

AMENDED IN ASSEMBLY APRIL 6, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 219

Introduced by Assembly Member Portantino

February 1, 2011

An act to amend Section 6141 of, and to add Section 5056.8 to, the Penal Code, relating to criminal recidivism.

LEGISLATIVE COUNSEL'S DIGEST

AB 219, as amended, Portantino. California Recidivism Goals Development and Achievement Act.

Existing law authorizes the Department of Corrections and Rehabilitation to oversee programs for the purposes of reducing parolee recidivism.

This bill would declare the Legislature's intent regarding the Department of Corrections and Rehabilitation's role in reducing criminal recidivism. The bill would require the department *to develop targets approved by the California Rehabilitation Oversight Board and to implement a plan based on those targets to achieve the goal of a reduction in the statewide criminal recidivism rate from 2010 of 20% by 2015 and 40% by 2020. The bill would provide that success towards meeting that goal would be reviewed as part of the annual budget process for the department's budget.* The bill would require the department to adopt regulations to require the reporting and verification of the statewide recidivism rate, as specified.

Existing law establishes the California Rehabilitation Oversight Board and requires the board to meet at least quarterly and to regularly examine the various mental health, substance abuse, educational, and employment programs for inmates and parolees operated by the

Department of Corrections and Rehabilitation. Existing law requires the board to report to the Governor and the Legislature biannually, and specifies that the reports shall include, but are not limited to, findings on the effectiveness of treatment efforts, rehabilitation needs of offenders, gaps in rehabilitation services in the department, and levels of offender participation and success in the programs. Existing law requires the board to make recommendations to the Governor and Legislature with respect to modifications, additions, and eliminations of rehabilitation and treatment programs.

This bill would, in addition, require the board to examine the programs and services to reduce criminal recidivism that are operated by the Department of Corrections and Rehabilitation. The bill would require the board to consult with the department regarding implementing the department's plan to reduce recidivism, and to approve the targets developed by the department for reducing recidivism, as described above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:
3 (1) California's prison problems are tied directly to recidivism
4 and overcrowding. When parolees commit crimes, they not only
5 burden the state's overtaxed prison system—they create new
6 victims and compromise public safety. California's recidivism rate
7 has been historically estimated at 70 percent, one of the nation's
8 highest. It is the intent of the Legislature to make inmate
9 rehabilitation, *including substance abuse treatment and vocational*
10 *and academic education programs*, a priority to ensure the public
11 safety and to release inmates to our communities as productive
12 and contributing members of society. *Currently the Department*
13 *of Corrections and Rehabilitation spends about 1 percent of its*
14 *budget on academic or vocational education programs even though*
15 *75 percent of the inmate population cannot read above a ninth*
16 *grade level. Since the time the word "rehabilitation" was added*
17 *to the department's title in 2006, the budget for rehabilitation has*
18 *been cut almost in half.*

1 (2) *A critical part of parole success is aftercare. Parolees who*
2 *are able to access community-based drug treatment, mental health,*
3 *and educational or job training services upon release are much*
4 *more likely to stay out of prison.* As stated in a Department of
5 Corrections and Rehabilitation 2009 study, female offenders who
6 completed both in-prison and community-based substance abuse
7 treatment had substantially lower return-to-prison rates (8.8 percent
8 after one year and 16.5 percent after two years) than those who
9 completed in-prison substance abuse programs but did not attend
10 community-based substance abuse treatment (25.0 percent after
11 one year and 37.7 percent after two years). These rates compare
12 with a 30.1 percent return-to-prison rate after one year and a
13 43.7-percent return-to-prison rate after two years for all female
14 offenders of the department.

15 (3) The same study found that male offenders who completed
16 both in-prison and community-based substance abuse treatment
17 had lower return-to-prison rates (25.4 percent after one year and
18 40.4 percent after two years) than male offenders who completed
19 in-prison substance abuse programs but did not attend
20 community-based substance abuse treatment (39.8 percent after
21 one year and 55.8 percent after two years). These rates compare
22 with a 41.2-percent return-to-custody rate after one year and a
23 55.6-percent return-to-prison rate after two years for all male
24 offenders of the department.

25 (4) Overall, all offenders, both male and female, who completed
26 both in-prison and community-based substance abuse treatment
27 in the 2005–06 fiscal year had a return-to-prison rate of 21.9
28 percent after one year and 35.3 percent after two years. This
29 compares with a 39.9-percent return-to-prison rate after one year
30 and a 54.2-percent return-to-prison rate after two years for all
31 offenders. Offenders who successfully complete both in-prison
32 and community-based substance abuse treatment programs have
33 markedly lower return-to-prison percentage rates than offenders
34 who either do not receive treatment or only receive in-prison
35 substance abuse programs.

