

# **Back to the Community:**

## ***Safe & Sound Parole Policies***

### **Executive Summary**

**November 2003**

# Executive Summary

California's parole system is a billion-dollar failure.

As the State built and filled prisons over the last 20 years, the number of felons who serve their time and are given a bus ticket home has swelled to 125,000 a year. But the real problem is that a growing percentage of those 125,000 parolees are unprepared to get a job, steer clear of drugs and alcohol and find a home. Not surprisingly, before long most of those parolees are back on a bus to prison.

There are four fundamental problems:

1. The time in prison is not being used to prepare inmates for their eventual release.
2. Available resources – particularly those in communities – are not being used to help parolees who with some assistance could get a job and stay out of trouble.
3. And when inmates do get into trouble, the vast majority of them go back to prison – even if drug treatment, short jail stays or some other intervention would cost less and do more to help them straighten up.
4. Thousands of times each year, parole revocation is used in lieu of prosecution for parolees who are suspected of committing new serious crimes.

Parolees are a challenge for all states. But California's parole policies are simply out of sync with the rest of the nation. California puts a greater percentage of felons on parole. The State offers little assistance to parolees. And then it sends parolees back to prison for violations that in other states would land a parolee in drug treatment, work furlough or some other "intermediate" sanction.

The numbers bear that out: Nationally one in three parolees end up back in prison before completing parole. In California two out of three parolees return to prison. Criminologists say California's parolees are no more dangerous than those in others states. Rather California has created a revolving door that does not adequately distinguish between parolees who should be able to make it on the outside, and those who should go back to prison for a longer period of time.

## **California is Out of Sync**

California puts more offenders on parole:

California:	95%
National Average	82%

More prison commitments are returning parolees:

California:	67%
National Average	35%

Fewer parolees successfully complete parole:

California:	21%
National Average	42%

Sources: Jeremy Travis, Senior Fellow, Urban Institute, Written testimony to the Commission, February 27, 2003. Michael P. Jacobson, Ph.D., Professor, John Jay College of Criminal Justice, New York. Written testimony to the Commission, January 23, 2003.

California is not even doing as well on this score as it once did. Returning prisoners are less prepared than ever before to get a job, stay sober and successfully reunite with family and community.<sup>1</sup>

In 1980, about one in four parolees ended up back in prison. And now, with two out of three coming back, prisons are overcrowded and constantly churning with inmates – frustrating the efforts that do exist to teach and counsel inmates, as well as punish them.

Also caught up in this recycling of parole violators are scores of serious criminals, who are blamed but never formally prosecuted for murder, assault and rape. Without another trial – or the long sentences they would receive – many of these criminals are imprisoned for a few months, and then given another bus ticket home.

The bottom line: California’s correctional system costs more than it should and it does not provide the public safety that it could. Incarcerating parole violators costs \$900 million a year. The State spends another \$465 million on parole, the bulk of which is for parole agents, who spend much of their time filling out paperwork to send parolees back to prison. Another \$660 million is spent incarcerating parolees convicted of committing new crimes.<sup>2</sup>

Ironically, many of the decisions that have resulted in the status quo were inspired by the desire to “get tough” on criminals. But if the goal is to reduce future crime, the evidence is clear that punishment by itself does not get the job done.

**California Prison and Parole  
Population, Then and Now**

The adult prison population has increased six-fold:

1980: 24,569	2000:
160,655	

The number of parolees released has increased ten-fold:

1980: 11,759	2000:
126,184	

The number of parole violators returned to prison has increased thirty-fold:

1980: 2,995	2000: 89,363
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The percentage of parolees returned to prison has nearly tripled:

1980: 25%	2000: 71%
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Source: Department of Corrections, Historical Trends, 1980-2000. Jeremy Travis, Senior Fellow, Urban Institute, Written testimony to the Commission, February 27, 2003.

One problem is the punishment continues beyond the prison gate – explicitly by denying access to food programs and other essentials, or implicitly by shunning parolees, making it hard to find a job, or putting community support out of reach.

Reforms should begin with – and be faithfully guided by – a commitment to align policies, programs and resources to improving public safety as defined by both the incapacitation of serious criminals, and the successful reintegration of offenders who serve their time and come back home.

Prisons have excelled at what they have been asked to do: manage more and more inmates without escapes or riots. But eventually, nearly

all felons are released. Prison time also must be used to help inmates learn basic skills, kick drug habits, and plan for their release. Communities also must do more. As the prison system expanded, the link between state correctional and local law enforcement agencies has weakened. Frustrated with a parole system they describe as “broken,” some local law enforcement officials have stepped in to provide the supervision and assistance that most felons need to go from cellblock to neighborhood.<sup>3</sup> But all community assets – from community police to the pulpits – need to help willing parolees obey the law and become self-sufficient. Workforce investment boards, community colleges, adult schools, alcoholics anonymous, local charities and labor unions all have a role.

