many in law enforcement believe that the lack of a "hammer" or threat of a prison sentence is undermining deterrence and will ultimately increase crime. But not all share these predictions. Los Angeles County Sheriff Lee Baca "believes his deputies can do a better job than the state when it comes to managing 'low-level offenders'."⁸⁹ Indeed, Butte County District Attorney Mike Ramsey said, up to this point, realignment is being achieved without a serious compromise to public safety.⁹⁰ Although the overcrowding in Butte County jails has forced the sheriffs to release inmates early every day, they credit increased rehabilitation programs with keeping crime levels down.⁹¹

These differing viewpoints among the counties demonstrate how important accurate measurement of crime rates and recidivism will be to assessing the success of realignment. In addition to analyzing the effects on overall crime rate, researchers should assess the impacts of realignment on specific crime categories, as the impacts are likely to vary. It is worth noting that crime fluctuations are difficult to explain due to several factors, including the demographics of the population, citizen and police actions, and the actions of the population-

⁸⁷ McCray, Newhall and Snyder, *supra* note 17; see, e.g., AB 109 Impact Report Shows More Inmates Than Expected, *Central Coast News*, Apr. 17, 2012.

⁸⁸ Paige St. John, Paroled sex offenders disarming tracking devices, *LA Times*, February 23, 2012, at A1.

⁸⁹ David Greenwald, *D-Day Approaches for AB 109 and Realignment – No One Sure What it Means*, Vanguard Court watch of Yolo County (Sept. 26, 2011), available at http://davisvanguard.org/index.php?option=com_content&view=article&id=4721:d-day-approached-for-ab-109-and-realignment-no-one-sure-what-it-means&catid=74:judicial-watch&Itemid=100.

⁹⁰ Greg Welter, Prison Realignment Hasn't Yet Compromised Safety in Butte County, *Oroville Mercury-Register*, Apr. 21, 2012.

⁹¹ *Ibid.*

at-large. A rigorous statistical model will have to be employed to determine whether, holding all other relevant factors constant, there is any relationship between realignment and crime rates. This issue, more than anything, will likely determine public opinion of the success of realignment, yet this issue, more than anything, is incredibly difficult to measure accurately.

Question 9: How much will realignment cost, and who pays?

Before the ink was dry on AB 109, everyone was complaining about the money factor. Many counties said the money was not enough and the formula for determining how much each county got was poorly conceived. Other counties feared the State's financial commitment to the counties would be short-lived, reminiscent of previous criminal justice reforms. As previously noted, Proposition 30 has now provided constitutional protection for realignment funding. But how much is realignment really costing us? How is the money being spent? What have we gotten for our investment? Have the costs and burden simply shifted to other social service agencies? What will be the impact on social services systems?

It is hard to get a full accounting of how much money the State is investing in realignment, as several different bills fund portions of it. According to California's Department of Finance, realignment will reduce the state inmate population by about 40,000 inmates (roughly one-fourth of the total inmate population) upon full implementation by 2014–2015. The state parolee population is projected to decline by 77,000 parolees (roughly three-fourths of the total parole population) in 2014–2015. The Legislative Analyst's Office suggested that this reduction in inmate and parolee population resulted in a state savings of about \$453 million in 2012, and the savings will increase to \$1.5 billion by 2014.⁹²

CDCR claims the cost savings are even greater. Last spring it released a report titled *The Future of California Corrections*, which predicted annual savings to California of \$1.5 billion for maintaining the smaller inmate population and another \$4.1 billion from bond authority that would no longer be needed for new prison construction. California's prison budget grew from about \$5 billion in 2000 to over \$9 billion in 2012, and currently CDCR expenditures are 11% of all general fund expenditures. When faced with a \$26 billion General Fund deficit in 2011, realignment looked like a huge cost saver. By 2022, the CDCR predicted, California would save \$30 billion in prison costs.⁹³

⁹² Legislative Analyst's Office, 2011 Realignment: Addressing Issues to promote Its Long-Term Success (2011), available at http://www.lao.ca.gov/reports/2011/stadm/realignment/realignment_081911.aspx.

⁹³ CDCR, *supra* note 6.

Governor Brown uses those figures to tout the cost savings of realignment. And he is correct: If the State had been forced keep its prison population while satisfying the court's noncrowding requirements, it is estimated that California would have had to build nine new prisons at a cost of \$7.5 billion – plus an addition \$1.6 billion per year to operate them.⁹⁴

But those costs are too narrowly conceived. A more accurate realignment cost-benefit calculation should include an estimate of the total criminal justice dollars spent on each offender during a particular follow up period (e.g., 2 years after sentence). These costs should (minimally) include law enforcement, court and corrections costs. If the offender completes the program and is not rearrested, reprocessed and resentenced over a certain period of time, the system has benefited and saved those reprocessing costs. Conversely, if the realigned offender is rearrested, reprocessed and re-incarcerated, the system incurs those additional costs as well. A more comprehensive cost-benefit analysis would also include the costs of other government services (e.g., medical care provided by the public health system) that are utilized in the supervision and control of offenders.

The cost of crime is not borne solely by government agencies, but by victims and society at large. Social scientists typically differentiate between tangible and intangible costs of crime. Tangible costs involve direct financial costs to individuals, business or government from out of pocket expenditures or lost productivity. They include costs such as property loss, medical treatment, and lost productivity for victims, crime prevention expenditures by business, and expenditures for offender adjudication and incarceration by government entities. These costs can typically be measured using accounting and other expenditure data. A recent RAND study including these costs reported that the cost of a motor vehicle theft averaged \$9,000, and the cost of a rape, \$217,000.⁹⁵ It is clear that the estimates of other social costs of crime are large, certainly more than simply the cost of criminal justice operations. Researchers should begin collecting data that would allow a more rigorous cost benefit assessment of realignment.

There are also long-term cost *benefits* if offenders who desist from crime are now productive members of society, perhaps employed and paying taxes, and providing for their families. The “costs avoided” could be added to cost-benefit calculations. If realigned felons have a higher rate of economic self-sufficiency than felons sentenced to prison, the long term cost savings could be significant.

Taxpayers should demand a full accounting – and a statistical model that keeps track of the costs. In theory, realignment has the potential to be very positive for California. It is cheaper to send someone to county jail than to state prison, especially

⁹⁴ *Ibid.*

⁹⁵ Paul Heaton, RAND, Hidden in Plain Sight: What Cost-of-Crime Research Can Tell Us About Investing in Police, (2010), available at http://www.rand.org/pubs/occasional_papers/OP279.html.

for a term of only a few months. Administrators avoid a lot of transportation and intake costs. And ending the constant churning of new people in and out of the state prisons should make the prisons themselves safer and more stable. Moreover, keeping offenders closer to home makes it easier for families to visit. County officials are better placed than state bureaucrats to tailor programs to the needs and punishment philosophies of their community. Since county officials are local, they may establish partnerships with local non-profits or social service providers that offenders may rely upon for support after release. Ideally, forcing counties to bear more of the cost of their own policing and prosecuting decisions will encourage more thoughtful decisions about how to allocate scarce law enforcement resources.

Question 10: Will realignment increase the total number of people under correctional control and supervision?

Criminologists often use the term “correctional control” to describe the *total* corrections population under supervision at any given time. The total consists of all offenders supervised on probation or parole as well as those incarcerated in prisons and local jails. The Bureau of Justice Statistics recently released the correctional control rate for the US as a whole, noting about 2.9% of adults in the US (or 1 in every 34 adults) were under some form of correctional supervision at year end 2011, a rate comparable to 1998.⁹⁶

As realignment moves forward, we must monitor California’s total correctional control population. Tracking such data will show us whether we have downsized state prison and parole populations while simultaneously increasing jail and probation populations. In 10 years, will more people be locked up and on supervision than in 2011 when realignment went into effect? If the correctional control rate goes up, we can rest assured that we haven’t implemented programs that work to reduce recidivism, but simply changed the address where offenders live and report – from prison to jail, and from parole to probation. Realignment will have been just an expensive shell game.

The authors are tracking California’s correctional populations, and as shown in Table 1, there were 575,129 adults under correctional control in California at year-end 2012, or approximately 2.05% of the adult population. This figure is down from 725,085 or 2.8% of all California adults under correctional control in 2004.⁹⁷ So the total number of adults under correctional supervision is declining.

⁹⁶ Lauren E. Glaze and Erika Parks, *Correctional Populations in the United States, 2011*, NCJ 239972, Bureau of Justice Statistics (Nov 2012).

⁹⁷ Jeffrey Lin and Jesse Jannetta, *The Scope of Correctional Control in California*, University of California Irvine, Center for Evidence-Based Corrections (2006), available at <http://ucicorrections.seweb.uci.edu/pdf/Bulletin706Da.pdf>.

Table 1: California Adults Under Correctional Supervision, 2012.

Status	Total population	Rate per 100,000 CA adults	Percent of CA adults
Prisoners	132,935	463	0.46%
Jail Inmates	78,263	205	0.21%
Parolees	65,931	230	0.23%
Probationers	298,000	1049	1.05%
Total	575,129	2005	2.05%

Source: Jail data provided by the Board of State and Community Corrections; prison and parole data comes from the California Department of Corrections and Rehabilitation (CDCR) population reports; the probation population data are from 2011 and come from the Bureau of Justice Statistics, US Department of Justice (<http://bjs.ojp.usdoj.gov/content/pub/pdf/ppus11.pdf>).

But for those remaining in custody, will we simply have substituted jail for prisons? According to CDCR, the prison population is projected to level out at about 128,00 by June 2013, reaching 131,000 by 2018. The jail population is now

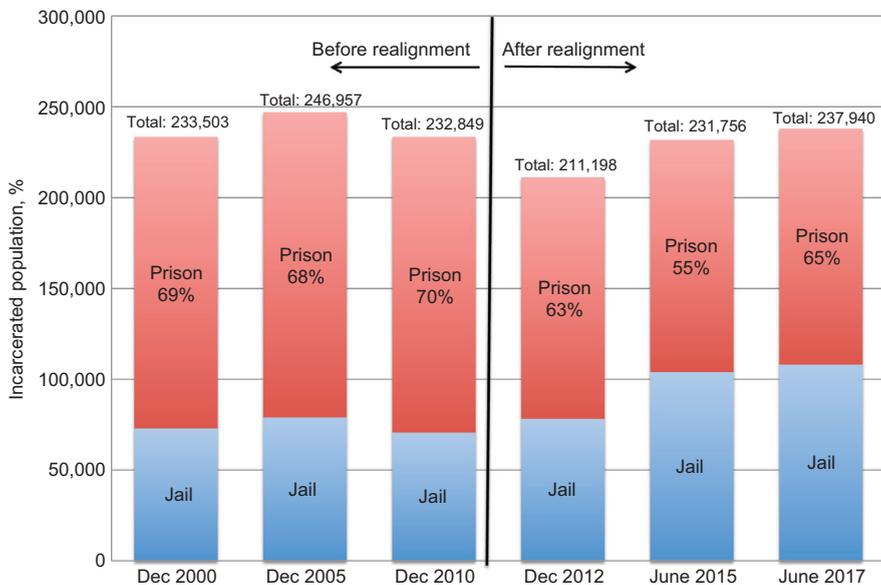


Figure 4: California’s Prison vs. Jail Populations, 2000–2017.

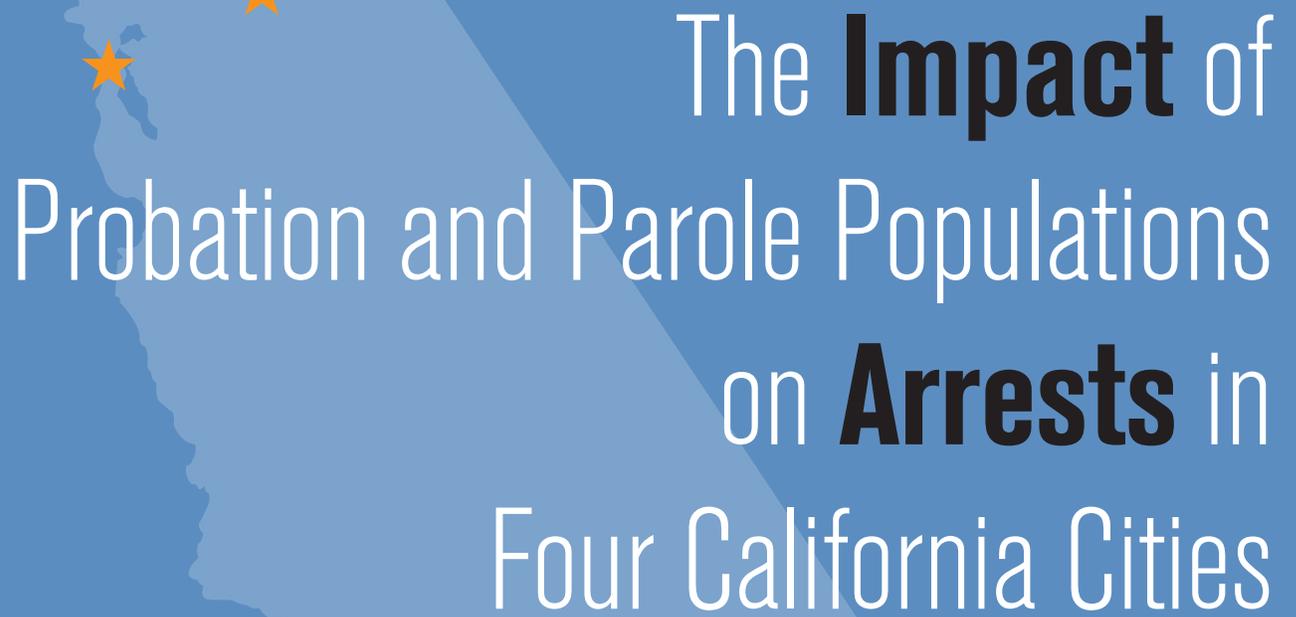
Source: Jail population data was provided by the Board of State and Community Corrections; jail population projections are from the “Impact of AB109 on Local Jail Population 2007–2017” graph by James Austin at the National Institute of Corrections Board Hearing, August 22, 2012; prison population data and projections come from the California Department of Corrections and Rehabilitation (CDCR) monthly population reports.

at about 78,000 inmates and is projected to reach 108,000 by 2017. As shown in Figure 4 below, the total population for prison and jail combined is projected to increase to 231,756 by 2015. This is nearly the same number of offenders in prison and jail in June 2010, right before realignment passed. By 2017, the total jail plus prison population may actually be 5,091 higher than it was pre-realignment. If these projections prove true, realignment will not have been the massive experiment in community corrections that proponents had hoped for; it will have simply changed the inmate's address from state prison to county jail.

It is important to note that this estimate is based on projections that are dependent on historically high recidivism rates. Therefore, an optimist might argue that the projections are overestimates because they do not take full account of the long-term recidivism reductions that might accrue should some of the realignment programs work. Nonetheless, the idea that realignment, the biggest correctional reform initiative in California history, could result in static or even increased numbers of adults under correctional control is sobering.

3 Conclusion

California is at a crossroads, a time of rethinking possibilities. The importance of California's realignment experiment cannot be overstated. It will test whether the nation's largest state can reduce its prison population in a manner that maintains public safety. Realignment's significance is precisely why it needs to be closely monitored. Answering these questions and many more will help state and local officials learn what worked and what didn't, what problems were encountered in implementation, and which offenders benefited from the program. Ultimately, answering these questions will tell us whether the accomplishments were worth the resources invested.



The **Impact** of
Probation and Parole Populations
on **Arrests** in
Four California Cities

A report prepared by the
Council of State Governments Justice Center

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This report was prepared by the Council of State Governments Justice Center. The research and report were made possible with the generous support of the Public Safety Performance Project of the Pew Center on the States, the Fund for Nonviolence, the Public Welfare Foundation, and the Rosenberg Foundation.

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About the Organizations and Foundations

The Council of State Governments Justice Center

The Council of State Governments Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. It provides practical, nonpartisan advice and evidence-based, consensus-driven strategies to increase public safety and strengthen communities.

The Public Safety Performance Project, Pew Center on the States

The Public Safety Performance Project works with states to advance data-driven, fiscally sound policies and practices in the criminal and juvenile justice systems that protect public safety, hold offenders accountable, and control corrections costs.

The Fund for Nonviolence

The Fund for Nonviolence cultivates and supports efforts to bring about social change that moves humanity towards a more just and compassionate coexistence. The organization focuses on social justice for marginalized communities and believes in the transformative power of nonviolence as a means of inspiring progressive social change.

The Public Welfare Foundation

The Public Welfare Foundation supports efforts to ensure fundamental rights and opportunities for people in need. The foundation looks for carefully defined points where our funds can make a difference in bringing about systemic changes that can improve the lives of countless people. In its 65-year history, the foundation has distributed nearly \$500 million in grants to more than 4,500 organizations.

The Rosenberg Foundation

The Rosenberg Foundation believes that in order for democracy to thrive in our state and nation, every person in California must have fair and equitable opportunities to participate fully in the state's economic, social and political life. Established in 1935, the Foundation has supported a wide range of initiatives to promote economic inclusion and human rights.

The Impact of Probation and Parole Populations on Arrests in Four California Cities

INTRODUCTION

ONE OF THE FIRST QUESTIONS A POLICE OFFICER ASKS when arresting someone is “Are you on probation or parole?” and the answer generally expected is “yes.” Given this expectation, it is understandable for officers on the beat to believe that it is only a matter of time before people on parole or probation commit a crime. As longstanding and prevalent as this assumption has been, very little research exists quantifying the extent to which people under community supervision are, in fact, driving local law enforcement’s arrest activity.

Law enforcement executives across the country have been forced to make deep cuts to their budgets as a result of plunging local tax revenues and shrinking federal funding for local police departments.¹ This has certainly been the case in California. For example, the police departments in Sacramento, Los Angeles, and Redlands experienced significant declines in funding between 2008 and 2012, which have resulted in, among other things, major reductions in personnel.²

On top of the fiscal pressures police departments are experiencing, local governments in California are struggling with the transformation of the state corrections system currently underway. Compelled by federal court order to address overcrowding in the California prison system, state policymakers have taken a number of steps to reduce the prison population. For example, they have mandated that non-violent, non-serious and non-sex offenders serve their sentences at the local level rather than in state prisons. In addition, state officials have transferred post-release supervision responsibilities for people convicted of these crimes already in state prison to county probation officers. As a result of these and other actions, the number of people incarcerated in state prison has plummeted by nearly 40,000 people, from more than 173,000 in 2006³ to fewer than 133,000 in November 2012.⁴ During the same timeframe, the state’s parole supervision population has declined by nearly 50 percent, from almost 120,000 to fewer than 61,000.⁵

The downsizing of the prison population has enabled the state to address dangerous levels of overcrowding in its system and to reduce state spending on corrections by billions of

¹ “Survey indicates easing of budget cuts in some local police departments, but most are still being cut,” Police Executive Research Forum, accessed December 1, 2012, <http://www.policeforum.org/library/economy/ImpactofeconomiccrisisonpolicingApril2012final.pdf>.

² As was the case for county probation departments, all four jurisdictions experienced staff reductions from 2008 to 2011. See box on pages 8-9, “The Four Jurisdictions.”

³ “The Future of California Corrections Executive Summary,” California Department of Corrections and Rehabilitations (CDCR), accessed December 1, 2012, <http://www.cdcr.ca.gov/2012plan/docs/plan/exec-summary.pdf>.

⁴ “Monthly Total Population Report Archive,” CDCR, accessed January 11, 2013, http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Monthly/Monthly_Tpop1a_Archive.html

⁵ *Ibid.*

California Downsizes Its Prison Population

In 1990 and 2001, two class-action lawsuits were filed against the state of California, challenging the constitutionality of the prison conditions as a result of chronic overcrowding in the state's 33 prison facilities.⁶ A federal district court-appointed three-judge panel was convened to review extensive evidence and testimony related to the subject of these lawsuits, and in August 2009, ordered the state to reduce its prison population to 137.5 percent of capacity. In May 2011, the Supreme Court of the United States upheld this ruling, finding that the court-mandated population cap is necessary to remedy the violation of prisoners' constitutional rights.⁷

As the lawsuits wound their way through the federal court system, the legislature took steps to reduce the prison population. Recognizing that parole revocations were a key driver of the prison population, lawmakers enacted Senate Bill (SB) 18 in 2009, which established a new type of "non-revocable" parole (NRP) for individuals, who, according to the validated risk assessment tool used by the California Department of Corrections and Rehabilitation (CDCR), did not pose a high risk to reoffend. Additional criteria were included in the statute that a person had to meet to be placed under NRP.⁸ Parole for people under NRP cannot be revoked for any reason; they can only be incarcerated again for a new crime.⁹ Also enacted in 2009, SB 678 created the California Community Corrections Performance Incentive Program, which promoted the use of evidence-based strategies for reducing the rate of failure on probation. SB 678 also developed a mechanism for providing additional funding to probation departments via corrections expenditure savings realized through fewer revocations to prison.

When the U.S. Supreme Court decision in 2011 made it clear that the federal district court's earlier rulings would not be vacated, the California legislature passed Assembly Bill (AB) 109 and AB 117. Known as the 2011 Realignment Legislation, this law realigned custody responsibilities for a particular class of offenders—those identified as non-violent, non-serious and non-sex offenders¹⁰—from state to local jurisdictions and transferred post-release supervision responsibilities for this population from state parole officers to county probation officers.¹¹ Starting on October 1, 2011, eligible offenders began serving their sentences at the local level rather than in state prisons.¹²

The legislation also stipulated that any parolee whose parole is revoked will serve a term no longer than 180 days in the county jail (this provision excludes people sentenced to life), and parolees who do not incur any infractions will be released from parole after six months. The Board of Parole Hearings (BPH) will continue to have responsibility for holding parole revocation hearings until July 1, 2013, at which time it will become a local, court-based process. There were also several trailer bills passed to provide funding for the Realignment initiative.¹³

⁶ *Brown v. Plata*, 131 S. Ct. 1910 (2011).

⁷ *Ibid.*

⁸ To be eligible, an individual must meet criteria as established under Penal Code section 3000.03. For these eligibility criteria, see http://www.cdcr.ca.gov/Parole/Non_Revocable_Parole/pdf/Non-Revocable_Parole_FAQs.pdf.

⁹ "CDCR implements public safety reforms to parole supervision, expanded incentive credit for inmates," CDCR, accessed July 26, 2011, <http://www.insidecdcr.ca.gov/2010/01/cdcr-implements-public-safety-reforms-to-parole-supervision-expanded-incentive-credits-for-inmates/>.

¹⁰ People who are convicted of serious or violent offenses, including sex offenders, are not affected by Realignment and will continue to serve their sentences in state prison and serve their parole terms under the supervision of state parole officers.

¹¹ "2011 Public Safety Realignment: Fact Sheet," CDCR, accessed August 23, 2011, http://www.cdcr.ca.gov/About_CDCR/docs/Realignment-Fact-Sheet.pdf.

¹² This legislation only affects offenders sentenced on or after October 1, 2011. It does not allow for inmates currently in state prison to be released early; everyone sent to state prison prior to October 1, 2011 will continue to serve their entire sentence in prison. People who are released from a state prison will serve their parole under the supervision of a state parole officer, not at the county level.

¹³ "Governor Brown signs legislation to improve public safety and empower local law enforcement," accessed August 23, 2011, <http://gov.ca.gov/news.php?id=16964>.

dollars. (See box on page 2, “California Downsizes Its Prison Population.”) Some of these savings have been passed along to the county governments, which must decide what to do with people who had previously been incarcerated in a state prison or under state parole supervision. Local law enforcement officials generally have received few of these redirected funds. Many police chiefs and sheriffs have asserted that the growing numbers of people released from state prison, combined with supervision responsibility shifting from state to local government for people convicted of particular offenses, will intensify demands on the resources of local law enforcement, which are already stretched to the breaking point.

In 2010, Chief Charlie Beck of the Los Angeles Police Department, Chief James Bueermann of the Redlands Police Department, Chief Rick Brazier of the Sacramento Police Department, and Chief George Gascón of the San Francisco Police Department asked the Council of State Governments Justice Center (CSG Justice Center) to help them to determine the extent to which people on probation and parole contribute to the demands on the resources of local law enforcement, and to identify what opportunities exist to use data to target their limited resources more effectively. They asked CSG Justice Center to conduct an unprecedented analysis of arrest, probation, and parole data to answer these questions:

- To what extent do people on probation and parole contribute to crime, as measured by arrests?
- What types of crimes are these people most likely to commit?
- Are there particular subsets of people on probation and parole who are most likely to reoffend? If so, what characteristics do they have in common?
- What strategies can law enforcement employ to better respond to the people being released from prisons and jails to community supervision?

Considerable research exists documenting rearrest or reincarceration rates for people under probation or parole supervision.¹⁴ Little research, however, has been published about the extent to which people on probation and parole contribute to the overall volume of arrests in a particular jurisdiction.¹⁵ This groundbreaking study addresses this gap in the research.

Researchers had access to separate information systems maintained by multiple independent agencies. They assembled a vast, comprehensive dataset covering a lengthy time period that

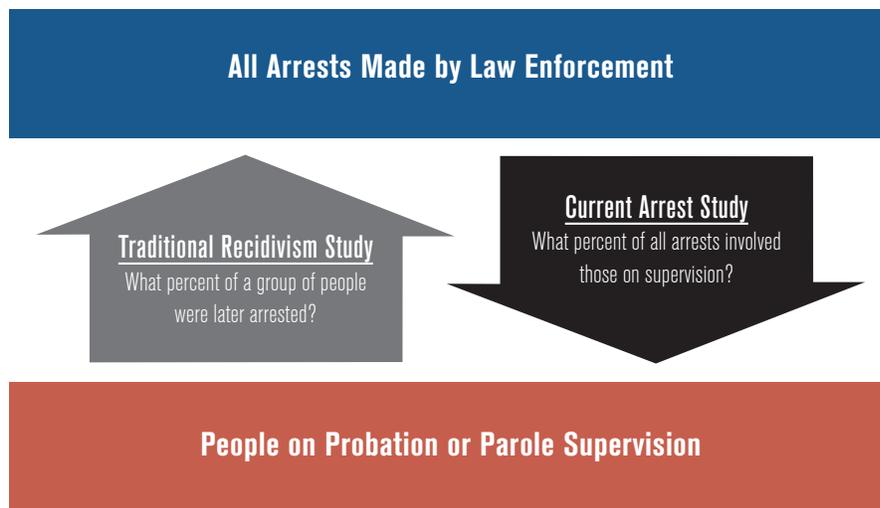
¹⁴ “2012 Outcome Evaluation Report,” CDCR, October 2012, accessed November 23, 2012, http://www.cdcr.ca.gov/Adult_Research_Branch/Research_Documents/ARB_FY_0708_Recidivism_Report_10.23.12.pdf; “State of Recidivism: The Revolving Door of America’s Prisons,” Pew Center on the States, (Washington: The Pew Charitable Trusts, April 2011); “Recidivism of Prisoners Released in 1994,” Bureau of Justice Statistics, (Washington: Bureau of Justice Statistics, June 2002).

¹⁵ According to peer-reviewed literature, a similar study was conducted in New Orleans in the 1980s. Michael R. Geerken and Hennessey D. Hayes, “Probation and Parole: Public Risk and the Future of Incarceration Alternatives,” *Criminology* 31 (1993): 549. The state of New York currently records comparable data (New York Division of Criminal Justice Services Crimestat Report, April 2011), although the state doesn’t publish analysis of this data. The Bureau of Justice Statistics has also presented similar research as part of its series on processing of felony defendants in state courts. “Felony Defendants in Large Urban Counties, 2006,” Bureau of Justice Statistics, (Washington: Bureau of Justice Statistics, May 2010). It should be noted that the results of these limited studies should not be compared to one another. As with recidivism studies, slight methodological differences can yield considerable differences in analytical results. A full assessment of these studies’ methodological differences was not undertaken, so any differences in the accounting of the share of arrests attributable to those under supervision reflected in these studies is not explained in this report.

is without precedent. Researchers amassed more than 2.5 million adult arrest, probation, and parole supervision records maintained by 11 different agencies over a 42-month period stretching from January 1, 2008 to June 30, 2011. Because California does not mandate the uniform statewide collection of arrest data, each local jurisdiction maintains this information independently and distinctly. Needless to say, the gathering and matching of records for this study proved to be a complex undertaking.

The research presented here is not a recidivism study. Researchers did not follow a particular group of people post-release for a prescribed period of time to determine that group's rates of reoffense and compare that number to another, similar group of people for a similar length of time. The dataset assembled for this study encompassed all people arrested (as opposed to a narrower universe limited to people released from prison or jail) during a three-and-a-half-year time period. By using this cohort, which was far larger than just the number of people under correctional supervision, researchers could learn about the proportion of arrests that involve people under supervision compared to those not under supervision, as well as characteristics of the subset of parolees and probationers who contribute to police arrests.

Figure 1: Current Study Question



Several aspects of this study make it a particularly valuable contribution to policy discussions underway not only in California, but in states throughout the country. First, the study focuses not just on a single municipality, but rather on four jurisdictions of different sizes: Los Angeles, Redlands, Sacramento, and San Francisco. The number of residents in each of these cities varies considerably: Los Angeles, for example, has a population of nearly 4 million compared to Redlands, where approximately 70,000 people live. Collectively, they represent

a cross-section of California's diverse populations, police departments, and probation and parole agencies. (See box on pages 8-9, "The Four Jurisdictions.") As a result, although the findings presented here do not reflect a scientific sampling of all jurisdictions in California, they cannot be dismissed as unique to one particular locality.

Second, the study is especially timely. The period it covers immediately precedes the implementation of many of the provisions of California's 2011 Realignment Legislation, which has redefined the role of local government in the California criminal justice system. So, although this study is not an assessment of the impact of Realignment on police arrest activity, the data captured here provide policymakers with a clear understanding of arrest trends up to the point of Realignment. In so doing, the findings in this report establish a baseline for future analyses of the impact of Realignment on state and local corrections, supervision, and law enforcement agencies. (See box on page 2, "California Downsizes Its Prison Population.")

This study does capture data regarding people placed under non-revocable parole (NRP), a policy enacted in 2009 and implemented in January 2010, which allowed for the release of individuals determined to be at low risk of reoffending, on the condition that they could not be revoked to prison for any reason, including for technical violations of the conditions of their parole. When this policy was enacted, as with Realignment two years later, it prompted concern among city and county officials, who predicted frequent situations in which people who would previously have been returned to prison for violations of the conditions of their parole would now be left on the streets despite repeated encounters with law enforcement.¹⁶ By analyzing how the NRP population contributed to arrest activity, this aspect of the study offers useful insight into how populations affected by Realignment might impact arrest activity.

Finally, this study was not simply an academic exercise in number crunching, but instead was the result of an extraordinary and dynamic collaboration among police departments, sheriff's departments and probation agencies spanning four counties, and the California Department of Corrections and Rehabilitation (CDCR). Policymakers and practitioners alike were engaged in the development of the methodology for the study, as well as in the collection of data and review of the data analysis. In addition, line-level officers and supervisors from each of the four police departments participated in eight focus groups that discussed working relationships with parole and probation personnel, cross-agency information sharing, and practical, day-to-day experience with individuals under supervision.

The section following this introduction to the report describes the methodology used to collect and analyze the data assembled to answer the questions posed by local law enforcement leaders. Next, the report presents six findings, each containing an overview

¹⁶ Jason Song, "Realignment plan for California prisons causing new friction," *Los Angeles Times*, May 29, 2012, accessed December 1, 2012, http://acreenry.org/wp-content/uploads/2012/05/Realignment-plan-for-California-prisons-causing-new-friction_LATimes_5-31-12ka.pdf.
Heather Tirado Gilligan, "Effects of change in California criminal justice system difficult to discern," *The Sacramento Bee*, October 22, 2012, accessed December 1, 2012, <http://www.sacbee.com/2012/10/22/4927963/effects-of-change-in-california.html>.

of the issue that the researchers explored, and a concise description of the approach they used to analyze relevant data. Facts, figures, and tables that provide the basis for the finding are also included. The last section of this report provides recommendations that CSG Justice Center staff developed based on these findings. These recommendations, which do not necessarily reflect the views of state and local officials who made this study possible, are intended to help state and local leaders maximize the opportunity presented by the state's recent Realignment Initiative to invest in high-impact, long-term strategies to reduce the strain on law enforcement resources by individuals under supervision who are at high risk of reoffense.

SUMMARY OF KEY FINDINGS AND RECOMMENDATIONS

Key Findings

- **Approximately one in five arrests involved an individual under probation or parole supervision; the majority of arrests involved people who were not under supervision.** People under supervision accounted for 22 percent of total arrests. Of those under supervision who were arrested, nearly twice as many were on probation as on parole.
- **The extent to which people under probation or parole supervision contributed to arrest activity varied by jurisdiction.** Arrests involving individuals under supervision varied across the jurisdictions, from 11 percent of all arrests in San Francisco to 30 percent in Sacramento.
- **People under probation and parole supervision were involved in one in six arrests for violent crime. On the other hand, one in three arrests for drug crime involved someone on probation or parole.** Of all types of offenses tracked in this study, people under supervision were more likely to be arrested on drug offenses than either violent, property, or other arrests.¹⁷
- **From January 2008 to June 2011, the number of arrests made in the four jurisdictions declined by 18 percent, while the number of arrests of people under supervision in these jurisdictions declined by 40 percent.** In this period, the number of arrests involving individuals under parole supervision declined by 61 percent and by 26 percent for individuals under probation supervision.
- **The assessment of a parolee's risk of reoffense was an effective indicator of the likelihood that he or she would be rearrested, although the assessment of a probationer's risk of reoffense did not effectively predict that individual's likelihood to reoffend in three of the four jurisdictions.**¹⁸ Of the total number of

¹⁷ Examples of Other offenses include vandalism, fugitive from justice for felony arrest, failure to disclose origin of recording, failure to appear in court (non-traffic), driving without a license, and prostitution.

¹⁸ It should be noted that each of the four probation agencies used different risk assessment tools during the period of this study.

individuals under parole supervision who were arrested, the majority (51 percent) had been assessed as high risk for reoffense. For individuals under probation supervision who were arrested, only 13 percent had been assessed as high risk for reoffense, while the majority of those arrested had been assessed as moderate and low risk (35 percent and 33 percent respectively).

Recommendations

- **Promote the implementation of validated risk assessment tools** for each local probation department to determine which people under community supervision are most likely to reoffend.
- **Improve coordination among law enforcement, probation, and parole agencies;** design policies and practices to facilitate sharing of risk assessment results and to inform how law enforcement professionals use these data.
- **Provide targeted, evidence-based supervision and treatment strategies** for individuals assessed to be at high risk for reoffense.
- **Continue analyses of arrest and supervision data** to track how people under supervision are contributing to arrest activity since the implementation of Realignment.
- **Improve state's capacity to share and analyze data** among local jurisdictions and state corrections agencies.

The Four Jurisdictions¹⁹

As population centers positioned throughout the state, Los Angeles, Redlands, Sacramento, and San Francisco present a useful cross-section of California's diverse populations. Similarly, criminal justice policies and practices, and sentencing trends vary from one county to the next.²⁰

Los Angeles

Los Angeles City Population: 3,810,129

Los Angeles County Population: 9,858,989

Los Angeles Police Department

Year	Sworn	Civilian	Total
2008	9,743	3,265	13,008
2009	9,980	3,215	13,195
2010	9,858	2,896	12,754
2011	9,860	2,864	12,724

Year	Adult Probation Population in Los Angeles County		Parole Population in Los Angeles County	
	# Supervised	Per 100K Residents	# Supervised	Per 100K Residents
2008	63,237	641	39,239	398
2009	62,794	637	33,454	339
2010	58,769	596	33,006	335
2011	52,641	534	31,814	323

Redlands

Redlands City Population: 69,231

San Bernardino County Population: 2,052,397

Redlands Police Department

Year	Sworn	Civilian	Total
2008	85	59	144
2009	82	58	140
2010	77	40	117
2011	76	35	111

Year	Adult Probation Population in San Bernardino County		Parole Population in San Bernardino County	
	# Supervised	Per 100K Residents	# Supervised	Per 100K Residents
2008	20,289	989	8,988	438
2009	20,077	978	8,265	403
2010	17,931	874	7,844	382
2011	17,925	873	8,277	403

¹⁹ The information contained in the tables was adapted from the following sources: County and City Population Estimates, California Department of Finance, accessed February 12, 2012, <http://www.dof.ca.gov/research/demographic/reports/view.php#objCollapsiblePanelEstimatesAnchor>; U.S. Department of Justice, "Crime in the U.S.," Federal Bureau of Investigation, 2008-11, accessed February 12, 2012, <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s.>; "FY 2007/08-10/11 Annual Reports," San Bernardino County Probation Department; "FY 2007-2008 Annual Report," San Francisco Adult Probation Department; special reports generated by the California Department of Rehabilitation and Correction, Los Angeles County Probation Department, Sacramento County Probation Department, and San Francisco Adult Probation Department.

²⁰ In addition to the rate of supervised residents differing among the four jurisdictions represented in this study, it is critical to note that the approaches to probation supervision practice in each location are unique to the jurisdiction as well. For example, some departments may more aggressively move certain offenders to low-intensity levels of supervision, whereas other departments may be less inclined to use administrative forms of supervision.

Sacramento

Sacramento City Population: 469,566

Sacramento County Population: 1,428,355

Sacramento Police Department

Year	Sworn	Civilian	Total
2008	713	365	1,078
2009	700	327	1,027
2010	696	323	1,019
2011	678	269	947

Year	Adult Probation Population in Sacramento County		Parole Population in Sacramento County	
	# Supervised	Per 100K Residents	# Supervised	Per 100K Residents
2008	21,029	1,472	6,074	428
2009	21,604	1,513	5,651	396
2010	21,098	1,477	7,381	517
2011	20,533	1,438	6,665	466

San Francisco

San Francisco City and County Population: 805,235

Note: San Francisco is a consolidated city-county.

