IMPROVING REENTRY FOR EX-OFFENDERS IN SAN DIEGO COUNTY: SENATE BILL 618 COST ANALYSIS PRELIMINARY RESULTS

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Preliminary findings presented in this report are those of the authors and do not necessarily
reflect the official position or policies of the CDCR, SB 618 partner agencies, SANDAG, or its Board of Directors.

EXECUTIVE SUMMARY

As part of a larger Senate Bill (SB 618) Prisoner Reentry Program process and impact evaluation, a cost-effectiveness study, which includes a cost-avoidance analysis, is being conducted by the Criminal Justice Research Division of the San Diego Association of Governments (SANDAG). The cost-effectiveness analysis compares costs to relative outcomes (i.e. the percent not returned to prison), and the cost-avoidance analysis projects future expenses that are avoided due to successful treatment. While a cost-effectiveness analysis is typically done after all outcome data are collected at the end of a study, preliminary results were requested by the California Department of Corrections and Rehabilitation (CDCR) to help inform State budget decisions. As such, the results presented here are not based on the full sample of participants or the final program costs. Therefore, readers of this report should be mindful that the final analysis may eventually show the SB 618 program to be more or less cost-effective when all of the data are available.

This section provides a brief summary of the cost-effectiveness and cost-avoidance analysis based on participants who entered the SB 618 program after July 2007 and who had been released from prison for at least six months prior to July 2009. More detailed analysis and the methodology regarding how these numbers were calculated can be found in the rest of this report.

The results of the preliminary analysis suggest that the SB 618 program is a cost-effective program when compared to treatment as usual.

- **Preliminary results suggest that the SB 618 program is more successful at reducing recidivism than treatment as usual.** Of the 108 SB 618 clients, 19 (18%) had been returned to prison for a new charge in the first six months following release, compared to 53 (32%) of the 166 comparison cases.
- **The SB 618 program is more cost-effective than treatment as usual when the effectiveness of the program is included in the analysis.** The average cost per successful SB 618 participant is $59,854, compared to $65,390 for a successful non-SB 618 participant. These numbers consider both the extra costs associated with the SB 618 program and the different success rates.
- **The average cost per *successful* case is higher for the non-participants because more of them return to prison.** Initially, the cost per case is higher for SB 618 participants (because of the extra costs associated with the program); however, the costs are lower when the analysis factors in the number returning to prison.
- **The short-term costs of providing the SB 618 program result in long-term savings.** Using the recidivism rates from above, the reduction in recidivism (32% - 18% = 14%) translates into approximately 93 offenders not returning to prison within the first six months following release into the community. Avoiding the cost of re-incarceration and parole supervision for these 93 offenders for one year would amount to cost savings of approximately $4.9 million.

INTRODUCTION

In response to California's growing crisis of recidivism and subsequent prison overcrowding, Senate Bill 618 (SB 618) San Diego Prisoner Reentry Program was developed. The San Diego County District Attorney's (DA) Office sponsored the SB 618 (Speier, 2005) legislation, which was passed into law in October 2005 and became effective January 1, 2006.

The SB 618 program is based on the concept that providing tangible reentry support services will increase parolees' reintegration into the community. San Diego County was the first county authorized to create a multiagency plan and develop policies and programs to educate and rehabilitate nonviolent felony offenders. Key program components are based on best practices and include conducting screenings and assessments and providing case management and services to meet identified needs. The process begins before sentencing and continues through imprisonment, as well as up to 18 months post-release.

As part of this effort, a process and impact evaluation is being conducted by the Criminal Justice Research Division of the San Diego Association of Governments (SANDAG). The purpose of this effort is to provide valid and reliable information to inform program staff and policymakers regarding what works to better meet the needs of ex-offenders returning to the community, as well as document how limited resources can best be used in the interest of public safety.

This report describes the preliminary findings of the cost-effectiveness portion of the analysis. More information about the program and other outcome results can be found in the annual reports prepared as part of the evaluation. The research team is in the process of preparing the fourth annual report, with publication anticipated in spring 2011. In the meantime, *Improving Reentry for Ex-Offenders in San Diego County: SB 618 Third Annual Evaluation Report* can be found at http://www.sandag.org/cj.

RESEARCH DESIGN

To determine if the SB 618 program resulted in improved service delivery and reduced recidivism (or increased desistence), it is necessary to ask, "Compared to what?" A quasi-experimental, nonequivalent study group design was used. The first six eligible participants per week willing to participate after July 1, 2007, were assigned to the treatment group. This date was chosen to allow sufficient time for the program to become fully operational. The comparison group consists of individuals who have been eligible since the program began (February 2007), but were never asked if they would have participated. Study group selection continued through November 2008 to ensure that at least 320 individuals were assigned to the treatment and comparison groups.[1]

[1] For more details regarding the research design, see Chapter 2 of the full report: *Improving Reentry for Ex-Offenders in San Diego County: SB 618 Third Annual Evaluation Report* can be found at http://www.sandag.org/cj.