Most importantly, if given more opportunity, inmates must do their part. This is the point where ideology usually interrupts the debate, because some people feel felons have wasted all of their opportunities and should be given no more. Parolees can find a job if they want, and if they don't we will build another prison.

To be realistic, many parolees have serious problems, pose a significant risk and will be reincarcerated. But we must assess those risks, and provide the assistance and incentives for those who have indicated by their behavior and activities that they want to change. Otherwise most of the felons will do what they have done before, communities and families will share in the consequences, and the State's prison bill will continue to grow.

In small ways, the reforms described above are already underway – initiated by local law enforcement, community leaders and prison officials who see the shortcomings of a system that makes life hard for both inmates and parolees. These pioneers have documented a better way. For example, a state-local partnership in Sacramento has trained and found truck-driving jobs for 1,000 parolees.

The first reason for improving parole is to make Californians safer. Given the fiscal crisis, public leaders also should urgently implement ways to make better use of existing dollars. But justice should also be on our minds. After decades of increasing sentences in response to rising violence, more Americans are asking for something in addition to retribution. They want restitution. A parole system that moves felons

### ***Immediate Opportunities***

The Commission identified two immediate opportunities to cut costs without jeopardizing public safety:

- Implement a series of graduated sanctions for the large percentage of parole violators returned to prison for drug use and possession, including more frequent testing, outpatient treatment and residential treatment.

#### ***Immediate Savings: \$151 million***

- Reduce the length of revocation sentences for certain offenders from an average of 140 days to 100 days.

#### ***Annual Savings: \$300 million***

Sources: 2003-04 Budget Bill deliberations, staff analysis of proposed CDC Reforms and Efficiencies, David Panush, June 6, 2003. Michael P. Jacobson, Ph.D., Professor, John Jay College of Criminal Justice, New York. Testimony to the Commission, January 23, 2003.

from their deserved punishment to responsible community members is the bridge.

After considerable study, debate and deliberation – and after consulting with correctional professionals, community leaders, victims and reformed felons – the Commission respectfully offers the following recommendations:

## ***Using the Evidence***

### **Finding 1: The correctional system's focus on punishment alone is not adequately protecting Californians from the 125,000 inmates released from prison each year.**

While prison is about punishment, the goal of the correctional system must be that inmates who are released from prison will not commit another crime. Clearly, many parolees will continue to fail themselves and their communities. But until the correctional system employs interventions that have been shown to help parolees become responsible citizens, the system will continue to fail us.

Evidence is mounting that educational, vocational and drug treatment programs reduce recidivism, yet only 30 percent of eligible inmates have access to educational and vocational programs. Even after significant expansions, few drug abusers receive treatment while in prison.

The Department of Corrections does not have a comprehensive, integrated data system to manage its efforts. Three data systems within parole alone require offender information to be entered multiple times, increasing costs and the chances for errors. None of the systems are integrated with the prison-based data system.

Unlike hundreds of other correctional organizations in the United States, the California Department of Corrections (CDC) has not developed and used risk assessments of individual offenders to target available resources for supervision and services to the most high-risk parolees. Eighty percent of parolees are supervised on regular caseloads and typically have fewer than two 15-minute face-to-face contacts with a parole agent each month.<sup>4</sup>

Many other states respond to parole violators with a range of sanctions that are less costly and more effective than prison. But California has not developed to any meaningful extent a range of interventions for parole violators and still resorts to the most expensive response – prison.

The State returns 70 percent of parolees to prison within 18 months of their release – at an annual cost of \$900 million for incarceration alone.<sup>5</sup> Research shows that it is important to respond to parole violations, but that the length of the revocation sentence does not influence whether the parolee will commit another crime when released again. Nevertheless, from 1990 to 1999 the State increased the length of time parole violators spent in prison by 23 percent, with the largest proportional increases imposed for the least serious violations.<sup>6</sup>

The correctional system should be driven by the best available evidence to protect public safety, reduce the enormous costs associated with parole failures, and improve the ability of parolees to reintegrate.

***Recommendation 1: To protect the public, the correctional system must use proven strategies to prepare inmates for release, supervise and assist parolees in California communities, and intervene when parolees fail. The State should create the means to improve the performance of the correctional system by changing laws, budgets and programs to increase success among parolees. Specifically, the State should:***

❑ ***Use evidence to guide policy reforms.***

The Board of Corrections should routinely evaluate the outcomes of the correctional system and identify evidence-based ways to improve those outcomes, beginning with the use of offender risk and needs assessments and performance measures. It should annually assess the risks and needs of offenders in prison and on parole, evaluate the programs that offenders received to reduce future crime, and compare the outcomes for offenders in California with offenders in other states. The board annually should recommend statutory changes, budget priorities and resource allocations that would improve public safety.

