
Introduced by Senator Ashburn

February 27, 2009

An act to add Chapter 1.6 (commencing with Section 1212) to Title 8 of Part 2 of the Penal Code, relating to parolees.

LEGISLATIVE COUNSEL'S DIGEST

SB 756, as introduced, Ashburn. Parolees: drug, alcohol, and anger management treatment program.

Existing law establishes various rehabilitation programs for prisoners and parolees.

This bill would establish a pilot program for certain parolees who violate parole by providing substance abuse treatment, alcohol abuse treatment, and anger management treatment regimens lasting 16 weeks, as specified. The program would operate at 3 specified sites for 24 months, as specified.

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. Chapter 1.6 (commencing with Section 1212) is
2 added to Title 8 of Part 2 of the Penal Code, to read:

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4 CHAPTER 1.6. PAROLEE DRUG, ALCOHOL, AND ANGER
5 TREATMENT PILOT PROGRAM

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7 1212. (a) There is hereby created a pilot parole diversion
8 program for purposes of providing qualifying parolees who violate

1 parole with treatment for drug abuse, alcohol abuse, or anger
2 management.

3 (b) The program shall commence on January 1, 2010, with a
4 four-month period to establish sites, retain contractors, and select
5 Department of Corrections and Rehabilitation staff to provide
6 program analysis and supervision. The program shall run for 24
7 months. No referrals to the program shall be made after the
8 completion of the 18th month.

9 (c) The program shall consist of three rehabilitation programs
10 for substance abuse recovery, alcohol abuse recovery, and anger
11 management.

12 (d) The program shall operate at three sites close to public
13 transportation in industrial areas of Pomona, San Bernardino, and
14 Riverside. Each facility shall operate substance abuse recovery,
15 alcohol abuse recovery, and anger management programs
16 concurrently. A technician shall be on site to collect urine samples
17 from parolees. Each facility shall have a minimum of two private
18 armed security individuals during the hours treatment programs
19 are operating.

20 (e) Each treatment program shall be conducted by service
21 provider contractors that are not Department of Corrections and
22 Rehabilitation contractors, using existing treatment regimens, some
23 of which may already be offered inside department facilities. It is
24 a goal of the program to have three different service providers for
25 each of the three treatment programs at each site, if possible, in
26 order to evaluate which service provider obtains the best results.
27 Service providers shall provide immediate reports to the
28 Department of Corrections and Rehabilitation on parolee
29 participation so that any violation of the program provisions will
30 result in immediate referral to the Board of Parole Hearings for
31 action.

32 1212.1. (a) When a parole officer determines that a parolee
33 has violated a condition of parole, the parolee will be taken into
34 custody pursuant to standard operating procedures, and the
35 violation referred to a deputy commissioner of the Board of Parole
36 Hearings. The deputy commissioner will determine if the parolee
37 would be a candidate to participate in this program, including that
38 the parolee is not subject to the provisions of Proposition 36, as
39 approved by the voters November 7, 2000. The fact that the

1 commitment offense for the parolee was a serious or violent felony
2 shall not disqualify the parolee from participation in the program.

3 (b) A parolee whose parole violation consists of committing
4 another crime shall not be eligible for the program. A parolee who
5 commits another parole violation that is a crime, other than the
6 use of drugs, alcohol, or an anger event, while in the program, will
7 not be allowed to continue in the program.

8 1212.2. (a) Programming will take place in three daily shifts
9 from 0900 to 1200 hours inclusive, from 1330 to 1630 hours
10 inclusive, and from 1800 to 2100 hours inclusive, five days a week,
11 with multiple drug therapy, alcohol therapy, and anger management
12 therapy treatments taking place concurrently. The treatment
13 regimens shall last 16 weeks. Each parolee shall be provided with
14 a transit pass to the location of the program.

15 (b) Each parolee will be allowed five failures during the
16 24-month term of the program. If the parolee successfully
17 completes the program, and does not recidivate within the 24
18 months including treatment, the parolee will be removed from
19 parole supervision. Each parolee will be required to provide a urine
20 sample weekly for purposes of drug and alcohol testing, although
21 the actual number of tests shall be random, rather than for each
22 parolee for each sample.

23 (c) An independent laboratory shall process urine samples
24 provided by parolees during the programming period. A refusal
25 to provide a sample or be tested will be deemed a failure to
26 participate or complete the program. A failure to participate in an
27 assigned daily program without making up the absence immediately
28 with a drug test will also be considered a violation of the program.

29 1212.3. The standard for measuring program success shall be
30 reduction in recidivism. "Success" shall be deemed to be a
31 reduction in recidivism to 50 percent, from the current level of 70
32 percent. If recidivism is not reduced to 50 percent, the program
33 will be deemed to have failed.

34 1212.4. The program is designed to be revenue neutral, with
35 operating funds coming from Department of Corrections and
36 Rehabilitation funds that would otherwise be spent for incarceration
37 of the parolees who are enrolled in the program.