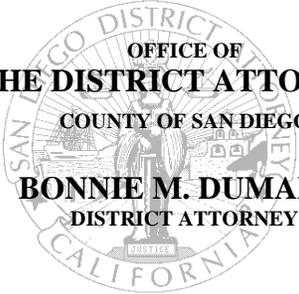


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**Little Hoover Commission
Public Hearing – March 24, 2011
Executive Summary
San Diego District Attorney Bonnie M. Dumanis**

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Good Morning Chairman Hancock and distinguished members of the Commission:

My name is Bonnie Dumanis and I am the District Attorney of San Diego County. I have been asked to testify this morning about my perspective regarding realignment of supervision of certain offenders from the state to the counties.

I will testify about our Senate Bill 618 Reentry Program and provide you with an update on our Reentry Court. I also want to tell you about our ongoing discussions with the California Department of Corrections and Rehabilitation on another project to keep low-level offenders from returning to prison. My written testimony contains the specifics of these programs. This morning I will focus on an overview and offer some recommendations based on our successes in San Diego County.

REALIGNMENT

On the topic of realignment; in your 2007 report, one of your recommendations was to shift post-release supervision and responsibility, and accountability for offender reintegration, to communities. There are considerable potential benefits to having local law enforcement and local service providers expand their involvement. We believe it would save taxpayers money and reduce the recidivism rate. Using evidence-based programs, we have the model in place to take on this role.

However, we believe there should be an evaluation and cost-accountability component to any plan that the legislature approves. We need to reassure taxpayers any realignment will save money, and then prove it with an independent cost analysis. However, I doubt any county, including San Diego, can take on any more without adequate funding from the state. I realize there has been much discussion about shifting the low-level offender burden to counties, but if the state just shifts the responsibility without giving us the funding to implement evidence-based programs, you are wasting time and tax dollars. This would also create a public safety risk.

The Little Hoover Commission has issued several reports that cite best practices to reduce recidivism. You'll be pleased, I think, to know that in San Diego we actually have implemented many of the recommendations offered in your 2007 Commission report. We utilize a risk and needs assessment tool at intake. We use evidence based practices to prepare inmates for release, and we intervene when parolees fail. We've made sure to include low-level female offenders in our programs. We have set up a Reentry Court. We have incorporated "swift and certain" sanctions. We have also implemented recommendations from the California Rehabilitation Strike Team 2007 report, which called

for implementing the California Logic Model. Our Reentry Programs have all of these components and more.

Compared with most other states, California is spending significantly more money on its corrections system yet achieving far less in terms of keeping inmates from returning to prison. According to CDCR, the cost of keeping an inmate in the California system is more than \$132 a day, nearly double the national average of \$79. Despite the vast sums of money that have been allocated to our corrections system, California has one of the highest recidivism rates in the nation. According to the Department of Corrections and Rehabilitation the recidivism rate three years post-release is 67.5%. The national average is 40%. San Diego's Senate Bill 618 Reentry Program has an even lower recidivism rate. Results show a three year recidivism rate of about 30%.

SENATE BILL 618

In 2005, I assembled a multi-agency team to embark on developing proposed legislation (SB 618) and a plan to combat the impacts of recidivism on the San Diego Community. Our office sponsored Senate Bill 618 (Speier) legislation, which was passed into law and became effective January 2006.

We assembled a multi-agency team that became the San Diego County Reentry Roundtable and with its thirteen working groups developed the key elements of the SB 618 Prisoner Reentry Program. The Roundtable is comprised of representatives from correctional institutions, law enforcement, service providers, faith-based and community based organizations, governmental agencies, local planning members, universities, community members, former prisoners and concerned citizens. This group was open to all interested individuals and those who engaged in extensive research and analysis in order to determine best practices and make the most adequate use of resources. My written testimony includes a detailed description of this program and members.

One of the reasons the SB 618 program is so successful today is because San Diego's law enforcement and criminal justice partners work very well together. Over the years, we have developed solid relationships and have built upon that trust. Everyone has a seat at the table and all voices are heard. This unique situation, in my opinion, has allowed San Diego County to become a national model and the state's leader in Reentry Programs.

