

AMENDED IN ASSEMBLY MAY 10, 2011

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, *and to add and repeal Section 6145 of*, 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. *The bill would require the board to periodically review the department's success in meeting those targets and establish criteria for the department to properly measure the department's success in meeting those targets.*

The bill would also require the board, until January 1, 2018, to submit a report to the Legislature that lists the rehabilitation programs that are available at the county level for prisoners are serving their sentences in a county jail pursuant to a felony conviction, as provided. This reporting requirement would become operative if A.B. 109 becomes operative.

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

1 has been historically estimated at 70 percent, one of the nation’s
2 highest. It is the intent of the Legislature to make inmate
3 rehabilitation, including substance abuse treatment and vocational
4 and academic education programs, a priority to ensure the public
5 safety and to release inmates to our communities as productive
6 and contributing members of society. Currently the Department
7 of Corrections and Rehabilitation spends about 1 percent of its
8 budget on academic or vocational education programs even though
9 75 percent of the inmate population cannot read above a ninth
10 grade level. Since the time the word “rehabilitation” was added to
11 the department’s title in 2006, the budget for rehabilitation has
12 been cut almost in half.

13 (2) A critical part of parole success is aftercare. Parolees who
14 are able to access community-based drug treatment, mental health,
15 and educational or job training services upon release are much
16 more likely to stay out of prison. As stated in a Department of
17 Corrections and Rehabilitation 2009 study, female offenders who
18 completed both in-prison and community-based substance abuse
19 treatment had substantially lower return-to-prison rates (8.8 percent
20 after one year and 16.5 percent after two years) than those who
21 completed in-prison substance abuse programs but did not attend
22 community-based substance abuse treatment (25.0 percent after
23 one year and 37.7 percent after two years). These rates compare
24 with a 30.1 percent return-to-prison rate after one year and a 43.7
25 percent return-to-prison rate after two years for all female offenders
26 of the department.

27 (3) The same study found that male offenders who completed
28 both in-prison and community-based substance abuse treatment
29 had lower return-to-prison rates (25.4 percent after one year and
30 40.4 percent after two years) than male offenders who completed
31 in-prison substance abuse programs but did not attend
32 community-based substance abuse treatment (39.8 percent after
33 one year and 55.8 percent after two years). These rates compare
34 with a 41.2 percent return-to-custody rate after one year and a 55.6
35 percent return-to-prison rate after two years for all male offenders
36 of the department.

37 (4) Overall, all offenders, both male and female, who completed
38 both in-prison and community-based substance abuse treatment
39 in the 2005–06 fiscal year had a return-to-prison rate of 21.9
40 percent after one year and 35.3 percent after two years. This

1 compares with a 39.9 percent return-to-prison rate after one year
2 and a 54.2 percent return-to-prison rate after two years for all
3 offenders. Offenders who successfully complete both in-prison
4 and community-based substance abuse treatment programs have
5 markedly lower return-to-prison percentage rates than offenders
6 who either do not receive treatment or only receive in-prison
7 substance abuse programs.

8 (5) According to a Washington State Policy Institute study from
9 2010, for every dollar spent on vocational education programs in
10 prison there was a return of nearly fourteen dollars (\$14), and for
11 academic programs, for every 96 cents (\$0.96) spent, the return
12 was nearly eleven dollars (\$11). Currently, less than 7 percent of
13 inmates are enrolled in education programs. The widely cited
14 “Three State Recidivism Study” from 2001, conducted in Maryland,
15 Ohio, and Minnesota on the effects of in-prison educational
16 programming on recidivism, found a 29 percent overall reduction
17 in reincarceration rates when compared to inmates without
18 programming.

19 (6) In the 2008 report “From Cellblocks to Classrooms,”
20 California’s own Legislative Analyst’s Office acknowledged the
21 central role that education programming plays in reducing
22 recidivism and recommended several steps the Department of
23 Corrections and Rehabilitation could take to maximize current
24 programming resources and increase attendance in academic and
25 vocational programs.

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

29 (b) It is the intent of the Legislature that the Department of
30 Corrections and Rehabilitation coordinate with state agencies as
31 well as consult with the medical community, drug and alcohol
32 abuse treatment professionals and centers, the criminal justice
33 community, industry sectors, business groups, academic
34 institutions, organizations, and other stakeholders in implementing
35 a reduction in criminal recidivism rates to achieve of the goal of
36 reducing recidivism by 20 percent by 2015 and 40 percent by 2020
37 from the 2010 level.