San Francisco Police Department

Year	Sworn	Civilian	Total
2008	2,391	382	2,773
2009	2,367	486	2,853
2010	2,250	379	2,629
2011	2,210	440	2,650

Year	Adult Probation Population in San Francisco County		Parole Population in San Francisco County	
	# Supervised	Per 100K Residents	# Supervised	Per 100K Residents
2008	6,500	800	1,528	188
2009	6,718	827	1,557	192
2010	6,664	820	1,550	191
2011	6,329	779	1,519	187

METHODOLOGY

THIS STUDY USED THREE DIFFERENT TYPES OF DATA: adult arrest, parole, and probation data.²¹ Parole and some arrest data are maintained at the state level; probation data is managed mostly by county governments.²² No single state agency compiles individual arrest, probation, and parole records. Consequently, obtaining data for these four jurisdictions required the collaboration of 11 different agencies.

Arrest data covered a 42-month timeframe from January 2008 to June 2011 and reflected activity by the Los Angeles, Redlands, Sacramento, and San Francisco Police Departments. The arrest data were obtained from the following sources:

- Los Angeles Police Department and Los Angeles County Sheriff's Department²³
- Redlands Police Department and San Bernardino County Sheriff's Department²⁴
- Sacramento Police Department
- San Francisco Police Department

The arrest datasets totaled almost 650,000 individual arrest records. For the purposes of this study, an arrest was defined as an adult (18 years of age or older at the time of arrest) taken into custody by police and booked into county jail for either a felony or misdemeanor offense.²⁵ There were no “citation only” events captured, or instances of initially being taken into custody only to be released prior to any actual booking into jail.

Unlike many states, California has mandatory parole supervision, which means everyone exiting prison in California is released to community supervision. Therefore, the parole dataset provided by the California Department of Corrections and Rehabilitation captures adults released from state prison going back to the early 1980s and up to June 30, 2011.

²¹ This study did not look at any juvenile aspects of arrest activity or parole or probation supervision. Clearly the role of juveniles in crime and supervision is of great importance, but the focus of this study was only on adults.

²² Parole data are maintained statewide by the CDCR. The Office of the State Attorney General maintains statewide arrest data, which is compiled through information received from individual police departments. The chiefs who commissioned this study made available their departments' arrest data; researchers did not determine to what extent state-level arrest data were maintained in a way that would have allowed for the degree of matching required by this study.

²³ The Los Angeles County Sheriff's Department provided the data used for arrest activity, as the police department does not maintain in electronic data format the critical person identifiers needed for the data matching required by this study. Jail booking data based on Los Angeles Police Department arrests were provided to satisfy the need for arrest data from this jurisdiction. The jail booking data were also vetted with and approved by LAPD research staff.

²⁴ The San Bernardino County Sheriff's Department provided the data used for arrest activity, as the police department does not maintain in electronic data format the critical person identifiers needed for the data matching required by this study. Jail booking data based on Redlands Police Department arrests were provided to satisfy the need for arrest data from this jurisdiction. The jail booking data were also vetted with and approved by Redlands Police Department research staff.

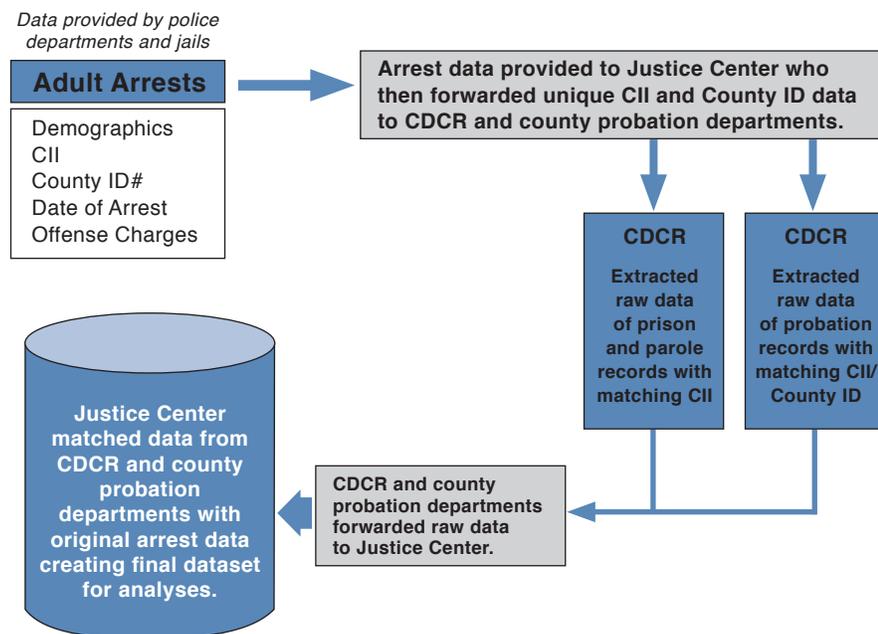
²⁵ Arrests made by other law enforcement agents, such as a sheriff's deputy, are not included in this study. In addition, arrest data collected for this study do not include instances in which a probation or parole officer took someone into custody because he or she violated a condition of release. The study does include, however, arrests made by police officers for violations of supervision conditions.

The probation data reflected persons supervised on either felony or misdemeanor probation going back to the 1970s and up to June 30, 2011. Probation data were provided by the county probation departments where the cities providing arrest data were located.²⁶ The probation data were obtained from the following sources:

- Los Angeles County Probation Department
- San Bernardino County Probation Department
- Sacramento County Probation Department
- San Francisco Adult Probation Department

After receiving the data from the various agencies listed above, CSG Justice Center researchers carefully matched all parole and probation records to any arrest event in which the Criminal Identification Indicator (CII) number was involved.²⁷ The matching process and method of analysis enabled researchers to identify all instances in which the individual arrested had any parole or probation history (i.e., not just people currently under parole or probation supervision).

Figure 2: Data Matching Process



²⁶ Court supervision cases, or cases not assigned to the county probation department for supervision, were not included in this study. Also excluded from this study were cases involving individuals on pretrial supervision, as accessing such datasets was beyond the feasibility of this evaluation.

²⁷ A Criminal Information Indicator (CII) number is used statewide in California to identify persons coming into contact with the criminal justice system and is assigned according to fingerprint.

In designing this research project, while collecting and analyzing data and in discussing preliminary findings, the Justice Center project staff conducted dozens of meetings with local and state officials. Some of these meetings were among people from a particular perspective (e.g., a meeting among law enforcement officials only) or from a particular jurisdiction. In other instances, they met with a cross-section of law enforcement and corrections agencies involved in the project. For example, in October 2011, the Justice Center brought all the project partners and stakeholders together to review the preliminary analyses. With feedback provided during this review, additional analyses were conducted and focus groups were conducted with each police department in February 2012. Focus groups were held with line-level officers and supervisors from the four participating police departments and were facilitated by Justice Center law enforcement policy staff and an expert consultant. The final analyses were completed in May 2012 and vetted through a series of meetings conducted with the project partners in California in June 2012. In addition to these formal convenings and meetings, numerous calls were held with project partners and stakeholders to solicit feedback and review.

California Sentencing and Supervision Policy

The state of California has a unique sentencing structure; it combines a determinate sentencing scheme with mandatory parole supervision. Determinate sentencing schemes use sentencing guidelines and mandatory minimum sentences to determine an appropriate sentence. Because of the state's sentencing structure, the majority of the state prison population is automatically released at the end of a sentence (more than 80 percent), while the balance of this population (almost 20 percent) receives indeterminate sentences with release dates determined by the Parole Board.²⁸ Every person released from state prison is subject to mandatory parole supervision, typically for a period of three years.²⁹

As a result of this mandatory parole requirement, parole officers supervise a wide range of people on parole who represent a broad spectrum of risks and needs. Parolees are assigned to one of seven levels of supervision, and the level determines how frequently he or she must meet with the parole officer. In a comprehensive 2006 overview of the state of sentencing and parole in California, researchers reported that 65 percent of parolees saw their parole officer no more than twice every three months and 23 percent saw their parole officer once every three months. Those parolees who had the highest levels of supervision, such as high-risk sex offenders, had two face-to-face contacts per month with their parole officer.³⁰

Probation departments are dependent primarily on county funding, so resources for supervision vary by county. As with parole, probation sentences come with conditions, and people who violate these conditions can have their probation sentence revoked and be returned to prison or jail, even if the violation does not involve the commission of a new crime but is instead a technical violation. California probationers fail to complete probation at a rate that is 10 percent higher than the national success rate for people on probation.³¹ Each year 19,000 people on probation have their community supervision revoked and are sent to prison, accounting for 40 percent of all new prison admissions.³²

²⁸ Joan Petersilia, *Understanding California Corrections*. (Berkeley: Regents of the University of California, 2006).

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ Roger K. Warren, "Probation reform in California: Senate Bill 678," *Federal Sentencing Reporter*, 22 (2010): 186.

³² Aaron Rappaport and Kara Dansky, "State of emergency: California's correctional crisis," *Federal Sentencing Reporter*, 22 (2010): 133. Approximately 300,000 people are under probation supervision on any given day in California. See "Crime in California 2011," California Department of Justice, accessed December 3, 2012, <http://oag.ca.gov/sites/all/files/pdfs/cjsc/publications/candd/cd11/cd11.pdf>.

RESEARCH FINDINGS

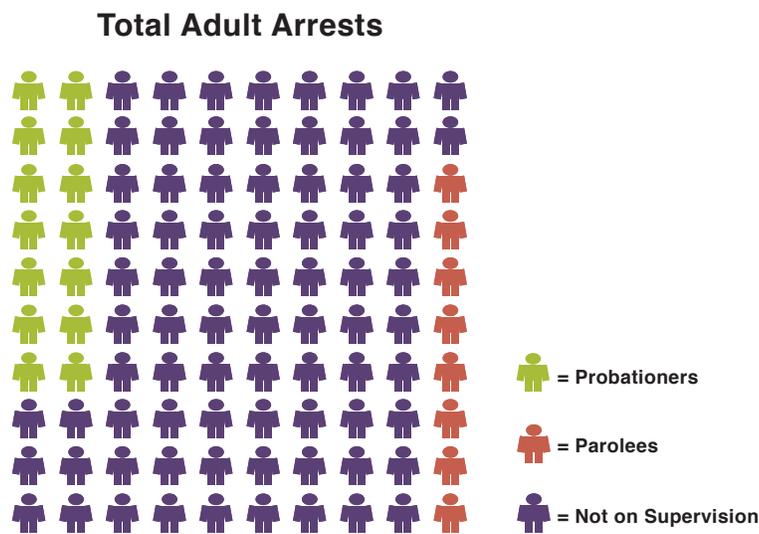
FINDING 1

Approximately one in five arrests involved an individual under probation or parole supervision; the majority of total arrests involved people who were not under supervision.

A key objective of this study was to determine to what extent people under correctional supervision drove arrest activity. To make that determination, researchers matched arrest data with parole and probation supervision data.

Supporting Data

Figure 3: Supervision Status among All Adult Arrestees



Designation	Adult Arrests	% of Total
Total	476,054	100%
Parolees	40,476	8.5%
Probationers	66,251	13.9%
Not Supervised	369,327	77.6%

Individuals who were not under parole or probation supervision accounted for almost 80 percent of all arrests made.

- 78 percent of total arrests involved individuals who were not currently under parole or probation supervision.
- 22 percent of total arrests involved individuals under parole or probation supervision.

The majority of individuals arrested (62 percent) had no parole or local probation history; 38 percent had some history of being under supervision.³³

- 6 percent had only parole history.
- 17 percent had only local county probation history.
- 15 percent had both parole and local county probation history.

Of those under supervision who were arrested, nearly twice as many were on probation as on parole.

- 8 percent of total arrests involved individuals under parole supervision.
- 14 percent involved individuals under probation supervision.

Conclusion for Finding 1

The data highlighted above challenge assertions often made that the majority of people arrested are under parole or probation supervision when they come into contact with law enforcement. Part of the reason people on the front lines of the criminal justice system may have this perception is because they are factoring in people who were ever under probation or parole supervision (not just currently under supervision). Even using that more inclusive definition, however, more than 60 percent of adults arrested had no history of probation or parole supervision.

In focus group meetings, police officers described instances in which they arrested the same probationer or parolee on multiple occasions. This experience could also contribute to the sense that arrest activity is driven disproportionately by people on probation or parole. As explained in Finding 3, some empirical data uncovered during this study support this observation, but also raise additional questions as to why people under probation and parole supervision are sometimes arrested multiple times.

Across the four counties represented in the study, there were more than twice as many people on probation (107,000) as on parole (52,000) on any given day during the study.³⁴ So

³³ Local probation history was available only for the county in which the arrest was made.

³⁴ "FY 2007/08-10/11 Annual Reports," San Bernardino County Probation Department; "FY 2007-2008 Annual Report," San Francisco Adult Probation Department; special reports generated by the California Department of Rehabilitation and Correction, Los Angeles County Probation Department, Sacramento County Probation Department, and San Francisco Adult Probation Department.

the fact that the number of arrests involving people on probation outnumbered the number of people on parole is not surprising. When accounting for their percentage of overall arrests, parolees were slightly more likely than probationers to contribute to arrest activity. As is explained under Finding 3, this was the case because parolees were more likely than probationers to be arrested for a violation of a condition of their supervision.

Although just 22 percent of adults arrested were under community supervision, this still represents a significant number of arrests each year across the four jurisdictions. Over the course of the study, the number of arrests involving people under probation or parole supervision fell from approximately 37,000 in 2008 to 30,000 in 2010 (the decline in the arrests over the study period is explored in Finding 4). In short, the greatest drops in arrests will be realized by reducing crime committed by people who are not already under probation or parole supervision. To that end, learning more about the characteristics of the people not under supervision who are arrested (especially for particular crimes) should be a research priority for these four police departments, and law enforcement agencies everywhere. At the same time, because the number of arrests in which people on probation and parole are involved in a given year is significant, any crime reduction strategy should include targeted efforts to improve success rates among people under probation and parole supervision.

FINDING 2

The extent to which people under probation or parole supervision contributed to arrest activity varied by jurisdiction.

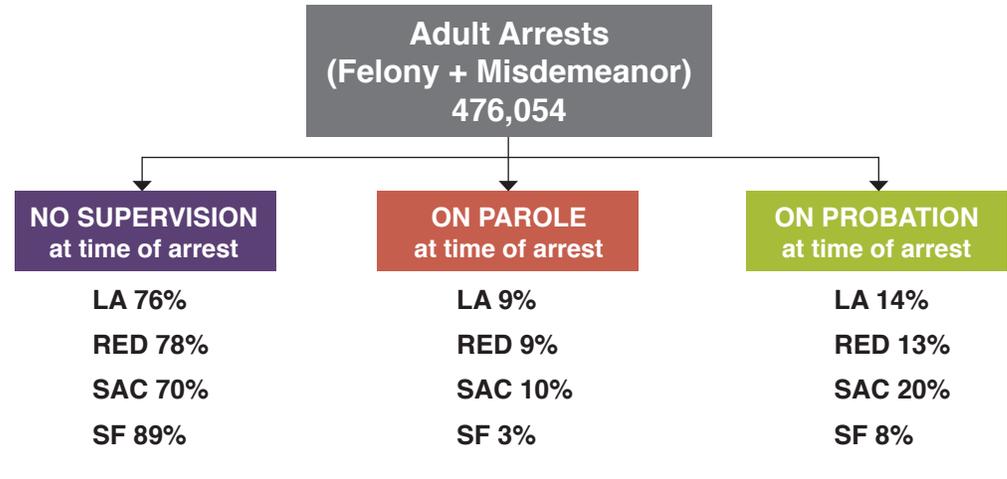
With the matched arrest, probation, and parole data, researchers were able to identify the number of individuals on probation or parole supervision at the time of arrest in each of the four jurisdictions. How common it is for a person to be under probation or parole supervision depends on the jurisdiction.

For example, the percentage of the population under probation supervision in Sacramento is nearly 1.5 times the percentage of the population under probation supervision in San Francisco. Likewise, the percentage of the population under parole supervision in Los Angeles is more than 1.5 times greater than the percentage of the population under parole supervision in San Francisco. (See box on pages 8-9, “The Four Jurisdictions.”)

Another important variable was that, unlike parole, which is administered by the state, probation is county administered. Supervision policies and practices vary significantly from one jurisdiction to the next. (See boxes on pages 8-9, “The Four Jurisdictions,” and on page 18, “About Probation.”) For these reasons, researchers were interested in exploring whether and to what extent arrest activity involving people under supervision was consistent across the four jurisdictions.

Supporting Data

Figure 4: Supervision Status among All Adult Arrestees by Jurisdiction



Arrests of individuals not under parole or probation supervision ranged from 70 percent of all arrests in Sacramento to 90 percent in San Francisco.

- Almost 10 percent of arrests in Los Angeles, Redlands, and Sacramento involved individuals on parole; in San Francisco, 3 percent of arrests involved individuals on parole.
- In Sacramento, 20 percent of arrests involved individuals on probation; 8 percent of arrests involved individuals on probation in San Francisco.

Conclusion for Finding 2

The statistics highlighted above reflect that, by some measures, the extent to which people under supervision contributed to arrest activity was somewhat comparable across the four jurisdictions. On the other hand, some differences were noteworthy. For example, probationers and parolees made up as little as 10 percent of all arrests in San Francisco and as much as 30 percent in Sacramento.

At least some of this variation corresponds to the difference in the percentage of people under community supervision in these jurisdictions. But the percentage of people under community supervision does not, by itself, explain the variation. For example, the percentage of people under parole supervision in Los Angeles is 30 percent greater than the percentage of people under parole supervision in San Francisco, but parolees make up three times as many arrests in Los Angeles (9 percent of all arrests) as they do in San Francisco (3 percent).

Nothing from the focus group meetings signaled markedly different philosophies among the departments about how police interact with people on probation and parole, which could have helped explain this disparity. To examine this issue more carefully, further research should be conducted to address the extent to which each of the jurisdictions varied along the following dimensions: parole and, in particular, probation policies and practices; police practices vis-à-vis probation and parole; and the availability, accessibility, and quality of community-based treatment.

About Probation

Whereas parole is a state function administered by a single state agency (e.g., the CDCR), individual probation agencies are run by county government. Each has distinct approaches to probation supervision, influenced by factors such as how judges in that county use probation and the conditions they set when sentencing someone to probation. Supervision practices also vary. For example, probation departments will often have different supervision levels and different protocols for determining the level of supervision on which an individual is placed. These levels can range from extensive supervision to “banked” or administrative cases and vary considerably across departments. According to interviews with local probation administrators, approximately 96 percent of Sacramento Probation Department’s caseload is banked, with 4 percent of the adult probation population receiving what would be considered “active” supervision.

How probation officers are deployed also varies from one probation department to the next. For example, some locales may assign specialized caseloads where only some officers handle high-risk cases, yet others may blend caseloads such that all officers have a general mixture of low- to high-risk clients. Some departments even have probation officers who specialize in assessment of risk/needs factors or are devoted to providing in-house treatment and resources to probation clients.

FINDING 3

People under probation and parole supervision were involved in one in six arrests for violent crime. On the other hand, one in three arrests for drug crime involved someone on probation or parole.

Law enforcement officials analyzing crime statistics focus much of their attention on violent arrests, especially those involving weapons.³⁵ Accordingly, researchers sought to determine to what extent people on probation and parole contributed to arrests for violent crime. In conducting this analysis, researchers focused on the most serious offense for which the person was arrested.

Another issue of interest to law enforcement and community corrections officials is the extent to which particular individuals are arrested repeatedly. Many of the statistics highlighted in this report describe arrest events. Because many individuals were arrested more than once

³⁵ Violent offenses are based on the Federal Bureau of Investigation Uniform Crime Reports definitions and also include weapons offenses.

during this study period, researchers studied those adults arrested on multiple occasions during the study period to determine the extent to which those people were under parole or probation supervision.

Supporting Data

Figure 5: Offense Type by Supervision Status

Total Adult Arrests (Felony and Misdemeanor) for All Four Jurisdictions*				
Offense Type	Total Arrests	Active Parolee	Active Probationer	Not Supervised
Total	476,054	40,476	66,251	369,327
Violent	94,179	5,195	10,084	78,900
Property	56,117	4,110	8,875	43,132
Drug	120,253	12,342	28,666	79,245
DUI	40,705	538	1,394	38,773
Other**	150,554	6,995	14,282	129,277
Par/Prob Violation***	14,246	11,296	2,950	—

* While the table above combines felony and misdemeanor arrests, more specific breakdowns of felony and misdemeanor arrests are located in Appendix C to this report.

** Examples of Other offenses include vandalism, fugitive from justice for felony arrest, failure to disclose origin of recording, failure to appear in court (non-traffic), driving without a license, and prostitution.

*** Parole/Probation Violation offenses are arrest events where the violation of a condition of supervision was the sole charge for which an individual was arrested. The violation arrest could have been the result of a police officer's field observation of the behavior of the parolee or probationer who was in violation of conditions of supervision. The violation arrest could also have been the result of the execution of a warrant issued by the court.

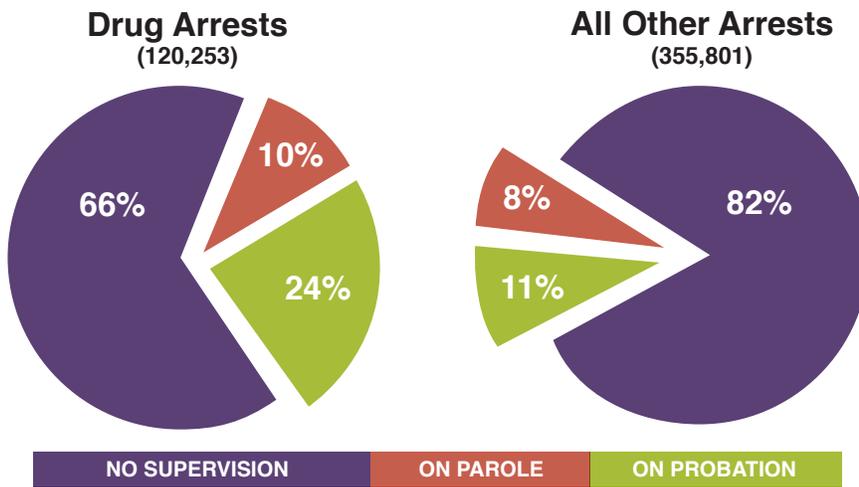
Among arrests of individuals under supervision, drug arrests represented more than twice the percentage of total arrests as violent arrests.

- 16 percent of violent offense arrests involved individuals who were under parole or probation supervision.
- 34 percent of drug arrests involved individuals under parole or probation supervision.

Nearly four out of five arrests made for a violation of a condition of release involved a person on parole.

- 79 percent of violation arrests involved individuals on parole.
- 21 percent of violation arrests involved individuals on probation.

Figure 6: Drug and All Other Arrests by Supervision Status



Conclusion for Finding 3

The data presented above raise an interesting question: why are people on probation and parole contributing to a significantly greater share of drug arrests than they are to violent arrests? One factor to consider is the high prevalence of substance abuse and mental health disorders among people under parole and probation supervision, and the fact that many of these people do not receive treatment for these needs while in the community.³⁶

Line-level police officers and supervisors participating in focus group meetings expressed frustration with the insufficient availability of substance abuse treatment and mental health services for people on probation or parole. Focus group meetings with police officers raised another potential reason why people under supervision contributed to a greater share of drug arrests: when coming into contact with a person on probation or parole, police have search and seizure authority, allowing them to search the person for drugs or weapons.

A second question raised by the data described above, and that should prompt additional research, is why parolees are four times as likely as people under probation supervision to be arrested for violations of the conditions of their release. This is notable because probationers constitute twice as many arrests for violent, property, and drug crimes as parolees.

These two questions notwithstanding, the statistics highlighted above point to substantial opportunities for police, probation, and parole to reduce the extent to which people on probation and parole contribute to arrest activity. National research has clearly demonstrated that the right level of probation or parole supervision, combined with substance abuse treatment

³⁶ Thomas E. Feucht and Joseph Gfoerer, "Mental and Substance Use Disorders among Adult Men on Probation or Parole: Some Success against a Persistent Challenge," *Substance Abuse and Mental Health Services Administration Data Review*, 2011, accessed December 3, 2012, http://oas.samhsa.gov/2k11/NIJ_Data_Review/MentalDisorders.htm.

that corresponds to the severity of that person's addiction, can have a significant impact on the likelihood of a person on probation or parole reoffending.³⁷ Accordingly, because a large share of the arrest activity of people under parole and probation supervision stems from drug-related issues, there is a significant potential for realizing a reduction in total arrests through the application of evidence-based practices in probation and parole.³⁸

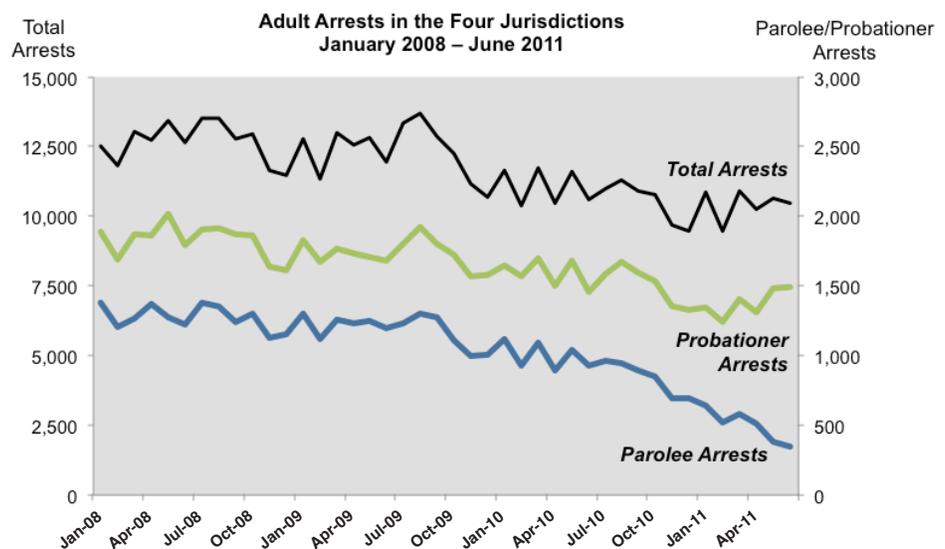
FINDING 4

From January 2008 to June 2011, the number of arrests made in the four jurisdictions declined by 18 percent, while the number of arrests of people under supervision in these jurisdictions declined by 40 percent.

According to the most recent state-published crime data, reported crime in California declined 11 percent between 2008 and 2011.³⁹ Similarly, each of the four jurisdictions studied experienced drops in crime during the same period, ranging from a decline of 7 percent in Redlands to a decline of 19 percent in Sacramento.⁴⁰ In this study, which uses arrests as a measure of crime, researchers sought to determine whether the arrest patterns among people on probation or parole mirrored the decline in arrests generally across the four jurisdictions. Percent change was calculated based on the average number of arrests for the first six months of 2008 (January through June) compared to the average number of arrests for the first six months of 2011 (January through June).

Supporting Data

Figure 7: Arrest Trends in the Four Jurisdictions



³⁷ Elizabeth K. Drake, Steve Aos, and Marna Miller, "Evidence-Based Public Policy Options to Reduce Crime and Criminal Justice Costs: Implications in Washington State," *Victims and Offenders* 4 (2009).

³⁸ For a detailed analysis of multiple arrests by type of offense and supervision status in Los Angeles, see Appendix B.

³⁹ "Crime in California 2011," California Department of Justice, accessed December 3, 2012, <http://oag.ca.gov/sites/all/files/pdfs/cjsc/publications/candd/cd11/cd11.pdf>.

⁴⁰ Federal Bureau of Investigation, "Crime in the U.S. 2008 and 2011," accessed October 4, 2012, <http://www.fbi.gov/stats-services/crimestats>.

Arrests involving individuals under parole supervision declined by 61 percent. The reduction in arrests of people under probation supervision also outpaced the decline in overall arrests, but not as significantly as for people under parole supervision.

- From January 2008 to May 2011, the total number arrests across all four jurisdictions declined by 18 percent.
- In the same period, the total number of arrests for all individuals under supervision declined by 40 percent.
- The total number of arrests involving individuals under parole supervision declined by 61 percent and by 26 percent for those under probation supervision.

Figure 8: Change in Supervision Populations and Related Arrests, 2008, 2011

Jurisdiction		2008	2011	% Change
Los Angeles	Total Arrests (monthly average)	8,449	7,289	-14%
	Parole POP (average)	12,489	10,745	-14%
	Arrests - Parolees	1,002	327	-67%
	Probation Pop (county average)	63,237	52,641	-17%
	Arrests - Probationers	1,359	843	-38%
Redlands	Total Arrests (monthly average)	135	130	-3%
	Parole POP (average)	241	156	-35%
	Arrests - Parolees	16	9	-48%
	Probation Pop (county average)	20,289	17,925	-12%
	Arrests - Probationers	21	15	-30%
Sacramento	Total Arrests (monthly average)	1,936	1,561	-19%
	Parole POP (average)	3,228	3,779	+16%
	Arrests - Parolees	203	128	-37%
	Probation Pop (county average)	21,029	20,533	-2%
	Arrests - Probationers	401	308	-23%
San Francisco	Total Arrests (monthly average)	2,171	1,475	-32%
	Parole POP (average)	1,171	1,680	+7%
	Arrests - Parolees	64	35	-46%
	Probation Pop (county average)	6,500	6,329	-3%
	Arrests - Probationers	70	212	+201%
Four jurisdictions together	Total Arrests (monthly average)	12,691	10,455	-18%
	Parole POP (average)	17,526	16,320	-7%
	Arrests - Parolees	1,285	498	-61%
	Probation Pop (county average)	111,055	97,428	-12%
	Arrests - Probationers	1,850	1,378	-26%

Note: The table above presents various trends in arrest activity and supervision populations between 2008 and 2011 across the four jurisdictions represented in this study. In addition to depicting arrests in total and for parole and probationer groups, the average number of people supervised on parole and probation are also shown. This table provides context for understanding the relationship between the changing arrest volume and the changing number of people supervised on parole or probation.

Conclusion for Finding 4

Although all four jurisdictions experienced a decrease in total arrests over the period of this study, arrests for people under supervision declined much more significantly than for individuals not under supervision. Factoring in the 7-percent decline in the number of people on parole and the 12-percent drop in the probation population over the study period also does not entirely explain the steep reductions in arrests among people under supervision.

Particularly notable was the plummeting number of arrests among people under parole supervision. The implementation of non-revocable parole (NRP), which was not in full effect for more than two-thirds of the study period covered, does not explain this particular trend. Furthermore, for the period when NRP was in effect during the study period, this subset of parolees was a small fraction of the general parole population. (See box on page 2, “California Downsizes Its Prison Population” and Finding 6 on page 27) Instead, what merits closer analysis are the concentrated efforts employed by CDCR administrators that coincided with the drop in arrests. The development and implementation of a validated risk assessment instrument to guide release decisions and the use of risk assessment results informed the allocation of supervision and treatment resources. These efforts were consistent with efforts in other jurisdictions that have improved success rates for people under community supervision.

Although these data suggest the increased effectiveness of local probation departments and state parole in California, focus group meetings with police officers reflected that they did not perceive that these community supervision agencies were becoming more successful in reducing crimes committed by people on probation and parole. Instead, law enforcement officers stated that probation and parole officers were under significant pressure to reduce revocation rates. That pressure in turn meant that, unlike in years past, people on parole and probation supervision who engaged in certain types of criminal behavior were not being returned to prison.

Research has demonstrated that for probation and parole to be successful in changing people’s behavior, effective supervision strategies (such as intensive supervision of high-risk individuals, addressing criminal thinking and other needs such as substance abuse, and swift and certain responses to violation behavior) must be applied. But regardless of how rich this research is—and what the data in California may indicate—its practical value depends in no small part on the willingness of law enforcement to partner with probation and parole agencies to help this population succeed in the community. On the other hand, if law enforcement doesn’t believe that it’s possible for parole and probation officers to have a meaningful impact on the behavior of people under supervision, they will perceive anyone under probation or parole supervision to be a threat to public safety, to which arrest and revocation are the only effective response.

FINDING 5

The assessment of a parolee’s risk of reoffense was an effective indicator of the likelihood that he or she would be rearrested, although the assessment of a probationer’s risk of reoffense did not effectively predict that individual’s likelihood to reoffend in three of the four jurisdictions.

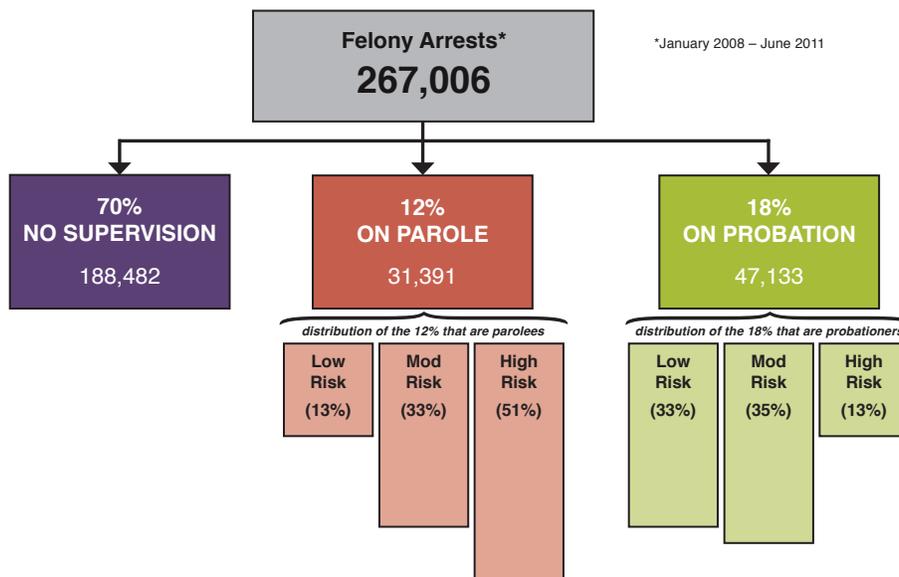
Over the past several years, CDCR and local probation departments have taken steps to ensure the use of validated risk assessment tools in targeting supervision strategies and resources. For this study, researchers sought to determine whether risk assessment results were indeed a useful tool to determine which people under supervision were contributing disproportionately to arrest activity.

Whereas CDCR had fully implemented a risk assessment instrument and recorded these data consistently in parolees' individual records, local probation departments were at different stages in the implementation of risk assessment over the study period.⁴¹ Probation departments also maintained data about risk assessment results differently.

Despite this variation, there were sufficient data for researchers to match individuals' arrest data with data from supervision agencies describing individuals' risk assessment results. Although this analysis did not amount to an evaluation of risk assessment practices, it did provide significant insight into the predictive validity of the risk assessment practices employed by the various departments in the different jurisdictions.

Supporting Data

Figure 9: Risk Levels by Supervision Status across All Jurisdictions



For individuals under parole supervision who were arrested, CDCR risk assessment data was a strong indicator of reoffense, particularly for high-risk individuals.

- The majority of individuals on parole supervision who were arrested had been identified as high risk by CDCR:
 - 51 percent of all parolee arrests were people whom CDCR had categorized as high risk
 - 33 percent as moderate risk
 - 13 percent as low risk

⁴¹ The status of the implementation of risk assessment continued to vary from county to county through the close of 2012. See box on page 26, "What Works in Supervision and Risk Assessment."

In three of the four jurisdictions, risk level was a less effective indicator of reoffense for individuals under probation supervision.⁴²

- The majority of individuals under probation supervision who were arrested had not been identified as high risk in three of the four jurisdictions:
 - 5 percent were categorized as “high risk” by local county probation departments
 - 38 percent were categorized as moderate risk
 - 37 percent as low risk

- A clear exception to the overall trend indicated above, San Francisco’s risk assessment data was highly predictive of reoffense. Of the individuals on probation supervision in San Francisco who were arrested:
 - 73 percent were categorized as high risk by the San Francisco county probation department
 - 11 percent were categorized as moderate risk
 - 2 percent as low risk

Conclusion for Finding 5

Since 2006, CDCR has made a concerted effort to employ evidence-based supervision practices, including the use of a validated risk assessment tool to assign individuals on parole to appropriate treatment and supervision. Based on the study data, individuals under parole supervision identified as high risk represented the majority of parolee arrests, which is consistent with their risk-level determination and suggests that CDCR’s validated risk assessment instrument was able to successfully identify individuals most likely to reoffend.

Line-level police officers and supervisors in focus groups noted that people under parole coming out of state prison historically have had longer, more violent criminal histories than people sentenced directly to probation supervision.⁴³ This observation, while accurate, does not justify a conclusion that all people on parole present a similar risk of reoffense. Validated risk assessment instruments enable community supervision authorities to disaggregate that population into approximately three to four tiers of risk, with the distribution of people into these being fairly even across risk levels.⁴⁴

⁴² During the period of this study, the four probation departments were at various stages in the adoption and use of risk assessment instruments. For example, the Sacramento Probation Department did not adopt a validated risk assessment tool until November 2009.

⁴³ Law enforcement officers in San Francisco noted in focus group discussions that it was particularly difficult for someone in that city to end up on parole supervision—an observation supported by the data showing that far fewer residents were under parole supervision in San Francisco than in the other four jurisdictions. See box on pages 8-9, “The Four Jurisdictions.”

⁴⁴ Notably, the arrest distribution of people across risk levels in some probation departments was not even, with a disproportionately large share of probationers clustering in a particular risk level. Such situations do not necessarily reflect that the overall probation population is “high risk,” but rather that the risk assessment tool is not effectively disaggregating the population.

Trends in arrest data are less consistent with risk levels determined by probation departments in this study. Since the end of the data collection period in 2011, probation executives have identified the use of validated risk instruments as a priority and are working towards increasing capacity in this area.

This finding points to valuable opportunities for law enforcement to leverage risk assessment information regarding parolees and, as it becomes more reliable, for people under probation supervision. Interestingly, focus group meetings reflected that law enforcement officers were often unfamiliar with risk assessment tools or the value of this information. The community supervision information that police reported receiving was generally limited to whether a person was under supervision and his or her address, although that information was not routinely available. If it was available, it was not necessarily reliable. Furthermore, when law enforcement officers were asked in focus group meetings about risk assessment data, they typically assumed the question referred to a person's custody level while incarcerated, which is useful for determining how a person will behave while incarcerated but is of little value in determining whether a person will reoffend while in the community.