Currently there are 572 participants in our SB 618 program and of that number nearly 17% are women. One-hundred and eighty (180) participants have successfully completed the program (18 months post release.) One-hundred and seventy-one (171) are no longer on parole. As I mentioned, our three year recidivism rate is 30.8 % compared to the state's three year 67.5%. This includes parole violators who have returned to custody and participants with a new prison commitment. Again, our program's recidivism rate is not only lower than the state's, but significantly lower than the national rate of 40%.

The SB 618 program provides an opportunity to implement and test a number of evidence based practices, including: improved coordination and cooperation between law enforcement and the community throughout the incarceration process; an individualized plan of action (Life Plan) that provides increased accountability for all stakeholders; and case management services that assist in guiding the offender's rehabilitation, tracking offender progress and making adjustment throughout the process.

This program is unique in that it places a focus on reentry at the point of sentencing. We assess the inmates pre-sentencing and address the risks and needs of the participant based on those scientific assessments.

The SB 618 program also contains a critical component for measuring success. A process and impact evaluation is being conducted by the Criminal Justice Research Division of the San Diego Association of Governments (SANDAG). This effort provides evidence-based information to inform all of the vested parties and policymakers on how to better meet the needs of the ex-offenders returning to our community. This data also documents how limited resources can best be used in the interest of public safety.

The most recent analysis shows the SB 618 program is effective, and the preliminary cost analysis shows it's a good deal for taxpayers. As I mentioned, even though the analysis is based on a small number of successful participants, the results suggest that this program could save our state almost \$5 million in future costs. Obviously, the more offenders served, the bigger the savings to the state.

What this means in dollars and cents is the following:

- In a preliminary analysis of 108 SB 618 clients 18% returned to prison for a new charge in the first six months, compared to 32% of the 166 comparison cases.
- The average cost per SB 618 participant is almost \$60-thousand, compared to \$65,000 for a non SB 618 participant. These figures include all costs associated with SB 618, and those costs associated with incarcerations and parole.
- Although the initial cost per case is higher for the SB 618 participant, the costs are lower when you factor in the non SB 618 and the number of them returning to prison. (\$46,364.22 SB 618) vs. (\$42,798.94 Non SB 618)
- If you calculate the reduction in recidivism (32%-18%=14%) it translates into approximately 93 offenders not returning to prison in the first six months after being released. Avoiding the cost of re-incarceration and parole supervision for these 93 offenders for one year would amount to a potential cost savings of approximately \$4.9 million.

My written package contains the January 2011 report. (Improving Reentry For Ex-Offenders in San Diego County: Senate Bill 618 Cost Analysis Preliminary Results).

The California Department of Corrections and Rehabilitation has been very supportive of SB 618 and continues to fund this successful program because they know we are reducing recidivism and saving the state money. If there are areas where we can improve, it would be to provide substance abuse programming and vocational training and placement while participants remain incarcerated. CDCR has had to cut many of these programs due to the current fiscal crisis.

I recommend that the state reinvest in these programs and explore other options. The main barriers to successful reentry are untreated substance abuse programs and unemployment. We must get these people clean, sober and back to work if they are to successfully reintegrate into our communities. I would also encourage the state to pursue federal reentry dollars to help fund these in-house vocational training programs. Locally, we continue to pursue the Reentry Demonstration Project grants. In addition, we would like to see a voucher system that would allow funds to follow the inmate into the community. The community case manager would give the parolee a voucher to obtain specific services throughout community. The voucher process would increase participation by local service providers. It would allow these offenders more options, more resources at a significant savings to the state.

Two years ago, our office approached the legislature about “flipping” Reception Centers into step down Reentry Facilities. We wanted to launch a pilot program at Richard J. Donovan Prison based on our success with the SB 618 model. Just as in SB 618, we could start assessing and classifying offenders in local custody as opposed to having them wait months and month in these dangerous Reception Centers. The beds at these Receptions Center are among the most expensive. If we assessed offenders earlier, in local custody, we would know their risk and needs and classification enabling them to enter the system more quickly. This early emphasis on assessment and classification could save tax dollars and we believe it is key to improving offender rehabilitation efforts and public safety.

