

AGENDA
ASSEMBLY BUDGET SUBCOMMITTEE NO. 4
ON STATE ADMINISTRATION

Assemblymember Juan Arambula, Chair

TUESDAY, DECEMBER 8, 2009, 1:30 PM
STATE CAPITOL, ROOM 447

Informational Hearing

California Department of Corrections and Rehabilitation
Rehabilitation Programs

Participants:

- 1. California Department of Corrections and Rehabilitation**
Elizabeth Siggins, Chief Deputy Secretary, Adult Programs (A)
Dave Lewis, Deputy Director for Fiscal Services
- 2. Legislative Analyst's Office**
Paul Golaszewski, Senior Fiscal and Policy Analyst
Aaron Edwards, Fiscal and Policy Analyst
- 3. Expert Witness**
Barry Krisberg, Ph.D, National Council on Crime and Delinquency,
Distinguished Senior Fellow
- 4. Expert Witness**
Stephen Steurer, Ph.D, Correctional Education Association, Executive
Director
- 5. Program Providers**
Cindie Fonseca, Chair Bargaining Unit 3, SEIU Local 1000
Rod Libbey, Walden House, President and CEO
- 6. Public Comment**

Note: Department of Finance represented by:
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CDCR PROGRAM REDUCTIONS INFORMATIONAL HEARING

BACKGROUND

Due to the fiscal condition of the state, the 2009-10 budget includes reductions to the California Department of Corrections and Rehabilitation's (CDCR) budget of approximately \$1.2 billion. Of this amount, **\$250 million** was reduced from funding for rehabilitation programs as follows:

1. **\$75 million** – The 2009 Budget Act passed in February of this year included a \$400 million unallocated veto to the CDCR's budget. Subsequently, the Department developed a plan (submitted to the Legislature as a Spring 2009 Finance Letter) to absorb this funding reduction. The Department's plan included a reduction to programs of \$75 million.
2. **\$175 million** – As part of the 2009 May Revise, the CDCR proposed to eliminate funding for all non-mandated rehabilitative programs (approximately \$440 million). The Legislature settled on a compromised amount of \$175 million.

Both of these reductions were pursuant to actions taken by the Budget Conference Committee. The 2009-10 budget also includes a provision that stipulated the CDCR implement the program reductions consistent with the following requirements: (a) prioritize programs where evidence based studies show effectiveness at reducing recidivism, (b) more efficient operations in the delivery of programs, (c) prioritize placement of offenders based on assessment/length of time left to serve, (d) prioritize elimination of vacancies, (e) maximize the number of inmates who have access to and complete programs, and (f) maximize the use of federal funds.

Credit Enhancements. Recent legislation (SBX3 18) provides that the CDCR may award a prisoner credit reductions (up to six weeks per year) from his or her term of confinement for successfully completing specific program performance objectives for approved rehabilitative programming. The 2009-10 budget assumes approximately \$22 million in saving as a result of these credit enhancements.

CDCR's Plan to Absorb Reductions

In information released to the public and presented to legislative staff, the CDCR indicated it has worked with stakeholders in developing a streamlined rehabilitation model consisting of the following key principles:

- Target limited resources on programs most effective in reducing recidivism and that can reach the greatest number of moderate and high risk-to-reoffend inmates.
- Continue Expert Panel recommendations to use evidence-based principles for inmate assessment and program delivery.
- Utilize skills of inmates and volunteers to augment the capacity of rehabilitation programs.
- Attempt to minimize layoffs by reducing vacancies.

Additionally, highlights of the CDCR's plan include the creation of incentives for program completion, maintaining over \$100 million in court-mandated programs, reducing or delaying contracts for programs in the Division of Adult Parole Operations and Female Offender Programs and Services, reducing Headquarters spending by 70 percent, and increasing the role of teaching assistance.

In-prison substance abuse programs. The CDCR plans to streamline in-prison substance abuse treatment by reducing program timeframes from 6-36 months to 3 months. Additionally, the number of prisons that provide substance abuse treatment will be reduced from 20 to 12. Program slots will also be reduced from approximately 12,000 to 2,000. However, given shortened timeframes, capacity will only be reduced by approximately 4,000 inmates.

Education Programs. The CDCR is developing non-traditional methods of delivering educational services. They plan on moving away from classroom settings where students are assigned all day to one teacher, towards a combination of classroom instruction and independent study. CDCR will also utilize teaching assistants and inmate tutors. Currently, the CDCR provides education programs to just over 30 percent of its population. The Department has a goal of maximizing the number of inmates it can serve with nontraditional methods of academic programming. Vocational programs will be targeted for reduction by such factors as industry-certification and the regional labor markets.

Staffing Reductions. CDCR has reported that reductions will be as follows:

- Overall, the program related reductions will result in the elimination of approximately 1,200 positions. Due to vacancies, actual layoffs will be between 600-900 positions.
- Education related positions will be reduced by approximately 30-50 percent (600-800 positions).
- Substance abuse positions will be reduced by approximately 30-60 percent (50-100 positions).

Recent Rehabilitation Initiatives

Expert Panel. The CDCR created the Expert Panel on Adult Offender Reentry and Recidivism Reduction Programs in response to authorization language placed in the Budget Act of 2006-07. The Legislature directed the CDCR to contract with correctional program experts to complete an assessment of California's adult prison and parole programs designed to reduce recidivism. Additionally, the CDCR tasked the Panel to provide it with recommendations for improving the programming in California's prison and parole system.