What Works in Supervision and Risk Assessment

Reviewing a growing body of knowledge and experience about what practices work in supervision, experts point to four core practices that are essential to success in reducing recidivism. Based on current best practices, supervision agencies should:

1. Effectively assess individuals' criminogenic risk and needs, as well as their strengths (also known as "protective factors");
2. Employ smart, tailored supervision strategies;
3. Use incentives and graduated sanctions to respond promptly to clients' behaviors;
4. Implement performance-driven personnel management practices that promote and reward recidivism reduction.⁴⁵

Validated criminogenic risk assessment tools are especially effective in helping to gauge the likelihood that an individual will come in contact with the criminal justice system, either through a new arrest and conviction or reincarceration for violating conditions of release. Use of these instruments allows the corrections system to prioritize supervision and treatment resources for those individuals who pose the greatest risk of reoffense. Risk assessment tools usually consist of 10 to 30 questions designed to ascertain an individual's history of criminal behavior, attitudes and personality, and life circumstances. Risk assessments can be administered at any time during a person's contact with the criminal justice system, from first appearance through presentencing, on admission to a correctional facility, prior to release, and during post-release supervision. Risk assessments help categorize individuals as being at low, medium, or high risk for reoffense, and predict the likelihood of future outcomes according to analysis of static factors (e.g., criminal history) and dynamic factors (e.g., behavioral health or addiction).

⁴⁵ Tony Fabelo, Geraldine Nagy, and Seth Prins, *A Ten-Step Guide to Transforming Probation Departments to Reduce Recidivism* (New York: Council of State Governments Justice Center, 2011).

FINDING 6

Individuals on Non-Revocable Parole (NRP) supervision had almost no impact on overall arrest activity during the study period.

In January 2010, pursuant to SB18, the CDCR instituted a parole supervision policy known as Non-Revocable Parole (NRP). (See box on page 2, “California Downsizes Its Prison Population.”) To be eligible for NRP, a person released from prison had to be assessed as being at a lower-risk of reoffending and could not have a criminal conviction for various serious offenses (e.g., sex offenses, murder, voluntary manslaughter, robbery, 1st degree burglary). Releases of prisoners to NRP began in earnest in March 2010. By the end of April 2010, almost 9,000 people had been released statewide (not just in the four jurisdictions studied) to the community on NRP. Approximately six months later, CDCR reported that NRP had been fully implemented; by that time, there were 16,500 people on NRP in communities across California. Accordingly, this study incorporated NRP data from March 2010 through June 2011, the last month of data collected for this study. Taking into account this context, there were approximately 2,000 people on average under NRP supervision in Los Angeles, Sacramento, San Francisco, and Redlands on a given day during the year-plus period in the study period that overlapped with the implementation of NRP. Because a steady stream of people were released to NRP over the study period and because people concluded their supervision requirements during the time period, the total number of individuals who experienced NRP during the study period far exceeded 2,000.

Supporting Data

Individuals under NRP supervision accounted for less than 0.2% of total arrests.

- Of the 170,336 adult arrests that occurred in the four jurisdictions during the 15-month period of the study that overlapped with the implementation of NRP, 216 arrests involved people on NRP.

Conclusion for Finding 6

Data produced elsewhere showing the decline in the state parole population and the number of parole revocations reflect that NRP has likely contributed significantly to reduced crowding in the state prison system. The data described above reflect that for at least the 15 months in which it was in effect during the study period, NRP did not contribute meaningfully to arrest activity in Los Angeles, Sacramento, San Francisco, or Redlands. Based on these data, NRP appeared to be an effective approach to managing a subset of people on parole that resulted in little, if any, impact on crime rates. The

data cited above, however, are insufficient to make any conclusive statements about NRP because the timeframe of this study contemplating NRP was relatively brief. Additional analysis should be conducted to determine whether the outcomes described above persist over a longer time period.

Furthermore, in focus group discussions, line-level officers and supervisors across the four police jurisdictions expressed some frustration with NRP. They observed that people under NRP felt “empowered.” Aware that the threshold for returning to prison was considerably higher than if they were under traditional parole supervision, they exhibited little concern about their parole status. This dynamic made it particularly frustrating for police, who said they came into frequent contact with people under NRP, but felt there was a certain degree of futility in arresting them for behaviors that would not result in a revocation and for crimes that the District Attorney would be unlikely to prosecute.

As discussed elsewhere in the report, police, parole, and probation officials and prosecutors would clearly benefit from additional efforts to build consensus about what types of responses to what types of behavior would in fact have the greatest impact on public safety. Such consensus-building conversations are especially important as local law enforcement shifts its attention (and concerns) from CDCR’s use of NRP to the state’s realignment of responsibility for supervising certain categories of offenders to local government.

RECOMMENDATIONS

BASED ON THE FINDINGS OF THIS STUDY, focus groups with line-level officers and supervisors from all four jurisdictions, and discussions with top officials, CSG Justice Center staff has identified five recommendations for state and local officials seeking to maximize the impact of state and local governments' limited resources on public safety:

1. Promote the implementation of validated risk assessment tools for each local probation department to determine which people under community supervision are most likely to reoffend.

Findings reflected that risk assessment results generated by CDCR parole and some probation departments appeared to be accurate predictors of reoffense. State and local governments need to ensure that all probation departments get similar value from their risk assessment tools. To that end, these agencies must make a commitment to use risk assessment instruments that are validated, used correctly, and inform the targeting and deployment of supervision resources.

2. Improve coordination among law enforcement, probation, and parole agencies; design policies and practices to facilitate sharing of risk assessment results and to inform how law enforcement use these data.

Line-level law enforcement officers reported receiving little, if any, routine information about the people in the communities they patrol who are on probation or parole. Police officers similarly described efforts to retrieve accurate, useful data from existing information systems about individual parolees and probationers as challenging, time-consuming, and generally fruitless.

Police officers interviewed expressed appreciation that parole and probation officers, saddled with high caseloads, were doing the best they could with the limited resources they had. At the same time, they lamented that community supervision officers frequently seemed inaccessible. Because parole and probation officers did not work the same 24-hour shift schedule as their counterparts in police departments, officers working the evening or midnight shifts or on the weekend predictably found it nearly impossible to reach a parole or probation officer at his or her desk during these hours. Furthermore, it came as no surprise that given these unaligned schedules, and the increasingly stretched resources of community supervision agencies generally, police officers described a perception commonly held among law enforcement officers that parole and probation officers were rarely visible in the community.

In short, according to focus groups with police, what information exchange and communication did occur between law enforcement and probation and parole were ad hoc at best, and typically depended on personal relationships. For example, some officers highlighted specific individuals in local parole and probation offices as particularly accessible, noting that they had their cellphone numbers.

Individual police departments across the United States have successfully navigated some of these challenges, working with probation and parole to reduce reoffense rates among people with violent offense histories.⁴⁶ But these efforts are isolated and the extent to which they have been replicated varies significantly from one jurisdiction to the next.

Furthermore, few, if any, police departments anywhere have had the opportunity to explore how they might leverage risk assessment data from community corrections agencies, which could be a tremendous resource to local law enforcement. Accurate risk assessment results could enhance significantly the data that law enforcement executives use to deploy resources to prevent criminal activity.

Law enforcement leaders in California have received national recognition for their application of intelligence-led and hot-spot policing. This emphasis on data to inform the allocation of limited policing resources, coupled with the new pressures that Realignment has created for local governments, make California an ideal laboratory to design and test new approaches to coordinating the work of police and community supervision agencies and to sharing risk assessment data and police intelligence to inform the deployment of patrol and supervision resources.

3. Provide targeted, evidence-based supervision and treatment to adults assessed to be at high risk for reoffense.

Although people under supervision contribute to just over one out of every five arrests, this fraction still translates into thousands of arrests in these four jurisdictions annually. Analyses conducted for this study highlighted that a disproportionately large share of those arrests are for drug crimes, which in turn generate significant costs for jails, courts, and supervision agencies.

National research has demonstrated the potential that parole and probation departments have to reduce re-arrest rates of people who are at high risk of reoffending. Equipped with effective risk assessment tools, local jurisdictions and supervision agencies must use this information to inform supervision strategies that provide, for example, high-risk

⁴⁶ Anthony Braga, "Controlling Violent Offenders Released to the Community: An Evaluation of the Boston Reentry Initiative," *Journal of Research in Crime and Delinquency* 46 (2009): 411-436.
Adam K. Katz, Matthew T. DeMichele, and Nathan C. Lowe, "Police-Probation/Parole Partnerships: Responding to Local Street Gang Problems," *The Police Chief* 79 (October 2012): 24-38.
Bitna Kim, Jurg Gerber, and Dan Richard Beto, "Listening to Law Enforcement Officers: The Promises and Problems of Police-Probation Partnerships," *Journal of Criminal Justice* 38 no. 4 (2010): 625-632.

people with closer supervision and treatment programming. Such approaches have been shown to reduce recidivism by up to 20 percent.⁴⁷ Most community supervision agencies in California are quick to say that they are in the process of employing such evidence-based approaches to intensive supervision and treatment. Policymakers, in partnership with community corrections officials and local law enforcement, should take steps to assess, objectively, the progress local governments are making in adopting these strategies and the results they are getting. In doing so, they should identify gaps in resources at the local level that impede the employment of evidence-based approaches to community supervision and treatment.⁴⁸

4. Continue analyses of arrest and supervision data to track how people under supervision are contributing to arrest activity since the implementation of Realignment.

Extraordinary collaboration among four police departments, four probation departments, CDCR, and other agencies made the unprecedented collection and analysis of data for this study possible. The insights that this study yielded are invaluable. In addition, this study has established a baseline of arrest data essential to determine to what extent trends evolve in the years following this study. Local and state officials reading this study will likely speculate how arrest patterns among people under supervision have changed since June 2011 (the last month of data collected for this study), particularly given the subsequent implementation of Realignment. To ensure such observations are not based on anecdotal information, but instead are data-driven, local and state officials should leverage the investment made to date to continue these analyses and to inform the deployment of resources in both policing and supervision.

5. Improve state's capacity to share and analyze data among local jurisdictions and state corrections agencies.

The collection and analysis of the data for this report was an especially complex undertaking. No comprehensive statewide standards exist in California to ensure that individual jurisdictions or supervision agencies collect and maintain data uniformly. Nor is there a practical system for sharing data among the organizations that maintain separate data systems. Consequently, obtaining and matching the data required for an analysis such as the one conducted in this study requires a Herculean effort. For this project alone, eleven different databases had to be tapped to study four jurisdictions. Given the challenges associated with collecting the data, expanding this study to cover the entire state would have been even more daunting.

⁴⁷ Elizabeth K. Drake, Steve Aos, and Marna Miller, "Evidence-Based Public Policy Options to Reduce Crime and Criminal Justice Costs: Implications in Washington State," *Victims and Offenders* 4 (2009): 170.

⁴⁸ Various publications provide guidance on how such assessments might be conducted. See, for example: Tony Fabelo, Geraldine Nagy, and Seth Prins, *A Ten-Step Guide to Transforming Probation Departments to Reduce Recidivism* (New York: Council of State Governments Justice Center, 2011).

In contrast, other big states such as New York and Texas would be well positioned to conduct statewide versions of this analysis. There, robust statewide information systems, which maintain law enforcement and community supervision data, make it possible to match individual arrest, parole, and probation records and to track trends involving these populations on a regular basis.

California should make the investment necessary to build an infrastructure for collecting and storing these critical criminal justice data. Such infrastructure would include requirements for law enforcement agencies, probation departments, and the CDCR to submit data regularly that include electronic case records reflecting arrest activity and supervision by parole and probation departments. To ensure information can be shared effectively among these agencies, for research and operational purposes, data need to be recorded consistently. For example, individual CII numbers need to be maintained consistently to support data matching undertaken for research purposes.

Even with commitments by law enforcement, probation, and parole agencies to share these critical data, it is likely that a single entity would have to be designated as a central point of collection for the data. There may already exist multiple candidates for acting as the repository of the data, but they would have to be responsible for the dissemination of the data to appropriate parties for basic reporting and other research purposes, such as analyses relating to the findings presented in this report.

CONCLUSION

THIS STUDY WAS COMMISSIONED BY LEADING LAW ENFORCEMENT OFFICIALS IN CALIFORNIA to determine how individuals under probation and parole supervision impact law enforcement resources. Their willingness to make available hundreds of thousands of arrest records and to dedicate staff at all levels of their agencies to inform the study's methodology and to review preliminary findings is a testament to these executives' commitment to ensure that data and research, not just anecdotal experience, drive policy and practice. The cooperation provided by the CDCR and local probation officials in this study—through their willingness to share data, advise on analyses, and review drafts of this report—demonstrates just how much they value their partnership with local law enforcement agencies. In short, this undertaking is a model for joint ventures for state and local governments everywhere.

A key takeaway from this report is that about one in five people arrested in four metropolitan areas in California were under parole or probation supervision when they came into contact with police. And when compared to the almost 80 percent of arrests that did not involve people under community supervision, people under probation and parole supervision made up a disproportionately large share of drug arrests. These figures may surprise law enforcement officials and people on the front lines of the criminal justice system who, prior to seeing these findings, perceived people on probation and parole to be a primary driver of police arrest activity. In fact, these findings illustrate that, to achieve the largest reductions in crime, resources must effectively target the 80 percent of people arrested (and the places where they are committing crimes) who are not under community supervision.

At the same time, the findings demonstrate that there is a subset of people on probation and parole contributing disproportionately to drug, property, and violent crime. Research presented here reflects that risk assessment instruments employed by community supervision agencies provide an invaluable tool to predict which of the hundreds of thousands of people under parole and probation supervision on any given day are most likely to reoffend. This is a critically important development: Law enforcement resources are already stretched past the breaking point and must not be diluted further by approaching probationers and parolees as a monolithic group to be policed similarly. Working with community supervision agencies to use risk assessment information to inform their policing strategies could help law enforcement accomplish the twin objectives of using existing resources more efficiently and increasing public safety. Because research demonstrates that community supervision of people at high risk of reoffending is most likely to reduce reoffense rates when paired with evidence-based treatment, law enforcement officials will want to ensure that probation has the resources it needs to be effective.

Another interesting trend that this research revealed was the sharp decline in recent years of the number of arrests of people under parole supervision, which has significantly outpaced the decline in arrests generally. Is this because CDCR has improved how it supervises and serves this population? Or have police increasingly refrained from arresting people on parole for low-level crimes? Whatever the case, this is a trend worth exploring further, as it has contributed to hundreds of millions of dollars in savings as parole revocations have declined.

Finally, this study illustrates why this type of research and analysis is so important. Realignment will continue to evolve over the next several years, having an impact that goes beyond reducing the state prison population and into areas such as, for example, pretrial or sentencing practices. Continuing this research can vitally inform state and local decision making as policies are developed and provide great value in measuring the impact of these policies as they are implemented.

California is undergoing a remarkable restructuring of the relationship between state and local corrections, supervision, and law enforcement agencies. This study not only helps policymakers navigate next steps, but also informs the dialogue between other state and local governments, as what is happening in California is a harbinger of things to come in states across the country.

APPENDIX A.

ADDITIONAL INFORMATION REGARDING METHODOLOGY

FOR EACH ARREST RECORD PROVIDED, the data elements included unique person identifiers (state and county criminal justice identification numbers),⁴⁹ date of arrest, type of offense charged, and the degree of offense charged (felony or misdemeanor). For the type of offense charged, a general description was provided (e.g., possession of controlled substance, burglary, etc.) as well as a specific statutory citation. To categorize types of offense, six different categories were used: Violent,⁵⁰ Property, Drug, DUI, Other,⁵¹ and Parole/Probation Violations. The last category—Parole/Probation Violations—is comprised of arrest events in which the violation of a condition of supervision was the sole charge for which an individual was arrested. The violation arrest could have been the result of a police officer’s field observation of the behavior of the parolee or probationer who was in violation of conditions of supervision. The violation arrest could have also been the result of the execution of a warrant issued by the court.

Given the varied nature of arrest events (such as an individual being taken into custody on multiple offense charges), arrest data typically capture all charges associated with the arrest event. For example, if an individual was arrested by LAPD on a certain day during the time period and charged with five different offenses, the dataset contained five unique arrest records for that person all with the same arrest date. In these instances, researchers consolidated the entries into one record using the most serious offense charged. For example, if someone was arrested and charged with both felony aggravated assault and felony possession of a controlled substance, the only offense from that arrest event that was represented in the study was the felony aggravated assault charge. The final arrest dataset contained more than 475,000 arrest events.

For each parole record provided, the data elements included unique person identifiers (state criminal justice identification), date of admission to prison, date of prison release, date of parole begin, date of parole end, type and degree of offense for which they were imprisoned and later released to parole, and the risk level of the parolee. For the type of offense for which they were placed on parole, a general description was provided (e.g. possession of controlled substance, burglary, etc.) as well as a specific statutory citation. As with the arrest data, for instances in which an individual was sentenced to prison for multiple offenses (and subsequently released to parole), the combination of elements provided allowed for the creation of a parole dataset that reflected the most serious offense.

⁴⁹ A Criminal Information Indicator (CI) number is used statewide in California to identify persons coming into contact with the criminal justice system and is assigned according to fingerprint. Sacramento and San Francisco counties also have their own unique numbering system for identifying persons coming into contact with the local county criminal justice system, with numbers also assigned according to fingerprint.

⁵⁰ Violent offenses are based on the Federal Bureau of Investigation Uniform Crime Reports definitions and also include weapons offenses.

⁵¹ Examples of Other offenses include vandalism, fugitive from justice for felony arrest, failure to disclose origin of recording, failure to appear in court (non-traffic), driving without a license, and prostitution.

Figure 10: Data Elements Provided for This Study

Arrest Data	Parole Data	Probation Data
<ul style="list-style-type: none"> <input type="checkbox"/> State CII and County ID <input type="checkbox"/> Arrest Event ID <input type="checkbox"/> Demographics <input type="checkbox"/> Date of Arrest Offenses Charged—Type/ Description, Degree, and Statute Citation 	<ul style="list-style-type: none"> <input type="checkbox"/> State CII <input type="checkbox"/> CDCR Case ID <input type="checkbox"/> Date(s) of Admission to Prison —may be multiple for in/out on violations <input type="checkbox"/> Offense of Record—Type/ Description and Statute Citation <input type="checkbox"/> Date(s) of Release from Prison —may be multiple for in/out on violations <input type="checkbox"/> Date(s) of Parole Begin—may be multiple for in/out on violations <input type="checkbox"/> Supervision Level and Change Date—including all for changing levels <input type="checkbox"/> Risk Level and Assessment Date—including all for multiple assessments 	<ul style="list-style-type: none"> <input type="checkbox"/> State CII and/or County ID <input type="checkbox"/> Probation Case ID <input type="checkbox"/> Date of Probation Begin <input type="checkbox"/> Offense of Record—Type/ Description and Statute Citation <input type="checkbox"/> Date of Probation End <input type="checkbox"/> Supervision Level and Change Date—including all for changing levels <input type="checkbox"/> Risk Level and Assessment Date—including all for multiple assessments

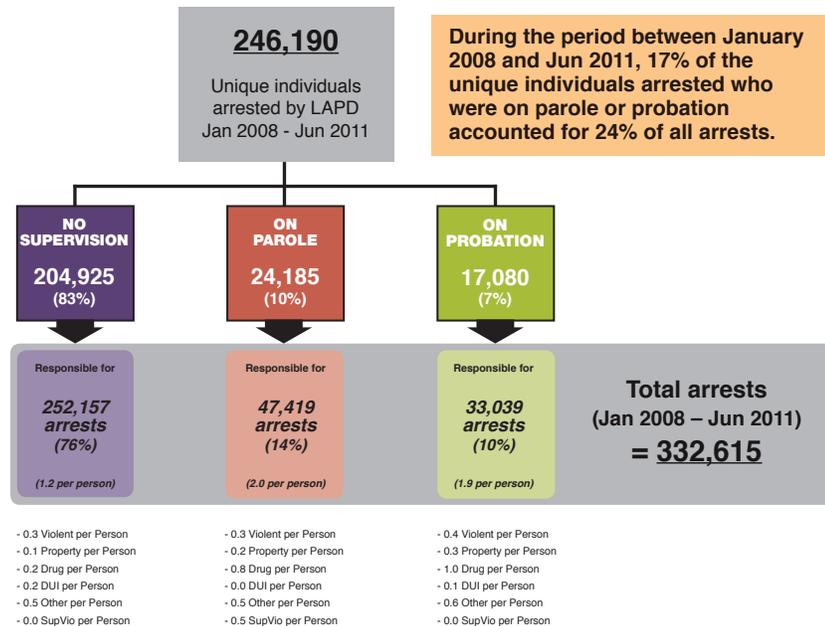
APPENDIX B. ARRESTS BY SUPERVISION STATUS FOR LOS ANGELES

People under community supervision made up 17 percent of all adult arrests in Los Angeles during the study period, but this 17 percent of adults arrested accounted for 24 percent of all arrest events that occurred during the study period, which points to the multiple arrest factor.

An in-depth analysis of individuals on parole and probation who were arrested on multiple occasions in Los Angeles showed that drug arrests were the principal reason why that subset of people were arrested twice or more during the study period. The figure below illustrates the number of individuals arrested during the period of the study by supervision status, as well as the total number of arrest events by supervision status.

If the rate of arrests for drug offenses for those under supervision was similar to that for those who were not under supervision, the total volume of arrests for individuals under supervision would have declined by more than 25,000 arrests. Such a decrease would have brought the overall rate of arrests per person down to levels roughly equal to those for individuals not under supervision.

Figure 11: Arrests by Supervision Status for Los Angeles



APPENDIX C.

ARRESTS IN THE FOUR JURISDICTIONS BY OFFENSE TYPE AND SUPERVISION STATUS

Figure 12: Arrests in the Four Jurisdictions by Offense Type and Supervision Status

Total Adult Arrests - All Four Jurisdictions				
Offense Type	Total Arrests	Active Parolee	Active Probationer	Not Supervised
Total	476,054	40,476	66,251	369,327
Violent	94,179	5,195	10,084	78,900
Property	56,117	4,110	8,875	43,132
Drug	120,253	12,342	28,666	79,245
DUI	40,705	538	1,394	38,773
Other	150,554	6,995	14,282	129,277
Par/Prob Vio	14,246	11,296	2,950	—

Felony Adult Arrests - All Four Jurisdictions				
Offense Type	Total Arrests	Active Parolee	Active Probationer	Not Supervised
Total	267,006	31,391	47,133	188,482
Violent	71,829	4,406	8,330	59,093
Property	45,683	3,961	8,170	33,552
Drug	92,218	9,484	23,811	58,923
DUI	2,432	38	96	2,298
Other	40,621	2,212	3,793	34,616
Par/Prob Vio	14,223	11,290	2,933	—

Misdemeanor Adult Arrests - All Four Jurisdictions				
Offense Type	Total Arrests	Active Parolee	Active Probationer	Not Supervised
Total	209,048	9,085	19,118	180,845
Violent	22,350	789	1,754	19,807
Property	10,434	149	705	9,580
Drug	28,035	2,858	4,855	20,322
DUI	38,273	500	1,298	36,475
Other	109,933	4,783	10,489	94,661
Par/Prob Vio	23	6	17	—

Total Adult Arrests - Los Angeles				
Offense Type	Total Arrests	Active Parolee	Active Probationer	Not Supervised
Total	326,659	31,031	46,214	249,414
Violent	65,152	4,214	7,026	53,912
Property	35,117	3,014	5,775	26,328
Drug	74,193	9,879	20,159	44,155
DUI	32,893	412	1,069	31,412
Other	110,156	5,480	11,069	93,607
Par/Prob Vio	9,148	8,032	1,116	—

Felony Adult Arrests - Los Angeles				
Offense Type	Total Arrests	Active Parolee	Active Probationer	Not Supervised
Total	176,035	23,471	32,479	120,085
Violent	51,749	3,653	6,001	42,095
Property	30,447	2,927	5,419	22,101
Drug	59,898	7,735	17,464	34,699
DUI	1,955	28	77	1,850
Other	22,847	1,102	2,405	19,340
Par/Prob Vio	9,139	8,026	1,113	—

Misdemeanor Adult Arrests - Los Angeles				
Offense Type	Total Arrests	Active Parolee	Active Probationer	Not Supervised
Total	150,624	7,560	13,735	129,329
Violent	13,403	561	1,025	11,817
Property	4,670	87	356	4,227
Drug	14,295	2,144	2,695	9,456
DUI	30,938	384	992	29,562
Other	87,309	4,378	8,664	74,267
Par/Prob Vio	9	6	3	—

Total Adult Arrests - Redlands				
Offense Type	Total Arrests	Active Parolee	Active Probationer	Not Supervised
Total	6,236	534	810	4,892
Violent	824	55	63	706
Property	972	108	179	685
Drug	2,188	116	384	1,688
DUI	755	7	36	712
Other	1,272	71	100	1,101
Par/Prob Vio	225	177	48	—

Felony Adult Arrests - Redlands				
Offense Type	Total Arrests	Active Parolee	Active Probationer	Not Supervised
Total	2,947	429	633	1,885
Violent	421	41	53	327
Property	799	101	166	532
Drug	891	70	299	522
DUI	24	0	1	23
Other	587	40	66	481
Par/Prob Vio	225	177	48	—

Misdemeanor Adult Arrests - Redlands				
Offense Type	Total Arrests	Active Parolee	Active Probationer	Not Supervised
Total	3,289	105	177	3,007
Violent	403	14	10	379
Property	173	7	13	153
Drug	1,297	46	85	1,166
DUI	731	7	35	689
Other	685	31	34	620
Par/Prob Vio	0	0	0	—

Total Adult Arrests - Sacramento				
Offense Type	Total Arrests	Active Parolee	Active Probationer	Not Supervised
Total	61,847	6,374	12,456	43,017
Violent	13,329	726	2,333	10,270
Property	9,858	676	2,014	7,168
Drug	17,871	1,413	4,977	11,481
DUI	5,572	118	270	5,184
Other	11,091	520	1,657	8,914
Par/Prob Vio	4,126	2,921	1,205	—

Felony Adult Arrests - Sacramento				
Offense Type	Total Arrests	Active Parolee	Active Probationer	Not Supervised
Total	31,634	5,085	8,411	18,138
Violent	9,037	526	1,752	6,759
Property	6,515	625	1,754	4,136
Drug	8,017	789	3,129	4,099
DUI	295	10	15	270
Other	3,658	214	570	2,874
Par/Prob Vio	4,112	2,921	1,191	—

Misdemeanor Adult Arrests - Sacramento				
Offense Type	Total Arrests	Active Parolee	Active Probationer	Not Supervised
Total	30,213	1,289	4,045	24,879
Violent	4,292	200	581	3,511
Property	3,343	51	260	3,032
Drug	9,854	624	1,848	7,382
DUI	5,277	108	255	4,914
Other	7,433	306	1,087	6,040
Par/Prob Vio	14	0	14	—

Total Adult Arrests - San Francisco				
Offense Type	Total Arrests	Active Parolee	Active Probationer	Not Supervised
Total	81,312	2,537	6,771	72,004
Violent	14,874	200	662	14,012
Property	10,170	312	907	8,951
Drug	26,001	934	3,146	21,921
DUI	1,485	1	19	1,465
Other	28,035	924	1,456	25,655
Par/Prob Vio	747	166	581	—

Felony Adult Arrests - San Francisco				
Offense Type	Total Arrests	Active Parolee	Active Probationer	Not Supervised
Total	56,390	2,406	5,610	48,374
Violent	10,622	186	524	9,912
Property	7,922	308	831	6,783
Drug	23,412	890	2,919	19,603
DUI	158	0	3	155
Other	13,529	856	752	11,921
Par/Prob Vio	747	166	581	—

Misdemeanor Adult Arrests - San Francisco				
Offense Type	Total Arrests	Active Parolee	Active Probationer	Not Supervised
Total	24,922	131	1,161	23,630
Violent	4,252	14	138	4,100
Property	2,248	4	76	2,168
Drug	2,589	44	227	2,318
DUI	1,327	1	16	1,310
Other	14,506	68	704	13,734
Par/Prob Vio	0	0	0	—

AB109 In-Custody Monthly–April 2013

PC 1170(h): 31 cases

	Current Month (Apr 2013)	Prior Month (Mar 2013)	2nd Year Total (Oct '12-Sep '13)	1st Year Total (Oct '11-Sep '12)
Number of sentenced cases	31	31	191	220
Total days to be served	5,774	4,167	33,516	34,773
Non-PC1170 total days to be served	8,222	10,998	62,840	65,649*
Percent increase in sentenced days due to PC1170	70%	38%	53%	53%*

** Figures marked by asterisk do not include days served by self-surrenders ** March 2013 figures have been updated to reflect late-arriving info.*

31 inmates (26 men, 5 women) were sentenced to the County jail under PC 1170(h) during April. After credits, these inmates are expected to serve a total of 5,774 days or on average 186 days each (see the chart below for the distribution of sentence lengths). 16 of these inmates have split sentences.

For comparison, 125 persons were sentenced to terms in the San Mateo County jail exclusive of the PC 1170(h) cases, and 113 self-surrendered to begin their terms during the month. After credits, these inmates are expected to serve a total of 8,222 days, or on average 35 days each.

Post-Release Community Supervision: 26 cases

There were 26 local PRCS bookings in April. PRCS inmates were in custody 782 days this month. Cumulatively there have been 182 PRCS bookings since October 2012 totaling 5,913 days in custody. The average time in custody is 32 days.

** Note: PRCS inmates receiving a new sentence under PC1170(h) are counted in the PC1170(h) section above*

Parole Revocation: 41 cases

There were 41 parole revocation hearings in April. 37 inmates were given revocation sentences and are expected to serve a total of 1,425 revocation days in custody, or on average 39 days each. The cumulative total of revocation hearings since October 2012 is 320 cases which are expected to serve a total of 10,440 days.

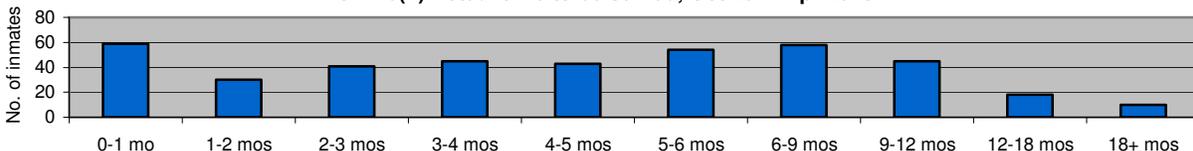
To summarize the second year of AB109: adding 33,516 jail days incurred for 1170(h) plus 10,440 days for 3056 revocations plus 5,913 days for PRCS equals a total of 49,869 jail days that would normally be charged to CDCR and will now be housed in our correctional facilities until release. All populations of AB109 total 1,694 since October 2011. The average length of stay of all populations is 65 days.

AB109 Stats	Current Year (Oct '12-Sep '13)				Prior Year (Oct '11-Sep '12)	
	Cases Since 10/1/12	Days in Custody	In Custody 4/30/13	% of Population 4/30/13	No. of Cases	Days in Custody
PC1170(h)	191	33,516	142	13.7%	220	34,773
PC3056 revocations	320	10,440	63	6.1%	593	20,589
PRCS	182	5,913	26	2.5%	188	4,284
Total AB109	693	49,869	231	22.3%	1,001	59,646

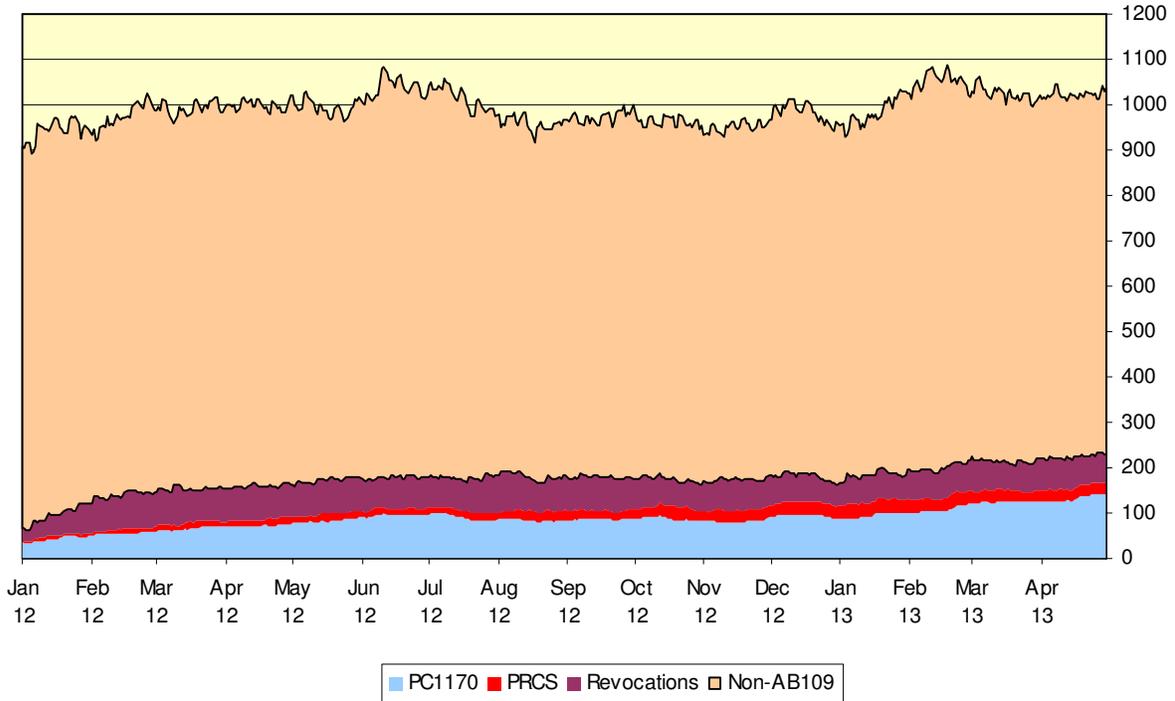
AB109 Grand Totals Since October 2011

	No. of Cases	Days in Custody	Avg Length of Stay
PC1170(h)	411	68,289	166 days
PC3056 revocations	913	31,029	34 days
PRCS	370	10,197	28 days
Total AB109	1,694	109,515	65 days

PC1170(h) Actual time to be served, Oct 2011-Apr 2013

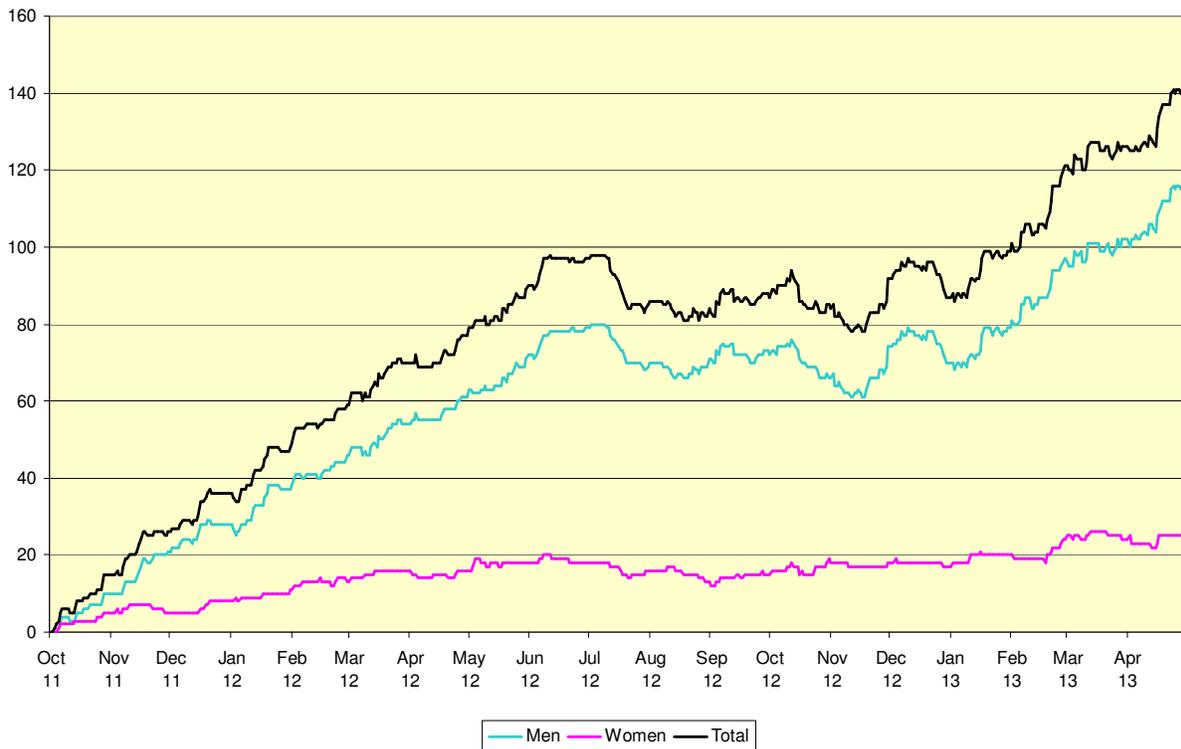


AB109 Inmates--Population in Custody



The above chart shows the daily in-custody population (MCF+WCC+MTF+WTF) and what portion is due to AB109 inmates.

PC1170(h) Sentenced Population In Custody



PC1170(h) inmates numbered over 140 at the end of April. 23 are due to be released in May so the population will probably hold steady this month.