***Board of Corrections***

The Board of Corrections – comprised of state and local correctional officials and members of the public – is well suited to assume these responsibilities and could do so without growing the bureaucracy. The board is charged with assisting county sheriffs, chief probation officers, other local officials and community-based service providers to improve the delivery of correctional programs. That function could be enhanced by giving the board the responsibility and authority for improving outcomes for offenders across the correctional continuum – from jails to prison and back to the community.

❑ ***Use evidence to guide decision-making.*** Offender information should be used to guide decision-making at every point in the correctional continuum. Specifically:

- ✓ Offender risk and needs assessments should be used to better allocate resources including prison education, job training and drug treatment programs, parole supervision and assistance resources, and to make parole revocation decisions.
- ✓ County sheriffs and other agencies should receive assessments in advance of an inmate's release, as well as documentation of what

programs and services the inmate received in prison, how the services related to the inmate's assessment and the outcomes.

- ✓ Releasing prisoners should receive their assessments to assist in their reintegration and help hold them accountable for pursuing the services that could reduce their chances of re-offending.

- **Automate offender information.** The State should make the automation of offender files and integration of the Department of Corrections data systems a priority. Efficiencies that result from automation and integration and savings from reforms suggested in the following recommendations could offset the costs.

## ***Before They Come Home***

### **Finding 2: The State's failure to use prison time to prepare offenders for release jeopardizes public safety and squanders public resources.**

More than 95 percent of all inmates will eventually be released and returned to their community.<sup>7</sup> This reality is ignored by correctional policies that rely exclusively on incapacitation. The singular focus on punishment guarantees that upon release most offenders will be as ill equipped to be productive, law-abiding citizens as the day they entered prison.

Offenders are responsible for their actions, but public officials should be, as well. Only 35 to 40 percent of eligible inmates have access to literacy programs, despite evidence that re-arrest, re-conviction and re-incarceration rates are lower for offenders who participate in educational programs. More than three-quarters of prisoners have drug and alcohol problems, but just 6 percent participate in a substance abuse program in any given year.<sup>8</sup> Re-entry programs, designed to teach job search techniques and how to apply for benefits, identification cards and drivers licenses are voluntary and only serve about 30 percent of all inmates.<sup>9</sup>

Not only do these interventions reduce crime, they save money. In the case of educational programs, for every dollar spent on education more than two dollars are saved on food and cell space alone.<sup>10</sup>

Assuming they are not responsible for inmates after release, many prison administrators have resisted or undermined efforts to develop and expand programs.<sup>11</sup> When released, 10 percent of parolees are homeless, half are illiterate, 70 to 80 percent are unemployed and as many as 80 percent abuse drugs.<sup>12</sup> When they return to prison, most parole violators spend most of their time in "reception centers" where there are even fewer opportunities to prepare for their re-release.

Drugs and alcohol continue to be available in prisons despite some efforts to control them. There should be a zero tolerance policy of drugs in prison, as recommended by the Commission in 1998.<sup>13</sup>

**Recommendation 2: To increase public safety, state and local correctional agencies, community organizations and the inmates themselves should prepare for the predictable release of inmates from prison.**

□ **To focus prisons on preparing inmates, wardens should develop and implement comprehensive preparation programs. They should:**

- ✓ Identify state and local resources available for prerelease programs.
- ✓ Develop a strategy for expanding and operating programs based on a risk and needs assessments of inmates, and submit those plans to the Governor and Legislature.
- ✓ Annually report on the participation of inmates in education, work and treatment programs and the employment and re-arrest rates of parolees.
- ✓ Provide information to local law enforcement on the programming provided to individual inmates prior to their release.

**Improve Accountability**

If the success of wardens was linked with the success of inmates exiting their prisons, the quantity and quality of programs would be improved. Wardens should be appointed to fixed, four-year terms with reappointment and reconfirmation by the Senate determined by an evaluation of their success, based on the safe operation of prisons and outcomes related to inmate preparation.

□ **To motivate inmates to prepare for parole, the State should restructure “good time” credits and provide other incentives. Among them:**

- ✓ Link credits toward early release to completion of education and job training programs, as well as plans for a job and housing.
- ✓ Require inmates to make progress toward educational or drug treatment goals before becoming eligible for work assignments.
- ✓ Provide programs and allow inmates to earn credits in reception centers.
- ✓ The State should consider denying the early release of some inmates who have earned early release credits but are deemed unprepared for release, as described in the box on the following page. The Commission recommends starting with parole violators who have been returned to custody.

**Invest in Cost-effective Drug Treatment Strategies**

Assignment to drug treatment programs should be based on a needs and risk assessment and be mandatory for the highest risk inmates. Drug treatment should be available in conservation camps and camp inmates with a history of drug abuse should be required to participate in drug treatment.