38 (c) It is the intent of the Legislature that the Department of
39 Corrections and Rehabilitation develop specific standards,
40 programs, educational opportunities, counseling, and medical and

1 followup care that will reduce criminal recidivism among persons
2 incarcerated in California prisons to meet the targets specified in
3 subdivision (b).

4 (d) It is the intent of the Legislature that the Department of
5 Corrections and Rehabilitation create identifiable and measurable
6 goals designed to assess the effectiveness of programs and efforts
7 to reduce recidivism statewide and at each state correctional
8 facility.

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

10 5056.8. (a) This act shall be known and may be cited as the
11 California Recidivism Goals Development and Achievement Act.

12 (b) The Department of Corrections and Rehabilitation is the
13 state agency charged with creating programs and services to reduce
14 criminal recidivism *by persons who have been incarcerated or*
15 *housed in its facilities*. As part of this charge, the department shall
16 assess and identify the success of programs and services as
17 necessary to meet state-mandated goals.

18 (c) Using 2010 statewide recidivism statistics as the baseline,
19 the department shall develop realistic targets, approved by the
20 California Rehabilitation Oversight Board pursuant to Section
21 6141, and shall implement a plan based upon those targets to
22 achieve a reduction in the statewide recidivism rate. When setting
23 these targets, the department shall seek ways of achieving a goal
24 of reducing recidivism by 20 percent by 2015 and 40 percent by
25 2020. Success towards meeting that goal shall be reviewed as part
26 of the annual budget process for the department's budget.

27 (d) The department shall adopt regulations that require the
28 reporting and verification of the statewide criminal recidivism rate
29 on an annual basis. In reporting a prior year's criminal recidivism
30 rate, the department shall compare the prior year's rate to the
31 criminal recidivism rate from 2010.

32 (e) *The California Rehabilitation Oversight Board shall*
33 *periodically review the department's success in meeting the targets*
34 *specified in subdivision (c) and shall establish criteria for the*
35 *department to properly measure the department's success in*
36 *meeting those targets.*

37 (f) *As used in this section, the term "recidivism" shall be*
38 *measured by the arrest rate, misdemeanor and felony conviction*
39 *rate, and return-to-prison rate for persons who have previously*
40 *been incarcerated or housed in department facilities after a time*

1 *period specified by the department. The return-to-prison rate shall*
2 *include information regarding prisoners who are serving their*
3 *sentences in a county jail pursuant to a felony conviction.*

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

5 6141. The California Rehabilitation Oversight Board shall meet
6 at least quarterly, shall regularly examine the various mental health,
7 substance abuse, educational, and employment programs for
8 inmates and parolees operated by the Department of Corrections
9 and Rehabilitation, and shall examine the programs and services
10 operated by the department to reduce criminal recidivism. The
11 board shall consult with the department regarding implementing
12 the department's plan to reduce recidivism and shall approve the
13 targets developed by the department for reducing recidivism *and*
14 *evaluate the department's success in meeting those targets,*,
15 pursuant to Section 5056.8. The board shall report to the Governor
16 and the Legislature biannually, on March 15 and September 15,
17 and may submit other reports during the year if it finds they are
18 necessary. The reports shall include, but are not limited to, findings
19 on the effectiveness of treatment efforts, rehabilitation needs of
20 offenders, gaps in rehabilitation services in the department, and
21 levels of offender participation and success in the programs. The
22 board shall also make recommendations to the Governor and
23 Legislature with respect to modifications, additions, and
24 eliminations of rehabilitation and treatment programs. In
25 performing its duties, the board shall use the work products
26 developed for the department as a result of the provisions of the
27 2006 Budget Act, including Provision 18 of Item 5225-001-0001.

28 SEC. 4. Section 6145 is added to the Penal Code, to read:

29 6145. (a) *The California Rehabilitation Oversight Board shall*
30 *provide an annual report to the Legislature by January 1, 2013,*
31 *and every January 1, thereafter, that lists the rehabilitation*
32 *programs that are available at the county level for prisoners who*
33 *are serving their sentences in a county jail pursuant to a felony*
34 *conviction.*

35 (b) (1) *A report to be submitted pursuant to subdivision (a)*
36 *shall be submitted in compliance with Section 9795 of the*
37 *Government Code.*

38 (2) *Pursuant to Section 10231.5 of the Government Code, this*
39 *section is repealed on January 1, 2018.*

- 1 (c) *this section shall become operative only if A.B. 109 from the*
- 2 *2011-12 Regular Session becomes operative.*

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