Service Connect:

A project of the San Mateo County Human Services Agency and Health System

San Mateo County Human Services Agency
Reporting Period – October 1, 2011 – May 3, 2013

Factor	Number	Note
Total Supervisees (both PRCS and 1170(h)) seen to date	361	(Cumulative number of participants)
Open Cases Actively Receiving Services ("Point in time" number)	149	
Inactive Cases (No contact for >2 months)	31	Not Requesting Services 9
1170(h) Supervisees (AKA Mandatory Supervision)	96	Transferred 28
Closed Cases (successfully terminated probation)	73	PRCS supervisees 265
Immediate Need and Case Management		
Temporary housing (Hotel/Motel) Referrals (by instance)	352	1304 total number of days of hotel
Requesting long term housing assistance (by supervisee)	192	
Referrals to Shelter Network/Maple St. (by instance)	23	3 beds occupied, 0 beds vacant, 25 exited
At a Residential Treatment Center	30	(Mental health or AOD)
Total Transportation Assistance (Bus Pass & One-Way Ticket)	1014	
One way ticket (by instance)	372	Total of 1644 tickets distributed
Monthly bus pass (by instance)	642	Sum of all bus passes distributed
\$20 Savers Clothing Voucher	372	Sum of all vouchers distributed
\$25 Safeway Gift Card	654	Sum of all Safeway cards distributed
\$10 Phone Card	77	
Community Voice Mail box assigned	16	
Food Tote	80	Began 12/7/12
Eligibility Services** (information as of 3/22/13)		
Economic Self Sufficiency Program Appointments	180	
Emergency Food Stamps		
Pending 1	Approved 135	Denied 27
Not Requesting and/or N/A 89		
Food Stamps		
Pending 5	Approved 66	Denied 70
Disc'd 23	Not Requesting and/or N/A 87	
General Assistance		
Pending 4	Approved 77	Denied 38
Disc'd 28	Not Requesting and/or N/A 101	
Medi-Cal		
Pending 4	Approved 20	ACE/MCE Referral 197
Pending 28	ACE/MCE Approved 164	
CalWORKs		
Pending 2	Approved 0	Denied 5
Disc'd 1	Not Requesting and/or N/A 243	
SSI		
Pending 11	Approved 17	Denied 19
Disc'd 1	Applied by them self 45	
Case Planning and Referrals		
Employed (as reported by supervisee)	60	
Unemployable (due to disability)	7	
Referral to Job Train	30	
Referral to VRS	121	550 Jobs - Paid-on-the-Job Training 47
Referral to EPA Re-Entry Program	15	
Supportive Services (Miscellaneous financial assistance)	40	
Support groups held	85	RWC, Service Connect and SSF locations
Family re-engagement events held	5	
Community Outreach events held	7	
Child Support Services Repayment Plan (Referrals)	37	
Total SSI Applications (by self or other)	67	

Criminal Justice Realignment Report

Reportable Health-related Data Elements January 1, 2013-March 31, 2013

Assessment and Referrals

Number of supervisees reporting to Service Connect

The Service Connect staff made initial contact with 54 new supervisees. The Service Connect Health team served 42, of the 54, new supervisees between January 1, 2013 and March 31, 2013.

Number of Supervisees screened for substance abuse and/or mental health services, number referred to substance abuse and/or mental health services.

The following numbers represents services provided between January 1, 2013 and March 31, 2013.

Substance use

- Number of supervisees assessed for substance use was: 37, or 88 % of all seen supervisees were given a substance use assessment.
- Number of supervisees indicated for AOD treatment: 35 or 95 % of those assessed were indicated for treatment.
- Number of AOD treatment referrals: 33, or a 89.1 % were referred and engaged in treatment.

Mental Health

- Number of supervisees given a screening for mental health treatment was: 37 or 88 % of all seen supervisees were given a mental health screening.
- Number of supervisees given full mental health assessments was: 14 or 38 % of those screened were given full mental health assessments.
- Number of supervisees indicated for Mental Health treatment: 14 or 38 % of those given full assessments were indicated for treatment.
- Number of supervisees receiving Mental Health services at Service Connect including the 14 new supervisees is : 26
- Number of Mental Health Services referrals to Full Service Partnership: 3

Medical

A total of 19 clients were found to have conditions requiring medical referrals.

Number of Supervisees not receiving services

Health System staff found that of the 54 people reporting to Service Connect that were indicated for substance use treatment, 12 supervisees or 22.2% of this population, were not willing or unable to accept referrals for treatment. Staff also found that of the 14 supervisees indicated for mental health treatment, 1 of them or 7% of this population were unwilling or unable to accept referral to treatment.



Public Safety Operations Plan Update

San Mateo County Sheriff's Office
May 14, 2013



Realignment Analyst Data Flow

Data sheet to Realignment Analyst from Probation



Realignment Analyst updates data sheet – adding LE data



Data is entered into RIMS/COPLINK, master spreadsheet and Palantir database for analysis



Realignment Analyst disseminates data sheet to county-wide Zone Commanders, Liaisons and DPO's



Collaborative Law Enforcement Efforts: Realignment Analyst



Information Sharing

- Entries made into RIMS
 - COPLINK
- Accessible to most agencies in the county
- Available in patrol cars
- Officer Safety

Analysis

- Analytical tools and analysis using Palantir
- Will allow for better statistics and crime analysis

Data Sheets

- Immediate distribution to pertinent zones
- Snapshot of Realignment subjects
- Officer Safety

Monthly Summary

- List of current and active subjects on Realignment
- Distributed to pertinent zones
- Mapping



Realignment Population Mapped

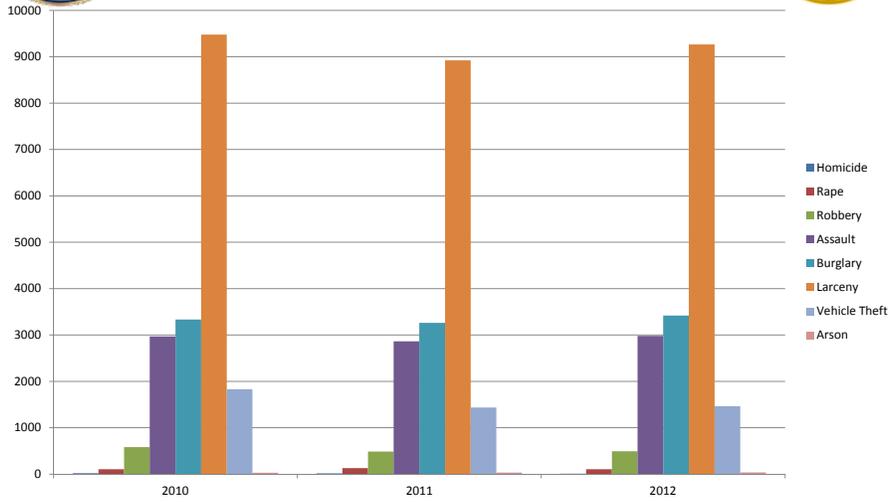


SAN MATEO COUNTY PRCS POPULATION AS OF 03/27/13





Crime Statistics for San Mateo County

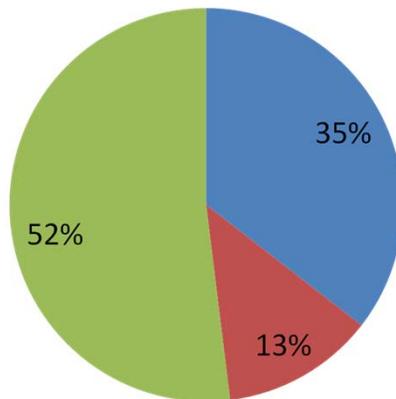


REALIGNMENT POPULATION

PRCS Totals Including Terminated



■ SUCCESSFUL ■ UNSUCCESSFUL ■ ACTIVE PRCS





Outlook



Continue to Track Realignment Population

- Better tracking of successful/unsuccessful terminations
- Gather data for significant analysis to determine an impact on local crime trends, if any
- Monitor jail bookings to determine if Realignment from other counties are impacting crime in San Mateo County
- Track 1170(h) population

Operations

- Target high-risk offenders
- Next operation scheduled for Summer 2013

Data Sharing

- Continued working relationship with Probation will ensure continued success, to include 1170(h) population



Questions?



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**Jail Based Services and Reentry
Programming**

Update To:

Community Corrections Partnership

Strategic Implementation Plan



May 14, 2013





Jail Based Services & Reentry Programming
Strategic Implementation Plan

Acknowledgements

We would like to acknowledge the following people for their significant leadership and direction throughout this project:

Supervisor Adrienne Tissier	Sheriff Greg Munks
Supervisor Rose Jacobs-Gibson	Assistant Sheriff Trisha Sanchez
Deb Keller	Dr. Susan Kole
Lt. Alma Zamora	Mike Nevin
Deb Torres	Joan Rosas
Pastor Andre Harris	Charisse Lebron-Cannon





Jail Based Services & Reentry Programming
Strategic Implementation Plan

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Deborah Bazan	Pamela Glembot	Mary McMillan
Bill Bonifacio	Mark Hanlon	Carlos Morales
Greg Burge	Linda Hayes	Michael Murray
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Alonzo Emery	John Kelly	Deborah Picar
Kathy Endaya	Doug Koenig	Diane Prosser
Chief Stuart Forrest	Shirley Lamarr	Alba Rosales
Karen Francone	Raj Lathigara	Robin Tomlinson
Reverend Mary Frazier	Melissa Lukin	Peter Ullman

A special thanks to the current and former inmates of San Mateo Adult Correctional Facilities who added a valuable perspective to the Jail Programming planning process.



 **Jail Based Services & Reentry Programming**
Strategic Implementation Plan

Project Overview

Objectives:

- ✓ To develop a strategic implementation plan for the improvement of existing inmate programs and services
- ✓ To build upon approaches that are proven effective in reducing recidivism and enhancing public safety

<p>Project Approach</p> <ul style="list-style-type: none"> ○ <i>Inclusive Processes</i> <ul style="list-style-type: none"> ○ Leverage existing expertise ○ Interview current and former inmates ○ <i>Grounded in Research</i> <ul style="list-style-type: none"> ○ Evidence based and promising practices; ○ Benchmarking Interviews ○ Subcommittee Gap Analysis 	<p>Project Considerations</p> <ul style="list-style-type: none"> ○ <i>How can the County:</i> <ul style="list-style-type: none"> ○ Continue to serve existing inmates ○ Prepare for AB 109 inmates ○ Ensure ongoing safety ○ Link programs and services to individual inmate needs ○ Improve outcomes for inmates ○ Build from existing resources ○ Provide linkages to support reentry
--	---



 **Jail Based Services & Reentry Programming**
Strategic Implementation Plan

Evidence Based Practice Research Results

- ✓ The NIC divides jail programming into three distinct categories – **reformative, activity-focused and re-integrative or reentry** programming.
 - **Reform** - Addresses needs common to the inmate population such as improving skills, attitudes, and behaviors that are associated with criminal behavior.
 - **Activity** - Activities keep inmates busy in between programs or during recreational time. Activities range from card games to caring for animals.
 - **Reintegration/Reentry** - Programs that help inmates transition out of jail and back into their communities.
- ✓ An integrated programming approach that emphasizes evidence-based reformative programming along with best practices in reentry preparation offers the greatest chance of success.
- ✓ An appropriate mix of the three different types of programming is essential in program planning and implementation.



 **Jail Based Services & Reentry Programming**
Strategic Implementation Plan

Examples of Evidence Based Practices and Programs

<i>Reform</i>	<i>Activity</i>	<i>Reintegration/Reentry</i>
Aggression Replacement Training	Animal Care Programs	Case Management
Cognitive Behavioral Therapy	Board Games/Card Games	Stages of Change
Business Education Technology	Creative Arts Programs	More Opportunities for Mom (MOM)
Faith-Based Programs	Library Services	Transcendental Meditation Program
Helping Women Recover	Recreational Sports	Safe Return



 **Jail Based Services & Reentry Programming**
Strategic Implementation Plan

Gap Analysis

- ✓ Comprehensive risk/need assessment for all inmates in order to identify ideal curriculum/schedule of programs & services;
- ✓ Intake-to-release case management & transition planning (MDTs);
- ✓ Linkages between inmates and post-release community service providers;
- ✓ Complete array of in-custody programming in jail pods/housing areas, modular program sessions, and communication plan about all available programs; and,
- ✓ Rigorous, ongoing program development/evaluation.



 **Jail Based Services & Reentry Programming**
Strategic Implementation Plan

Strategic Implementation Plan (SIP) Overview

The SIP outlines strategies for the implementation of a comprehensive system of programs and services to meet in-custody service needs and prepare inmates for release.

Strategies include:

1. Intake
2. Risk/Service Needs Assessment
3. Case Management
4. In Custody Programming
5. Reentry and Transition Planning



 **Jail Based Services & Reentry Programming**
Strategic Implementation Plan

Summary of Intake Strategies

1. Conduct mental health and medical screening for all persons taken into custody to identify acute or chronic needs.
 - Electronic Medical Record (EMR) system is currently being implemented.
 - New standardized assessments based upon selected EMR will follow established clinical protocols and meet NCCHC' s standard of care.
2. Conduct security risk/classification screening.
3. Place inmates in initial housing based on risk classification screening.





Summary of Risk/Service Needs Assessment Strategies

1. Conduct risk/service needs assessment within seven (7) days of initial intake.
2. Deliver information on all available programming to inmates in a variety of ways upon intake/housing/re-entry.
3. Place inmate in appropriate housing based on the combined results of security risk classification and assessed service needs.





Summary of Case Management Strategies

1. Interested inmates are assigned case managers.
2. Develop individualized case plans to include curriculum schedule.
3. Conduct regular follow-up meetings with inmates





Summary of In-Custody Programming Strategies

1. Develop a series of program schedules and/curriculum to ensure each pod offers a mix of reform, activity, and reentry-based programming to meet inmate needs.
2. Incentivize program participation.
3. Establish a process whereby inmates can work with case managers to apply to participate in programming that would otherwise be inaccessible due to security or other classification-based limitations.





Summary of Reentry & Transition Planning Strategies

1. Assess inmates for post-release service needs.
2. Assess and support inmates for post-release financial obligations.
3. Assess inmates for entitlement eligibility.
4. Case managers and Multi-Disciplinary Teams will work collaboratively to identify opportunities for inmates upon release.
5. Link inmates to community-based services.





Committee Structure and Program Flow Chart

*Please look at the hand-out:
Programming Flow Chart*





Implementation Timeline Overview

Year One	Year Two	Year Three
Implementation	→	→
Communication	→	→
Risk /Service Needs Assessment		
Case Management		
	In-Custody Programming	
	Re-entry and Transition	
Evaluation Planning	Evaluation of Current Programs	Ongoing Evaluation





Next Steps

- Sheriff's Office staff will review SIP, contract with RDA for SOW to implement plan (Board Approval 5/7/13) 1-3 mos
- Establish Steering and Advisory Committees, solicit expertise as needed 2-4 mos
- Sheriff's Office staff will work with Advisory Committee members to identify and recruit Work Group members 3-9 mos
- Ongoing Committee and Work Group meetings will finalize selections for case management and risk/service needs assessment 9-15 mos
- Case Management and risk/service needs assessment implementation will begin



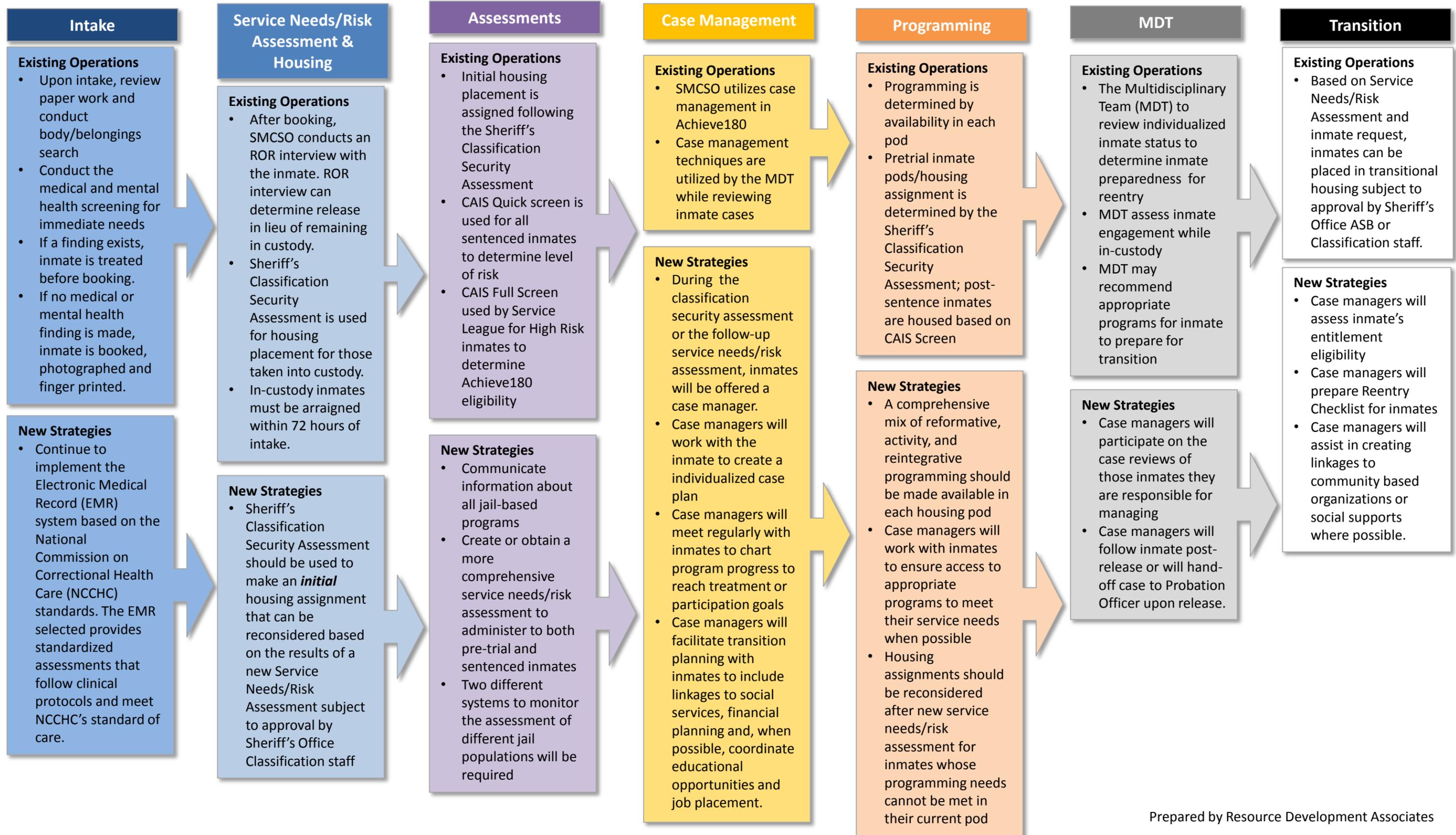


*Thank You
Questions!*



Jail-Based Services Strategy Process Flow Map

San Mateo County Sheriff's Office



Jail Based Services and Reentry Programming

Strategic Implementation Plan

San Mateo County Sheriff's Office



February 2013



Acknowledgements

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- | | | |
|-----------------------|----------------------|-----------------|
| Deborah Bazan | Pamela Glembot | Mary McMillan |
| Bill Bonifacio | Mark Hanlon | Carlos Morales |
| Greg Burge | Linda Hayes | Michael Murray |
| Barbara Caulley | Melanie Hildebrand | Bill Nack |
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| Kathy Endaya | Doug Koenig | Diane Prosser |
| Chief Stuart Forrest | Shirley Lamarr | Alba Rosales |
| Karen Francone | Raj Lathigara | Robin Tomlinson |
| Reverend Mary Frazier | Melissa Lukin | Peter Ullman |

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Executive Summary

San Mateo County Sheriff's Office Correctional Goals and Mission

Following the completion of the Community Corrections Partnership's (CCP) 2011 Public Safety Realignment local planning process, the San Mateo County Sheriff's Office commissioned Resource Development Associates (RDA) to develop a Strategic Implementation Plan for improving existing programs and services provided to individuals in custody at San Mateo County Adult Correctional Facilities. The goal was to develop an implementation plan based upon approaches that are proven effective in reducing recidivism and enhancing public safety as well as on promising practices in Contra Costa, Alameda, and Santa Cruz counties in order to improve or expand existing custodial programming.

This report provides background material about evidence based practices, detailed strategies that include the existing processes and programs in place at both San Mateo County Adult Correctional Facilities, the rationale for expanding or improving what is currently in place, the proposed strategies, operational implications, and estimated costs associated with each strategy. A timeline details the tasks related to each strategy and a workplan illustrate the progression of implementation over a three-year period. A preliminary process flow chart is available for review.

Report Purpose

This report outlines strategies for the implementation of a comprehensive system of programs and services to meet in-custody service needs and prepare for release needs. Also considered is the growing population of inmates returning to San Mateo County Adult Correctional Facilities as a result of AB 109. These strategies are informed by best practice research from the National Institute of Corrections (NIC) and other divisions of the Department of Justice; various state and local criminal justice agencies; research and policy institutes, and academic institutions; interviews with county agency staff and service providers; as well as input received from current and former inmates of San Mateo County adult correctional facilities.

Overview of Key Strategies

Each of the strategies contained in this report responds directly to gaps identified through the combined efforts of Resource Development Associates (RDA) and the SMCSO's Advisory Jail Programming Committee. These strategies and recommendations are the collective outcome of a dedicated group of San Mateo County staff, elected officials, and Community Based Organizations (CBOs) whose expertise has created a strong foundation for the work currently undertaken in San Mateo County to improve the lives and futures of those incarcerated in SMC adult jail facilities.

The proposed strategies reflect the NIC recommendation that inmates are best served by participating in the full spectrum of programming that address three primary functions: (1) reformative, (2) activity-based, and (3) reintegrative or reentry-based. The following strategies emphasize the creation of a continuum of care that begins with individual service needs/risk assessment through discharge and transition planning. In this way, inmates can receive appropriate programming that targets their



recognized needs while in custody and in preparation for release. A key component of this process is the availability of a case manager to work with the inmate to create an individualized case plan. The case plan will map programming and services to identified needs, allowing inmates to build the necessary skills to make a healthier transition once released. The addition of case management also provides support, cultivates behavior change, rewards pro-social behavior, and proposes ideas for reentry throughout the inmates' time in custody. The strategies are broken down into domains or categories that follow a sequence of the inmate's experience and include:

- Intake
- Service Needs/Risk Assessment
- Case Management
- In-Custody Programming
- Reentry and Transition Planning

The initial Process Flow Map, Gap Analysis, Guiding Principles document and the recommendations made by subcommittees throughout the life of this project are included in the appendices. Subcommittee recommendations about specific programs are also included in the appendices and will be considered when program selection occurs. Please see the implementation timeline for more details.



Background on Evidence-Based Best Practices

Introduction

The National Institute of Corrections (NIC) divides jail programming into three distinct categories – **reformative** programming, **activity-focused** programming and **reintegrative** or **reentry** programming. *Reformative programming* focuses on addressing common needs among the inmate population, such as low levels of education and high levels of substance abuse and anger management problems. These programs help inmates develop skills, knowledge, and behaviors to address their personal needs and to succeed both in and out of custody. The main objective of *activity-focused programming* is to structure inmates' time in positive ways to alleviate their boredom and minimize negative behavior. The activities in this category can include such disparate actions as card and board games, work or chores in the facility, and exercise. Finally, *reintegrative or reentry programming* centers on preparing inmates for release and reentry into the community. This includes the development of reentry and transition plans, vocational training, and linkages to services in the community, including resources for housing and job placement.¹

It is important to note that within this typology, there is a difference between program *function* and program *subject area*. For example, work programs are generally considered activity-focused programs if they occur inside the jail and do not focus on helping inmates develop transferable skills, while community-based work programs help inmates transition into reentry and are, therefore, considered reintegration programs. Similarly, religious services may be considered activity-focused programs, while religious counseling or faith-based living skills programs would be reformative. In addition, NIC differentiates *programs*, which structure inmates' time through activities, skill or knowledge development, and reentry planning, from *services*, which are intended to meet inmates' basic needs. Thus, medical and psychiatric care are services, while health education and counseling are considered programming.

An appropriate mix of the three different types of programming is essential in program planning and implementation. Although jail administrators may be more interested in reducing recidivism through reformative and reintegrative programming, not all inmates will be interested in these types of programs. Few inmates will want to spend all of their time only involved in reformative or reintegrative programs. In addition, pushing inmates who are not invested in reform or reentry into these types of programs will drain scarce program resources and diffuse program effectiveness. Similarly, pushing inmates into reform or reentry programs in which they have no interest will create distractions for inmates who do want to participate, again lessening the effectiveness of these programs. Consequently,

¹ Mark D. Martin and Richard J. Kaledas, "Programs and Activities: Tools for Managing Inmate Behavior," *National Institute of Corrections #024368* (June 2010), 7.



providing a balanced array of activity, reform, and reentry programming is critical not only to inmate satisfaction with programming, but also to the success of reentry and reform programs.

Providing inmates with positive ways to structure their time, whether through activities or through reform and reentry programming, also offers significant benefits for jail security. When inmates do not have enough to do with their time, they are more likely to exhibit a variety of negative behaviors, such as fighting with other inmates, arguing with or even assaulting jail staff, or vandalizing jail property.²

Program Planning

There are two key precursors to program planning: 1) setting programmatic goals; and 2) identifying ways to integrate programming into other aspects of jail management and administration.³

Programmatic Goals

Goal setting occurs at two levels, the facility level, and the individual program level. First, **facility-level programmatic goal setting** means identifying the goal or goals that a facility administrator wants to achieve through its programs. These goals can be specific to particular jail sub-populations; for example, the goal can include reducing domestic violence issues. Alternatively, the goal can be more general, such as reducing returns to custody or reducing inmate altercations. Either way, these facility-level goals will influence the appropriate array of programs implemented.

In addition to these broad facility-level goals, every **program that a facility implements should have clear program-specific goals**. For an activity-based program, the goal may be as broad as keeping inmates productively occupied, while reform or reentry programming should have specific reformative or reintegrative goals that tie into particular program activities. Clearly delineating the goal(s) of each inmate program will help a facility administrator choose the best array of programs to meet its facility-level goals and ensure that facilities set appropriate expectations for different programs. Establishing programmatic goals will also be essential for evaluating the effectiveness of inmate programs.

Integrating Programs into Jail Operations

Effective program planning also identifies ways to integrate programming into other aspects of jail management and administration, in particular **inmate classification security assessment and the service needs/risk assessment**.

Assessing all inmates for risks and needs using a validated assessment tool is essential to ensure that those inmates have access to appropriate programming tied to their needs. In addition, because these same assessment tools can be used to assign inmates to housing locations, jail staff can organize their inmate populations around particular programming. Most, if not all, jails already assign inmates to housing based on their assessed risk (classification security assessment), but by connecting service

² Ibid, 2-3.

³ Ibid, 25.



needs/risk to housing, jails can also organize facilities around particular needs, increasing the likelihood that inmates will have access to appropriate programming. This is particularly true for reformative programs that take a therapeutic community model (i.e., creating a holistic living-learning environment to support successful recovery of inmates housed together, as later described in this paper), but it can also be true for programs such as education or vocational training.⁴

Reformative Jail-Based Programming

The purpose of reformative jail-based programs is to address needs common to the inmate population, such as low levels of education, high prevalence of substance use and abuse, and mental health issues. These programs are aimed at helping inmates reform the skills, attitudes, and behaviors that are associated with criminal behavior. In this way, reform and reentry or reintegration programming are inextricably linked – it is crucial that jail inmates receive the proper kinds of programming in order to maximize their chances of successful reintegration into the community post-release. That said, reformative programs are not focused on reentry *per se*, but instead focus on increasing skills and knowledge and changing behaviors regardless of custodial status. The use of validated service needs/risk assessment, while important for most inmate programming, it is especially critical for reformative programming. Without a validated service needs/risk assessment, it is very difficult to ensure that inmates are getting the appropriate services to address their specific reformative needs, as well as to ensure that programming is offered in the appropriate context and at the right dosage.

When designing a treatment or reentry plan for an inmate that includes jail-based programming, it is necessary to take into account the length of sentence to determine appropriate programming. Some therapies or treatments are much more demanding than others in terms of duration and intensity. *Duration* of a program means how long the program lasts from entry to exit. *Intensity* reflects the amount of time and how often an inmate participates in a program per day. Both duration and intensity should also reflect inmates' level of risk. Those programs that require longer and more intense participation should be available to inmates with a high-risk level, and those with low-risk should participate in programs that are shorter and less intense. It should also be noted that program curricula, in some cases, can be modified based on inmate need and their sentence length.

Activity Programming

Activity programming is an important element to incorporate into any jail programming schedule. Activities can keep inmates busy in between programs or during recreational time. Some activities promote pro-social behaviors, teamwork, or increase cognitive abilities. Activities range from card games to caring for animals. Although activities do not make any significant contribution to an inmate's treatment or reentry plan, they are essential to helping inmates make constructive use of their time while incarcerated.

⁴Ibid, 8.



Reintegration (Reentry) Programming

Reentry or reintegration programs help inmates transition out of jail and back into their communities. Reentry programming is inclusive of many different kinds of programming from substance abuse or mental health treatment to employment readiness and post-release housing services.

Reentry programming will vary depending on an inmates' level of risk, sentence length, and behavioral needs. It is also important for jurisdictions to conceptualize where the process of reentry begins and ends. In Vermont, for example, reentry planning begins the moment a person is incarcerated. In some states, reentry planning and programming begins at sentencing.⁵ In the case of Vermont, correctional staff has come to believe:⁶

'Every aspect of correctional operations and programs conceivably (and in some ways, accurately) affects the prospects of offender reentry... everything about the prison and post-prison experience is loosely related to reentry, and reentry really isn't a program at all.'

The following program findings reflect that reentry is a process. Reentry can be more narrowly defined to in-custody treatment plus the transition to the community, but in all cases, best practice findings show cross-departmental collaboration and multi-disciplinary teams are necessary to guide the process of reentry for inmates successfully into their communities.

Reentry programs vary in length, either due to the programmatic needs of the inmate, risk-level, or sentence length. Inmates' reentry plans should dictate the length of time they spend in various programs, trainings and in community aftercare. In the case of substance abuse and mental health treatment, studies consistently show that the longer an ex-offender remains in community aftercare the less likely they are to recidivate. According to one study, the most significant reductions in substance use and recidivism occur after enrolling for a minimum of six months in community aftercare.⁷ In general, the length of reentry programs will vary depending on the inmates' classification security assessment, service needs/risk assessment, crimes committed and motivation to participate in programs both pre and post release.

Conclusion

The most effective jail programs are those that are part of a broad array of program types with the capacity to address the diverse needs of inmates both in custody and upon release. For facilities working to promote public safety and reduce recidivism, an integrated programming approach that emphasizes

⁵ Faye S. Taxman Ph.D., Douglas Young M.S., James M. Byrne Ph.D., Alexander Holsinger Ph.D. and Donald Anspach Ph.D., "From Prison Safety to Public Safety: Innovations in Offender Reentry," US Department of Justice (#196464) (October 10, 2002): 22.

⁶ Joan Petersilia, "What Works in Prisoner Reentry? Reviewing and Questioning the Evidence," *Federal Probation* 68 (2) (2004): 4-5.

⁷ Michael Prendergast, Ph.D., "Outcome Evaluation of the Forever Free Substance Abuse Treatment Program: One-Year Post-Release Outcomes," 8.



evidence-based reformative programming along with best practices in reentry preparation offers the greatest chance of success. In particular, facilities should implement cognitive behavioral therapies that teach inmates how to respond differently to life situations; substance abuse treatment to target the underlying cause of much criminal behavior; and education and vocational training to address common skill deficits in inmate populations. Because prisons and jails are, by definition, residential facilities and are almost always residentially segregated by gender and risk-level, correctional facilities also offer an excellent opportunity to utilize therapeutic communities and gender-responsive or gender-specific reform-oriented interventions, all of which have been proven effective in reducing recidivism.

Reformative programming by itself, however, is not enough. To be truly effective, these interventions must be paired with extensive and continuous reentry planning and preparation as part of a holistic model for reducing inmate recidivism. Among the essential elements of reentry planning are ongoing case management, including the development of reentry transition plans; creating a continuity of care by linking inmates to post-release supports while they are still in custody; involving inmates' families in their reentry transition planning; and giving inmates hands-on work experience that can help them obtain employment upon release.

As part of a continuum of programs that also includes programs and activities that give inmates positive ways to structure their time without focusing explicitly on reform or reentry, these programs offer correctional facilities the best promise of reducing recidivism by helping to provide inmates with the skills and opportunities that they will need to successfully re-enter society. At that same time, providing the proper program continuum can also help jail administrators operate a safe facility with reduced incidence of disruptive or violent inmate behaviors. Inmates who do participate in reform and reentry programming will be more focused on their individual improvements and less likely to violate facility rules or engage in dangerous behavior. Inmates who are not interested in reform and reentry programs but participate in activity-based programs are less likely to turn to negative activities to fill their time. One of the most important tasks for jail administrators is differentiating the former group of inmates from the latter, and providing the appropriate program opportunities to each in order to ensure both program effectiveness and jail security.

The strategies to improve jail-based services and programming in the next chapter were all informed by the results of best practices research, subcommittee recommendations and the results of key informant interviews and focus groups with current and former inmates. It is intended that these strategies provide a comprehensive framework for how SMCSO can move forward with improving current jail programs and in the development of new programs once jail construction is complete.



Jail Based Services and Reentry Program Strategies

Introduction

The jail programming strategies provide a road map for how the San Mateo County Sheriff's Office can implement improvements to current jail-based programs and provide comprehensive programming in the replacement jail facility once it is complete. The strategies are broken down into five domains:

- A. Intake;
- B. Service Needs/Risk Assessment;
- C. Case Management;
- D. In-Custody Programming; and
- E. Continuity of Care and Transition Planning.

Each domain takes into account the relative sequence of steps in processing individuals as they are brought into custody at San Mateo County Adult Correctional Facilities. This section of the report provides a step-by-step flow of each activity associated with the strategy. Some activities affirm current jail operations, whereas others convey significant differences. Each strategy analysis includes the following:

- **Background** on the current SMCSO adult correctional procedures that will be affected by the proposed strategy;
- **The Strategy** to improve or expand upon current programming based on evidence-based best practice research, inmate interviews, ex-inmate focus groups, and Jail Programming Subcommittee feedback and recommendations;
- **The rationale** for implementing the strategy;
- The **operational implications** or impact of implementing the proposed strategy; and
- Potential **funding opportunities or costs** will also be included for each domain and/or strategy.



✓ **Intake**

- *Strategy A1: Conduct standardized mental health and medical screenings for all persons taken into custody.*

Background: SMCSO already requires immediate mental health and medical screenings for all people entering the jail system. Screenings are provided by Correctional Health Services staff upon jail intake to identify the presence of acute and chronic medical, developmental disability, and mental health conditions requiring immediate attention. A more thorough psychosocial assessment that includes individual and family history, presence of trauma, educational and vocational levels of attainment, and other related domains is included in Section B as part of the service needs/risk assessment.

Strategy: Correctional Health Services is currently in the early stages of implementing an Electronic Medical Record (EMR) based on the National Commission on Correctional Health Care (NCCHC) standards. The EMR selected provides standardized assessments that follow established clinical protocols and meet NCCHC's standard of care.

Rationale: Standardized screening and assessment tools that meet NCCHC standards will provide tools for Correctional Health staff to better assess the immediate and ongoing substance abuse and mental health treatment needs for inmates.

Operational Implications: Enhancing or replacing current assessments with standardized screening and assessment tools may impact the length of assessment administration. The standardized tools built into the EMR are unlikely to significantly lengthen initial medical and mental health screenings.

None of the standardized assessments require additional credentials. Current screening and assessment staff already meet the requirements for administration as licensed clinicians. Therefore, staffing implications are minimal.

Estimated cost: Costs associated with the implementation of the EMR's standardized screening and assessment tools are included in Correctional Health Services' EMR implementation estimates and represent no additional costs.

- *Strategy A2: Conduct classification security assessment.*

Background: SMCSO conducts a classification security assessment for every person who enters the jail system. The following strategy does not suggest changing current jail operations, but documents the first step in the assessment process. The strategies that follow in Section B reflect recommended changes to this process.



Strategy: Upon intake, the jail should continue to conduct classification security assessments. These classification security assessments will continue to be the primary consideration in determining inmates' initial housing assignment.

Rationale: The purpose of the classification security assessment is to make an initial housing assignment that ensures the inmate receives appropriate supervision. As stated previously, this represents no change to the existing process but establishes a starting point for the strategies in Section B.

Operational Implications: No changes are suggested to the use of the initial classification security assessment and no operational implications are associated with this strategy, unless the Sheriff's Office determines a revised classification security assessment tool is desired.

Estimated cost: This strategy is cost neutral and does not represent any additional costs.

- *Strategy A3: Place inmates in initial housing based on classification security assessment*

Background: Currently, SMCSO places inmates into housing based primarily on their classification security assessment. Housing assignments based on classification security assessment ensure appropriate supervision for each inmate. The following strategy does not suggest changing current jail operations. Later strategies recommend that housing assignment may be reconsidered based on additional assessments later in the corrections process.

Strategy: In this plan, inmates would continue to be housed as soon as possible based upon their classification security assessment. This preserves current operations for initial housing assignment.

Rationale: Housing assignments based on classification security assessment ensure both inmate and adult correctional staff safety, and represents standard practice in the jail intake process.

Operational Implications: No changes are suggested to the use of making housing assignments based on the classification security assessment and no operational implications are associated with this strategy.

Estimated cost: This strategy is cost neutral and does not represent any additional costs.

✓ **Service Needs/Risk Assessment**

- *Strategy B1: Conduct service needs/risk assessment within seven (7) days after initial intake.*

Background: San Mateo County Adult Corrections staff currently conduct the CAIS quick screen for all **sentenced** inmates who are serving time in the jail facilities, but housing assignment is based on the classification security assessment. As a result, programming is available to inmates based on their housing assignment and is not necessarily based on service needs. While many



inmates receive access to needed services when their housing assignment matches available programming, inmates can only access programs available in their pod or housing area. This may or may not align with their service needs.

Unlike sentenced inmates, **pretrial inmates** in San Mateo County Adult Correctional Facilities are not currently assessed using the CAIS quick screen or other validated service needs/risk assessments to identify service needs and inform programming recommendations. Therefore, pretrial inmates are placed in housing that may or may not provide access to the appropriate array of reformative, activity-based or reintegrative programming services indicated for an individual inmate.

Strategy: This strategy incorporates a service needs/risk assessment for **all inmates**, both pretrial and sentenced inmates, into the corrections process at San Mateo County Adult Correctional Facilities. The additional level of screening will help staff identify program and service needs for **all** inmates.

In order to identify the service needs/risk of **all** inmates, the service needs/risk assessment should be conducted within 7 days after entering the facility, and include a psychosocial history including level of education, presence of trauma, family history and support system, veteran's status, and other related domains. By waiting to conduct this assessment, the jail will minimize unnecessary time and resources assessing inmates who will only be in the facility for a short period of time and who are unable to take advantage of available programming due to the brevity of their stay.