In 2009, we suggested creating a new Section in PC 2933 to include the following:

- Create Reentry Program Facilities
- Transfer inmates to step down facilities (converted RCs) 18-24 months prior to Earliest Parole Release Date
- Risk and Needs Assessment for appropriate programming and preparation to reenter community paid for by CDCR, whether completed at local level or in prison.

SAN DIEGO REENTRY COURT

As you know, six counties in the state applied for and received California Emergency Management Agency funding to implement Reentry Courts. In 2010, the San Diego Superior Court was awarded a \$1.5 million grant from Cal EMA pursuant to begin a Parolee Reentry Court Program, pursuant to Penal Code section 3015. Reentry Court is available for San Diego County Parolees on formal parole with either a technical violation or a new non-violent, non-290 felony case. Our grant calls for serving up to 250 participants over a two year period. Reentry Court is a collaborative team approach to supervising, treating, educating and rehabilitating parolees. San Diego's Reentry Court began accepting participants last month. My written testimony contains the latest facts and figures on this new venture, but preliminary (and this is very preliminary) results are as follows:

San Diego's Reentry Court accepted its first participant on January 10, 2011. To date, there have been 48 candidates screened and 40 are in some phase of the program already. Fourteen participants have been released to the community and are in their individual programs, reporting back to court weekly. Based on the stayed prison sentences of the participants deferred from prison and into the Reentry Court Program, the Department of Corrections has avoided over 100 years of prison time for these 40 participants.

I believe this program will have a significant impact on reducing recidivism in San Diego. We have a Reentry Court Team in place and we are seeing more and more defendants each week. This grant also contains a process to determine performance measurements and we will be able to provide a cost analysis to determine overall savings to the State.

However, we have challenges. One of the early concerns has been making sure each defendant receives the appropriate level of treatment based on the risk and needs of the individual and not on the fiscal constraints of the grant. We currently are receiving \$1.2 million for the next two years. As you know, this does not buy a lot of services. This particular population usually requires residential treatment and mental health services, which are expensive. So, while we are grateful for the funding that is available, it is not enough. We would encourage this commission to advocate on behalf of San Diego and the other five counties to have the legislature and Governor set aside additional monies for comprehensive treatment services for Reentry Courts in the coming years.

Again, we know that the program can only succeed if each participant undergoes evidence-based risks and needs assessments and the Court ensures participants receive the appropriate level of treatment based on the assessments. We are very fortunate our Reentry Court judge understands this and is committed to evidence-based practices. Still, we know we will have to make adjustments in this area if we are to service the required 250 participants over the next two years.

CDRC/COMMUNITY CORRECTIONS PROJECT

I want to take a moment and commend Secretary Gate and the leadership he has shown during this time of fiscal uncertainty. He has a very hard job. We are very appreciative to

Secretary Cate and his staff. During these tough budgetary times, they still are trying to make sure evidence-based practices are implemented throughout CDCR. This is a daunting challenge, but they are making strides. I know this first hand. What impresses me most about Secretary Cate is that he is willing to listen to new and innovative ideas and, if they are fiscally responsible, he will act on them.

More than a year ago, I invited Secretary Cate and his staff to San Diego for a presentation. We saw the writing on the wall. We knew inmates were going to be released. We just weren't sure whether it was going to be through "early release" or "non revocable parole." Instead of waiting for the state to tell us how to deal with this public safety issue, our office came up with a plan and asked Secretary Cate for his help. We are still working out the final details of this project, but I believe by this time next year San Diego will again be leading the way when it comes to community corrections and local recidivism reduction.

This plan is very exciting and although it is still in the very preliminary stages, we are breaking new ground. The target population is low-level offenders who desperately need treatment, not incarceration. However, part of this plan also includes swift and certain sanctions for those who cannot abide by the court's orders. This population, if rerouted into a Reentry Court, given court-ordered treatment, and community resources to address the most common barriers to reentry, has a very good chance of not going back to prison.