- ❑ **To improve the transition of parolees, the State should build strong partnerships with communities. Specifically, the State should:**
  - ✓ Fully support re-entry units established in the 2003-04 Budget Act and partner with local law enforcement and community providers to link inmates with jobs, housing, drug treatment and other support prior to their release.
  - ✓ Contract with county sheriffs who are willing to house inmates during the final months of their sentence and prepare them for release. The State should provide to the counties funding equal to the cost of incarceration in prisons. Sheriffs should select the inmates most amenable to their services, based on a needs and risk assessment.
  - ✓ Work with communities to establish halfway houses, drug treatment facilities and other residential settings in appropriate locations for those parolees who need that support to stay out of trouble and out of prison.
  
- ❑ **To improve outcomes and accountability, the State should provide correctional officials with technical assistance and independent evaluation.**
  - ✓ The Advisory Committee on Correctional Education should be fortified, expanded and given specific responsibility for advising state and local correctional administrators on ways to expand the quantity and quality of educational, vocational and treatment programs. The committee could report its recommendations for improvements on a prison-by-prison basis to the department director, agency secretary, Legislature and Governor.
  - ✓ The Inspector General should annually report on the progress of individual prisons and the department overall in expanding and effectively managing educational, vocational, prerelease and treatment programs.

### **To Safeguard Communities and Motivate Inmates to Improve Themselves**

Some inmates may do a better job of preparing themselves for release if the consequences for failure to do so were greater. The State could create a process to deny early release credits to some inmates as a way to motivate them to prepare for their return to the community. Among the alternatives:

**Alternative I:** The Board of Prison Terms could deny the early release of all inmates who have earned early release credits but are deemed by the board to be unprepared for release.

**Alternative II:** The Board of Prison Terms could deny the early release of all first release inmates (not parole violators) who have earned early release credits but are deemed by the board to be unprepared for release.

**Alternative III:** After implementing a risk assessment system and expanding in-prison programs and community-based sanctions for parole violators, the Board of Prison Terms could deny the early release of all incarcerated parole violators who the board deems unprepared for release.

*For a detailed discussion of these alternatives and estimates of the costs to implement them, see p.53.*

## ***Back to the Community***

**Finding 3: The goals for parole – public safety and successful reintegration – are undermined by the way the State supervises and assists parolees and the lack of community involvement in re-entry.**

Parole is the process of supervision and assistance intended to protect communities and help parolees get jobs, find homes and stay clean and out of trouble. Some parolees present greater risks to public safety than others. But the State does not adequately target supervision and assistance to increase the number of parolees who successfully transition home.

The department has programs intended to help parolees reintegrate. But they are not available in every parole region, are not integrated and are not targeted to parolees who need them the most or who are most likely to benefit from them. Community-based services, while plentiful in many areas, are not geared to parolees, and are sometimes denied to parolees, at great costs to the community and the State.

Moreover, the Department of Corrections' focus on punishment rather than public safety influences its parole practices, contributing to an emphasis on enforcement and high revocation rates. Only 21 percent of parolees complete their parole term without being returned to prison for some period of time or absconding.<sup>14</sup>

***Recommendation 3: To maximize public safety, communities must assume greater responsibility for reintegrating parolees, and the State should provide the leadership and funding to make those efforts successful. Specifically, the State should:***

- ❑ ***Start with pioneering counties.*** The Governor and Legislature should shift resources, responsibility and accountability for parolee reintegration to communities. The State should identify three or four communities with the desire and capacity to be the first ones to assume responsibility for parolee reintegration. The State should develop agreements and provide funding for sheriffs in those counties, in partnership with community agencies, to provide supervision, services and sanctions for parolees. Funding should be equal to the cost of state-administered activities. Within three to five years all counties should assume responsibility for returning offenders.
- ❑ ***Manage a transition plan.*** The Youth and Adult Correctional Agency should manage the transition plan by identifying and helping to overcome barriers to operating effective re-entry programs and providing training, technical assistance and evaluation.

- ❑ **Identify and report outcomes.** The Youth and Adult Correctional Agency and the Department of Corrections, in cooperation with their community partners, should establish performance measures for reintegrating parolees and annually report progress to the Governor, Legislature and county boards of supervisors.
- ❑ **Reduce barriers.** The State should review all inappropriate legal barriers to reintegration and remove them. It should seek a federal waiver to remove punishments that thwart reintegration such as the ban on public assistance and food stamps for some offenders, including low-level drug offenders. The State should consider providing parole officials with absolute immunity for the actions of parolees under their supervision, as it does judges and prosecutors.
- ❑ **Develop promising models.** The State should encourage counties to establish re-entry courts when they assume responsibility for parolee reintegration. The State should fully develop Parole and Correction Team programs by dedicating staff to coordinate and sustain community participation and follow-up activities with parolees. The department should pursue resources for evaluations, including foundations and universities.