For **sentenced** inmates, the Sheriff's Office could continue using the CAIS instrument or consider another validated service needs/risk assessment tool, such as the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS), the Level of Service/Case Management Inventory (LS/CMI), or the Florida Inmate Assessment in order to more fully identify his/her service need and risk. For **pretrial** inmates, the jail will likely need to work with criminal justice experts to develop a service needs/risk assessment instrument that excludes questions about criminal offending that are not appropriate for pretrial inmates as contained in the assessments listed above.

Regardless of which tool is used, the service needs/risk assessment should address inmate needs across reform, activity, and reentry programming in order to determine program and service needs for each inmate. Subsequently, additional service needs/risk assessments should be conducted periodically throughout an inmate's stay in order to re-assess inmate programming needs. This will be necessary to establish a continuum of care that can be provided throughout an inmate's custodial time and eventual release.

The service needs/risk assessment should target criminogenic needs, including:

- Anti-social personality



- Anti-social attitudes and values
- Anti-social associates
- Family dysfunction
- Poor self-control, poor problem-solving skills
- Substance abuse
- Lack of employment/employment skills

In addition, inmates should be assessed for the following program and service needs:

- Educational/vocational
- Gender-specific programs
- Family reunification
- Domestic Violence
- Veteran service needs
- Language and culturally specific programs

Recommendations from subcommittees suggest that an assessment of family needs and/or expectations could be included in these “point of entry assessments.” An awareness of familial structure and responsibilities could inform the planning process for release and identify the need for family reunification counseling and additional programmatic needs while in-custody.

Rationale: By identifying individual service needs, the jail will gather information that can be used to inform how to target programming and service offerings based on the needs of each inmate. The use of a comprehensive assessment that accounts for service needs provides the opportunity for the jail to offer more applicable and appropriate services to each inmate, thereby increasing the likelihood that inmates will both participate in and benefit from available programming.

In the course of conducting a more thorough service needs/risk assessment, the SMCSO will also gain significant insight into the needs of the pretrial detention population, which could be of use to the Court and other criminal justice agencies. Consequently, we recommend that the SMCSO work with San Mateo County Pretrial Services and the Probation Department to identify areas where assessment information might also be relevant for pretrial planning and reporting.

Operational Implications: This strategy incorporates a new, additional assessment for *all inmates* who stay at the jail for at least seven days. SMCSO will need to select an instrument for the sentenced population and select or design an instrument for the pretrial population. Because certain information is considered confidential for pretrial inmates undergoing the adjudication process, one system will need to be developed to assess pretrial inmates differently from sentenced inmates. When selecting an instrument, the SMCSO should consider:

- The staff qualifications and training required to administer the selected assessment.

- The length of time required for administration.
- Availability in the public domain or costs for copyrighted materials.
- The structure and usefulness of the information received from the assessment.
- How to manage a dual system where inmates receive different assessments based on their stage of adjudication.

In addition, SMCSO may want to consider developing monitoring and evaluation tools to ensure that each assessment is being administered effectively and correctly. Subcommittee recommendations suggest that additionally funded ROR positions and/or an outside agency such as the Service League of San Mateo that might be able to administer the new service needs/risk assessments.

Estimated costs: This strategy incorporates a new assessment to be completed within seven days post intake and represents additional costs. Each assessment will likely take about 60-90 minutes. For approximately 1,000 inmates per year, this represents a staffing position of one full time equivalency. If 1.0 FTE can be managed through staff reassignment and the tool selected is in the public domain, the costs would be minimal. If this new assessment cannot be completed with existing staff, the costs would include 1.0 additional FTE.

- *Strategy B2: Deliver information on all available programming.*

Background: SMCSO currently offers an extensive array of programs and services to individuals in custody. Unfortunately, many of these programs appear to be underutilized because inmates receive limited information about program opportunities and because many programs are only offered in specific locations within the SMC correctional facilities. Other programs like Choices, Achieve 180, and Men's and Women's Transitional Facilities remain full much of the time.

After the initial series of screenings (medical and mental health screening, classification security, ROR, and service needs/risk assessment) are completed, all inmates are assigned to housing based upon availability and the results of their assessments. This procedure results in substantial supervision needs and some programming needs being met while incarcerated in San Mateo County Adult Correctional Facilities. However, there appears to be insufficient awareness about available programming to engage inmates effectively. Comprehensive information about all of the programming available should be provided to inmates inside the jail so that they can make informed decisions about the choices they have regarding program involvement. This decision-making process for inmates should be incorporated at the end of the service needs/risk assessment.

Strategy: The jail should build on existing program schedules to provide an overview of all available programs to inmates throughout the assessment and intake process with focused attention immediately following the service needs/risk assessment. This information should be



easily available to inmates to ensure that they are aware of program availability throughout their incarceration.

The Sheriff's Office can integrate multiple strategies to disseminate programming information to inmates. Examples include:

- An informational video can be shown on television monitors at Intake and Housing locations.
- A recorded audio description of programs and their goals could be made available on headsets during the intake process.
- Expand the program scheduling information currently available at multiple locations throughout the jail to include informational brochures or program directories.
- Inmates currently engaged in programming can serve as Inmate Ambassadors or mentors to newer inmates.

Some of these methods can be used to communicate with inmates directly about programming in the lounges prior to housing. Once housed in their assigned pods or housing areas, printed informational materials including program description, availability, and schedules for program participation unique to each pod should be available to inmates. Inmate Ambassadors can disseminate first-hand information about the benefits of available programs. The jails should also communicate incentives tied to program participation and completion during this time to motivate inmates to participate in available programs based on their identified needs. To ensure that this strategy will be carried out as efficiently and effectively as possible, the Sheriff's Office will need to identify the most appropriate staff person(s) for this job and provide training on available programming.

Rationale: One of the most significant pieces of feedback received from current San Mateo County Adult Correctional Facilities' inmates was that despite the program schedules currently available, not all programs offered by the jail were known at the time of incarceration. A multi-pronged approach for communicating program information offered by the jail as described above will increase inmate access to that information and will likely increase participation in and benefit from programming.

Operational Implications: Based upon the final selection of communication strategies to be used, SMCSO staff will need to develop a multi-media "in reach" campaign to alert inmates of programs and services available to them while they are in custody.

Estimated cost: The costs associated with this strategy include the development of multi-media materials and staff training for personnel assigned to this role. Staff training costs are likely minimal, and SMCSO will likely need to request bids for materials development.

- *Strategy B3: Place inmate in appropriate pod or housing area based on the combined results of classification security assessment and service needs/risk assessment.*

Background: Inmates are currently housed in pods or housing areas upon completion of their initial classification security assessment and the intake process, and the housing assignments are then reviewed at regular intervals. Housing assignments are currently based primarily on classification security assessment in order to ensure the appropriate supervision and safety of all inmates and jail staff, which is completed at intake and then at regular intervals throughout their detention. Subsequently, inmates are allowed access to the programs that are offered in their particular pod or housing area only. In most cases, the programming that is available is appropriate for their assessed level of classification security. Upon the implementation of a new service needs/risk assessments for all inmates, inmates may have programming needs that are not available in their assigned pod or housing area. In order to maximize the effectiveness and utility of programs already being offered in the jail to inmates who need them the most, housing assignments should be considered based on the **combined results of the classification security assessment and the service needs/risk assessment.**

Strategy: Once the service needs/risk assessment is complete, inmate housing should be reevaluated and, if appropriate for the risk level, changed to accommodate inmate service needs. Although security/facility safety concerns and emergent/urgent mental health and physical health needs should be the primary factor determining inmates' housing assignments, service needs identified by the service/risk needs assessment should also be taken into account as a secondary factor. To encourage inmate program participation, when possible, inmates should be placed in pods or housing areas that offer programming that meets their assessed service needs, regardless of whether the inmate initially indicates interest in participating in programs.

Additionally, the SMCSO may wish to consider a process for inmates to petition for or request placement in a specific pod or housing area based on identified service needs/risk. While safety is of the utmost concern, other jurisdictions that allow inmates to petition for specific housing assignment based on identified service needs/risk report little to no disciplinary problems with this practice but do have clear and enforced behavioral expectations for inmates whose petitions are approved and transfer to alternate pods or housing areas. An in-depth discussion of this strategy is provided in D3.

Rationale: Allowing for the reconsideration of housing assignments based on a combination of the results of the classification security assessment and the service needs/risk assessment will enhance service and program access and therefore participation for jail inmates. This leads to helping inmates to better prepare for reentry by accessing programs that target their unique needs for reformative, activity-based, and reentry programs.



Operational Implications: SMCSO may need to update its policies and procedures for assigning inmate housing based on the combination of classification security assessment and service needs/risk assessment results and follow-up housing considerations within a period of time (e.g. every 30 days). Additionally, a decision tree or decision matrix may be helpful to provide parameters for making decisions about housing assignment based on service needs/risk. Programming may also need to be re-organized so that pods or housing areas provide access to a full array of reform, activity, and reintegrative programming.

Estimated cost: The costs to re-consider housing assignment based on the results of the classification security assessment and the service needs/risk assessment depends on how the process is structured. This strategy requires that staff review housing assignment following the service needs/risk assessment. While this may be possible to accomplish with existing staff, additional staffing resource may be necessary to accommodate the additional housing reviews. If a structured decision-making tool can be developed, the housing assignment reconsideration could be encompassed at the end of the service needs/risk assessment and provided by the 1.0 additional FTE described in Strategy B1 in partnership with existing correctional staff. If this cannot be included in the service needs/risk assessment process, additional staff time may be required to accommodate this strategy.

✓ **Case Management**

Case management is a collaborative process of assessment, planning, facilitation, coordination, evaluation, and advocacy for options and services that meet an individual's comprehensive needs. It refers to the use of a social or mental health worker to secure and coordinate services to support the individuals' identified needs and goals. Case managers use a variety of techniques to engage clients in participating in services and programs, and it is an active way to motivate inmates to access needed services and programs rather than relying on their own internal motivation and will alone.⁸ Case plans are developed directly from the service needs/risk assessment (Strategy B) in collaboration with the inmate with the purpose to address identified needs. Case plan development generally occurs after the service needs/risk assessment and is based on available programs that the individual can realistically access. Needs that cannot be addressed from available programming are documented and alternative strategies to meet the unmet needs can be developed.

- *Strategy C1: Interested inmates are assigned case managers.*

Background: The absence of comprehensive case management has been identified as a critical gap in the SMCO's current correctional facilities' programming. SMCSO has expressed interest in transitioning to a case management model and has already launched a multi-disciplinary team (MDT) to review cases and provide discharge planning services. Currently, comprehensive case management is provided in the Choices Pod for both unsentenced and sentenced inmates.

⁸ Kerry Murphy Healy, "Case Management in the Criminal Justice System," *National Institute of Justice: Research in Action*, February 1999, <https://www.ncjrs.gov/pdffiles1/173409.pdf>.



Correctional Health has also assigned a case manager to assess and provide a hand off for 1170h inmates. After this hand off, Service Connect participates in an MDT that case manages inmates 60 days before release.

The Sheriff's Office provides case management for those eligible for modified release to residential treatment programs via an MDT comprised of probation, the service league of San Mateo County, Choices and Job train.

Achieve 180 provides comprehensive case management for eligible sentenced inmates.

Strategy: Case management should be made available in appropriate languages to all inmates who express interest. It is important to note the voluntary nature of the case management relationship; some inmates may not feel that case management is necessary or choose not to participate. For those that opt in to case management, a case manager should be assigned.

Rationale: Case management provides the link from identified service needs/risk to the development of an action-oriented plan that increases the likelihood inmates will access services to address their identified needs. When inmates are able to translate their needs into concrete steps, problems and issues that seem insurmountable become more manageable. Through this process, inmates play a role in creating their case management plan (including their programs and services curriculum) and develop the motivation to address the issues and problems that likely contributed to their incarceration and that will influence future reentry success and the likelihood of recidivism.

Operational Implications: SMCSO will need to integrate case management into the assessment process. Immediately following the service needs/risk assessment, the inmate should be offered the choice of participating in case management. For those inmates who indicate they are interested in case management, SMCSO will need to define the policy and procedure for assigning a case manager in the assigned housing unit and working with the in-custody MDT and other reentry service providers to ensure a smooth and coordinated transition of case plans to other partner agencies.

Estimated cost: The addition of case management into the jail system will likely result in additional staffing costs. Depending on the case management model selected, typical case loads range from 20- 200 individuals per full-time case manager. This range is generally based on the frequency and intensity of case management services. The level of staffing resources required depends not only on the case management model selected but also on the number of inmates who elect to participate in case management. If the level of need varies between housing units, SMCSO could employ differing levels of case management based on the needs of inmates in each housing unit. For example:

- If some housing units have a majority of inmates with a high level of need or inmates with shorter sentences who are closer to discharge and reentry, SMCSO could implement a case management model with smaller caseloads and more intensive services.



- A less intense model with higher caseloads could be used on housing units with inmates with lesser needs or who have longer sentences.

The costs associated with case management are directly related to how many staff would be required to implement the selected model(s). Regardless, additional staffing will likely be required to implement a more comprehensive case management system.

- *Strategy C2: Develop individualized case plans.*

Background: Currently, SMCSO does not use individualized case plans for individuals outside of the Achieve 180 program.

Strategy: Case management uses an individualized case plan to create actionable steps for inmates to address identified service needs. Case managers will work with inmates to develop individualized case plans based on the inmates' service needs/risk assessment. The case plan will map programming and services to address identified needs that led to their involvement with the criminal justice system and that would likely increase the risk of recidivism if not addressed. Incentives for participation can also be included in the case plan to make explicit the benefits of program participation. Strategy D2 offers a more detailed discussion of program incentives.

Rationale: Every inmate comes into the jail with his or her own individual history and past experience with the criminal justice system. The individualized case plan and program curriculum takes into account the individual needs of inmates to support rehabilitation and reentry and acts as a 'partnership agreement' between the case manager and the inmate; goals are based on the need and motivation of the inmate. The individualized case plan can be used to chart the inmate's progress and hold both the inmate and case manager accountable for improving the inmate's behavioral health.

Operational Implications: The individualized case plan does not pose significant implications to jail operations above and beyond the operational implications of implementing case management. SMCSO will need to consider the length of time to develop case plans with each interested inmate. SMCSO will need to ensure having the properly trained staff or staff with the correct qualifications to conduct case management and to develop individualized case plans with inmates.

Estimated cost: As individualized case planning is an integral part of case management, the estimated costs for individualized case planning are described in Strategy C1 include the costs of case planning for all participating county inmates.

- *Strategy C3: Conduct regular follow-up meetings to track progress in programming.*

Background: SMCSO has expressed interest in implementing an in-custody case management model. Regular follow-up meetings between the case manager and inmate are a routine case management practice.

Strategy: Case managers will meet with inmates at regular intervals to track programming progress, reassess service needs, and revise individualized case plans as needed. Case managers should also use this time to begin reentry transition planning and to establish linkages to community-based services.

Rationale: The individualized case plan can be used to chart the inmates treatment progress and hold both the inmate and case manager accountable to the case plan agreements. Regular, follow-up meetings help the inmate and case manager monitor progress towards goals and revise goals as the inmate achieves stated goals or as needs change. Regular follow-up meetings also provide the opportunity for the case manager to both motivate and hold the inmate accountable for their choices about program participation.

The case management relationship and follow-up meetings not only provides regular opportunity to motivate and monitor inmate progress, it also provides a consistent relationship for the inmate with a jail staff. Inmates' perception of interactions with sworn and professional staff in the jail can have a critical impact on inmate success. Strained relationships with correctional officers can negatively impact program participation, whereas the perception of staff support helps facilitate inmate participation. In this model, the case manager frequently acts as a representative of the jail staff. This often generalizes to jail staff as a whole resulting in inmates' perception that all jail staff are invested in their rehabilitation and success.

Operational Implications: Follow up meetings between case managers and inmates do not pose significant operational implications on jail policy and procedure. SMCSO will need to consider the length of time to conduct regular meetings between case managers and inmates. SMCSO will need to ensure having the properly trained staff or staff with the correct qualifications to conduct case management with inmates.

Estimated cost: As follow-up meetings are an integral part of case management, the estimated costs for this strategy are encompassed in the resource needs described in Strategy C1.



✓ **In-Custody Programming**

- *Strategy D1: Develop a series of program schedules and/or curricula to ensure each pod offers a mix of reform, activity, and reentry-based programming to meet inmate needs.*

Background: Currently, general population inmates, and especially male general population inmates, have limited access to reform and reintegration programming. The majority of this programming is offered only in CHOICES and Transitional pods or housing areas.

Strategy: Each housing pod should offer a mix of reform, activity, and reentry-based programming, although the nature and extent of the specific programming mix should vary by location. For example, the Men's and Women's Transitional Facilities should continue to emphasize reentry programming – especially employment opportunities – to facilitate these inmates' smooth transitions out of custody. Nonetheless, Transitional Facility inmates should also receive a mix of reform and activity programming to address their other needs. Similarly, CHOICES pods should incorporate more activity and reentry-based programming to balance out the extensive reformative programming currently offered. General Population pods, which currently offer the most limited programming opportunities, should revise or expand program schedules and structured curricula that incorporate a mix of all three programming types for inmates with varied lengths of stay. Where appropriate, the jail should utilize modular programming using curriculum separated in discrete units that can be provided independently from the other units in the curriculum.

Gaps identified by RDA and subcommittees include the addition or expansion of:

- Vocational training
- Employment Preparedness programming
- Gender Responsive programming (for both men and women)
- Domestic Violence service and programs
- Trauma-informed services
- Veteran Services
- Regular physical activity
- Cognitive behavioral groups
- Mental Health / Life Skills (Inmate Behavior/Management Plans)
- Educational classes (that can be continued upon release)
- Computer programming
- English as a second language classes
- Financial literacy classes
- Pre-release classes
- Family reunification programming (MOMs, DADs programs)
- Classes that teach ways to navigate the social service system upon release



The Sheriff's Office should also consider developing an individualized program schedule for each participating inmate.

Rationale: An appropriate mix of the three different types of programming is essential in program planning and implementation. By offering a variety of programming in each pod, inmates can work with their case manager or other jail staff to participate in the programs that best suit their service needs. Providing inmates with positive ways to structure their time, whether through activities or through reform and reentry programming, also offers significant benefits for jail security. Additionally, modular programming maximizes program utility, especially when inmates housed together have varied sentence lengths.

Not all inmates will be interested in all types of programs; the jail should invest programming resources in those inmates who express interest in participating in jail programs, particularly those who are assigned a case manager. In addition, San Mateo County Adult Correctional Facilities should use the evidence-based practice model supported by the US National Institute of Corrections to select programs and curriculum and offer a mix of reformatory, activity and reintegrative programming in each housing pod.

Operational Implications: In order to carry out Strategy D1, SMCSO will need to re-classify its jail-based services and programming on the reformatory, activity, and reintegrative continuum of services to align with the National Institute of Corrections (NIC) best practices for jail programming. Programming and service schedules will need to be revised based on the change in programming availability within each pod.

Subcommittee recommendations include implementing a performance measurement system to gauge the efficacy of current programs. This would allow the SMCSO to promote those programs that are successful and consider methods for improving or replacing those that are not effective.

Estimated Cost: This strategy represents some of the more significant costs of this initiative. One component of this strategy includes reorganizing existing programs and is likely to have only minimal costs associated. The selection and implementation of additional programs, however, carries costs of additional staffing, purchase of supplies and curricula, and training development. Costs will vary based on the amount of new programming to be implemented, the level of effort and staffing required for each new program, and if there is a cost for curriculum and supplies.

- *Strategy D2: Incentivize program participation.*

Background: Currently, the primary incentive for program participation is participation in an activity and any learning or personal development gained. San Mateo County Adult Correctional Facilities should consider enhancing rewards for positive inmate behavior while participating in jail-based programming beyond the guidelines set by their sentencing.



Strategy: Case managers should work with inmates to encourage prosocial behavior and reward inmates for jail programming participation and completion. The Sheriff's Office should work with providers to create a set of in-custody incentives to encourage program participation. Potential incentives can include:

- Increased visitation
- Later curfews for work release inmates
- Later lock-in times
- More phone access
- More recreation time
- More television
- Access to more television channels
- Certificates of completion
- Letters of recognition
- Work furlough if otherwise eligible
- Inmate worker programs
- Improved housing assignments

Examples of incentive based in-jail programming include the Earned Incentive Program in Arizona⁹, Correction Enterprises in North Carolina and Transitions Project in Oregon.¹⁰

Rationale: Incentivizing program participation, as part of the broader effort to promote successful reentry, can have a positive impact on an inmates' behavior and increase program completion rate. Encouraging inmate adherence and programming success will likely result in the increased safety of inmates and jail staff and in the successful reentry of inmates once released from the jail.

Operational Implications: Incentivized programming requires coordination and planning prior to implementation. SMCSO will need to create a structure and protocol for an incentive system and vet them with appropriate stakeholders in the corrections process (e.g. Probation and the Courts). Case managers will need to coordinate with other jail staff to ensure that incentives are provided in a timely manner. Different incentives will need to be evaluated for their appropriateness for different types of inmates and should be salient to the type of behavior that is encouraged. For example, increased visitation with family would be an appropriate incentive for an inmate successfully participating in a parenting-skills program.

⁹Arizona Department of Corrections, *Earned Incentive Program*, January 11, 2011, <http://www.azcorrections.gov/Policies/800/0809.pdf>.

¹⁰ Reentry Policy Council, *Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community*, New York: Council of State Governments, January 2005, <http://reentrypolicy.org/Report/PartII/ChapterII-B/PolicyStatement15/Recommendation15-D>.



Estimated Cost: Incentivizing program participation and completion generally only carries the cost of the incentives. The majority of the incentives listed in this strategy carry little to no cost. As such, the only cost would potentially be if increasing recreation or creating later lock-in time required additional staff supervision.

- *Strategy D3: Establish a process whereby inmates can apply to participate in programming that would otherwise be inaccessible due to security or other classification-based limitations.*

Background: Currently, inmates only have access to services and programs available at their housing unit. This method emphasizes the safety of the inmates and jail staff by having the appropriate security level applied to an inmate's risk classification. Also, an inmate's classification security assessment result is thought to be representative of the level of service need and programming intensity. However, the addition of a service needs/risk assessment may result in the identification of additional service or program needs not previously considered. Therefore, in order to ensure that inmates can access treatment and programming to meet their identified needs and improve outcomes, jail staff should consider allowing inmates to participate in programming outside of their security classification or housing assignment.

Strategy: The Sheriff's Office should establish a process whereby inmates can apply to participate in programs that would otherwise be unavailable due to security classification. Alameda County's Santa Rita Jail provides a model for this, allowing inmates to apply for programs for which they are not automatically eligible. As part of this process, inmates are required to sign a contract with the jail explicitly stating their commitment to following all program and facility rules and acknowledging a zero-tolerance policy for major rule violations. Inmates who are given access to programs outside of their security classification immediately lose the privilege to participate upon any infraction. Santa Rita Jail programming staff reported no security or safety breaches related to this process.

In addition, the Sheriff's Office should continue expanding opportunities for inmates who have been convicted but not yet sentenced to participate in lower security custodial alternatives available to sentenced inmates, including the ASB's Sheriff's Work Program (SWP), Electronic Monitoring Program (EMP), and Work Furlough, and Men's and Women's Transitional Housing programming. The Sheriff's Office should also continue increasing the use of GPS tracking devices and other electronic monitoring devices (EMD) to allow more inmates to utilize these lower-security programs while enabling the Sheriff's Office to continue to provide the higher levels of supervision that these inmates may require.

Rationale: By allowing inmates to participate in programs that target identified service needs/risk but are outside of their security classification, jail staff help inmates access needed treatment, therapy, education or skill-building support their rehabilitation and reentry.



Operational Implications: Jail policy and procedures would need to be updated to reflect this new process, all of which would need to be communicated throughout the facilities to staff and inmates. Additionally, all staff would need to be trained in the zero-tolerance policy for major rule violations.

Estimated cost: This strategy is cost neutral, as it requires no additional resources or staffing to complete.

✓ **Reentry and Transition Planning**

- *Strategy E1: Assess inmates for post-release service needs.*

Background: A multi-disciplinary team of select jail staff, members of the Sheriff's Office, Correctional Health, Behavioral Health and Recovery Services, Human Services'-Service Connect, Probation Department, Educational agencies, and Service League staff assess current inmates' post-release service needs. This was developed in response to newer types of jail populations, such as the 1170(h) and Post Release Community Supervision (PRCS) within the AB 109 population, bringing longer-term inmates into the custody of the County's adult correctional facilities. Because these populations are new to the jail, different strategies for reintegration or different types of programs may be required to properly serve these demographics to reduce recidivism and ensure the community's safety.

Strategy: Case managers will work with inmates to identify post-release needs, including housing, financial counseling, identification, medical and behavioral health treatment, ongoing educational and vocational training, and job placement services. To facilitate this process, SMCSO should consider developing a reentry checklist addressing common inmate release needs. This checklist can be made available to all inmates, including those who have opted out of case management services. For inmates who will be released to probation supervision, this assessment should be conducted collaboratively with the San Mateo County Probation Department; for 1170(h) inmates released to Mandatory Supervision, the Sheriff's Office should ensure that this planning aligns with the Local Implementation Plan.

Rationale: Assessing each inmate for their post-release service needs and facilitating linkages between inmates and community based services increases the likelihood of successful community reintegration upon release. A checklist that is user friendly, at an appropriate reading level, and available in multiple languages will help to demystify the process of reintegration and organize the myriad tasks for reentry.

Operational Implications: With a multi-disciplinary discharge planning team in place and the addition of case management staff to the team, there are minimal operational implications associated with the implementation of this strategy. Creating or selecting an existing checklist requires minimal resources and training.

Estimated Cost: If the SMCSO chooses to implement the case management strategies previously discussed, this checklist would be a component of case management services for those enrolled and carries no additional cost. For those not enrolled in case management, the checklist is intended to be self-administered therefore carrying no cost. This strategy is therefore cost neutral.

- *Strategy E2: Assess and support inmates for post-release financial obligations.*

Background: As the jail moves toward implementing a full case management model, post-release financial obligation assessment and programming will be an integral component to inmate transition planning.

Strategy: For those inmates that identify having post-release financial obligations during their risk/service needs assessment or throughout the case management and discharge planning process, participation in a financial literacy program while incarcerated could improve his or her ability to manage finances effectively. Based on the results of the service needs/risk assessment, case managers should suggest financial literacy training and work with inmates to identify outstanding financial obligations, especially criminal justice debt, such as restitution and court fees, and child support payments. Upon identifying debt obligations, the case managers should work with inmates to contact the appropriate agencies to develop feasible payment plans.

Rationale: Money management skills are essential after an inmate has been released from jail. Outstanding financial obligations such as restitution and court fees, have a significant impact on newly released individuals and could result in increased stress, extreme poverty, and a return to criminal behaviors that generate income (e.g. narcotics sales). Helping inmates learn to successfully plan and manage their finances supports successful reentry outcomes. Because the County already partners with JobTrain and Service Connect to address issues like employment and job skills, the Sheriff's Office should explore additional opportunities to link inmates to post-release services like money management through existing partnerships.

Operational Implications: The assessment of post-release financial obligations could be included in the service needs/risk assessment with targeted goals and strategies outlined in the individual's case plan. This has few operational implications above and beyond what is described in the case management section. The addition of financial literacy and money management training for inmates requires that this programming and associated service provider be selected and that the training be included in the programming materials. By leveraging existing relationships with service providers, SMCSO can minimize the operational impact of implementing this strategy.

Estimated Cost: The costs of including post-release financial obligations and planning post-release money management are included in the existing case management costs in Section C. The cost of adding a financial literacy or money management service or training program is new



and depends on who is selected, what the format is, and the amount negotiated. This should be a commensurate amount with other contracted services provided in the jail by non-jail staff.

- *Strategy E3: Assess inmates for entitlement eligibility.*

Background: As SMCSO moves toward implementing a full case management model in the jail, assessing inmates for entitlement eligibility should be integrated into case management services. Assessing for entitlement eligibility can be integrated as a regular part of the assessment and transition planning between an inmate and case manager.

Strategy: Case managers should assess each inmate to see what, if any, entitlement programs inmates received prior to incarceration and what they will become eligible for post-release. Entitlement programs can include but are not limited to Supplemental Nutritional Assistance Program (SNAP), Medi-Cal/Medicare, Veterans' Benefits, General Assistance, SSI/SSDI, etc.

Rationale: Navigating external systems to find financial, food, and housing support can be confusing and difficult. Where needed, case managers should help inmates navigate external systems that will likely affect inmates' ability to successfully remain out of custody, including obtaining necessary identification documentation required for applications and beginning the application process for entitlement benefits.

Operational Implications: Because inmates are already assessed by the multi-disciplinary team for reentry, there are minimal operational implications associated with the implementation of this strategy. Case managers can integrate assessment of entitlement eligibility into the standard practice for reentry preparation.

Estimated cost: The estimated costs for this component are integrated into the costs of providing case management staff. With case management staff in place, there should be no additional costs for this strategy.

- *Strategy E4: Link inmates to community-based services.*

Background: While inmates prepare for reentry, SMCSO can use this opportunity to directly connect inmates with community-based service providers to support their post-release service needs.

Strategy: Case managers and in-custody service providers should work with inmates to identify post-release service needs and match them to available resources. As part of this process, case managers and service providers should help inmates connect with these services while still in custody to facilitate the referral and ensure that services are available upon release. Where possible, case managers should facilitate meetings between inmates and County support agencies, Service Connect, and other community-based program staff so that inmates and providers can establish a relationship prior to release, which will increase the chances of successful linkage upon release. If an inmate has begun a service in the jail and would like to

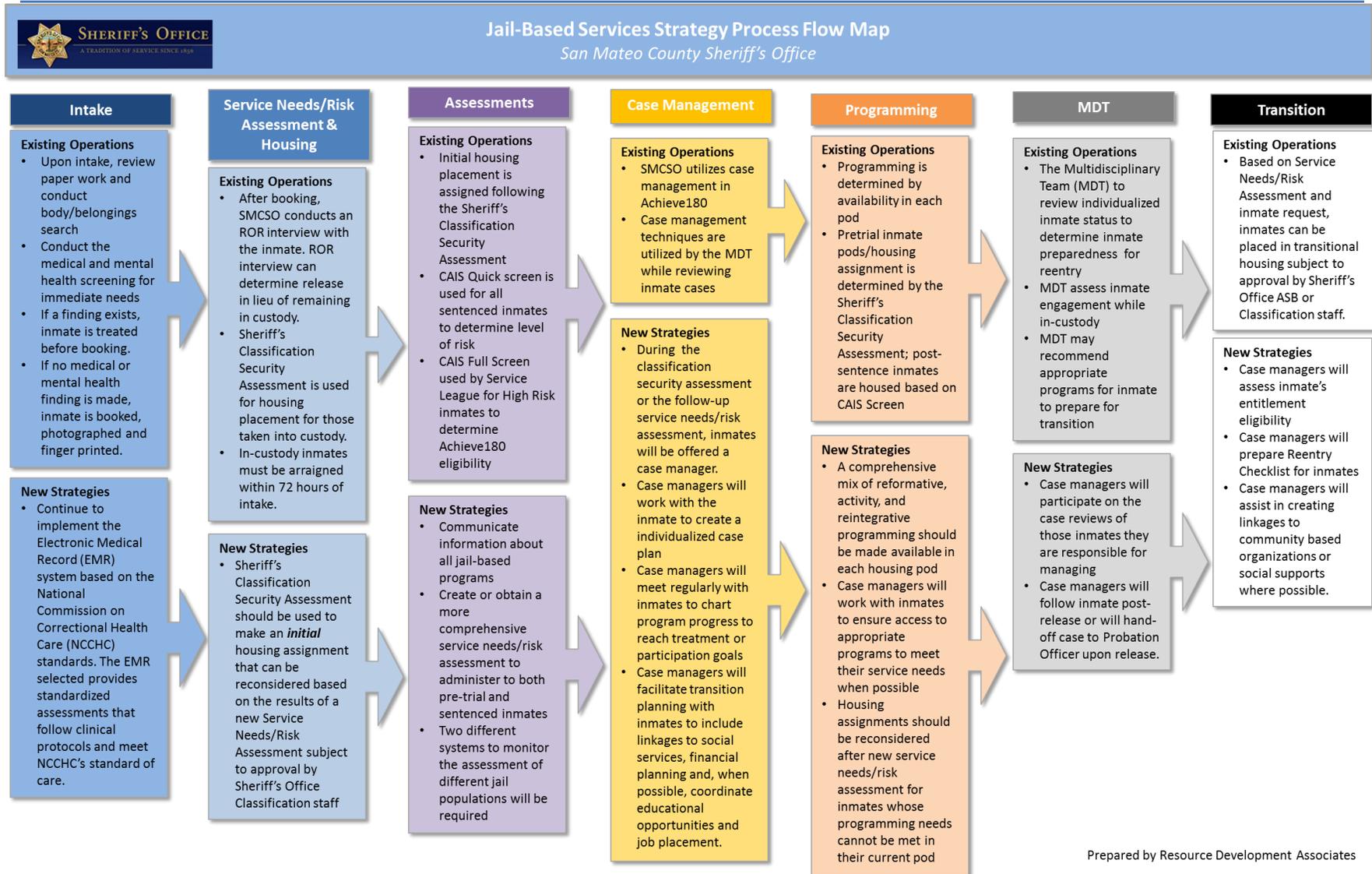


continue the service upon release (e.g. GED classes, AOD treatment), any opportunity to arrange the continuation of classes or training workshops prior to their release should be considered.

Rationale: Post-release support includes assistance with housing and linkages to community-based employment, medical, mental health, and recovery services. Because many inmates lack housing or a support system upon release, many turn to prior acquaintances still involved in illegal activities, making it hard for even well intentioned individuals to remain crime-free. For some, the stress and anxiety surrounding release from jail is exacerbated by concerns about personal safety upon being released. SMCSO can use linkages to community-based service providers to ensure that post-release housing and other services will support the rehabilitation and treatment of individuals. By creating the necessary service and programming infrastructure for formerly incarcerated individuals, SMCSO will increase safety to the community by reducing the potential for recidivism.

Estimated cost: The cost of transition and discharge planning is included in the cost of case management and represents no additional costs. Post-release services carry a cost for service delivery, but the jail can take advantage of existing community-based services from the existing network of care and incur no additional costs.

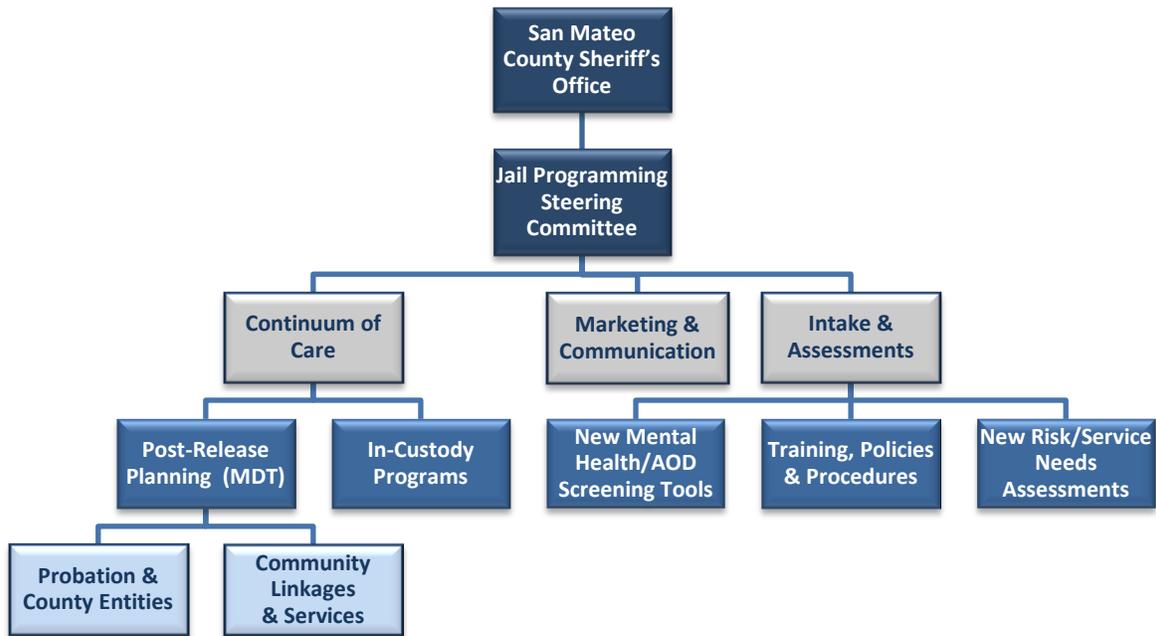
Jail Processing Flow Chart with Strategies



Implementation of Timeline/Workplan for Strategies

This segment of the Strategic Implementation Plan links the recommended strategies to the tasks required for execution. Each section outlines the framework for incremental steps and tasks required to achieve the identified strategies in service of the overall vision to improve jail programming in San Mateo County. While the Strategic Implementation Plan includes recommendations based on input from San Mateo County Community Corrections stakeholders, SMCSO maintains final authority on all decisions for programming within the jail.

The diagram below provides the recommended committee and working group structure to support the requisite planning and implementation processes.



1st & 2nd tier: Strategy | 3rd tier: Advisory & Planning Teams | 4th & 5th tier Implementation Work Teams

Decision-making processes and activities in preparation for implementation:

- **Convene a Steering Committee** composed of existing members and any additional Community Corrections stakeholders, to serve as an advisory group as the Sheriff's Office moves to make final decisions about the implementation of the identified strategies.
- **Assemble three Advisory Committees** to plan and supervise the research and preparation for implementation of each of the strategies:
 - Intake and Assessments
 - Marketing and Communication
 - Continuum of Care
- **Organize a series of Implementation Work Teams** that can manage the tasks required to prepare for implementation of each strategy:
 - Intake and Assessments
 - Classification Security Assessment
 - Service Needs/Risk Assessment
 - Training, Policies and Procedures
 - New Mental Health/AOD Screening Tools
 - Marketing and Communication (to develop overarching implementation marketing and communication plan)
 - Continuum of Care
 - In-Custody Programs
 - Community Linkages
 - In-Custody Case Management
 - Post-release Case Management or Probation
- **Apply for funding** to offset costs of implementing new strategies.