There have been dozens of reports, studies, whitepapers, and blue ribbon panel recommendations on how to reduce recidivism. We know what works. We don't need another study. In San Diego, we have implemented evidence-based programs and they are successful. I know it's not the most ideal time to ask the state for more funding for reentry programs, but that is exactly what is needed. And I believe we all can agree that it is also the most cost-effective use of tax dollars.

We have a choice. We can pay the annual state prison cost of \$46-thousand a year to house a low-level offender in prison and \$100-thousand dollars a year to keep an inmate housed at a Reception Center, or we can divert the low-level offenders to evidence-based Reentry Courts and Reentry Programs and pay a little bit more upfront. This upfront cost approach leads to a reduction in recidivism, improves public safety and costs all of us less money in the long run.

RECOMMENDATIONS

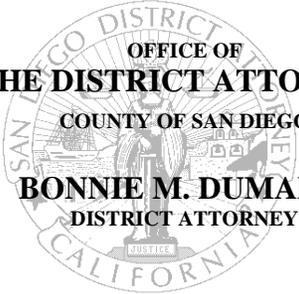
Here are my recommendations:

- Expand the SB 618 program to the other two counties (San Diego is willing to assist) (Little Hoover recommendation)
- Reinstate funding for SB 618 in-prison substance abuse treatment

- Reinstate funding for SB 618 for in-prison vocational training programs based on local industry need
- Encourage the state to develop a voucher system: it would allow funds to flow from the state to the county and then to the participant via a voucher that he/she can redeem for community services
- Encourage CDCR to “flip” Reception Centers: 1) to assess and classify inmates at the local level saving expensive RC bed costs, 2) turn Reception Centers into step-down Reentry Facilities to help facilitate successful offender reintegration
- Increase treatment funding for Cal EMA Reentry Courts
- Target federal Reentry funding for the state’s in-prison Vocational Training and Placement Programs
- Encourage CDCR to continue to fund "community corrections" projects similar to the one slated for San Diego.

Thank you for asking me to address you today. I am grateful for the opportunity to testify before this commission and I am ready to answer any questions you may have at this time. Thank you.

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Little Hoover Commission March 24th Public Hearing

San Diego SB 618 Reentry Program

The San Diego County Prisoner Reentry Program (Senate Bill 618) is a comprehensive multiagency collaboration designed to assist, educate, treat addictions, and transition parolees into the community. The program does not affect the length of an offender's prison sentence. Rather, it takes advantage of the sentence to treat any alcohol and drug addictions and improve educational and vocational skills. The ultimate goal is to produce law-abiding and self-sufficient members of the community and enhance public safety.

San Diego County is the first and only county authorized to create a multiagency plan and develop policies and programs to educate and rehabilitate nonviolent felony offenders. The diverse group of program partners, led by the DA's Office, includes the California Department of Corrections and Rehabilitation (CDCR), San Diego County Public Defender's Office, San Diego County Superior Court, San Diego County Defense Bar, San Diego County Sheriff's Department (including a subcontract with Grossmont Union High School District to do educational assessments), San Diego County Probation Department, and University of California, San Diego, San Diego Association of Governments, Reentry Roundtable and concerned community members.

Current SB 618 Stats

- Current funding -- \$3 million per year
- Current number of Participants – 572
- 16.72% -- female
- 180 -- successfully completed program (18 months post release)
- 30.8% Recidivism Rate (which includes parole violators returned to custody and participants with new prison commit)
- SB 618 participant/Parole Violators Return to Custody (PVRTC) rate (13.37%) is significantly lower than CDCR rate (47%)

Average Participant

- Male
- About 35 years of age
- Three quarters are Caucasian or African American
- More than half are in custody for a property-related offense
- Most had served time in jail or prison in the past
- Participants have High Risk to recidivate according to CSRA scores (California Static Risk Assessment) used by CDCR
- Most participants are substance abuser with Addiction Severity Index score of 7 (high and in need of treatment)
- Almost all are assessed as having significant vocational needs
- Two-thirds have educational deficiencies