***To best use available resources and motivate parolees to reintegrate, the State and its community partners should ensure that parole embodies:***

- ❑ **Supervision and services based on distinctions among parolees.** Supervision and services should be based on individual risk and needs assessments. Parole conditions should be linked to these assessments and show evidence of reduced recidivism.
- ❑ **Supervision and services that are “front loaded.”** Supervision and services for parolees should be targeted and intense in the first critical months following release and reduced later when the risk of recidivism is lower.

- ❑ **Rewards for positive behavior.** Some parolees who meet specific criteria for successful reintegration, like maintaining employment, housing and remaining violation free for a period of time, should be released early from parole or provided other rewards like reduced reporting requirements.

### ***Focus on Drug Offenders***

The State, in coordination with communities, should expand the availability of aftercare treatment for parolees who participated in drug treatment while in prison. Additionally, the State should provide fiscal incentives to counties to house and treat parolees who are substance abusers. The preliminary success of Proposition 36 shows the potential of drug treatment to reduce the demand on prisons and address addiction among offenders.

- ❑ **Restorative practices.** Parole should provide opportunities for parolees to pay their victims and communities back for the harm they caused, including, paying for a portion of the cost of their supervision, and using community service as a condition of parole and as a sanction for parole violations.

## ***When Parolees Fail***

**Finding 4: Correctional officials do not intervene in cost-effective ways with parolees who are not successfully reintegrating. When parole violators are returned to custody, they are not prepared for their imminent re-release.**

Parole officials respond to most parole violations – minor or serious – with a return to prison, overcrowding prisons and increasing correctional costs, an expensive and temporary solution to a long-term problem.

In effect, revocation time is used to resume the punishment of offenders, rather than to promote their reintegration. The bulk of many revocation sentences are served in reception centers where offenders are ineligible for programs. The system does not address the reasons for their failure or provide services to prepare them for release.

The experience of other states has shown that intermediate sanctions can reduce prison commitments, keep communities safe, foster offender rehabilitation, and gain public support. Alternative sanctions for parole violators can include intensive supervision, substance abuse treatment, day reporting, house arrest, electronic monitoring and community incarceration.

Statistically, it is difficult to assess how much crime is committed by parolees. Because it places more people on parole, California's rates may be higher than those in other states. In Oakland, for example, where a larger percentage of the population is on parole, officials attribute 50 percent of the crime to parolees.<sup>15</sup> But multi-state studies show that only a small proportion – 3 to 5 percent – of crimes are committed by ex-prisoners.

Whatever their contribution to the overall crime rate, parolees represent an identifiable group of offenders that can be assessed based on their likelihood of committing further crimes and targeted with cost-effective prevention, intervention and enforcement strategies.

Some parolees commit serious crimes. Many others are deemed responsible for behaviors that would not earn them a prison sentence if they were not on parole. It is estimated that California could save \$50.4 million in 2003-04 and \$100.8 million in 2004-05 by using sanctions other than prison, particularly for non-criminal and low-level drug-related parole violations.<sup>16</sup>

**Recommendation 4: The State should make better use of the resources currently spent re-incarcerating parole violators – and provide more public safety – by developing a range of interventions for failing parolees. Specifically, the State should:**

- ❑ **Use structured decision-making.** The State should establish clear, transparent and binding guidelines for parole revocation to provide consistency and accountability in the revocation process. This could be the first step in implementing a broader range of responses that are cost-effective and protect public safety.
- ❑ **Use alternative sanctions.** To promote public safety and parolee reintegration, the State, in cooperation with police chiefs and sheriffs, should develop a range of sanctions to be used as alternatives to returning parole violators to prison. A system of graduated sanctions would include:
  - ✓ Community-based sanctions for “technical” violations.
  - ✓ Limits on which serious violations warrant a return to prison.
  - ✓ Lower revocation sentences based on offender risk assessments.
  - ✓ Short-term incarceration in community correctional facilities.

#### **Focus on Drug Offenders**

Jeremy Travis’ analysis for the Commission found that drug use and drug possession account for nearly one third of all administrative criminal returns to prison. The State could make better use of existing resources – and get better outcomes – if it used different strategies, including treatment, to respond to parolee drug use.

- ❑ **Focus revocation time on reintegration.** Parole violators who are returned to prison should be processed and housed separately from other inmates. They should receive services such as drug treatment, life skills and employment preparation to address the factors that contributed to their parole failure. Interventions should be targeted using risk assessments.

## **When New Crimes Are Alleged**

**Finding 5: The parole revocation process is used too frequently to respond to new and serious criminal behavior by parolees.**

Thousands of inmates cycle in and out of prisons under the guise of parole revocations, when in fact parole officials believe they are responsible for new and serious crimes. In 2000, more than 47,000 parolees were released from custody after serving revocation sentences for criminal actions. Some of the alleged crimes were serious, including 78 homicides, 524 robberies and 384 rapes and sexual assaults. These serious violators served on average a little more than three months more in prison than those revoked for “technical” violations of parole and their punishments were not nearly what they would have been if successfully prosecuted for the new crime.<sup>17</sup>

County district attorneys decide whether or not to prosecute alleged criminal behavior, and there is little public knowledge or public scrutiny of the decisions in all but the most high profile cases. As a result, it is nearly impossible to know if a decision not to prosecute a parolee resulted from too little evidence, not enough investigation, or simply because parole revocation is an easy alternative to a potentially costly and uncertain criminal process.