The expert panel's report: *A Roadmap for Effective Offender Programming in California* provided an assessment of the state of correctional programming in California's adult prison and parole systems. The report also included recommendations intended to guide California in creating a model rehabilitation programming system.

The expert panel's 11 key recommendations were:

- Reduce overcrowding in prison facilities.
- Enact legislation to expand positive reinforcements for offenders who complete rehabilitation programs and follow the rules. CDCR must improve on matching offender needs with program objectives.
- Select and utilize a risk assessment tool to assess an offender's risk to reoffend. Risk assessments tools have been utilized for parolees, and should be expanded to assess all offenders.
- Determine offender rehabilitation programming based on the results of assessment tools that identify and measure risks and needs. CDCR should develop and utilize a risk-needs matrix to assign offenders to programming.
- Create and monitor a behavior management (or case) plan for each offender. Case plans are critical to assigning offenders to the right programs.
- Select and deliver a core set of programs for offenders that cover major offender areas. These include: academic, vocational and financial; alcohol and drugs; anger management; criminal thinking; family; and sex offenses.
- Develop systems and procedures to collect and utilize programming process and outcome measures. This will allow CDCR to determine the effectiveness of programs, reasons for outcomes, and ways to improve.
- Continue to develop and strengthen formal partnerships with community stakeholders. This will improve coordination of transition services for offenders moving from prison to their home communities.
- Modify community based programs to ensure they target the crime patterns of offenders, meet their basic needs upon return, and identify risk factors in their home community.
- Engage the community to help reduce likelihood offenders will return to a life of crime. Critical thinking, positive relationships, and healthy behaviors are critical to offenders' success upon release.
- Develop structured guidelines to respond to technical parole violations, based on risk and seriousness. Sanctions and incentives are important tools.

The CDCR adopted the recommendations of the expert panel report, except for the recommendation on reducing the offender population.

AB 900. On May 23, 2007, the Governor signed into law Chapter 7, Statutes of 2007 (AB 900, Solorio), in order to relieve the significant overcrowding problems facing state prisons. Specifically, AB 900 authorized a total of approximately \$7.7 billion for a broad package of prison construction and rehabilitation initiatives.

AB 900 required the CDCR to improve and expand its drug treatment, academic education, and other rehabilitative programs for inmates and parolees. For example, the measure included requirements to increase inmate education participation rates, reduce teacher vacancies, and conduct risk and needs assessments of inmates. AB 900 required that any new construction of prison beds must be associated with full rehabilitative programming and required the CDCR to meet certain benchmarks, some of which relate to rehabilitative programming, before obtaining second phase funding. In order to assist the Department in these efforts, AB 900 provided a one-time General

Fund appropriation of \$50 million to support CDCR's rehabilitative programs, which was utilized to support such priorities as; Risk and Needs Assessments, Proof Project, Prison to Employment, Day Treatment and Crisis Care Beds, Substance Abuse Treatment, and EdFirst.

AB 900 followed legislation passed in 2005 (SB 737, Romero) that reorganized and consolidated state correctional departments with an emphasis of focusing on rehabilitation programming as part of the CDCR's mission.

California Rehabilitation Oversight Board. AB 900 also established the California Rehabilitation Oversight Board (C-ROB) within the Office of the Inspector General. C-ROB is made up of state and local law enforcement, education, treatment, and rehabilitation professionals who are mandated to examine and report biannually on rehabilitative programming provided by the CDCR. In performing its duties, C-ROB is required by statute to use the work of the expert panel.

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

STAFF COMMENTS

California currently incarcerates approximately 160,000 inmates in its 33 prisons statewide (approximately 12,000 are also housed in non-state facilities). On average 10,000 inmates are released back into our communities each month. Several studies have shown that prison programs reduce the likelihood that offenders will recidivate once released, thus enhancing public safety. Studies have also shown that prison programs are also cost effective. Further, rehabilitative programs within prisons provide opportunities for inmates to engage in socially constructive activities that lead to safer environments inside of prison walls.

Recent studies have also shown a long-term fiscal benefit to prison programming. For example, a 2004 report from UCLA's School of Public Policy found that correctional education is almost twice as cost effective as expanding incarceration. A 2008 report from the Legislative Analyst's Office (LAO) cited that, in addition to benefiting public

safety by reducing recidivism and improving prison management, inmate education could have such fiscal benefits as reduced costs to state courts, local criminal investigations, and jail operations. The LAO also cited indirect fiscal benefits such as reduced costs for assistance to crime victims, less reliance on public assistance from families of inmates, and greater income and sales tax revenues paid by former inmates who successfully remain in the community.

Like many other programs in California, our prisons were faced with tough operational decisions based on the reduced level of resources available. Staff commends the CDCR for striving to maintain core rehabilitative goals and services while facing the reality of these tough budget times. However, given the recent policy changes that have been driven in large part by California's fiscal situation, it may be important for the Legislature to more closely evaluate the full array of CDCR expenditures to determine their efficacy and effectiveness to ensure that intended outcomes are met and understand how recent priorities have been affected.