Intake and Assessment Advisory Committee

Strategy B: Service Needs/Risk Assessment

- Review and select service needs/risk assessment tools for **sentenced** inmates, including the current CAIS quick screen. (Note: selected assessment can be rolled out in increments if CAIS instrument is to be replaced.)
- Explore existing service needs/risk assessment tools and assess for appropriateness for **pretrial** inmates. If no appropriate tool exists and the decision is to create a customized service needs/risk assessment, access consultation from experts in the field to develop a legally compliant pretrial assessment tool. Once the pretrial instrument is completed:



- Pilot the instrument with a small group of individuals entering San Mateo County Adult Correctional Facilities;
 - Monitor the pilot program for any noticeable improvements in program placement as a result of the new service needs/risk assessment;
 - Evaluate data collected from the service needs/risk assessment and implementation monitoring;
 - Use data analysis to inform any necessary changes to the service needs/risk assessment instrument;
 - Transition to the new service needs/risk assessment instrument for all pretrial individuals entering San Mateo County Adult Correctional Facilities;
 - Continue to monitor the impact of the more comprehensive assessment on program enrollment and completion and housing reassignments.
- Draft policies and procedures to guide the administration of new service needs/risk assessment.
 - Communicate new intake procedures to staff to inform them of expectations and ensure buy-in.
 - Provide requisite staff training based on selected assessment.
 - Develop decision tree/matrix to structure housing assignment decisions based on additional information from service needs/risk assessments.
 - Create a multi-pronged marketing and communication plan for informing inmates about programming using different forms of media (i.e., a paper based directory of programs and services, an audio tape of program availability, a continuous loop video that can be shown on monitors throughout the jail).

[Continuum of Care Advisory Committee](#)

[In-Custody Programs](#)

Strategy C: Case Management

- Select and design case management model(s).
- Develop processes, policies and procedures for case management;
- Identify or draft the materials required for case management (consent/participation agreement, case plans, progress notes, case plan updates, discharge plans);



- Consider leveraging existing community corrections partnerships for outsourcing case management positions;
- Recruit and train appropriate staff in preparation for case management implementation. If necessary, recruit externally for case management positions.

Strategy D: In-Custody Programming

- Design a series of structured curricula that incorporate a mix of reform, activity and reintegration programming to meet the needs of inmates with varied lengths of stay;
- Draft policies and procedures for inmate participation in programming;
- Select appropriate incentive based programming to include opportunities to participate in programming not accessible in assigned pod;
- Consider the creation of a special needs pod for those with serious mental illness that would include a range of suitable programs;
- Develop a comprehensive evaluation process to assess program efficacy.

Post-Release Planning (MDT)

Strategy E: Reentry and Transition Planning

- Create a checklist to standardize the reentry assessment conducted by MDT;
- Develop a process to integrate reports from Case Managers in MDT assessment;
- Develop a tool to assess pre-release inmates for entitlement eligibility;
- Expand network of community based service providers willing to provide linkages for inmates upon release;
- Build relationships with educational programs to tie in-custody programming to educational opportunities upon release;
- Ensure in-custody vocational programs are linked to employment opportunities upon release.

The first priority is to make the final decisions about what direction SMCSO would like to see this project take. We estimate 3-6 months for the decision-making process to be completed. It is important to communicate the final plan to Sheriff Office staff to inform them of upcoming changes and engage them in implementation planning work teams.



In addition to the strategies above, the development of performance measurement system to monitor the efficacy of the new assessment and related changes in policies, procedures and programs is highly recommended if the Sheriff's Office is to effectively assess program efficacy.

The following timeline illustrates the tasks required to move towards implementation over the course of the next 4 years and includes milestones such as the opening of the new jail in 2015.



Jail Based Services and Reentry Programming Strategic Implementation Plan

San Mateo County Sheriff's Office

	2013				2014				2015			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Governance	Establish the Steering Committee & Oversight Committee	SMCSO & Steering Committee Finalizes Strategies	Oversight Committee Meeting	Work Groups Meet	Steering Committee Meeting	Work Groups Meet	Oversight Committee Meeting	Work Groups Meet	Milestone: New Jail Opens	Work Groups Meet	Oversight Committee Meeting	Work Groups Meet
		Establish Work Groups	Work Groups Meet		Oversight Committee Meeting		Work Groups Meet		Oversight Committee Meeting		Work Groups Meet	
		Work Groups Meet			Work Groups Meet				Work Groups Meet			
Intake			Continue to develop Correctional Health Services EMR system based on the National Commission on Correctional Health Care (NCCHC) standards.	Draft P&P for intake process	Fully implement the new Correctional Health Services EMR system.							
				Communicate intake procedures to staff								
				Provide requisite staff training based on Correctional Health Services EMR system.								
Service Needs/Risk Assessment – Sentenced Inmates		Steering Committee & SMCSO finalize use of CAIS Or New Service Needs/Risk Assessment	CAIS: Draft P&P for CAIS process	CAIS: Train staff, if needed	Implement CAIS							
			New: Review and select assessment tool	New: Draft P&P for new assessment process		Implement new assessment tool						
			New: SC & SMCSO approve assessment tool	New: Communicate new assessment process to staff	New: Provide requisite staff training based on new assessment tool							
Service Needs/Risk Assessment – Pre-Trial Inmates			SC & SMCSO review existing assessment tools	Vet assessment tool with D.A. and Public Defender	Draft P&P for new assessment process with existing tool	Existing: Draft P&P for new assessment process with existing tool		Existing: Pilot assessment process using existing tool	Existing: Finalize P&P based on findings from Pilot phase	Existing: Implement assessment process with existing tool		
			SC & SMCSO select existing assessment tool Or Create new assessment tool	Existing: SC & SMCSO approve the use of assessment tool		Existing: Communicate new assessment process to staff	Existing: Provide training based on new assessment process with existing tool		Existing: Finalize assessment tool & provide additional training, if needed			
				New: Obtain expert consult on assessment design		New: Design new assessment tool	New: Draft P&P for new assessment with new tool		New: Pilot assessment process using new tool		New: Finalize P&P based on findings from Pilot phase	New: Implement assessment process with new tool
Case Management			SC & SMCSO select Case Management model	Communicate new Case Management process to staff	Phase I: Hire CM staff and provide training based on CM model	Phase I: Implement CM for Sentenced Inmates	Phase I: Review and revise P&P based on Phase I implementation	Phase II: Hire additional CM staff and provide training based on CM model	Phase II: Implement CM for Pre-Trial inmates			
			Draft P&P, case plan templates, CM tools, etc.		Select new programs or enhance existing programs by subcommittee area (Health, Education, Vocational Training, Socialization, Re-entry and Family Reunification) - Ongoing							
			Draft P&P to reflect changes in program offerings based on relevance and inmate participation - Ongoing									
In-Custody Programming			Review current inventory of programs and gaps	Provide training to requisite staff on new programs as they are planned and implemented - Ongoing								
			Prioritize content areas for program development	Review program array and accessibility in pods based on housing assignment and length of stay	Draft plan to implement program array in pods	Incorporate Oversight Committee and Work Groups' feedback into pod program plan						
			Develop plan to disseminate programming information to inmates	Develop information/media about jail programs	Vet pod program plan with Oversight Committee and Work Groups	Implement pod program plan						
			Vet and confirm dissemination plan & communicate plan to staff	Implement program information dissemination plan								
Continuity of Care & Transition Planning			Develop Reentry Checklist	Incorporate CMs into MDT	Begin entitlement screenings							
			Draft P&P based on Checklist and CM procedures & communicate future changes to staff	Finalize P&P & communicate changes to staff								
				Provide training to requisite staff on new Reentry assessment process								

Legend

SMCSO = San Mateo County Sheriff's Office
 SC = Steering Committee
 OC = Oversight Committee
 WG = Working Group
 P&P = Policies & Procedures Manual
 D.A. = District Attorney
 MH = Mental Health
 AOD = Alcohol and Other Drugs

*Please note: This timeline is subject to change.

Fiscal Implications & Funding

While many of the strategies delineated in this plan are cost neutral, there are three areas of this plan that will require additional resources for implementation: service needs/risk assessment, case management, and in-custody programming. This section of the report categorizes the costs by staffing and operational expenses and suggests possible sources of funding for the activities.

Staffing

Service Needs/Risk Assessment: Strategy B1 recommends adding a validated service needs/risk assessment to identify the service needs of each inmate seven days after intake. Strategy B3 then suggests reconsidering housing assignment based on assessed needs and security classification. The cost of implementation is approximately 1.0FTE.

Case Management: All of the strategies listed in the Section C: Case Management and Section E: Reentry and Transition Planning are dependent on the addition of case management staff to complete case plans, regular case management meetings, and facilitate all reentry and transition planning. The number of FTEs required is dependent on the model selected. The cost of implementation varies based on the number of FTEs required for the case management model selected.

Programming: The addition of new programming will require additional staffing to facilitate the selected reform, activity, and reentry based programs. SMCSO could choose to hire additional staff, contract program delivery to other service providers, or implement a blend with some activities facilitated by SMCSO staff and some by contract providers. The cost of implementation of this set of strategies varies based on the programming selected and the structure of service delivery.

Operations

Risk/Service Needs Assessment Strategy B2 recommends the development of multi-media materials to inform inmates of available programming while incarcerated. This could include videos, taped messages, and written materials (e.g. flyers and handouts). The cost of implementation varies based on the materials selected for development.

Programming: Strategy D1 recommends the development of a series of program schedules and/or curricula to ensure that each pod or housing area offers a mix of reform, activity, and reentry based programming to meet inmate needs. Based on the programs selected and the structure of service delivery (i.e. SMCSO or contract provider service provision), the costs include the purchase of curriculum and materials. The cost of implementation varies based on the programs selected.

The next page provides a summary of all of the strategies listed and the estimated costs for implementation. All of the strategies are either listed as cost neutral or provide information on the costs that would be incurred.



Domain	Strategy	Estimated Cost
Intake	A1: Conduct mental health and medical screenings for all persons taken into custody.	Cost neutral
	A2: Conduct classification security assessment.	Cost neutral
Service Needs/Risk Assessment	B1: Conduct service needs/risk assessment within seven (7) days after initial intake.	Addition of 1.0 FTE
	B2: Deliver information on all available programming.	Materials development and production costs
	B3: Place inmate in appropriate housing based on the combined results of the classification security assessment and service needs/risk assessment.	Cost neutral
Case Management	C1: Interested inmates are assigned case managers.	Addition of Case Management Staff. Number of FTEs to be added depends on case management model selected.
	C2: Develop individualized case plans.	Addition of Case Management Staff described in C1.
	C3: Conduct regular follow-up meetings to track progress in programming.	Addition of Case Management Staff described in C1.
In-Custody Programming	D1: Develop a series of program schedules and/or curricula to ensure each pod offers a mix of reform, activity, and reentry based programming to meet inmate needs.	Addition of program staffing, supply and curriculum costs, and staff training. The actual costs depend on the programs selected and whether new programs are provided by SMCSO staff or contract providers.
	D2: Incentivize program participation.	Cost neutral
	D3: Establish a process whereby inmates can apply to participate in programming that would otherwise be inaccessible due to security or other classification-based limitations.	Cost neutral.
Reentry and Transition Planning	E1: Assess inmates for post-release service needs.	Addition of Case Management Staff described in C1.
	E2: Assess and support inmates for post-release financial obligations.	Addition of Case Management Staff described in C1.
	E3: Assess inmates for entitlement eligibility.	Addition of Case Management Staff described in C1.
	E4: Link inmates to community-based services.	Addition of Case Management Staff described in C1.



Funding Opportunities

SMCSO may wish to leverage existing funding sources or consider applying for additional funding for the addition of case management and the implementation of evidence best practices in jail programming to support rehabilitation while in-custody and facilitate successful reentry post-release. Current funding that may be available for re-consideration includes the Inmate Welfare Fund and AB109 funding allocations.

The Office of Justice Programs, Bureau of Justice Assistance (BJA) has provided funding for reentry support through the Second Chance Grant program. The Department of Health and Human Services, Substance Abuse, and Mental Health Administration (SAMHSA) has provided funding through the Offender Reentry Program. While both are focused on improving outcomes for people exiting jails and prisons, both recognize that the continuum of care begins during incarceration and ends post-release. As such, both allow for funds to be spent on reentry supports both in-custody and post-release. SMCSO should consider both the BJA and SAMHSA grants in partnership with the Probation Department and continue to screen for possible grant opportunities via grants.gov, the federal porthole for funding opportunity announcements.

While most foundations are unlikely to support in-custody services, the Robert Wood Johnson Foundation (RWJF) has provided funding to implement evidence based practices and evaluate their outcomes related to recidivism in jail-based settings. The focus of the previous round of funding was young men of color in the criminal justice system. SMCSO may wish to monitor the opportunities posted by RWJF for funding announcements that may support the strategies in this plan.

SMCSO may be eligible for other federal, state, and local funds as they become available, in addition to collecting private donations.



Appendices:

Appendix A: Guiding Principles Document

Appendix B: Gap Analysis Report

Appendix C: Strategic Implementation Plan Presentation

Appendix D: Subcommittee Recommendations



Appendix A: Guiding Principles

Purpose:

The Sheriff's Office Jail Programming Committee reviews inmate programs and services offered at San Mateo County Adult Correctional Facilities and provides recommendations to enhancements, modifications and additions to programs and services delivered to inmate populations.

Goal:

To achieve a model for providing quality inmate programs and services for our adult correctional facilities that reflects a continuum of custody, care and case management throughout an inmate's incarceration and has a positive impact on recidivism rates and public safety in San Mateo County.

Guiding Values:

1. **Accountability.** The Jail Program Committee will make sure the taxpayer funds are used in the most efficient and effective manner for the treatment and rehabilitation of San Mateo County Adult Correctional Facilities inmates.
2. **Integrity.** The Jail Program Committee prepares reports with honesty, accuracy, and consistency.
3. **Utility.** The Jail Program Committee ensures that jail programs are available to those inmates who are most in-need or at-risk.
4. **Cultural Competency.** The Jail Programming Committee recommends programs and services to support the diverse racial, ethnic, linguistic, gender, sexual orientation, disability, age, and geographic needs of inmates.
5. **Continuous Learning.** Through ongoing assessment of service delivery systems and programs, the Jail Programming Committee will work to improve and expand services.
6. **Strengths Based.** The Jail Program Committee rewards good work and celebrates program success.

Structure:

The Jail Programming Committee is a multi-disciplinary team consisting of members from the San Mateo County's Sheriff's Office, Probation Department, Legal Office, Jail Planning, Correctional Health, Service League, Human Services Agency, Behavioral Health & Recovery Services, Project Read, Department of Education, Job Train, El Centro de Libertad, Shelter Network, local college researchers and others. The Committee meets 4-6 times per year and reviews jail and reentry programs, programming schedules, and evaluation outcomes and other reports. The Committee will forward specific recommendations to



the Sheriff's Office to enhance, build, or alter program offerings that will lead to improved program participant outcomes.

Roles & Responsibilities:

The Jail Programming Committee will:

1. Provide a clear road map for how the Sheriff's Office can best integrate evidence-based practices in jail programming into services.
2. Engage in continuous learning of evidence-based and best practices used both in San Mateo County Adult Correctional Facilities and in jails throughout the United States.
3. Use Committee meetings as a forum for information sharing on new or improved uses of evidence-based and best practices for jail and reentry programming.
4. Ensure cultural competency of jail programs and services offered to the diverse inmate population.
5. Solicit feedback from jail inmates and ex-offenders on ways to improve jail programming or reentry services.
6. Document case studies or vignettes of program participants to supplement outcomes evaluation data.
7. Collaborate with the Sheriff's Office to implement policies and strategies effectively and safely for jail staff, inmates, and the public.

Appendix B: Gap Analysis Report

Introduction and Overview

This report assesses the San Mateo County Sheriff's Office's (SMCSO) current inmate programming in relation to established best practices in order to identify gaps in current inmate programs, services, and processes. It identifies gaps in four distinct areas – Assessments; Continuum of Care; Program Array, Frequency, and Duration; and Access to Existing Programs – and provides suggestions for addressing each.

The key gaps identified in this report include the following:

1. A need for a comprehensive service needs/risk assessment for all inmates (sentenced and pretrial) in order to identify ideal curriculum of programs and services;
2. The absence of intake-to-release case management and transition planning;
3. Insufficient linkages and transition of inmates to post-release services in the community;
4. An incomplete array of In-Custody Programming, especially a shortage of Reintegration Programming, as well as gender responsive, domestic violence and family inclusive programming;
5. Few long-term or consistent programs to address the needs of longer-term AB109 inmates;
6. Infrequent program sessions that limit program value to short-term inmates;
7. Limited information for inmates about available programs and services;
8. Few Spanish-language programs and/or Spanish-speaking providers for a growing Latino population;
9. Limited programming for inmates with serious mental illness;
10. The absence of ongoing, rigorous program evaluation to assess program effectiveness.

The identification of these gaps and the formulation of potential solutions derive from the combined efforts of Resource Development Associates (RDA) and the SMCSO's advisory Jail Programming Committee, as well as input from current and former San Mateo County Sheriff's Office inmates. Consequently, these suggestions reflect a diverse and broad-based array of expertise in corrections, education, employability, health and mental health, evidence-based practices, and a variety of other relevant subject areas, as well as lived experience with incarceration, recovery, and rehabilitation. All of these recommendations stem from a shared commitment to ensuring that San Mateo County's adult correctional facilities are safe, healthy places for staff and inmates.

This list of gaps notwithstanding, it is important to note the SMCSO, Correctional Health Services, the Service League of San Mateo County, and the various community-based providers working in San Mateo County's adult correctional facilities do currently offer an impressive array of programs and services for inmates, including a number of evidence-based practices (EBPs), gender responsive programming, work furlough and the Sheriff's Work Program, and the therapeutic community-based CHOICES program, to name just a few. Because this report assesses gaps, it necessarily focuses on areas that have room for improvement; in so doing, however, our intention is not to minimize the importance or utility of



currently available programs and services, nor the hard work and dedication of the many people who design, implement, and deliver these programs on an ongoing basis.

Assessments

Inmate Service Needs/Risk Assessment

All inmates entering San Mateo County's Adult Correctional Facilities currently receive a classification security assessment to determine their level of risk and to assign them to corresponding pods or housing areas. There is, however, no assessment of inmates' program and service needs/risk upon intake or prior to sentence, which is essential for making appropriate program recommendations and referrals and for ensuring that inmates are housed in pods or housing areas that provide these services. To address the gap in the identification of service needs, we recommend expanding the current assessment process so that **each inmate is assessed using a full service needs/risk assessment instrument**, such as the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS), the Level of Service/Case Management Inventory (LS/CMI), or the Florida Inmate Assessment in order to more fully identify his/her risk and needs. This assessment should be coupled with mental health and substance abuse screenings, such as the Addiction Severity Index (ASI) and the Beck Depression and Anxiety Inventories (BDI II and BAI) to more accurately identify these service needs. In addition, we recommend that the Sheriff's Office **utilize inmates' service needs/risk, as determined by the service needs/risk assessment and behavioral health screening tools, to house inmates in pods or housing areas that offer programs that correspond with the inmates' assessed service needs.** Although security-level and facility safety concerns should be the primary factor determining inmates' housing assignments, service needs should also be taken into account as a complimentary and secondary factor.

Pretrial inmates should receive the same mental health and substance abuse screenings as sentenced inmates. However, the aforementioned assessment instruments, which include questions about criminal offending, are not appropriate assessment tools for pretrial inmates, creating a gap in the SMCSO's ability to assess the service needs of pretrial inmates. Our research indicates that the absence of an established validated inmate service needs/risk assessment tool for programs and services of pretrial inmates means that this gap is likely shared by most correctional facilities. Consequently, we recommend that the SMCSO work with criminal justice experts to **develop a service needs/risk assessment instrument to determine the ideal program and service needs of pretrial inmates so a continuum of care can be maintained through sentence and eventual release.** Like the above-mentioned instruments, this assessment in combination with mental health and substance abuse screenings, should identify inmates' needs across reform, activity, and reintegration-based programs and services. This assessment can be used to house inmates in pods that offer a mix of programs that correspond with the inmates' assessed service needs whenever possible within security considerations.

In the course of conducting this more thorough service needs assessment, the SMCSO will gain significant insight into the pretrial detention population, which could be of use to the Court and other criminal justice agencies. Consequently, we recommend that the **SMCSO work with San Mateo County**



Pretrial Services and the Probation Department to identify areas where assessment information might also be relevant for pretrial reports.

Assessment Action Items:

1. Implement a full validated inmate needs assessment for sentenced inmates;
2. Incorporate Correctional Health Services' behavioral health screenings for all inmates, such as the ASI, BAI, and BDI II
3. Develop service needs/risk assessment for pretrial inmates programs and services;
4. Work with Pretrial Services and the Probation Department to identify areas where assessment information might be relevant for pretrial reports;
5. Where possible within security considerations, use inmates' assessed needs to house them in pods that offer programs/services to address those needs.

Continuum of Care

Case Management

The absence of comprehensive case management for all inmates to ensure that they are moving toward a successful transition out of custody is a critical gap in the SMCSO's current jail programming. Following their service needs/risk assessment, all **inmates should meet with a case manager who will work with the inmate to develop a case plan based on the inmate's service needs/risk assessment.** This case plan should include suggestions for in-custody programming to address inmates' service needs as well as a plan to help the inmate transition from custody into the community. Where needed, case managers should **help inmates navigate external systems that will likely affect inmates' ability to successfully remain out of custody without recidivism,** including obtaining necessary identification documentation, applying for entitlement benefits, and getting in touch with debt collecting agencies to develop payment plans for legal debts such as child support and restitution. As inmates approach their release dates, case managers should help those inmates identify and link with organizations that can continue to provide services upon release. This is discussed further below.

Service Continuity and Post-Release Linkages

A key gap in the SMCSO's current ability to ensure that inmates receive a continuum of services that crosses from custody into the community is the lack of linkages to services and resources following release. To address this gap and increase service continuity, **case managers and in-custody service providers should work with inmates to identify resources for receiving services upon release.** As part of this process, case managers and service providers should **help inmates get in touch with these services while still in custody** to prepare a smooth transition to release. Where appropriate, case managers should facilitate meetings between inmates and community-based program staff so that inmates and providers can establish a relationship prior to release, which will increase the chances of successful linkage upon release. Where possible this service should extend to educational and vocational opportunities begun in-custody. Where inmates have successfully enrolled in educational or vocational programming that is available to them upon release, any opportunity to arrange the continuation of



classes or training prior to their release should be considered. Several former inmates reported getting **financial assistance to support post-release educational and vocational opportunities through the California Department of Rehabilitation**, which provides employment, education, and housing support to individuals with demonstrated disabilities. The SMCSO should further investigate this and other resources and, where appropriate, assist inmates with accessing this funding.

Former SMCSO inmates who participated in focus groups strenuously emphasized the need for more support upon release, including assistance with post-release housing and linkages to community-based employment and recovery services. Several former inmates reported that because they had nowhere to go upon release, they ended up staying with acquaintances who were still involved in illegal activities, making it hard for even well intentioned individuals to remain crime-free. For women, this problem was exacerbated by concerns about personal safety upon being released with nowhere to go. Former inmates who did have access to motel vouchers also pointed out that the only places that accepted these vouchers are cheap, dangerous motels that are rife with drugs and other illegal activities, further complicating their attempts to transition out of their former lifestyles. To address this gap, the **SMCSO should work with its faith and community-based partners and appropriate County agencies to identify more opportunities to link inmates with temporary housing and/or housing assistance upon release.**

Finally, the ability to find and secure post-release employment, especially for inmates with felony convictions, continues to be one of the greatest barriers to former inmates' ability to successfully reenter the community, a problem that is not specific to San Mateo County. Although the County already partners with JobTrain and Service Connect to help address this issue, the Sheriff's Office should **explore additional opportunities to link inmates to post-release employment**, including through local community businesses and faith-based institutions.

Continuum of Care Action Items:

1. Develop in-custody and post-release case management plans for inmates;
2. Help inmates prepare for and navigate external systems, including ID receipt, entitlement applications, and child care and restitution payments;
3. Link inmates to community-based organizations, recovery and treatment services, educational and vocational training opportunities to continue receiving services upon release;
4. Work with community, faith-based partners and County agencies to identify more opportunities for transitional housing;
5. Identify more opportunities to link inmates to post-release employment.

Program Array, Frequency, and Duration

Comprehensive Program Array

The Jail Programming Gap Analysis Matrix included in Table 1 and Table 2 of this report compares programs recommended in RDA's *Jail Programming and Re-Entry Services: Summary of Best Practices Research* Report to programs currently offered in various housing units in SMCSO facilities to highlight programmatic gaps. Although this analysis identifies gaps in Reform, Activity, and Reintegration (or



Reentry) programs, by far the largest gap exists in Reintegration programming. One of the primary gaps, case management, is discussed above; this key Reintegration programming component is addressed separately from other programs because case management should function not as an independent program but as a means to connect the various programs and services in which inmates participate. Beyond case management, however, there are critical gaps in the Reintegration programming currently offered in SMCSO facilities. In particular, SMCSO offers limited **vocational training or employment preparedness programming**, especially for inmates who are not in Transitional housing. There is **also a gap in the availability of men and women's gender-responsive programming, especially for general population inmates**, who comprise the majority of the SMCSO inmate population. Similarly, the SMCSO should seek to implement **family inclusive programming** to better prepare inmates and their families for their transition to release. The More Opportunities for Mom (MOMs) Program, Dads Acquiring and Developing Skills (DADS) Program, and Family-Inclusive Case Management are all evidence-based practices that would help address these gaps.

Former inmates who participated in jail programming focus groups highlighted the need for more vocational and educational programming, family-involved programming, and domestic violence programming. Every female focus group participant reported being a victim of domestic violence. Many attributed their experience with domestic violence to the actions that led to their incarcerations, including using drugs and alcohol to alleviate anger and depression stemming from domestic violence victimization and physically assaulting their abusers. Women reported needing a number of **services and programs related to domestic violence, including group and one-on-one counseling, education about the nature and dynamics of domestic violence, and linkages to post-release domestic violence resources**. A few of the male former inmates acknowledged having been perpetrators of domestic violence and expressed the need for more in-custody programming, especially group counseling, to help them identify and change their own abusive behavior. One of the men felt so strongly about the benefits he experienced in domestic violence group counseling mandated after his release that he suggested that it be mandated upon arrest. He compared it to being compelled to have to undergo counseling after being arrested on a 5150. In general, the men's comments underscore the need for domestic violence programming while in custody.

In addition to these best practices in Reintegration and Reform programming, pod schedules and interviews with inmates indicate a **gap in opportunities for physical activity and recreation**. One former inmate noted that for inmates dealing with substance abuse issues, recovery is as much a physical process as a mental or emotional process, and attributed much of her success in remaining drug-free to finding outlets in exercise; other former inmates concurred and spoke of the healing nature of physical activity. In addition, activity-based programming in general and physical activity in particular are critical components in effective facility safety and population management, and should be offered whenever possible. In particular, the SMCSO should identify more opportunities for inmates to participate in outdoor recreation and various types of exercise, including sports and group exercise classes.

Programs for Inmates with Serious Mental Illness

Many of the aforementioned gaps and associated recommendations related to general programming arrays are equally relevant for inmates with serious mental illness. In particular, **inmates with serious mental illness need intensive cognitive interventions, such as Moral Reconation Therapy and Relapse Prevention; family involvement in case planning; and linkages to community-based resources upon release.**

Program Frequency and Duration

One of the critical challenges for the SMCSO, as with many local correctional facilities, is the need to offer programming that can meet the needs and challenges of longer term inmates while still offering programs of value to short-term inmates. As AB109 brings more longer-term inmates into the custody of the County's correctional facilities, this challenge will only increase. Currently, the SMCSO does not appear to offer sufficient long-term programs to meet this need, and should seek to **implement longer-term and multi-stage programs, including adding more modules to current curriculum-based programs.** Some of this need can be met through more longer-term vocational training and employability programming, which have the added benefit of better preparing inmates for successful reentry, but longer-term cognitive behavioral programming should be offered as well. This recommendation was echoed by comments of former inmates who have had the opportunity to participate in cognitive behavioral programming in other facilities.

In addition to offering more long-term programming to meet the needs of the growing AB109 population, the SMCSO should offer more **programs with greater frequency** to increase the utility of these programs for the still-large short-term inmate population. Currently, many programs are offered only once a week or once every two weeks, limiting the effectiveness of these programs for the many inmates who are in the jail for only a few weeks.

To meet the diverse programming needs of both long and short-term inmates, the Sheriff's Office should **design a series of structured curricula that incorporate a mix of reform, activity, and reintegration programming for inmates with varied lengths of stay.**

Program Array, Frequency, and Duration Action Items:

1. Increase Reintegration Programming, especially vocational and employability programs;
2. Increase Gender Responsive and Family Inclusive Programming, such as the MOMs program, the DADS program, and Family Inclusive Case Management; this programming should also include the addition or expansion of a variety of gender-specific domestic violence programming;
3. Offer more opportunities for physical activity, including outdoor recreation and group exercise classes;
4. Implement longer-term and multi-stage programs for long-term inmates;
5. Increase the number of cognitive behavioral programs available;



6. Offer programs multiple times per week to better address the needs of short-term inmates;
7. Design a series of structured curricula that incorporate a mix of reform, activity, and reintegration programming for inmates with varied lengths of stay.



Table 1: Jail Programming Gap Analysis Matrix: Reform and Reintegration Programs

Jail Programming Gap Analysis Matrix				
Reform Program	Recommended Program Length	Jail Housing		
		General	Transitional	CHOICES
<i>Substance Use and Mental Health Treatment</i>				
AA/NA/ALANON Groups	Any			
Aggression Replacement Training	0 - 3 months			
Relapse Prevention Therapy	Any			
Cognitive Behavioral Group Treatment	0 - 3 months			
Moral Reconation Therapy	3 - 6 months			
Forensic Assertive Community Treatment (FACT)	3 - 6 months			
Therapeutic Community	6+ months			
Dialectical Behavior Therapy	3 - 6 months			
Cognitive Behavioral Therapy	3 - 6 months			
Wellness Recovery and Action Plan	3 - 6 months			
<i>Educational & Vocational Programs</i>				
GED or ABE	3 - 6 months			
Post-Secondary Education Classes	3 - 6 months			
Inmate Employability Program	0 - 3 months			
Business Education Technology	0 - 3 months			
<i>Other Reform Programs</i>				
Life Skills	0 - 3 months			
Faith-Based Programs	Any			
<i>Gender Responsive Programs</i>				
Hope Inside	3 - 6 months			
Helping Women Recover	3 - 6 months			
Beyond Trauma	3 - 6 months			
Seeking Safety	Any			
<i>Domestic Violence Prevention Programs</i>				
Compassion Workshops	3 - 6 months			
Sheriff's Anti-Violence Effort (SAVE)	1 - 2 years			
Reintegration Program	Recommended Program Length	Jail Housing		
		General	Transitional	CHOICES
<i>Case Management</i>				
	Any			
<i>Programing for High-Risk Offenders</i>				
Co-Occurring State Incentive Grant Services (Pilot)	1 - 2 years			
Serious and Violent Offender Reentry Initiative (SVORI)	1 - 2 years			
Stages of Change	1 - 2 years			
<i>Family Reunification</i>				
Family-Inclusive Case Management	Any			
<i>Employment & Vocational</i>				
Vocational Training/Employment Training	Any			
Center for Employment Opportunities (CEO)				
<i>Gender-Responsive Treatment</i>				
Resolve to Stop the Violence Project (Men)	1 - 2 years			
More Opportunities for Mom (MOM)	2 months			
Dads Acquiring & Developing Skills (DADS)	Unknown			
<i>Substance Use & Mental Health Treatment</i>				
Strengths Based Case Management	Any			
Motivational Interviewing	Any			
Community Aftercare	Any			
<i>Faith-Based</i>				
Transcendental Meditation Program	Any			
InterChange Freedom Initiative Program	1-2 years			
<i>Domestic Violence Prevention</i>				
Safe Return	1 - 2 years			

Programs appear as both general approaches to programming and specific models that address issues such as substance and mental health treatment (Forensic Assertive Community Treatment) or gender responsive treatment



(Helping Women Recover). Specific program models that are evidence-based best practices appear bold in the matrix.

Recommended program length was determined through research of evidence-based best practices. Although program duration was not always available for programs offered in San Mateo County Adult Correctional Facilities, the best-fit equivalent was used in jail programming literature to provide an idea of how to modulate programs to fit the sentence length of inmates. Using a mix of all types of programs of different lengths will best suit a diverse inmate population.

“Jail Housing” indicates how different programs are offered based on the housing assignment of each inmate. The different housing assignments are General Population, Transitional, and CHOICES. Each box represents the presence of a program or evidence-based practice already being offered by San Mateo County Adult Correctional Facilities. The white areas, or “gaps”, in programming indicate opportunities to implement new programs that may best suit the needs of a diverse inmate population – increasing their chances for successful reentry.

Table 2: Jail Programming Gap Analysis Matrix: Activities

Jail Programming Gap Analysis Matrix		
Activities	Program Length	All Jail Housing Locations
Animal Care Programs	Continuous	
Board Games	Continuous	
Card Games	Continuous	
Creative Arts Programs	Continuous	
Exercise Class	Continuous	
Groups	Continuous	
Inmate Worker Program	Continuous	
Library Services	Continuous	
Recreational Sports	Continuous	
Religious Services*	Continuous	
Special Presentations and Videos	Continuous	
Tai Chi†	Continuous	
Team Sports	Continuous	
Vocabulary	Continuous	

*Religious services includes Bible Study and Spirituality Class & Group

†Tai Chi is only available in Women's Transitional Housing

Access to Existing Programs

Program Information and Location

As noted above, despite the gaps described in this report, the SMCSO currently offers an extensive array of programs and services to individuals in custody. Unfortunately, many of these programs appear to be underutilized because inmates receive limited information about program opportunities and because many programs are offered only in limited locations within the SMCSO's facilities. To address these gaps, the SMCSO should **develop a clear system for communicating programming opportunities to inmates** immediately upon their arrival in the facilities. The ROR Officer's role could be expanded to include providing each entering inmate with a full program schedule and description; information video or programs in the lounges prior to housing; program schedules could also be posted in each housing pod and correctional officers working in the pods should be fully briefed on inmate programs.

In addition, to address the gap in program availability related to program location, **more programs should be offered in more pods or the jail should develop systems to allow inmates to participate in programming in other pods, where feasible within security considerations.** Currently, general population inmates, especially male general population inmates, have limited access to reform and reintegration programming because the majority of this programming is offered only in CHOICES and Transitional housing pods. Current and former inmates underscored this issue, with several current and former inmates expressing frustration that if they did not participate in CHOICES, they had almost no opportunity to participate in any reform or rehabilitative programming. To increase program access to all inmates who are not restricted due to security concerns, the SMCSO should ensure that a blend of all types of programs – reform, activity, and reintegration – are offered in all housing pods. This should include integrating more reentry programming into the CHOICES pods, to balance CHOICES' current emphasis on reformative programs, as well as offering a full mix of reform, activity, and reintegration programming in non-CHOICES pods.

SMCSO should also **explore the possibility of creating a special needs pod organized specifically around programs and services for inmates with serious mental illness.** Doing so may offer two programming benefits: first, by housing inmates with serious mental illness in one unified special needs pod, the Sheriff's Office can ensure that these high-needs inmates have access to the intensive services and programming that they require. In addition, by separating inmates with serious mental illness from general population inmates, programs may have more time to focus on addressing the needs of the general population inmates and, consequently, to more effectively meet their needs.

Barriers to Program Access

The two other critical barriers to program access that former inmates noted were **language barriers and security classification barriers.** A Latina inmate who had participated in CHOICES pointed out that there are no Spanish-speaking CHOICES providers in the jail, limiting the usability of the program for the sizeable Latino inmate population. With the exception of the Project Read ESL component, this problem



extends beyond the CHOICES program to a variety of reintegration and reform programs, and results in a growing proportion of inmates not benefiting from existing jail programming.

In addition, several former inmates felt that their opportunities for self-improvement were limited by their security classifications, including barriers to their participation in the Alternative Sentencing Bureau (ASB) and contact visits with family. To address the gap created by security classification, the Sheriff's Office should revisit the relationship between security classification and program participation. In particular, the SMCSO should consider **establishing a process whereby inmates can apply to participate in programs that would otherwise be off limits due to security classifications**. Alameda County's Santa Rita Jail provides a good model for this, allowing inmates to apply for programs for which they are not automatically eligible. As part of this process, these inmates are required to sign a contract with the jail, explicitly stating their commitment to following all program and facility rules and acknowledging a zero-tolerance policy for infractions. Inmates who are given access to programs that would otherwise be outside their security classification immediately lose this privilege upon any infraction, and Santa Rita Jail programming staff reported no security or safety breaches related to this process. In addition, the Sheriff's Office should **continue expanding opportunities for inmates who have been convicted but not yet sentenced to participate in lower security custodial alternatives available to sentenced inmates**, including continuing to expand their access to the ASB and the Sheriff's Work Furlough. Continuing to increase the use of GPS tracking devices – which the Sheriff's Office has already begun doing – might allow more inmates to utilize these lower-security programs while enabling the Sheriff's Office to continue to provide the higher levels of supervision that these inmates may require.

Access to Existing Program Action Items:

1. Develop a system for communicating program information and availability to inmates; possible solutions include expanding ROR Officer's role to include providing this information, posting programming schedules in housing pods, ensuring officers are better educated about programming options;
2. Offer more programs in more locations, especially in general population housing pods, or allow inmates to attend programs in other pods;
3. Develop a program curriculum video to ensure inmate awareness of programming opportunities;
4. Explore the possibility of creating a special needs pod to house inmates with serious mental illness;
5. Provide Spanish-language programming, translation and providers;
6. Revisit the relationship between program participation and security classification and consider implementing processes for allowing inmates to participate in programs otherwise outside their security classification limitations;
7. Continue expanding opportunities for inmates who have been convicted but not yet sentenced to participate in lower security custodial alternatives available to sentenced inmates.