Using revocation of parole in lieu of prosecution of serious crimes undermines public safety and criminal justice. Using parole revocation – with its lower standards of proof – also may result in the return to prison of innocent parolees. Either way, it regularly returns serious and violent offenders to communities far sooner than if they had been prosecuted and found guilty.

The current practice provides some public safety benefits, and many individual decisions may have been the best among poor choices. But criminal justice officials should embrace a detailed review of these practices.

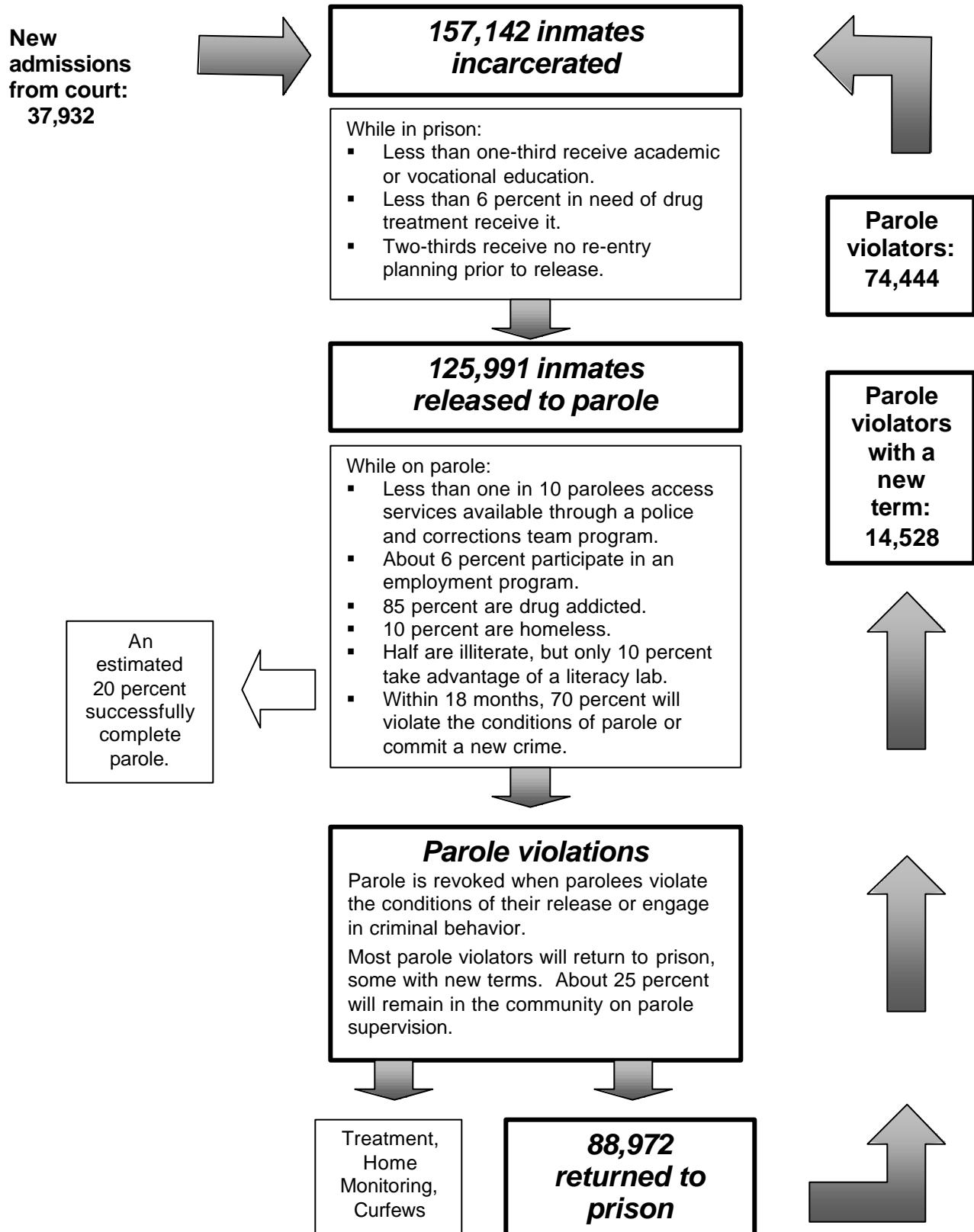
***Recommendation 5: To ensure public safety and fairness, the State should scrutinize its responses to parolees charged with new, serious crimes. Specifically the State should :***

