



Stuart Drown
Executive Director
Little Hoover Commission
925 L Street, Suite 805
Sacramento, CA 95814

Written Testimony of Judge Richard A. Vlavianos
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I want to thank the Little Hoover Commission for asking me to share my perspective on the shift of low level offenders from the state to the county and what would be required to make their supervision most effective, reducing incarceration and recidivism. I have the privilege of serving on the California Community Corrections Coordinating Committee established by Senate Bill 678. I also work with probation violators regularly and I oversee one of the six parolee re-entry courts established last year that work with parole violators in lieu of a revocation of parole.

During this discussion it is important to focus on the available research which defines core principles and practices that are evidence based and effective when working with probationers and parolees. It is the imposition of these core principles and not any particular system that will create success. We are fortunate in that there is a great body of research in this area which provides us with overriding concepts that should be the core principles of any shift. These principles and practices are evidence based because they have been proven to reduce incarceration, recidivism, costs and victimization.

The most significant of these is the use of the collaborative court model as the central piece of a system to supervise and monitor for success rather than failure. The collaborative court model has been shown over decades of research to significantly reduce incarceration, recidivism, costs and victimization. No other tool that I am aware of has been proven to have as great of an effect. The model is applicable to the supervision of virtually any probationer or parolee. Simply delegating supervision and monitoring to the counties with no structure will never work because the counties lack the jurisdiction to set terms of probation and parole, and determine violations. This function, which research has shown is the most powerful tool available to achieve the desired goal, simply cannot be delegated to the counties. The state's ensuring that the collaborative court model is part of whatever system is designed would represent a state commitment to achieve the desired outcomes. It would also evidence the state's commitment to be the best possible collaborative partner with the counties in the transition.

I want to give the Commission an example of just how well this system works with the very individuals who will be going through the shift. In our parolee re-entry court in San Joaquin County we currently have over 100 individuals on parole, and in violation of parole. They have been referred to the re-entry court rather than the Board of Parole hearings. The court has been receiving these referrals from parole since mid-October, 2010. They are referred to the court using the PVDMI (Parole Violator Decision Making Instrument) and all are classified as high risk for re-offense. We use the collaborative court model; have treatment professionals assess the individuals; refer them to the appropriate programming; and most important we use the Judge to monitor their performance with the use of rewards and sanctions.

To date none of these parole violators, who would otherwise have been sent back to prison for an average of approximately four months, have been sent back to prison on a revocation. That is also true for all six re-entry courts statewide. No offenders have been sent back to prison on a revocation to date. The model works! The savings in San Joaquin County alone is in the millions of dollars already. The transformations that are happening in the individuals have caused parole to be the biggest supporter of the program, from the assigned agents all the way up to the Secretary. Those same transformations will undoubtedly produce a significant reduction in recidivism as well. This result is completely consistent with the decades of research that we have from collaborative courts. It also reproduces the success that the Superior Court in Santa Clara and Los Angeles counties have had in using the same model with this group.

The re-entry courts and probation, particularly after Senate Bill 678, are attacking the same problem. The missing piece in S.B. 678 is the use of the collaborative court model as a part of the system. In San Joaquin County, the court is partnering with our Chief Probation Officer to use the collaborative court model with a caseload of their highest risk offenders in an effort to fill that void and further improve their outcomes. The same partnering is taking place in other counties and should be a requirement.

In designing any system to achieve the desired reductions in incarceration and recidivism we simply must maintain focus on what has been proven to be most effective in working with individuals who are on parole and probation. That is the use of the collaborative court model. In my opinion, research indicates that the best system would be for the Legislature to create a Community Corrections Court in each county with exclusive jurisdiction over any violation of probation or parole.

The courts within the counties that are currently operating collaborative courts can serve this function. In California, only two of the smallest counties do not have a collaborative court and over half of the counties have four or more collaborative courts operating currently. The infrastructure for such a system is already in place. Judges in this court would already have training in the collaborative court model and the evidence based practices and principles that make the model so effective. They have also already demonstrated the ability to produce the exact results desired.

These Community Correction Court judges would be able to work collaboratively with probation and parole to achieve the best possible results. This system would align the court system with probation and parole to produce the greatest reduction in incarceration and recidivism, thereby minimizing victimization and maximizing savings. The Community Corrections Court would be a state investment in the project and would give probation and parole the best, evidence based tool to achieve the desired outcomes. Through the Community Corrections Court, the state would be working in partnership with localities in an integrated system that research demonstrates would produce the greatest savings.