Summary and Conclusion

Despite the extensive scope of programs currently offered in San Mateo County's adult correctional facilities, RDA, the advisory Jail Programming Committee, and current and former inmates have identified a number of gaps related both to the actual programs offered, and to a variety of related processes that affect program implementation and effectiveness. Among the key gap areas identified are Assessment; Continuum of Care; Program Array, Frequency, and Duration; and Access to Existing Programs. In addition, there is one critical gap that spans all of these areas: the need for **ongoing rigorous evaluation of jail programs and related processes**. The SMCSO should strive to collect data on inmate program participation and outcomes in order to assess the effectiveness of its programming on both facility safety and successful inmate reentry. Doing so will allow the Sheriff's Office to make fully informed decisions about which programs to support and which to reconsider.

Finally, a last note on an issue raised by former inmates who participated in focus groups: many former inmates pointed out that the nature of their interactions with sworn and professional staff in the Sheriff's Office can have a critical impact on their success, regardless of the programs in which they participate. Several male former inmates spoke of strained relationships with correctional officers, some of who expressed doubt that the inmates would change as a result of program participation. By contrast, several female former inmates spoke of truly supportive correctional staff, who helped them believe that they could succeed. Much of this input, of course, is subjective; nonetheless, it is important to remember the importance of personal relationships and the ability of San Mateo County Sheriff's Office sworn staff and professionals to have a profound effect of the likelihood of subsequent offending. The Sheriff's Office should provide ongoing training to staff to ensure a common understanding of the continuum of care approach, and of the impact staff could have on inmates' success. This training will also help facilitate a consistent approach to supervising the inmate population and minimizing inmate idle time, both of which are critical for maintaining a safe facility.



Appendix C: Jail Based Services and Reentry Programming: Strategic Implementation Plan Presentation



Jail Based Services and Reentry Programming Strategic Implementation Plan

San Mateo County Sheriff's Office



January 14, 2013

Prepared by Resource Development Associates



Jail Based Services & Reentry Programming
Strategic Implementation Plan

Today's Objectives

1. Review project purpose and timeline of events to-date.
2. Review the *Strategic Implementation Plan (SIP)*.
3. Answer questions related to the *SIP*.
4. Review next steps.

January 14, 2013

Prepared by Resource Development Associates



Jail Based Services & Reentry Programming
Strategic Implementation Plan

Project Purpose

To develop an implementation plan for the improvement of existing programs and services provided to individuals in custody at San Mateo County Adult Correctional Facilities based upon approaches that are proven effective in reducing recidivism and enhancing public safety.

January 14, 2013

Prepared by Resource Development Associates



Jail Based Services & Reentry Programming
Strategic Implementation Plan

2012 Project Timeline

February

- Project Kickoff with Sheriff's Office and Board of Supervisors

May

- Completion of the literature review on jail programming evidence based practices
- Committee Half-Day Workshop

October – December

- Developed *Strategic Implementation Plan*

March

- Project Kickoff with Jail Programming Committees

June – August

- Jail Programming Committee & Subcommittee Meetings

September

- Finalized Jail Programming Gap Analysis

January 2013

- Finalize *Strategic Implementation Plan*

January 14, 2013

Prepared by Resource Development Associates



Jail Based Services & Reentry Programming
Strategic Implementation Plan

Jail Programming Evidenced Based Practices

1. **Reform** – Addresses needs common to the inmate population such as improving skills, attitudes, and behaviors that are associated with criminal behavior.
2. **Activity** – Activities keep inmates busy in between programs or during recreational time. Activities range from card games to caring for animals.
3. **Reintegration/Reentry** – Programs that help inmates transition out of jail and back into their communities.

January 14, 2013

Prepared by Resource Development Associates



Jail Based Services & Reentry Programming
Strategic Implementation Plan

Examples of Evidenced Based Practices and Programs

Reform	Activity	Reintegration/Reentry
Aggression Replacement Training	Animal Care Programs	Case Management
Cognitive Behavioral Therapy	Board Games/Card Games	Stages of Change
Business Education Technology	Creative Arts Programs	More Opportunities for Mom (MOM)
Faith-Based Programs	Library Services	Transcendental Meditation Program
Helping Women Recover	Recreational Sports	Safe Return

January 14, 2013

Prepared by Resource Development Associates



Jail Based Services & Reentry Programming
Strategic Implementation Plan

Gap Analysis

- Comprehensive service needs/risk assessment for all inmates in order to identify ideal curriculum of programs & services;
- Intake-to-release case management & transition planning;
- Linkages between inmates and post-release community service providers;
- Complete array of in custody programming in jail pods, modular program sessions, and communication plan about all available programs; and,
- Rigorous, ongoing program evaluation.

January 14, 2013

Prepared by Resource Development Associates



Jail Based Services & Reentry Programming
Strategic Implementation Plan

Strategic Implementation Plan (SIP) – Overview

The SIP outlines strategies for the implementation of a comprehensive system of programs and services to meet in custody service needs and prepare inmates for release.

Strategies include:

1. Intake
2. Service Needs/Risk Assessment
3. Case Management
4. In Custody Programming
5. Reentry and Transition Planning

January 14, 2013

Prepared by Resource Development Associates



Jail Based Services & Reentry Programming
Strategic Implementation Plan

Strategic Implementation Plan (SIP) – Strategies

Each of the strategies include an analysis of:

- **Background** on the current SMCSO jail procedure that will be affected by the proposed strategy;
- **The strategy** to improve or expand upon current programming;
- **The rationale** for implementing the strategy;
- **The operational implications** or impact of implementing the proposed strategy; and,
- **Potential funding opportunities** or costs associated with implementing the strategy.

January 14, 2013

Prepared by Resource Development Associates



Jail Based Services & Reentry Programming
Strategic Implementation Plan

Summary of Intake Strategies

1. Conduct mental health and medical screenings for all persons taken into custody.
2. Conduct risk/classification screening.
3. Place inmates in initial housing based on risk classification screening.

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Jail Based Services & Reentry Programming
Strategic Implementation Plan

Summary of Service Needs/Risk Assessment Strategies

1. Conduct service needs/risk assessment within seven (7) days after initial intake.
2. Deliver information on all available programming.
3. Place inmate in appropriate housing based on the combined results of classification security assessment and service needs/risk assessment.

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Prepared by Resource Development Associates



Jail Based Services & Reentry Programming
Strategic Implementation Plan

Summary of Case Management Strategies

1. Interested inmates are assigned case managers.
2. Develop individualized case plans.
3. Conduct regular follow-up meetings to track progress in programming.

January 14, 2013

Prepared by Resource Development Associates

SHERIFF'S OFFICE Jail Based Services & Reentry Programming
Strategic Implementation Plan

Summary of In-Custody Programming Strategies

1. Develop a series of program schedules and/or curricula to ensure each pod offers a mix of reform, activity, and reentry-based programming to meet inmate needs.
2. Incentivize program participation.
3. Establish a process whereby inmates can apply to participate in programming that would otherwise be inaccessible due to security or other classification-based limitations.

January 14, 2013 Prepared by Resource Development Associates

SHERIFF'S OFFICE Jail Based Services & Reentry Programming
Strategic Implementation Plan

Summary of Reentry & Transition Planning Strategies

1. Assess inmates for post-release service needs.
2. Assess and support inmates for post-release financial obligations.
3. Assess inmates for entitlement eligibility.
4. Link inmates to community-based services.

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SHERIFF'S OFFICE Jail Based Services & Reentry Programming
Strategic Implementation Plan

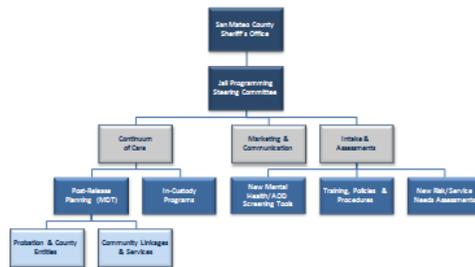
Funding Opportunities

- Sheriff / County Funding Options
 - California State AB109 funds
 - Inmate Welfare Fund
- Federal Grant Programs
 - Office of Justice Programs, Bureau of Justice Assistance (BJA) – Second Chance Grant program
 - Substance Abuse Mental Health Services Administration (SAMHSA) – Offender Reentry Program
- Robert Wood Johnson Foundation (RWJF)
- Other local, state, and federal grant options or donations

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SHERIFF'S OFFICE Jail Based Services & Reentry Programming
Strategic Implementation Plan

Implementation Timeline – Committees & Workgroups



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SHERIFF'S OFFICE Jail Based Services & Reentry Programming
Strategic Implementation Plan

Implementation Timeline

*Please refer to the
Implementation Timeline
handout*

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SHERIFF'S OFFICE Jail Based Services & Reentry Programming
Strategic Implementation Plan

Implementation Strategies – Process Flow Map

Please refer to the Process Flow Map handout



January 14, 2013 Prepared by Resource Development Associates

Question & Answer



Next Steps

- Sheriff's Office will review plan, establish Steering and Oversight Committees, solicit expertise from:
 - Subcommittee members
 - Subject matter experts
 - Others3-6 mos
- Oversight Committees will recruit for Work Groups 6-12 mos
- Ongoing Committee and Work Group meetings; begin implementation 9-15 mos

Thank you!

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Appendix D: Subcommittee Recommendations

Case Management / Overarching System Navigation (1)

Sub-committee Meeting #1

Date: June 7, 2012

Next Meeting : **August 2, 2012 @ 11 AM**

Notes on our first meeting: Present Sgt. Marti Overton, Deputy Julie Costa, Mary McMillan, Greg Burge, Diane Prosser, Alba Rosales, and Deb Keller

Objective:

To provide recommendations that will improve programming and service support systems and reduce the cycles of recidivism

- Identify existing gaps in current programming; is there a blend of reform, reentry/re-integrative and activities that effectively meet the needs of the population?

We explained many of the programs. We identified a gap in education, sex offender programs, parenting classes, and need for more evidence-based programming. Mary discussed the importance of evidence based programming so we could measure outcomes. She explained that funding was tied to having these kinds of programs. She discussed the need for shared information and technology to do so.

- Are there gaps in existing service?

We reviewed the intake process and discussed how staff " triage" those in whom we are investing our resources. We identified a gap as it pertains to inmates that do not hear about our programs when they first come into the jail. We discussed video introduction to programs so inmates could listen to a continual loop of information about all programs after they are housed in various locations in the jail. We discussed Classifications role and why some inmates could not qualify for certain programs. Marti said she is working on moving pretrial inmates to minimum security quicker.

We discussed using a risk assessment tool and where it could be administered. The recommendation was that ROR's role be expanded to brief inmates on programs and to administer the assessment for needs since they work with the inmate early on in the process.

- Determine how those gaps can be closed with new or improved programs

Use existing resources. Alba will give a short presentation on cognitive behavioral classes being offered in Probation and what evidence based programming means. There is a potential to teach these classes in the jail.

We considered the following performance measures:

- Substance abuse treatment services received



- Employment services received
- Housing assistance received
- Family intervention and parent training received
- Health and mental health services received

Key questions to consider:

- Are we equipping inmates with what they need to succeed once they are released?
- Are the programs we currently have in place effectively delivering what they promised?
- How can we better equip our inmates to succeed? Here are some options to consider:
 - Financial literacy
 - Interpersonal skills
 - Technology skills
 - Other basic skills for non-professional jobs
- Are programs effective, but inmates are unaware of them?



Case Management / Overarching System Navigation (2)

Subcommittee Meeting #2

Date: 8-16-12

Ground rules:

- There are no bad ideas
- Be curious; ask questions
- Engage with your committee
- Problem solve; figure out what's missing

Objective:

To provide recommendations that will improve programming and service support systems and reduce the cycles of recidivism

- Recommend programs that conform to best practice functionalities to fill gaps in service your group previously identified
 - Program recommendations can include:
 - Improvements to existing programs in SMC Jail
 - Expansion of existing programs to accommodate increased number of inmates
 - Programs that have resulted in successful & measureable outcomes elsewhere
 - Innovative ideas for programs

Key questions to consider:

- Are we equipping inmates with what they need to succeed once they are released?
- Are the programs we currently have in place effectively delivering what they promised?
 - What can we do to improve them?
- How can we better equip our inmates to succeed? Here are some options to consider:
 - Case management
 - Continuum of services (wrap-around)
 - Linkages to service agencies upon release
 - Interview training / resume writing
 - Introduction to online job boards



Our recommendations are:

<u>Program Recommendation</u>	<u>Gap it fills</u>	<u>Best Practice Function:</u> Reform, Reentry/Reintegration, Activity
College Credit Courses/Free Distance Learning using TV	Education	Reform
English as a second language	Education	Reform
Video Production with taped classes	Education	Reentry/Reintegration
Computer Programming Course	Technology	Reentry/Reintegration
Sports and team building	Activities	Activity
Interviewing skills	Reentry	Reentry/Reintegration
Video introduction to Programs		
Expansion of WF to include volunteer farming i.e volunteer taking care of animals rather than only paid positions	Reentry	Reentry/Reintegration



Health / Behavioral Health, Treatment and Recovery Services (1)

Jail Programming Subcommittee
Health/Mental Health/Chemical Dependency
June 20, 2012, Meeting #1

GAPS in the current system:

Focus on high risk, not low risk offenders, they have the highest rates of recidivism. All inmates will eventually be released back to the community so all inmates, particularly those at high risk, should receive the most services.

Needs Assessment:

Have an assessment center in the jail

- Inmates stay up to 90 days
- Everyone gets screened including pre-trial
- Use screening tools (ASI, Beck, Health Screen) and systems (Avatar, HAS, Daisy) to gather information; evaluate further in areas indicated by screening tools
- Begin developing a transition/discharge plan based on identified needs
- Determine what in-custody programs they will attend based on need and to best prepare them for what ongoing services and supports they may need in the community

Diversion:

1. Get low risk inmates out of custody as soon as possible
2. Use of ankle bracelets and house arrest
3. Divert individuals with serious mental illness and minor charges out of custody and in to treatment
4. Use transitional beds in the community instead of an in-custody transitional facility
5. Provide incentive programs that give back to the community as a form of restitution
 - a. Maintenance of gardens that provide food to food banks
 - b. Clearing grass and shrubbery from around homes in high risk fire areas
 - c. Habitat for humanity

Treatment of Individuals with Serious Mental Illness:

1. Develop a special needs pod
2. Use cognitive-behavioral interventions to target symptoms
3. Involve families in the treatment planning and discharge process
4. Connect individuals with treatment and community resources



Wellness:

- Classes to discuss achieving and maintaining good health
- Education about diabetes and hypertension
- Nutrition education

Gang Prevention:

- Criminals and Gang members anonymous
- Circulo de Hombres

Transition Center:

- 1) Inmates are placed in the facility 60 days prior to release
- 2) Connected to services based on needs assessment; "in-reach" to the facility by community providers
- 3) Develop plans for: housing, employment, food, medical/mental health follow-up, complete applications for benefits
- 4) Develop a specific plan; what will the person do the 1st day they're released, first week, first month
- 5) Involve family in discharge planning including family mediation as needed; contact visits and use of Skype
- 6) Coordinate release so not at midnight
- 7) Model should be a combination of Service Connect and Achieve 180 to cover initial evaluation & connection to services and long term follow-up in the community
- 8) Teach financial/money education
- 9) Evaluate for narcotic replacement medications (suboxone, naltrexone, baclofen)

In-Custody Treatment Recommendations:

1. Gender Responsive
 - a. Seeking Safety
2. Cognitive Behavioral
 - a. Criminal Conduct & Substance Abuse
 - b. Moral Reconciliation Therapy
 - c. Relapse Prevention
 - d. Thinking for a change
3. Therapeutic Community
4. Domestic Violence
 - a. Men overcoming violence



Health / Behavioral Health, Treatment and Recovery Services (2)

Subcommittee Name: Health/Mental Health/Chemical Dependency Date: September 20, 2012

Ground rules:

1. There are no bad ideas
2. Be curious; ask questions
3. Engage with your committee
4. Problem solve; figure out what's missing

Objective:

To provide recommendations that will improve programming and service support systems and reduce the cycles of recidivism

- Recommend programs that conform to best practice functionalities to fill gaps in service your group previously identified
 - Program recommendations can include:
 - Improvements to existing programs in SMC Jail
 - Expansion of existing programs to accommodate increased number of inmates
 - Programs that have resulted in successful & measureable outcomes elsewhere
 - Innovative ideas for programs

Key questions to consider:

1. Are we equipping inmates with what they need to succeed once they are released?
2. Are the programs we currently have in place effectively delivering what they promised?
 1. What can we do to improve them?
3. How can we better equip our inmates to succeed? Here are some options to consider:
 1. Case management
 2. Continuum of services (wrap-around)
 3. Linkages to service agencies upon release
 4. Interview training / resume writing
 5. Introduction to online job boards



Our recommendations are:

Program Recommendation	<u>Gap it fills</u>	<u>Best Practice Function:</u> Reform, Reentry/Reintegration, Activity
Assessment tools: CAIS	Needs assessment for pretrial (quick CAIS) and sentenced (full CAIS)	Reentry/Reintegration
Special Needs Pod for inmates with serious mental illnesses	Illness Management of in-custody mentally ill inmates	Reform
Medication, education regarding side effects and illness, symptom management, groups & activities to reduce isolation	Treatment of in-custody mentally ill inmates	Reform
Illness Management and Recovery SAMHSA toolkit	Illness Management of in-custody mentally ill inmates	Reform
Triage and case management of the frequently incarcerated with histories of brief incarcerations	Triage, referral to services and case management services to reduce rate of incarceration	Reentry/Reintegration
Mental Health Diversion	Gets inmates with mental illnesses out of custody and into community treatment	Reentry/Reintegration
Develop an incentive program through maintenance of gardens, clearing around homes during fire season & participation in habitat for humanity	Inmates engagement in pro-social activities as a form of community restitution	Reentry/Reintegration
Education about health & nutrition, diabetes, hypertension, etc.	Improvement of inmates health status	Reform
Vivitrol	Treatment of inmates with alcoholism	Reform
Narcotic replacement medications (suboxone, baclofen)	Pharmacological treatment of inmates with substance abuse/dependence disorders	Reform
Transition Center: placement 60 days prior to release, assessment,	Planning for release and return to	Reentry/Reintegration



Jail Based Services and Reentry Programming Strategic Implementation Plan
San Mateo County Sheriff's Office

plan development, connection to services in the community	the community	
Seeking Safety for men & women	Gender responsive programming	Reform
Cognitive Behavioral: criminal conduct & substance abuse, moral reconation, relapse prevention & thinking for a change	Addresses cognitions that maintain behaviors resulting in incarceration	Reform
Expand Choices Program	Therapeutic community with intensive discharge planning and case management components	Reform and Reentry/Reintegration
Men overcoming violence	Addresses behaviors and cognitions associated with domestic violence	Reform
Day reporting and assessment center	Need for comprehensive needs assessment and transition into the community, community support & connection to resources	Reentry/Reintegration
Trauma training for criminal justice professionals	Raises awareness about trauma and its effects among criminal justice professionals & helps them develop trauma informed responses	Reform
Criminals and gang members anonymous	Address cognitions and behaviors that sustain involvement in gangs	Reform
Circulo de Hombres	Provides positive role models for Hispanic males which offers them alternatives to gang affiliation	Reform
Transitional beds in the community	Facilitates treatment for inmates with low level offenses	Reentry/Reintegration
Forensic Intensive Case Management	Inmates are provided intensive services in the community	Reentry/Reintegration
Behavioral plan for transition out of administrative segregation	Permitting all inmates the opportunity to participate in reformative programming	Reform and Reentry/Reintegration
Case Management	Triage and case manage frequently incarcerated with histories of brief incarcerations	Reentry/Reintegration



Additional notes:

- Focus on community corrections and develop a system of community resources which build on in-custody gains to reduce recidivism
- Increase use of ankle bracelets and house arrest to release low risk inmates out of custody
- Case planning with families should be client directed
- Release inmates in the morning so case managers can transport them to treatment and housing immediately upon release
- Discharge planning should be face-to-face to build trust and relationships to improve adherence to transition plan developed in-custody
- Outcomes and program evaluation should focus on community programs since it's supports in the community that ultimately reduce recidivism



Health / Behavioral Health, Treatment and Recovery Services (3)

Subcommittee Work Group: Health/Mental Health/Chemical Dependency Program and Treatment Recommendations November 2012

Thank you for the opportunity to provide recommendations regarding health, mental health and chemical dependency treatment of people involved in the criminal justice system. With 35% of the San Mateo adult jail inmates having an identified mental illness, and the majority of inmates having substance use disorders, this is a very important issue for the County to address. If we can expand the treatment and support alternatives for these individuals, studies and our own data show that we can reduce crime, reduce arrests, reduce days spent in jail, and improve the lives of the mentally ill and their families, a win for all involved.

The committee made many recommendations but those discussed below are a priority, listed in chronological order, and address the most urgent needs of inmates with mental illness and chemical dependency diagnoses.

Recommendation 1. Assess each inmate using the CAIS tool and link inmates to programming based on the CAIS results

Programming for individuals in-custody should emphasize stability and safety in the facility. In addition to a screening and assessment for mental health and substance use disorders completed by a licensed mental health professional, a Correctional Assessment and Intervention System (CAIS) evaluation should be provided to all sentenced inmates, and the "quick CAIS" should be provided to all individuals in pre-trial status. The CAIS is an assessment tool which produces an individualized case plan which determines risk, identifies needs and provides recommendations for evidence-based programs and services. Once their needs are identified individuals would be connected to programs and services to address those needs while in custody.

Recommendation 2. Provide programming that addresses prevalent issues in the jail population: recovery from trauma, prevention and recovery from domestic violence, disassociation from gangs and criminogenic thinking

The four most prevalent issues among the jail population are that they have experienced significant trauma (physical and/or psychological) from events in their lives; they have participated in or been a victim of domestic violence; they have strong gang associations that lead them to criminal activity; and/or they have criminogenic thinking. Criminogenic thinking is antisocial values, beliefs and cognitive emotional states that have a direct link to offending.



Each of these issues can be addressed successfully using cognitive behavioral programs that focus on changing individuals' maladaptive thinking in order to prevent relapses and improve affect and behaviors such as criminal conduct and substance use. Thinking for a Change (T4C) and Moral Reconciliation programs are examples of well established and recommended evidence based programs. In a study of more than 1,000 people 20 years post-release, Moral Reconciliation participants had 20% lower rates of reincarceration than the control group as well as lower rates of re-arrest and higher rates of clean records. (Little et al, 2010 <http://www.moral-reconciliation-therapy.com/20-yearrecidivis.html>) Thinking for a Change was developed by the National Institute of Corrections and has been shown to significantly reduce recidivism (28% versus 42% for a control group) (<http://www.crimesolutions.gov/ProgramDetails.aspx?ID=242>).

There are many others: Seeking Safety is a treatment for clients with a history of trauma and substance abuse and teaches coping strategies to these individuals. Studies reviewed by SAMHSA's National Registry of Evidence-based Programs & Practices (NREPP) showed improvement on measures assessing trauma related symptoms. It is currently provided in the Choices program in the women's jail and should be expanded to include male inmates. Men Overcoming Violence is recommended for those involved in domestic violence and addresses behaviors and cognitions associated with family violence. Criminals and Gang Members Anonymous and Circulo de Hombres examines the thinking and social support that promotes participation and membership in gangs. The groups identify distortions in cognition and examine the personal and social costs to the individuals participating in gangs. Facilitators serve as role models who discuss and demonstrate other, pro-social options for support and affiliation in their lives and the community.

We recommend that programming in each of these areas be provided to meet the needs of all of the inmates.

Recommendation 3. Restore the CHOICES program for inmates with substance use issues

The Choices program, is a therapeutic community and currently resides in the Maguire and Women's jails. Therapeutic communities (TC) are highly structured residential programs where participants are involved in all aspects of TC operations including administration and program maintenance. Within this modality, the participant's crime and drug abuse is viewed as a problem rooted in the person, not just the drug abusing behavior. At their core, TC programs use the community as the primary therapeutic tool to achieve cognitive growth, behavioral change, and the development of pro-social attitudes. The lowest rates of recidivism occur in inmates who complete in-custody TC treatment and community-based aftercare. The reincarceration rate for this group is 25% compared to 65% for TC graduates who drop out of aftercare ("Therapeutic Communities in Prison" by Brent Canode). Unfortunately, the SO closed down ½ of Choices in the mens jail in June 2012 to house ninety-six inmates requiring special housing who were previously located in "Old Maguire" in the dorms. This was the result of re-configuring housing units in the jail in anticipation of State prisoners, released back into the community, re-offending. We recommend restoring CHOICES to its original size and potentially even expanding it in the additional jail to provide treatment to the vast majority of inmates with chemical use and

dependency disorders. The addition of Choices staff would allow for robust and coordinated discharge planning and case management services to assist in transition to community treatment. Therapeutic community treatment combined with intensive discharge planning and case management has been shown to provide the greatest reduction in recidivism.

Recommendation 4. Create a special needs pod in the additional jail for seriously mentally ill inmates

A priority recommendation by the committee is a special needs pod for inmates with serious mental illness. It would provide a safe and structured program of education, engagement and incentives allowing individuals to earn their way through successive levels of the program. Each level would result in more time out of their cells, access to program components and greater rewards, resulting in decreased isolation and psychiatric symptoms. Metzner & Fellner reported in the Journal of the American Academy of Psychiatry and the Law that individuals in isolation with serious mental illness suffer exacerbations of their symptoms (psychosis, anxiety, depression) which provoke recurrence.

A special needs pod is particularly important because without one, mentally ill inmates are deemed to be a risk to the safety of SO personnel and are placed in administrative segregation. An inmate in administrative segregation is only allowed out of his cell one hour a day all by himself, and cannot participate in programming, a huge detriment to mentally ill inmates. Moreover, inmates with mental illnesses who harm themselves are deprived of their clothing and get only a safety blanket to cover themselves, and can have no items in their cells. The isolation, the lack of any activities, and the deprivation of items leads many mentally ill inmates to decompensate, requiring crisis care or psychiatric hospitalization. Also, suicides occur disproportionately more often in segregation units than elsewhere in jails and prisons.

Special needs pods in jails have been found to improve the functioning and medication compliance of inmates who suffer from serious mental illnesses. This results in fewer behavioral problems and reductions of the number of individuals on suicide watch. The curriculum would include use of the evidence based Illness Management and Recovery Substance Abuse and Mental Health Services Administration (SAMHSA) toolkit which addresses identifying and increasing awareness of symptoms and symptom management. Education regarding mental illness, medication and side effects would be an integral part of the program to encourage and maintain treatment compliance and stability in the facility and thereafter.

Recommendation 5. Connect all inmates to a transition program at least 60 days prior to release

While time spent in jail can begin the process of recovery for an inmate, true recovery – and true relapse – occurs only in the community. The Vera Institute of Justice found from their study following formerly incarcerated individuals for 30 days post release that those who were quickly linked to key community supports including employment, substance abuse treatment, family reunification, etc., were more likely to make a successful transition to the community. The Urban Institute in their publication “From Prison to Home” calls this the “moment of release” and describes how typically individuals are not prepared nor have plans in place leading to high rates of recidivism. Robust supports in the community, along with the creation of a clear plan and clear connections to support, are what make the difference.



Providing an intensive needs assessment 60 days prior to release, developing a plan and working with a treatment provider before release is key, in addition to treatment beds and drop in centers in the community.

It's recommended that transition to the community begin with placement in a transition center 60 days prior to release. Inmates would receive an intensive needs assessment, a plan would be developed for their transition, and they would be connected to services and supports to ensure their success in the community. These services would be provided, in face-to-face meetings, with community providers who would develop relationships with inmates while in custody, provide continuity and assistance in executing their plan once released. The transition center should be designed so that providers can visit inmates easily without compromising jail security.

Further, transitional beds in the community are necessary to provide stability, an environment that supports clean and sober living and treatment compliance, and the necessary supports and structure for individuals to execute their long term plans for treatment, housing, education and employment, building social supports and re-establishing family relationships. A day reporting and assessment center in the community is necessary for individuals who may have a transient living situation or lack supports, and are in need of computer access, food vouchers, assistance with linkage to services, or encouragement and advice to maintain pro-social behaviors and remain out of custody.

Individuals with frequent contact with the criminal justice system could be referred to forensic intensive case management services (a specialized Full Service Partnership) which would provide intensive supervision and case management to keep people engaged in treatment and in the community. The evidence base for these intensive community programs has shown they can significantly reduce arrests, homelessness and hospitalization for enrollees. Services would address individuals need for housing, referrals to treatment, transportation and case management with frequent contact to provide support and assistance in removing roadblocks in access to care and support services.

Recommendation 6. Keep low level offenders, especially those with significant mental illness, out of jail and in intensive community programming so they can connect with services they need to stabilize their lives

The Correctional Health mental health caseload is approximately 320, 35% of the jail population at any time. Only 35% of this group has been known previously to the Behavioral Health and Recovery Services system. Unfortunately, it is frequently when someone is incarcerated that their mental health and chemical dependency needs are first identified. In order to keep low level offenders with significant mental illness out of jail, we need to adopt strategies that will be effective with people who have never been engaged in treatment, as well as those who are well known to us. Many strategies that would be effective and supported by all partners were outlined in a memo produced earlier this year through a collaborative work group comprised of health and criminal justice representatives including the Sheriff's Office (attached). The work group's recommendations included expanding crisis intervention training;



expanding SMART; establishing a crisis residential program; expanding Full Service Partnerships which provide wrap around services and intensive support to help maintain individuals stability in the community, reducing recidivism; and establishing a joint structure for collaborative review of anyone admitted to the jail for consideration of alternate dispositions.

San Mateo County has a successful diversion program for DUI offenses which could serve as a model for other offenses and especially for people with mental illness and substance abuse issues. Individuals charged with low risk crimes would be identified and diverted out of the criminal justice system and into treatment. In fact all low risk offenders should be diverted from incarceration whenever possible, the Centre for Criminal Justice Studies' research found that recidivism rates actually increase among low risk offenders who are incarcerated. High-risk offenders require intensive interventions while low-risk offenders benefit most from low intensity interventions or no intervention at all.

Reducing the number of individuals with serious mental illness who are incarcerated could be accomplished through expansion of Pathways Mental Health Court and use of ankle bracelets and house arrest in lieu of incarceration.

We hope this paper is of use to you in considering the important treatment and policy issues facing the County.

Attachments:

- Collaborative Review Concept Update to Sheriff da11292012.doc (attached in e-mail)
- SMCSO Subcommittee – Gaps & Program Recommendations Final.doc (attached in e-mail)



Health / Behavioral Health, Treatment and Recovery Services (4)

**Fine-tuning SMC Alternatives to Incarceration for People with
Mental Illness and/or Substance Use Problems:
Consensus Recommendations for Strategies
3/19/2012**

The following recommendations were developed out of 5 meetings held between April 2011 and March 2012 among leadership and representatives of the Health System/Behavioral Health and Recovery Services, Police Chiefs and Sheriff's Association, District Attorney, Private Defender, Probation, and Sheriff and reviewed by San Mateo County affiliate of the National Alliance on Mental Illness (NAMI-SMC). The leadership from these organizations recommends each of these strategies for consideration in the event resources become available to fine-tune and enhance our combined efforts to prevent incarceration of people with mental illness and/or substance use problems.

Avoid arrests, jail and hospital admissions by providing training, information, and alternatives for police officers dealing with mentally ill or substance-using individuals.

1) Expand Crisis Intervention Training and follow-up: Together the Sheriff, the Health System's Behavioral Health and Recovery Services (BHRS) and NAMI-SMC have sponsored two 40 hour Crisis Intervention Trainings per year for law enforcement and other first responders to give them the knowledge and skills they need to de-escalate situations involving people with mental health issues. Approximately 300 or about 1/3rd of local law enforcement officers are CIT-trained. Given attrition, this is a small percentage of the countywide number of officers. Moreover, we do not have the capacity yet to review situations where there were poor outcomes of interactions to determine how to improve the training. We do not have capacity to provide consultation to officers in the field who struggle to find solutions for particular cases, nor to link those officers to the Field Crisis Consultation forum when appropriate. The Field Crisis Consultation forum facilitated by BHRS brings representatives of Behavioral Health, Police, Sheriff, DA, Probation, Aging and others together monthly to develop joint strategies for problem-solving particular cases. However, our ability to outreach about the Field Crisis Consultation and make it available to officers who may have actual cases to bring and follow-up is now limited. Crisis Intervention Training is a proven



effective strategy to successfully engage and divert mentally ill individuals in the community and avoid unnecessary incarceration. Expanding the capacity, providing post event debriefing, and better linking the CIT to follow-up consultation and resources will serve more individuals and provide more effective solutions.

Recommendation: Dedicate a law enforcement professional to be paired with a BHRS clinician to provide consultation and follow-up for law enforcement officers before and after situations, linkage to the Field Crisis Consultation meeting and other resources for assistance, and to continuously improve the Crisis Intervention Training. Increase the number of local law enforcement officers who receive training through the addition of several eight hour introductory classes a year. Support statewide efforts to introduce similar crisis intervention training in the training academies.

Recommendation: Implement a voluntary identification card and broader consent system for clients of BHRS that contains provider and other information that would help law enforcement assist clients experiencing mental health problems in the field.

2) Expand and improve SMART: The Health System contracts with AMR to provide specially trained paramedics to assist police in responding to people experiencing psychiatric crises to assist in de-escalating such situations and diverting people from arrest by attempting to connect them to appropriate care. The SMART paramedic can provide psychiatric evaluation as well as medical clearance that would otherwise require a trip to the emergency room. Due to budget reductions, this service has been cut in half. In 2010, there were 1308 emergencies indicated for SMART response, and SMART was able to respond to only 50% of them.

Recommendation: Make the SMART paramedic team consistently available when law enforcement calls for assistance so officers can avoid arresting people with mental illness where possible. Also, connect SMART paramedics to the BHRS electronic health record to give them immediate access to mental health information that would support SMART's ability to triage cases. Develop mechanism for SMART to refer to an ongoing outreach team to follow-up as appropriate.

Avoid protracted jail stays by providing information and alternatives to the DA, PD, Probation and Courts who must make quick decisions regarding disposition of cases.

3) Establish a structure for the collaborative review of mentally ill and developmentally disabled individuals for alternate dispositions: People are sometimes first identified as having a mental illness when they get into jail. There are some cases where disposition would be different and public safety would be preserved, if information about the client's community treatment providers, support system and service plan had been available to the court upon client consent. In the worst situations, individuals are held for months while their competence to stand trial is determined, even when they are charged with minor crimes. In addition, sometimes people with developmental disabilities get caught up in the criminal justice system. Currently, there is no organized system for reviewing their cases and providing information to the DA, PD, Probation, Sheriff and Courts before decisions have to be made to see if a more cost-effective and/or humane response is warranted. Many individuals with mental illness languish in jail, using up precious jail resources, when a quick disposition could have been made if someone were charged with reviewing the inmates' status and providing information as appropriate to the DA, PD, Sheriff, Probation and Court.

Recommendation: Have a BHRS staff member review every individual identified by Correctional Health, Sheriff, District Attorney, Probation, Private Defender, or Court with significant mental illness for information about the person's community treatment providers, plan and social supports and suggestions for an immediate alternate disposition. Obtain consent routinely so information could be shared. Identify the most appropriate, streamlined process for providing this information in time for the first or second Court calendar. Similarly, partner with Golden Gate Regional Center to initiate a review process for all individuals identified with developmental disabilities.

4) Expand the number of people served through Pathways Mental Health Court and Drug Court.

Recommendation: Refer idea to a small group of Pathways partners (Court, DA, PD, Sheriff, Probation, BHRS) to evaluate whether it would be possible to increase the number of clients without altering the diagnostic criteria for Pathways (Axis I). That group would evaluate the possibility of offering pretrial/deferred judgment, and/or charges dismissed upon successful completion. Similarly, ask the Drug Court partners to evaluate whether expansion is feasible there. Explore whether it would help the Court to consolidate some of the special courts serving similar populations.

Implement community based solutions that will reduce criminal justice involvement of mentally ill or substance using individuals.

5) Expand Full Service Partnerships: BHRS has reduced incarceration by 96% and homelessness by 88% for 305 adults with serious mental illness and co-occurring disorders through evidence based Full Service Partnerships operated by Telecare, Caminar, Mateo Lodge and Edgewood. Similar programs have achieved the same results statewide. The partnerships provide whatever support is necessary, including mental health services, case management, medications, housing and other around-the-clock support, to keep mental health and co-occurring clients stable and functioning in the community. The outcomes have been very positive locally and statewide. There are many more clients who would benefit from these programs, but space is limited due to lack of funding, and available funding is limited to people with mental illness.

Recommendation: Add slots in Full Service Partnerships for seriously mentally ill and co-occurring adults who are being discharged from Correctional Health in jail or at risk of going to jail. Dedicate some of these slots to direct access from Psychiatric Emergency Services and San Mateo Medical Center and to law enforcement through # 1 above CIT and follow-up, #2 SMART, #3 Collaborative Review and #8 below Responding to Families.

6) Expand First Chance Model: First Chance, operated by StarVista, is a program where police can drop off people who are arrested for DUI or inebriation 24 hours a day, 7 days a week in lieu of taking them to jail. There is no similar place for police to use for people with urgent and symptomatic mental health problems except the jail or Psychiatric Emergency at SMMC.

Recommendation: Establish a short term crisis residential program as an alternative to incarceration and/or hospitalization for men and women with a serious mental illness.

7) Increase residential detoxification capacity for individuals that need longer stabilization than First Chance and that are candidates for substance use treatment.

Recommendation: Add residential detoxification beds.

8) Respond Earlier to Families in Crisis: Avoid arrests and jail admissions by providing earlier intervention for families and others who are trying to identify assistance for someone experiencing deterioration of their mental health that may result in crisis and legal system involvement.

Recommendation: Create a more structured response for families/others to petition the Behavioral Health Director for immediate, in the field evaluation (W & I Code 5201 and 5202) of their family member with information about that person's risk to self/community, history of hospitalization, criminal justice interactions, rejection of past treatment/other history. Connect a family member liaison to the concerned family to sustain communication and follow-up on their concerns.

Assign these cases for prompt outreach, psychiatric evaluation, and treatment planning including if appropriate

--planned residential or hospital admission,

--medication support

--5150 (danger to self/others/unable to care for self) evaluation

-- involuntary evaluations under little used W & I Code 5201 and 5202

--conservatorship/temporary conservatorship evaluation,

--Riese hearing (involuntary medication),

--petition of SSI for involuntary Rep-Payee,

--engagement by full service partnership

Recommendation: Strengthen the LPS involuntary detention process to ensure the court has all relevant information on every case reviewed for probable cause 14 day holds, temporary conservatorship, and conservatorship, so that no case is set-aside due to insufficient information from people who have the most familiarity with the case. Include county counsel consultation, second opinion for the court, and letter of concern from the Behavioral Health Director to the court when appropriate.