- ❑ ***Review practices and recommend reforms.*** The Attorney General should review how district attorneys handle serious crimes by parolees and make recommendations for reforms.
- ❑ ***Impose accountability.*** When a parolee is suspected of a new, serious crime, district attorneys should be required to solicit input from parole officials and local law enforcement before determining not to file charges. District attorneys, when determining not to prosecute a parolee for a serious alleged criminal activity, should be required to report that information and the reason why to the Attorney General, the local law enforcement agency and parole officials. The Attorney General should annually report the information to the Governor and Legislature, by county.
- ❑ ***Ensure due process protections.*** Depending on changes ultimately put in place by the court to improve due process protections for parolees, the Legislature should review the plan and determine what statutory, regulatory and budgetary reforms should be enacted to ensure that it is adequately implemented.

In conclusion, the State recycles nearly 100,000 parolees through the prison system each year, as depicted in the chart on the following page. Following this illustration of the current system, is a chart summarizing how the Commission's recommendations would systemically solve the State's problems with the parole system.

## Thousands of Inmates Cycle Through the System

The chart below shows the flow of inmates through the system in 2001.



Sources: CDC, "Historical Trends 1981-2001." Michael P. Jacobson, Ph.D., Professor, John Jay College of Criminal Justice, New York, Written Testimony to the Commission, January 23, 2003.

## How Public Safety Could Be Improved

By improving the success of parolees, the State could reduce crime and save money as depicted below.

### The Commission Recommends

#### Using the Evidence

To protect the public, the correctional system must use proven strategies to prepare inmates for release, supervise and assist parolees in California communities, and intervene when parolees fail. The State should create the means to improve the performance of the correctional system by changing laws, budgets and programs to increase success among parolees.

#### Before They Come Home

To increase public safety, state and local correctional agencies, community organizations and the inmates themselves should prepare for the predictable release of inmates from prison.

#### Back to the Community

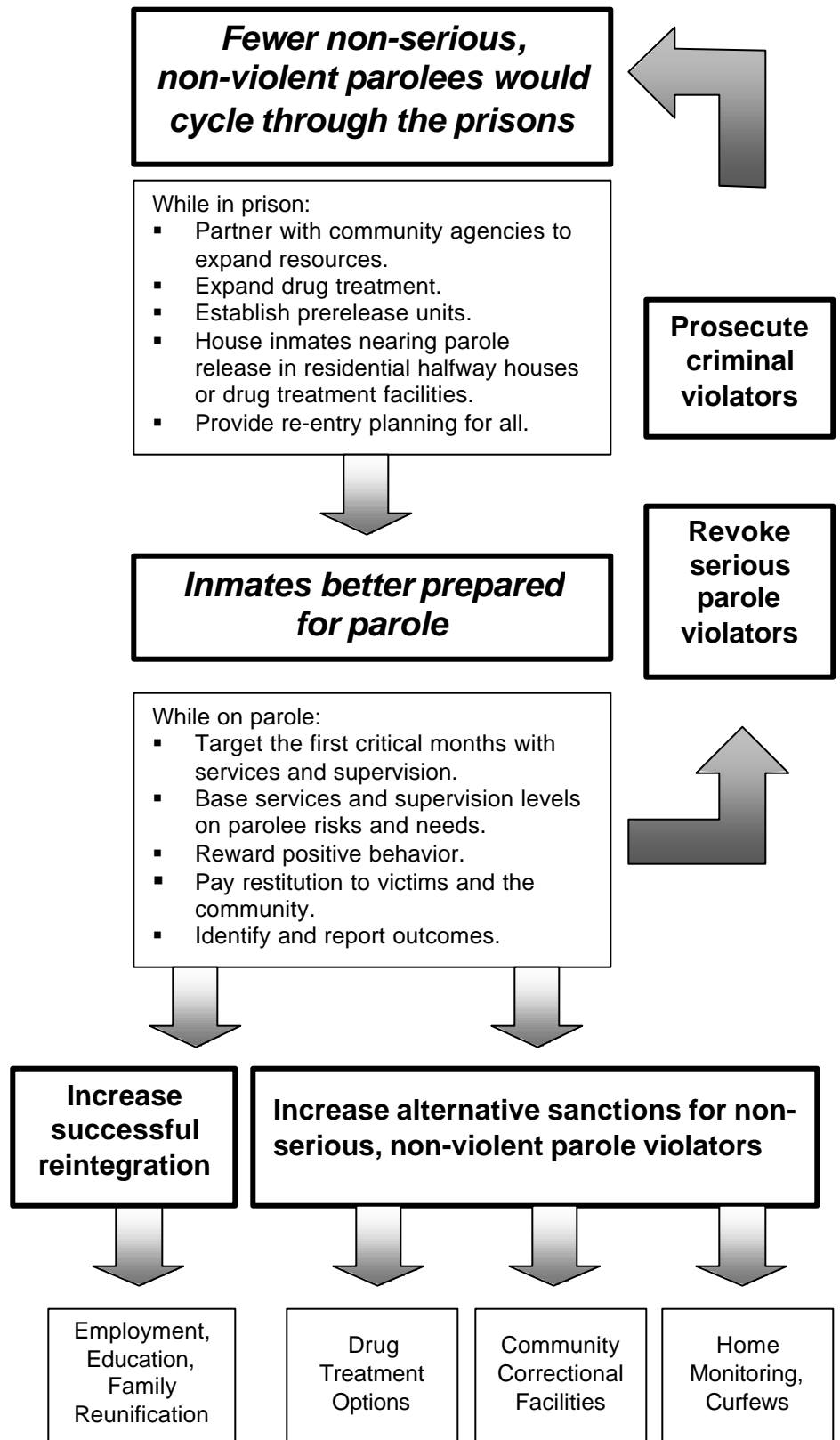
To maximize public safety, communities must assume greater responsibility for reintegrating parolees, and the State should provide the leadership and funding to make those efforts successful.