- Over half have criminogenic risks related to residential instability
- One-third have medical, mental health, or dental issues
- Served over 12 months in prison

SB 618 Eligibility

Eligible candidates are non-violent male and female felony offenders, legal residents of San Diego County, who stipulate to a prison sentence and can be housed in either Richard J. Donovan Correctional Facility (RJD), or the California Institute for Women (CIW). Participants must have no history of sexual or arson offenses, or have inflicted great bodily injury, permanent disability or death upon another. Offenders who have prior convictions for violent felonies that do not involve death, great bodily injury or permanent disability, will be screened on a case-by-case basis if the defendant remained free of prison for at least five years after the commission of the violent felony. To be considered, the candidate must be in local custody so the assessment process can be completed, be a legal resident of San Diego County, and agree to a prison sentence for the instant offense of 8 to 72 months.

The program is voluntary, ensuring applicants are motivated to change and will actively utilize the program services. Offenders are advised of their eligibility at the time of the plea bargain by the Deputy District Attorney. If a defendant chooses to be screened for eligibility, the offender signs a letter of intent and the screening process immediately begins. Once admitted to the program, individuals are referred to as "Participants". At the time of the sentencing to state prison, Participants sign a contract.

SB 618 Assessments

The San Diego County Probation Department serves as the lead agency and teams with the Sheriff's Department to transfer the assessment process for Participants from CDCR Reception Centers to two San Diego County Jails. The Addiction Severity Index (ASI) is used to measure individual risks, needs, and improvements related to substance abuse, mental health, and trauma-related issues for SB 618 participants. It is administered by the Probation Department prior to imprisonment, by Community Case Managers (CCMs) with 30 days of release and after drug treatment program completion. The Probation Department also conducts a strength based assessment focusing on the participant's dynamic and static risk factors and profiling the offender's criminogenic needs, using the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) prior to sentencing. In addition, CCMs administer COMPAS at the end of program.

The Sheriff's Department also conducts a comprehensive array of behavioral health, dental and educational assessments. A representative from CDCR pre-classifies the participant and ensures he or she can be housed at RJD or CIW. UCSD's Reentry Employment Coordinator conducts vocational assessments in prison using the Occupational Information Network (O*NET) and Myers-Briggs Type Indicator (MBTI) tools.

SB 618 Life Plan

The Life Plan is a dynamic document, changing as Participants reach measurable goals. The Life Plan charts Participants' needs and progress from assessment to program completion. Information maintained in the Life Plan includes personal demographics, screening and assessment results, and case management notes entered by the Prison Case Manager (PCM) and Community Case Manager (CCM). The Life Plan maps a course of action to help put the Participant on track towards successful reentry. It includes input from the Participant, the multidisciplinary team, the California Department of Correction and Rehabilitation (CDCR) representative and the assessment results. The Life Plan follows the Participant through their incarceration and reentry into the community and is utilized to provide offenders with needed services.

SB 618 Prison Case Management

Participants receive Prison Case Management services while incarcerated to ensure that they are enrolled in appropriate education or vocational programming, treatment, and/or other training, commensurate with the goals of the Life Plan. The Prison Case Manager works with the Participant to modify the Life Plan when appropriate and acts as the Participants advocate within the prison system. Six months prior to release, the Prison Case Manager, the Participant, Parole Agent and the Community Case Manager meet and revise the Life Plan, focusing on the reentry plan for housing, transportation and immediate enrollment in community supports such as substance abuse and mental health service, work readiness training and placement. The Community Case Manager works with the Participant to plan for release and reconnect with family members.

SB 618 Community Case Management

Community Case Management includes screening and assessing parolees and developing and authorizing client service and treatment plans; placing clients in treatment. Community Case Management is a participant-centered, goal-oriented process for assessing the need of an individual for particular service needs; assisting the person in obtaining those services; and reviewing Participant accomplishments, outcomes and barriers to completing Life Plan goals. Community Case Management activities are designed to integrate, coordinate, and access necessary services in order to ensure successful recovery and treatment. Case Management supports self-advocacy, helps prevent relapse through individualized attention and support services, reduces fragmentation of care, and establishes optimum communications and collaboration among providers and agencies for the benefit of participants during their participation in the program.