Participants in the planning meetings convened by Health included:

District Attorney: Steve Wagstaffe

Health System: Chris Coppola, Judy Davila, Crispin Delgado, Jean Fraser, Stephen Kaplan, Carlos Morales Louise Rogers, Terry Wilcox-Rittgers

Police Chiefs and Sheriff's Assoc: Don Mattei and Neal Telford

Private Defender: Myra Weiher

Probation: Christine Villanis

Sheriff: Jim Coffman, Mark Hanlon, Mark Wyss

StarVista: Michael Garb



Vocational Training / Jobs, Career, Work Furlough Program (1)

Subcommittee Name: **Vocational Training –Jobs, career, WFP**

Date: July 05, 2012

Ground rules:

1. There are no bad ideas
2. Be curious; ask questions
3. Engage with your committee
4. Problem solve; figure out what's missing

Objective:

To provide recommendations that will improve programming and service support systems and reduce the cycles of recidivism

- Identify existing gaps in current programming; is there a blend of reform, reentry/re-integrative and activities that effectively meet the needs of the population?
- Are there gaps in existing service
- Determine how those gaps can be closed with new or improved programs

Key questions to consider:

5. Are we equipping inmates with what they need to succeed once they are released?
6. Are the programs we currently have in place effectively delivering what they promised?
7. How can we better equip our inmates to succeed? Here are some options to consider:
 1. Financial literacy
 2. Interpersonal skills
 3. Technology skills
 4. Other basic skills for non-professional jobs
8. Are programs effective, but inmates are unaware of them?

Our recommendations are:

<u>Identified Gap</u>	<u>Recommendation (Program/Supportive Service)</u>
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(1) Career choices in re-entry programming -

Use Job Train-Student Conservation Alliance model in a collaborative effort with both the public and private sectors to provide internships utilizing existing programs, grants and alliances to provide realistic career choices for re-entry.



Contact Student conservation alliance for information on their current internship program -
Contact Human Resources for requirements on seasonal parks employment - Contact Bay Area Gardeners Association for information - Contact Off Highway Program regarding a funding grant.

Model for reentry program

Custody to re-entry program (parks training) - Internship (Seasonal parks Internship) = Jobs within the existing business community = Landscaping/Arborists

Utilizing SMCO Parks - Department of Public Works - CalTrans

Seasonal Parks Training

Gardening - Landscaping - Arborist

Janitorial Services

Small engine repair

Off Highway program (fences, retaining wall repairs, fuel reduction)

2) Enhance existing career instruction within the correctional facilities. Utilize closed circuit television within the facility to broadcast instructional classes



Vocational Training / Jobs, Career, Work Furlough Program (2)

Program Review Subcommittee Minutes - August 03, 2012 @ 10:00 AM

Maple Street Complex Facilities at 1590 Maple Street, Redwood City, Ca

Attendance (noted by sign in sheet):

Deborah Picar - Job Train, Matthew DelCarlo - SMC Parks, Peter Ullman - Job Search Instructor, Doug Koenig - DPW Facilitator, John Joy - SMC Works, Carmen O'Keefe - SMC Human Services Agency/Vocational Rehabilitation Services (VRS), Kay O'Neil - Canada College.

Sheriff's Office Representatives in Attendance: Captain Mark Hanlon, Alma Zamora, & Pam Glembot.

The meeting began promptly at 10:00am with introductions and ground rules. Notes from our first meeting were presented by Captain Mark Hanlon and Sgt. Pam Glembot.

The key components discussed in meeting #1:

- 1) Develop new programming using the job train model with County Parks, DPW, and Cal Fire.
- 2) Closed circuit television programming in both facilities – Peter Ullman to assist with this proposal.

Lt. Alma Zamora reviewed the objectives and key questions to be considered during this meeting. The objectives and key questions were as follows:

To provide recommendations that will improve programming and service support systems and reduce the cycles of recidivism.

Recommend programs that conform to best practice functionalities to fill gaps in service your group previously identified

- Program recommendations can include:
 - Improvements to existing programs in SMC Jail
 - Expansion of existing programs to accommodate increased number of inmates
 - Programs that have resulted in successful & measurable outcomes elsewhere
 - Innovative ideas for programs

Key questions to consider:

9. Are we equipping inmates with what they need to succeed once they are released?
10. Are the programs we currently have in place effectively delivering what they promised?



1. What can we do to improve them?
11. How can we better equip our inmates to succeed? Here are some options to consider:
 1. Case management
 2. Continuum of services (wrap-around)
 3. Linkages to service agencies upon release
 4. Interview training / resume writing
 5. Introduction to online job boards

The program recommendations were to develop an assessment tool - "work keys" to assess the following information for each inmate:

- New career path?
- Right career path?
- Work on current skills
 - Relationship
 - Relevance
 - Rigor

The GAP this would fill is for realignment with career outside of custody and to reduce recidivism rate (**best practice function –Reintegration**).

Another GAP identified was the need for "soft skills." At times, inmates are hired for their "hard skills" however are fired for "soft skills" (**best practice function –Reform**).

Program recommendations are to work collaboratively with VRS and provide rehabilitation counseling, assist with job development and retaining the job; Job coach (**best practice function –Reform**).

Human Services Agency (HSA) - "Work Center" currently utilizes the Sheriff's Work Program participants and provides "wrap-around" services through Canada College and HSA (**best practice function –Reform & Reintegration**).

Transitional 18 month program utilizing public/private partnerships with:

Mental Health

Drug & Alcohol Counseling

Peers to assist

Financial assessment - "braided funding"

Vocational Rehabilitation

Eligibility for Financial

Transitional Employment



Catering Connection

Clerical

Recycling Program

Green Jobs program

Food Distribution

Allied Health Professionals

Nutrition - Dietary Disease

Community Health Workers

Sustainable Landscapers

DISCUSSION* It is possible to place current and future inmates that meet sheriff's office criteria on a Work Furlough status and allow them to participate in this 18 month transitional program in lieu of FT incarceration **(best practice function –Reform & Reintegration)**.

Next meeting scheduled for September 14, 2012 @ 10:00am and will be hosted by Carmen O'Keefe, Vocational Rehabilitation Services Manager – 550 Quarry Road, San Carlos. Anyone interested in a tour of the Central Region Employment & Services Center prior to the meeting, please RSVP with Carmen.

Meeting concluded @ 11:00 am.



Socialization, Reentry and Family Reunification/ Mentoring, Pre-Release, Hosuing, Support & Aftercare (1)

Socialization, Re-entry & Family Reunification Workgroup

Meeting #1 7/13/12

Topic: Gaps in Programming & Services

Identified Gap	Recommendations
<p>Focus on discharge - plans for discharge</p> <p>Thorough assessment at intake</p> <p>Focus on gang diversion – follow up once discharged (issue of belonging/protection) impacts space, programs</p> <p>Involvement of formerly incarcerated individuals to serve as mentors</p> <p>New entry vs. re-entry (different needs of these populations)</p> <p>Issues – generational history of incarceration – who serves as role models</p> <p>Gang – protection of ‘drop outs’ to support them while in jail – specialized programming needed</p> <p>Formal plans for different types of inmates, i.e. based on length of stay (few months vs. a few years).</p>	



<p>Resources guide, 'Getting Out/Staying Out' (SF booklet)</p> <p>- Mentoring by formerly incarcerated</p> <p>- Assessment of viability of returning to home (consider city inmate returning to and family supports)</p> <p>*Transitional Housing</p> <p>Cultural focus – mentoring e.g. IMPAC (incarcerated men putting aside childish things) Program that is utilized in jail population</p> <p style="text-align: center;">Identified Gap</p>	<p>Consideration for a San Mateo guide</p> <p>Mentoring program to be expanded to jail population</p> <p>Key to stability and very much needed. Discuss discharge housing options at point of entry</p> <p style="text-align: center;">Recommendations</p>
<p>*Changing one's thinking about possibility of change.</p>	<p>Moral Recognition Therapy Cognitive Behavioral Therapy Program that is evidence based</p> <p>Use of Wellness Recovery Action Plan (WRAP)</p>



<p>Lack of communication with legal staff</p> <p>Question about DV Programs while individuals incarcerated (Need to highlight EBP in this area) – Identify & assessment</p> <p>DV – address gender impact/needs</p> <p>Supports/case management when discharged</p> <p>Family assessment, esp. when children involved.</p> <p>Identify needs to keep families together, develop resources (finances, housing, childcare)</p> <p>- Closer interface with Core Service Agencies to identify this group as priority population</p> <p>- Sharing of information (by inmate) with trusted individuals.</p>	<p>Need more information about existing domestic violence programs in the jail</p> <p>Look at EBP</p> <p>How is effectiveness of program measured?</p> <p>Survivor focus groups programs</p> <p>Notification to survivors upon release of inmate</p> <p>Program/Speakers who share experience about parents being incarcerated e.g. Alameda County and San Francisco programs</p> <p>Enhanced visitation</p> <p>Look at EBP Model</p> <p>More frequent visitation between parents and children impacts inmates positively</p>
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<p>Connection with school districts to support children whose family members are incarcerated.</p> <p>Mental Health need (being addressed by another workgroup)</p> <p>Restorative justice model - what will change inmates criminal behavior</p> <p style="text-align: center;">Identified Gap</p>	<p style="text-align: center;">Recommendations</p>
<p>Alumni program in the jail?</p> <p>Outside?</p> <p>Focus on the HOW vs. the WHAT</p>	
<p>Additional Recommendation</p>	
<ul style="list-style-type: none"> • Meeting/coordination of Bay Area Counties to share information resources and best practices • CHOICES model is very effective: addiction issues look at expansion to other population • Ongoing reminders about services upon release • Pre-release class – 90 days prior to release • Tattoo removal program • Employer friendly presentations in the jail to provide hope and option for inmates 	
<p>Attendees</p>	
<p>Mike Nevin Deborah Torres John Kelly Reverend Mary Frazier Pastor Andre Harris Bill Bonifacio Charisse Lebron-Cannon Kathleen Irvine</p>	



Michael Murray
Melissa Lukin
Charles Tharp

Socialization, Reentry and Family Reunification/ Mentoring, Pre-Release, Housing, Support & Aftercare (2)

Subcommittee Name: Socialization, Re-entry and Family Reunification

Date: August 2, 2012

Ground rules:

1. There are no bad ideas
2. Be curious; ask questions
3. Engage with your committee
4. Problem solve; figure out what's missing

Objective:

To provide recommendations that will improve programming and service support systems and reduce the cycles of recidivism

- Recommend programs that conform to best practice functionalities to fill gaps in service your group previously identified
 - Program recommendations can include:
 - Improvements to existing programs in SMC Jail
 - Expansion of existing programs to accommodate increased number of inmates



- Programs that have resulted in successful & measurable outcomes elsewhere
- Innovative ideas for programs

Key questions to consider:

1. Are we equipping inmates with what they need to succeed once they are released?
2. Are the programs we currently have in place effectively delivering what they promised?
1. What can we do to improve them?
2. How can we better equip our inmates to succeed? Here are some options to consider:
 1. Case management
 2. Continuum of services (wrap-around)
 3. Linkages to service agencies upon release
 4. Interview training / resume writing
 5. Introduction to online job boards

Our recommendations are:

<u>Program Recommendation</u>	<u>Gap it fills</u>	<u>Best Practice Function:</u> Reform, Reentry/Reintegration, Activity
Development of a Resource Guide-on line, hard copy "Getting Out & Staying Out" (SF) A Guide to SF Resources for People Leaving Jail and Prison Add the in to the Community Information Program Resource Guide for SM County	Informing individuals of resources in the community, allows for discharge planning earlier	Re-Entry
Transitional Housing-linkage to resources. Discuss discharge housing options at point of entry	Housing, possible re-unification with family, impacts access to jobs if focus is on housing	Re-entry (look at what other counties are utilizing; Berkeley Options Program; Volunteers of America)



Moral Recognition Therapy (MRT) Use of Wellness Recovery Action Plan (WRAP)	Sense of hopelessness, negative direction-factors which impact socialization and re-entry	Reform
Domestic Violence Resources/Program Survivor Focused Groups	Needed more info about existing DV Programs in the jail	Reform (DV activity and curriculum for everyone in the jail)
Program/speakers who share their experience about parents being incarcerated, e.g. Alameda County and SF programs	Lack of current family assessment, esp. regarding children's needs	Activity
Family Assessment of needs upon point of entry, e.g. housing, finances, childcare. Enhanced visitation (look at evidence-based practices)	Identified needs to keep families together, prevent placement of youth in foster care, maintains continuity for inmate when discharged and more seamless reunification with family	Reentry/reintegration
Pre-release class 90 days prior to release as well as ongoing reminders about services upon release	Provides resources so that inmate can resume involvement in community and prevent reentry	Re-entry/reintegration

Additional notes:

Additional recommendations: Job Placement Staff; Community Service Component; Garnishment Reduction; Expungements on records



Socialization, Reentry and Family Reunification/ Mentoring, Pre-Release, Housing, Support & Aftercare (3)

Notes from August 2, 2012 Subcommittee Meeting (Socialization, Reentry and Reunification)

5. Development of a Resource Guide

Copy of San Francisco Reentry Council's guide passed around. On-line version available at www.sfreentry.com/resource-guide/. Similar information is available for San Mateo County, but not centralized in one document. Shirley Melnicoe is preparing a document for distribution to Achieve 180 clients. Should be available soon. Subcommittee members' comments supported the development of a document similar to the San Francisco book. Best Practice Function (BPF) seems to be an activity for reentry/reintegration.

6. Housing Linkage

There was discussion about Berkeley options and Volunteers America. Not clear on the details. BPF: Reentry/Reintegration.

7. Moral Recognition Therapy (MRT)

Members commented that this program could be very helpful in making reintegration more successful. More work needed to identify resources to provide for this program inside. BPF: Reform

8. Domestic Violence Resources/Programs etc.

Members suggested that a weekly session on every jail unit relating to Domestic Violence be part of the regular activities schedule. Session for all inmates, not just those charged with domestic violence. BPF: Activity/Reform

9. Programs/Speakers on their experiences about incarcerated parents

Reference was made to Alameda and San Francisco programs that might be a model for a similar program in San Mateo. BPF: Activity

10. Point of Entry assessment of Family Needs



Strong support from subcommittee members for such an assessment. There was also some discussion about a personal assessment of a new inmate to determine a plan of action and programming while incarcerated (e.g. education, addiction, employment). BPF: Activity; possibly Reform.

11. Pre-release class 90 days before release about available resources upon release

While there was support for this activity in connection with item #1, the timing of the class might need to be adjusted because of the mix of un-sentenced and sentenced inmates and credit for time served. BPF: Activity and Reentry

There were several other areas discussed relating to Program Recommendations that were not on the Group's template:

1. Community Service Component

Perhaps as part of the Pre-release class, a discussion with inmates about the restorative justice aspect of giving back to the community in a constructive way.

2. Expungement Information made available after inmates are released

Possible providers of this service and legal limitations need to be further explored.

Mention of a Job Fair event initiated by Supervisor Rose Gibson was also made. Details to follow.



Jail Programming & Education

Jail Programming

Education Subcommittee

**Results and Recommendations
from the Jail Programming
Education Sub Committee**

Background

Members represented

- San Mateo Board of Education
- Project READ-Redwood City
- Cañada College
- Notre Dame de Namur University

All with professional experience and knowledge

- Pre-kindergarten, ages 0-5
- K-12
- High School
- Community college
- University levels

Recommendation

Education is one of the key factors for imprisoned adults to have the opportunity to make a successful transition into the mainstream public when they are released from jail; obtain skills to seek and hold employment opportunities for themselves and provide for their families; to minimize reliance on governmental resources; and to avoid recidivism.

Strategy

Leverage and support community organizations skilled in the area of education to provide skill and interest assessment; literacy skill building academic and vocation training; personal life skills; determination of resources and financial opportunities to complete one's education; career counseling; and mentoring counseling.

Utilizing Proven & Successful *Community Resources*

Working in tandem and continuously, Project Read, the San Mateo County Board of Education, Success Through Education Program (STEP), Cañada College, and other organizations and education institutions would provide on-going educational assessment and opportunities.

Success Through Education Program

STEP will provide to inmates while incarcerated assessment of skills and interests for vocational or educational pursuits; personal financial education; academic advising; and educational financial aid funding resources information.

Success Through Education Program

STEP's focus is to identify, establish, and drive education and training opportunities, support, mentoring and programs to meet the needs of adults in and out of incarceration returning to the workforce.

G.E.D.

San Mateo County Board of Education provides the General Educational Development Test (G.E.D.) for people who did not graduate from high school but would like to obtain a certificate equivalent to the traditional high school diploma.

G.E.D.

The G.E.D. tests knowledge in five subject areas and can be given in English, Spanish, or French with special editions available for the legally blind; as well as modifications for learning or physically disabled students.

Project READ - Redwood City

Project READ-Redwood City is an innovative intergenerational program bringing literacy to adults, youth and families in the community.

Their programs include:

- One-on-one tutoring for youth and adults**
- Small group instruction**
- Programs for inmates in the San Mateo County Jails: Poetry, Nonviolent Parenting, college-accredited Tutor Training, and other workshops**

Project READ-Redwood City

Established in 1987, Project READ is a free, volunteer-based literacy program serving adults, children and families.

They are a four-time award-winning organization with programs designed to break the cycle of illiteracy by surrounding families with literacy services that promote education and life-long learning.

Project READ-Redwood City

Project READ is currently and has successfully been providing services within the San Mateo County Jails.

Cañada College

Cañada College in Redwood City, as well as other San Mateo County College District institutions, have been successfully providing career and technical educational training, certificates, and two year college degrees to adults in the county.

Cañada has partnerships with state and private colleges and universities which provide four year degree programs.



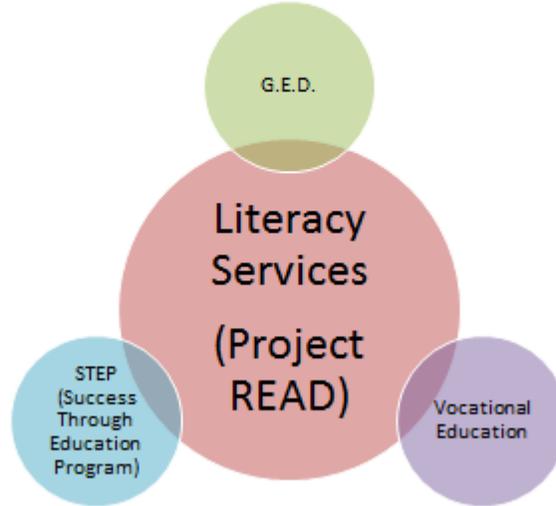
Success Through Education

STEP will provide mentoring through its 4,000 plus adult, alumni network which will mentor on a one-on-one model, committing to assist current and former inmates through college/university pathway towards educational two and four year degree completion.

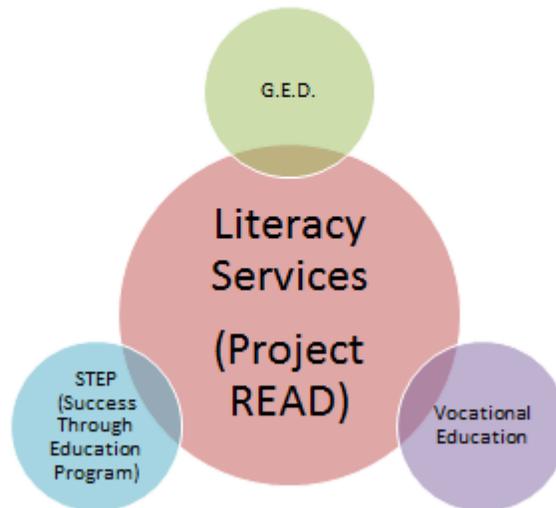
Continuum of Partnership

In order to ensure continued success, there needs to be a continuum of partnership between organizations such as Project READ, San Mateo County Board of Education, the San Mateo County College District, STEP, the San Mateo County Sheriff's Department and other community resources to meet and fulfill the needs of the previously incarcerated and to reduce recidivism.

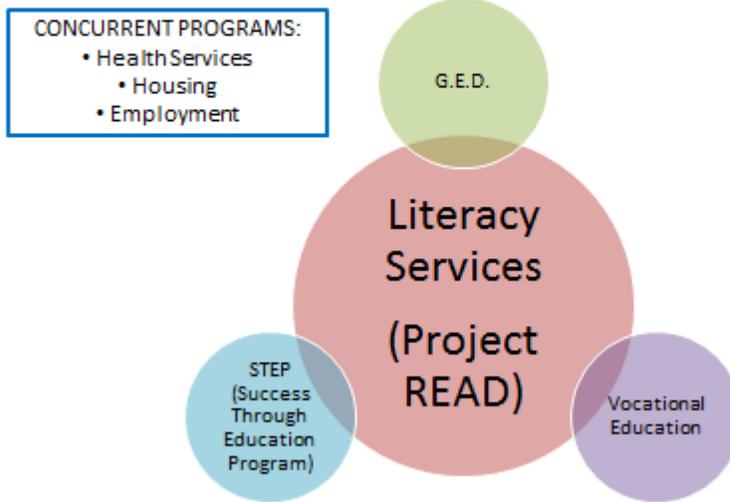
PREVENTATIVE (Needs Based, Goals Directed)



IN CUSTODY (Needs Based, Goals Based)



ON PROBATION (Needs Based, Goals Based)



Health Care Reform and Opportunities for
Individuals Involved in the
Criminal Justice System

Human Services Agency's
Health Care Reform Team
May 2013



1

Goals of Health Care Reform

- Expand health coverage
- Control health care costs
- Improve health care delivery system
- No wrong door- many access channels for obtaining health coverage/health insurance

2

How Is Access to Health Care Changing?

- Low and medium income families will have access to more affordable health care coverage
- Medi-Cal is being expanded and simplified
 - For the first time, single low income adults will be eligible for Medi-Cal
- Health insurance plans are accessible at lower costs through Covered California (the Exchange)

3

Criminal Justice-Involved Populations

- Many of these individuals have health and mental health needs
 - Health Care Reform law follows federal parity law that requires coverage of behavioral health (mental health and substance use treatment) on same terms as medical conditions
 - Consistent health coverage and health care may assist with stabilization in the community
- Most individuals that are released from incarceration have no health insurance coverage upon their release ¹
- Many of these individuals will be eligible for Medi-Cal and other health coverage programs

¹Community Oriented Correctional Health Services April 2013

4

Benefits of Connecting Ex-Offenders to Health Coverage through HSA

- Individuals suffering from mental health and/or substance use disorders can have access to primary care and behavioral health coverage
- Access to health care following release is well-documented to reduce recidivism ²
- Access to health coverage will improve continuity of care, treatment plans and medications for chronic conditions, infectious diseases and mental health disorders
- Connections to other supportive services
 - Employment Services
 - CalFresh
 - CalWORKs
 - General Assistance
 - Children and Family Services

²Health Management Associates Ex-Offender Webinar

5

Health Coverage Programs

- **All county residents can apply for Medi-Cal through HSA**
 - In-person, by mail, or online
 - Individual not eligible for Medi-Cal can apply for local indigent health programs
- **Programs for state prison inmates who receive inpatient care off grounds of the facility**
 - Medi-Cal Inmate Eligibility Program (MCIEP)
 - Juvenile Inmate Medi-Cal Program
 - Low Income Health Program (ACE/MCE in San Mateo County) through 12/31/13³
- **Programs for county jail inmates who receive inpatient care off grounds of the facility**
 - Low Income Health Program (ACE/MCE in San Mateo County) through 12/31/13³
- **Referral Programs for inmates**
 - Pre-release applications for juveniles being released from the Youth Services Center
 - Pre-parole applications for state prison inmates scheduled for release

³Low Income Health Program (ACE/MCE) ends 12/31/13.
County indigent program (ACE) will continue beyond 12/31/13

6

New Opportunities under ACA

- Probation and other entities can work closely with HSA to identify new strategies of connecting individuals to affordable health coverage
- Streamlining and simplification of enrollment requirements will make health coverage more accessible for individuals involved in the justice system
- Incarcerated individuals who are not yet sentenced are eligible for health coverage through Covered California
 - Provides access to health care
 - Ensures continuity of care

7

Example of Health Coverage Integration

Service Connect

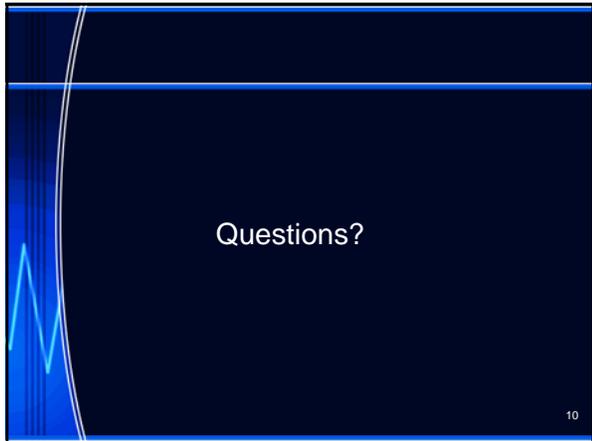
- Provide specialized services to the AB 109 supervisee population
- Connect individuals to health coverage
 - Determine individual's need for health coverage and other supportive services
 - Collaborate with county partners to ensure that individuals receive assistance in completing a health coverage application prior to their release
 - Offers "one stop" screening for all available programs by staff person trained in both Medi-Cal and County indigent programs and streamlines eligibility follow-up across HSA and Health

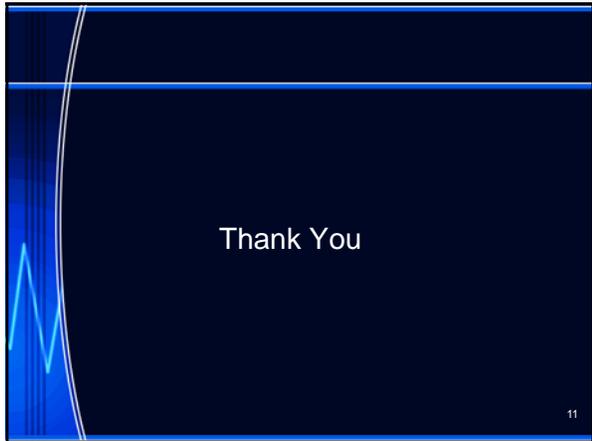
8

Preparing for Health Coverage Expansion under ACA

- HSA is expanding access channels
- Individuals can apply through a variety of channels
 - In person
 - By phone (HSA can complete applications over the phone)
 - Real-time online application
 - By mail
- Collaborate with partners to increase health coverage enrollment and maximize opportunities

9







COUNTY OF SAN MATEO
Inter-Departmental Correspondence

Date: May 8, 2013

TO: Members of the Community Corrections Partnership

FROM: Jim Saco, Budget Director

SUBJECT: Public Safety Realignment Spending Plan for FY 2013-14

The FY 2013-14 County allocation for AB 109 public safety realignment will remain at the same level as FY 2012-13 in the amount of \$13,453,509. In addition, total anticipated Fund Balance to carry forward to FY 2013-14 is \$6,396,036, which has been committed to the opening of the new jail. These amounts do not include the DA/Private Defender Fund for revocation activities to be allocated equally among the District Attorney's Office and the Private Defender Program. As of FY 2012-13, a total 26.7 FTEs have been authorized to provide services for realignment.

The FY 2013-14 proposed spending plan is increased by \$2,198,170 and 7.3 FTEs for a total budget of \$11,959,439 and total staffing of 34.0 FTEs. A recap of the increases are as follows:

- Sheriff's Office (\$293,402) to fund two current positions plus two new positions: one Lead Case Manager and one Case Manager, as well as other jail programming and operating costs associated with the realignment population. The two case managers will provide support, cultivates behavior change, rewards pro-social behavior, and proposes ideas for re-entry throughout the inmates' time in custody. The realignment population typically serves longer sentences than those sentenced locally, and therefore requires a different approach to program development to meet client needs. After researching best practices and responding to gaps in current programs and services, and at the recommendation of NIC and RDA, the Sheriff's Office will be implementing a case management and continuum of care approach to programming for the realignment population. A key component of this process is the availability of case managers in the first year that will facilitate the critical phases of the strategic implementation plan to include research and evaluation of existing programs, assessment tool selection, and work directly with the inmates in creating individualized case plan. They will also

coordinate various committee in-custody and re-entry efforts.

- Probation Department (\$664,835) to fund current positions (11.5 FTE) plus 50% of a current Director for the Realignment Division and three new positions: one Deputy Probation Officer to staff the PRCS unit to address caseload increases, one Legal Office Specialist to assist in the additional workload for the PRCS unit, and one Fiscal Office Specialist to assist with collecting court-ordered fines, fees, and restitution from the realignment population and provide other fiscal support to the program. In addition, two vehicles will be purchased for officers to go out to the field.
- District Attorney's Office (\$168,659) to fund current positions (3.0 FTE).
- Health System (\$1,177,005) to fund current positions (5.2 FTE) and services plus the additions of 0.25 FTE Supervising MH Clinician and 1.0 FTE Marriage, Family Therapist, as well as the increases of the Psych Social Worker from 1.0 FTE to 1.25 FTE and the Assessor/Case Manager from 1.0 FTE to 1.25 FTE. Service contracts are augmented by \$593,020 to serve increased realignment population. The Marriage Family Therapist is needed to assist with discharge planning of folks leaving custody back into the community. This position will be supervised within Correctional Health so that the planning can begin while the client is in custody. The other increases in FTEs and client costs are to partially backfill behind the loss of the Achieve 180 grant. The federal funding grant ends March 30 2014. Achieve 180 has and continues to serve 200 moderate to high risk clients transitioning from jail to the community. These clients will be transferred to Service Connect along with the Achieve 180 staffing: one Supervising MH Clinician, one Psych Social Worker and one Assessor Case Manager. The current Service Connect model does not have a direct on-site supervisor. With the addition of the Achieve 180 activities, the supervisor is now needed.
- Elimination of a one-time training fund in the amount of \$150,000 to the Local Law Enforcement Agency. However, unspent training funds will be rolled over to FY 2013-14.

The FY 2014-15 proposed spending plan is still being discussed with the operating departments but at a minimum it will include cost-of-doing business adjustments to staffing costs (i.e., health rate increases) and services (i.e., contracts)..

Attachments:

AB 109 Public Safety Budget Summary and Detail for FY 2013-14

County of San Mateo						
AB 109 Public Safety Budget Summary and Detail_FY 2013-14						
version: 5.7.2013						
		# FTE	FY 2012-13 Budget	# FTE	FY 2013-14 Budget	FY 2013-14 Increase
Probation Department						
Salaries & Benefits						
	Deputy Chief	0.5	95,364	0.5	96,294	931
	Director (PSM II - Current Position)			0.5	92,633	92,633
	Probation Services Manager I	1.0	135,971	1.0	140,975	5,004
	Senior Probation Officer	1.0	142,004	1.0	156,724	14,720
	Probation Officer III	6.0	822,486	6.0	893,542	71,056
	Legal Office Specialists	3.0	295,431	3.0	291,660	(3,771)
	Probation Officer III (New) (C003)			1.0	144,578	144,578
	Legal Office Specialists (E375)			1.0	99,672	99,672
	Fiscal Office Specialist (E350)			1.0	92,244	92,244
	Salary Adjustment		61,183		101,911	40,728
	Extra Help Cost		60,000		30,000	(30,000)
	Overtime		45,000		45,000	-
	Sub total - Salaries & Benefits	11.5	1,657,438	15.0	2,185,233	527,795
Operating Costs						
	General office supplies & operating		50,000		50,000	-
	Safety equipment and protective supplies		18,089		20,350	2,261
	Vehicles		-		80,000	80,000
	Annual ongoing STC requirement @1,000/staff		8,000		10,000	2,000
	ISD Charges		50,000		50,000	-
	Overhead Cost (10%)		165,744		218,523	52,779
	Sub total - Operating Costs		291,833		428,873	137,040
Client Needs & Services						
	Professional Services (GPS)		60,034		60,034	0
	Sub total - Client Needs Costs		60,034		60,034	0
	Probation - Total	11.5	2,009,305	15.0	2,674,141	664,835
Sheriff's Office						
Salaries & Benefits						
	Crime Analyst (G050)	1.0	112,942	1.0	127,987	15,045
	Management Analyst (D181)	1.0	128,321	1.0	134,110	5,789
	Lead Case Manager (estimate)			1.0	125,000	125,000
	Case Manager (estimate)			1.0	115,000	115,000
	Jail Staff S&B-TBD				0	0
	Sub total - Salaries & Benefits	2.0	241,263	4.0	502,097	260,834
Operating Costs						
	Corrections Training		0		5,000	5,000
	Sheriff's Realignment Trust Fund		2,817,162		2,370,414	(446,748)

	# FTE	FY 2012-13 Budget	# FTE	FY 2013-14 Budget	FY 2013-14 Increase
Sub total - Operating Costs	0	2,817,162	0	2,375,414	(441,748)
Client Needs & Services					
Resource Development Associates Contract	0.0	41,575	0	118,938	77,363
MCF Needs Assessment				100,000	100,000
Correctional Food Costs				296,953	296,953
ng					0
Sub total - Client Needs Costs		41,575	0	515,891	474,316
Sheriff's Office - Total	2.0	3,100,000	4.0	3,393,402	293,402
District Attorney's Office					
Salaries & Benefits					
Deputy District Attorney	1.0	152,930	1.0	252,081	99,151
Community Worker III	2.0	121,100	2.0	190,608	69,508
Sub total - Salaries & Benefits	3.0	274,030	3.0	442,689	168,659
Operating Costs					
				44,269	44,269
Sub total - Operating Costs		0	0	44,269	44,269
Client Needs & Services					0
Sub total - Client Needs Costs		0	0	0	0
DA's Office - Total	3	274,030	3.0	486,958	212,928
Health System					
Salaries & Benefits					
Psych Social Worker / MFT (BHRS)	1.0	70,534	1.25	157,065	86,531
Assessor/Case Manager (BHRS)	1.0	65,702	1.25	114,765	49,063
Psychiatrist (BHRS)	0.2	26,393	0.20	51,812	25,419
Patient Services Assistant (BHRS)	1.0	31,786	1.00	90,096	58,310
Community Worker I (BHRS)	1.0	31,555	1.00	79,360	47,805
Marriage, Family Therapist (CH)	1.0	127,301	1.00	128,592	1,291
Marriage, Family Therapist (CH)	0.0		1.00	116,820	116,820
Supervising MH Clinician (BHRS)	0.00	0	0.25	38,941	38,941
Sub total - Salaries & Benefits	5.2	353,271	7.0	777,450	424,179
Operating Costs					
Peer to peer support services contract		37,500		37,500	0
Operating costs @ \$7,000 per position		8,750		0	(8,750)
Desktop computers / IT		800		2,400	1,600
Avatar License		1,250		2,504	1,254
Office Space Lease		10,028		72,000	61,972
Tenant Improvement		0		75,000	75,000
Overhead		29,948		58,678	28,730
Sub total - Operating Costs		88,276	0	248,082	159,806
Client Needs & Services					

	# FTE	FY 2012-13 Budget	# FTE	FY 2013-14 Budget	FY 2013-14 Increase
<u>Alcohol and Other Drugs (AOD) Treatment</u>					
Intensive residenital AOD treatment @ 9k per client annually		63,000		158,014	95,014
Intensive outpatient AOD treatment @ \$4,478 per client annually		35,824		76,429	40,605
Outpatient AOD treatment @ \$2,052 per client annually		26,676		25,145	(1,531)
<u>Mental Health Services</u>					
Low-level mental health services @ \$6,027 per client annuall		42,196		303,780	261,584
Intensive mental health services @ \$20,425 per client annually		183,825		381,172	197,347
Medical care		290,190		290,190	0
Sub total - Client Needs Costs		641,711	0	1,234,731	593,020
Health System - Total	5.2	1,083,258	7.0	2,260,263	1,177,005
Human Services					
Salaries & Benefits					
Social Worker-III	1.0	123,713	1.0	113,512	(10,201)
Job Development Specialist - Jan. Hire	1.0	78,393	1.0	107,820	29,427
Benefit Analyst II/III	1.0	99,676	1.0	102,276	2,600
Community Worker - II - Oct. Hire	1.0	59,084	1.0	79,692	20,608
Social Work Supervisor - Jan Hire	1.0	95,401	1.0	130,704	35,303
Sub total - Salaries & Benefits	5.0	456,267	5.0	534,004	77,737
Operating Costs					
Office Space Lease		17,975		27,600	9,625
Miscellaneous Expense		42,589		42,000	(589)
ISD Phone Charges		594		10,000	9,406
Overhead (29% of S&B)		137,908		154,861	16,953
Sub total - Operating Costs		199,066	0	234,461	35,395
Client Needs & Services					
Emergency Housing / Motel Vouchers		65,000		115,500	50,500
Transitional Housing		75,000		77,000	2,000
Food Security - Safeway Gift Cards		7,175		20,000	12,825
Transportation Support / Bus Passes		103,798		50,000	(53,798)
Clothing Vouchers @ \$20/month		22,500		7,500	(15,000)
550 JOBS - Vocational Training Program		300,000		300,000	0
Assistance and Support Services (DMV, Licensing, Assessment)		163,891		89,232	(74,659)
Employment Services		135,000		150,000	15,000
Community Mentor (Contract)		35,000		35,000	0
Family Reunification & Meetings		75,000		25,000	(50,000)
Sub total - Client Needs Costs		982,364	0	869,232	(113,132)

		# FTE	FY 2012-13 Budget	# FTE	FY 2013-14 Budget	FY 2013-14 Increase
	Human Services - Total	5.0	1,637,697	5.0	1,637,697	0
	Local Law Enforcement Training					
	Local Law Enforcement Training - Total		150,000		0	(150,000)
	Competitive Grant Program					
	Grants - Total		1,004,653		1,004,653	0
	Program Evaluation					
	Evaluation - Total		502,326		502,326	0
	AB 109 - Grand Total Budget	26.7	9,761,269	34.0	11,959,439	2,198,170
	Reserves					
	Reserves - Total				1,494,069	
	FY 13-14 Total Allocation				13,453,508	