#### When Parolees Fail

The State should make better use of the resources currently spent re-incarcerating parole violators – and provide more public safety – by developing a range of interventions for failing parolees.

#### When New Crimes Are Alleged

To ensure public safety and fairness, the State should scrutinize its responses to parolees charged with new, serious crimes.





## **Notes**

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- <sup>1</sup> Joan Petersilia, "When Prisoners Come Home." Oxford University Press. 2003.
- <sup>2</sup> Michael P. Jacobson, Ph.D., Professor, John Jay College of Criminal Justice, New York, Written communication, September 18, 2003, and Department of Finance, 2002-03 Governor's Budget.
- <sup>3</sup> Little Hoover Commission Public Meeting with local law enforcement officials, June 26, 2003.
- <sup>4</sup> Joan Petersilia, "The Challenges of Prisoner Reentry and Parole in California," California Policy Research Center Brief, Vol. 12, No.3, June 2000.
- <sup>5</sup> Jeremy Travis and Sarah Lawrence, Urban Institute. "California's Parole Experiment." California Journal. August 2002. (Quoting data from Michael P. Jacobson, Ph.D., Professor, John Jay College of Criminal Justice, New York.)
- <sup>6</sup> Legislative Analyst's Office. Analysis of the 1998-99 Budget Bill: Criminal Justice Crosscutting Issues.
- <sup>7</sup> Jeremy Travis and Sarah Lawrence, Urban Institute. "California's Parole Experiment." California Journal. August 2002.
- <sup>8</sup> Personal communication with CDC Office of Substance Abuse Programs and Michael Prendergast, Ph.D., UCLA Integrated Substance Abuse Programs. (In 2002, 7,500 in-prison treatment beds were available. Since it is a nine month program, 10,000 beds were available. The 6 percent number was derived by dividing 10,000 treatment beds by 160,000 inmates. This number is an estimate, because only those inmates within 24 months of release are eligible to participate in the drug treatment program and the number will vary depending upon how many inmates are in need of treatment and eligible in any given month.)
- <sup>9</sup> Rob Churchill, Supervisor of Corrections Education Programs for the Southern Region, CDC, Personal communication, October 21, 2003.
- <sup>10</sup> National Institute for Literacy. State Correctional Education Programs. March 2002, p. 20.
- <sup>11</sup> Michael L. Prendergast, Ph.D. and M. Douglas Anglin, Ph.D., et al, UCLA Integrated Substance Abuse Program, "Annual Report on the UCLA-ISAP Evaluations of the 1,000 and 2,000 Bed Expansions of Therapeutic Community Treatment Programs for Prisoners, October 2000 to September 2001," and Andy Hsia-Coron, Chair, Professional Educators and Librarians, California State Employees Association, Testimony to the Commission, February 27, 2003.
- <sup>12</sup> Little Hoover Commission, "Beyond Bars: Correctional Reforms to Lower Prison Cost and Reduce Crime," January 1998, p. 69. Sharon Jackson, Assistant Deputy Director, Parole & Community Services Division, CDC, Written communication, October 7, 2003.
- <sup>13</sup> Little Hoover Commission, "Beyond Bars: Correctional Reforms to Lower Prison Cost and Reduce Crime," January 1998.
- <sup>14</sup> Michael P. Jacobson, Ph.D., Professor, John Jay College of Criminal Justice, New York and U.S. Department of Justice data.
- <sup>15</sup> City of Oakland officials, Testimony to the Commission, February 27, 2003.
- <sup>16</sup> 2003-04 Budget Bill formerly under consideration by the Conference Committee, staff analysis of proposed CDC Reforms and Efficiencies, David Panush, June 6, 2003.
- <sup>17</sup> California Department of Corrections, "California Prisoners and Parolees", Parole Violators Returned to Custody by Principal Charge Category, Average Revocation Time Assessed and Served, 1995-2000 Publications.