Upon release, the Community Case Manager meets the Participant at the door of the prison and transports the Participant to a suitable residence. The Community Case Manager is on call 24 hours a day for the first 72 hours after the Participant's release to provide crisis intervention services. This is a precarious time for former prisoners as they often relapse into risky behaviors upon release. The Participant is pre-enrolled in community services

and immediately begins accessing those services. The Community Case Manager, in close collaboration with the Parole Agent, brokers services for the Participant on a continual basis and ensures the services match the Life Plan and the Participant's needs. Community Case Management takes place for up to eighteen (18) months as needed. Contacts between the Community Case Manager and the Participant will become less frequent over time as the Participant demonstrates success as outlined in the Life Plan. The Community Case Manager, Parole Agent, Participant and community members of the participant's choice meet regularly at a Community Roundtable to discuss the progress of the Life Plan and address any concerns or issues.

San Diego Reentry Court Program

In 2010, the San Diego Superior Court was awarded a 1.5 million dollar grant from Cal EMA pursuant to begin a Parolee Reentry Court Program, pursuant to Penal Code section 3015. The San Diego Reentry Court Program is a collaborative team approach to supervising, treating, educating and rehabilitating parolees. The Program is based on the ten Key Components of collaborative courts established by the National Association of Drug Court Professionals. The Reentry Court team includes a San Diego Superior Court Judge, as well as representatives from the San Diego District Attorney's Office, the San Diego Public Defender's Office, Health and Human Services Agency – Alcohol and Drug Services, Mental Health Systems, the San Diego Police Department, the San Diego County Probation Department, and the Department of Corrections, Division of Adult Parole Services and Board of Parole Hearings.

The Reentry Court Program is available for San Diego County Parolees on formal parole with either a technical violation or a new non-violent, non-290 felony case. Formal parolees who meet the eligibility requirements are referred to and then screened by the Reentry Court Team. Parolees with new felony cases must plead guilty first and agree to a new prison sentence, which will be stayed if they are found suitable for the program. Evidence-based assessments are conducted by trained treatment providers during the screening process. If the parolee is found suitable by the Reentry Court team, then the parolee is offered an opportunity to participate in the 12 to 18 month program in lieu of returning to prison for the technical violation or the new prison term.

During the 4 phase program, parolees are required to sign a contract and participate in the individualized case plan designed for them by Reentry Court Team. Along with the case plan, the program includes drug treatment and rehabilitation, regular court hearings, frequent and random drug testing, counseling, law enforcement supervision and searches, home checks, program fees and clearly articulated sanctions and incentives. Education and vocational support and direction are also provided. Participants are closely monitored through their treatment provider, law enforcement team and the Court to ensure compliance and commitment. Although long term residential treatment is indicated for the majority of the participants, due to the limited treatment funds afforded by the grant, other less expensive treatment options, such as outpatient treatment and sober living, must be explored first for many of the participants. As a result of the budgetary restrictions, long term residential treatment must be reserved for the participants with the highest needs.

More funds are necessary to truly address the addiction levels of the recidivists that this program aims to treat.

San Diego's Reentry Court accepted its first participant on January 10, 2011. To date, there have been 48 candidates screened and 40 are in some phase of the program already. Fourteen participants have been released to the community and are in their individual programs, reporting back to court weekly. Based on the stayed prison sentences of the participants deferred from prison and into the Reentry Court Program, the Department of Corrections has avoided over 100 years of prison time for these 40 participants.

ATTACHMENTS:

1. San Diego Association of Governments (SANDAG) May 2010: Improving Reentry for Ex-Offenders in San Diego County: SB 618 Third Annual Evaluation Report
2. San Diego Association of Governments (SANDAG) January 2011: Improving Reentry for Ex-Offenders in San Diego County: Senate Bill 618 Cost Analysis Preliminary Results
3. Office of the San Diego District Attorney's Community Brochure: Senate Bill 618 "Prisoner Reentry Program"
4. San Diego Office of the District Attorney Recidivism Reduction Act of 2009