36 (5) *According to a Washington State Policy Institute study from*
37 *2010, for every dollar spent on vocational education programs in*
38 *prison there was a return of nearly fourteen dollars (\$14), and for*
39 *academic programs, for every 96 cents (\$0.96) spent, the return*
40 *was nearly eleven dollars (\$11). Currently, less than 7 percent of*

1 inmates are enrolled in education programs. The widely cited
2 “Three State Recidivism Study” from 2001, conducted in Maryland,
3 Ohio, and Minnesota on the effects of in-prison educational
4 programming on recidivism, found a 29 percent overall reduction
5 in reincarceration rates when compared to inmates without
6 programming.

7 (6) In the 2008 report “From Cellblocks to Classrooms,”
8 California’s own Legislative Analyst’s Office acknowledged the
9 central role that education programming plays in reducing
10 recidivism and recommended several steps the Department of
11 Corrections and Rehabilitation could take to maximize current
12 programming resources and increase attendance in academic and
13 vocational programs.

14 (5)

15 (7) If California is to solve its prison overcrowding problem,
16 immediate steps must be taken to reduce the revolving door of
17 prison that sees inmates return after only a short time.

18 (b) It is the intent of the Legislature that the Department of
19 Corrections and Rehabilitation coordinate with state agencies as
20 well as consult with the medical community, drug and alcohol
21 abuse treatment professionals and centers, the criminal justice
22 community, industry sectors, business groups, academic
23 institutions, organizations, and other stakeholders in implementing
24 a reduction in criminal recidivism rates to achieve ~~a reduction of~~
25 *of the goal of reducing recidivism by 20 percent by 2015 and 40*
26 *percent by 2020 from the 2010 level.*

27 (c) It is the intent of the Legislature that the Department of
28 Corrections and Rehabilitation develop specific standards,
29 programs, educational opportunities, counseling, and medical and
30 followup care that will reduce criminal recidivism among persons
31 incarcerated in California prisons to meet the targets specified in
32 subdivision (b).

33 (d) It is the intent of the Legislature that the Department of
34 Corrections and Rehabilitation create identifiable and measurable
35 goals designed to assess the effectiveness of programs and efforts
36 to reduce recidivism statewide and at each state correctional
37 facility.

38 SEC. 2. Section 5056.8 is added to the Penal Code, to read:

39 5056.8. (a) This act shall be known and may be cited as the
40 California Recidivism Goals Development and Achievement Act.

1 (b) The Department of Corrections and Rehabilitation is the
2 state agency charged with creating programs and services to reduce
3 criminal recidivism. As part of this charge, the department shall
4 assess and identify the success of programs and services as
5 necessary to meet state-mandated goals.

6 (c) Using 2010 statewide recidivism statistics as the baseline,
7 the department shall *develop realistic targets, approved by the*
8 *California Rehabilitation Oversight Board pursuant to Section*
9 *6141, and shall implement a plan based upon those targets to*
10 *achieve a reduction in the statewide recidivism rate of rate. When*
11 *setting these targets, the department shall seek ways of achieving*
12 *a goal of reducing recidivism by 20 percent by 2015 and 40 percent*
13 *by 2020. Success towards meeting that goal shall be reviewed as*
14 *part of the annual budget process for the department's budget.*

15 (d) The department shall adopt regulations that require the
16 reporting and verification of the statewide criminal recidivism rate
17 on an annual basis. In reporting a prior year's criminal recidivism
18 rate, the department shall compare the prior year's rate to the
19 criminal recidivism rate from 2010.

20 *SEC. 3. Section 6141 of the Penal Code is amended to read:*

21 6141. The California Rehabilitation Oversight Board shall meet
22 at least quarterly, ~~and~~ shall regularly examine the various mental
23 health, substance abuse, educational, and employment programs
24 for inmates and parolees operated by the Department of Corrections
25 and Rehabilitation, *and shall examine the programs and services*
26 *operated by the department to reduce criminal recidivism. The*
27 *board shall consult with the department regarding implementing*
28 *the department's plan to reduce recidivism and shall approve the*
29 *targets developed by the department for reducing recidivism,*
30 *pursuant to Section 5056.8.* The board shall report to the Governor
31 and the Legislature biannually, on March 15 and September 15,
32 and may submit other reports during the year if it finds they are
33 necessary. The reports shall include, but are not limited to, findings
34 on the effectiveness of treatment efforts, rehabilitation needs of
35 offenders, gaps in rehabilitation services in the department, and
36 levels of offender participation and success in the programs. The
37 board shall also make recommendations to the Governor and
38 Legislature with respect to modifications, additions, and
39 eliminations of rehabilitation and treatment programs. In
40 performing its duties, the board shall use the work products

- 1 developed for the department as a result of the provisions of the
- 2 2006 Budget Act, including Provision 18 of Item 5225-001-0001.

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