Sample Description

Based on the SB 618 program eligibility criteria, individuals in both groups are nonviolent felons who will be paroled to San Diego County after serving a stipulated sentence of up to six years. The full samples for the final evaluation include 348 individuals in the treatment group and 363 in the comparison group. However, for the purpose of this preliminary report, 108 treatment group cases (31%) and 166 comparison group cases (46%) were used because these individuals had been out of prison for at least six months (as of July 31, 2009), which allowed for recidivism data to be collected upon which to base program effectiveness. As the evaluation continues these numbers will increase, which will allow for a more robust analysis. Therefore, the preliminary results provided in this report should be interpreted with caution, and any conclusions regarding the effectiveness of the program should be deferred until the entire sample from both groups is available for analysis.

Recidivism

Information regarding return to prison rates is obtained from CDCR and analysis is based on six-month intervals following release from custody to facilitate reporting of intermediate results rather than waiting until cases have been in the community for the entire 18-month follow-up period.

METHODOLOGY

The first step in the cost analysis was to calculate the success rate (the percent not returned to prison for a new charge within six months) for both SB 618 program participants and non-SB 618 program participants. These figures were based on the number of persons in each group that had been released for at least six months as of July 31, 2009. As Table 1 shows, the recidivism rate for SB 618 program participants was lower in this first six-month period than for non-SB 618 program participants (17.59% versus 31.93%).

Table 1
SB 618 Program Participants More Successful Than Non-SB 618 Program Participants

	Percent Not Returned to Prison	Percent Returned to Prison
SB 618 Program Participants	82.41%	17.59%
Non-SB 618 Program Participants	68.07%	31.93%

Cost-Effectiveness Analysis

During the evaluation research planning stages, SANDAG met with CDCR staff and local program partners to determine the most appropriate cost analysis methodology. A cost-benefit and a cost-effectiveness methodology were both considered. A cost-benefit analysis is typically used when two different policy choices have different costs and potentially different monetary benefits associated with them. A comparison of total net benefits (total benefits minus total costs) shows which policy has the higher return. A cost-effectiveness analysis is typically used when the potential benefits do not need to be in monetary form, because the cost savings of the benefit (successful case not being returned to prison) would be the same for both groups; *and* when potential benefits may be difficult to quantify, such as cost per crime prevented.

All meeting representatives agreed that a cost-effectiveness methodology was the more practical choice given the data available and since the potential benefit (cost savings when reincarceration is avoided) is the same for each group. Thus, the purpose of this cost-effectiveness analysis is to determine if the SB 618 program is a worthy investment for the taxpayers by comparing the program costs and success (i.e., individuals not recidivating) to treatment as usual.

Since a cost-effectiveness analysis requires both costs and a relevant effectiveness measure, the costs were based on those that had been released from prison for at least six months as of July 31, 2009. This resulted in 108 SB 618 program participants and 166 non-SB 618 program participants included in the cost analysis for this report. The final analysis conducted at the end of the study will include the full sample for both groups.

The costs included in this analysis for SB 618 program participants:

- Additional SB 618 program staff cost to County Probation paid by the State;
- SB 618 program assessment costs conducted by County Sheriff paid by the State;
- In custody case management costs;
- Prison incarceration costs;[2]
- Parole;
- Community case management and vocational specialist services; and
- District Attorney database costs paid by the State.

The costs included in this analysis for non-SB 618 program participants:

- Prison incarceration costs;[2] and
- Parole.

All costs shown are in FY 2009-10 dollars.

[2] Incarceration costs also include program services (e.g., drug treatment, vocational programs, education) while in prison.

The costs were calculated for each category (assessment, incarceration, parole, etc.). Table 2 shows how the "average cost per person" was calculated for each. Then, the relevant average costs (depending upon which group) were multiplied by the total in each (108 or 166) to get a total cost. This total cost represents the cost for either the SB 618 program group or the non-SB 618 program group since the beginning of the program.

However, it is important to note that these costs do not reflect the total costs spent by the State of California as of July 2009, but rather the cost for the specific 108 participants and 166 non-participants. This distinction is important because this is not a cost-benefit analysis. As previously mentioned, it does not consider the total costs spent on the program versus the total net benefits. Rather, this analysis creates a comparative measure that can be used to determine whether the SB 618 program has the same or better return than "treatment as usual" for every dollar spent. These cost figures should not be used as an estimate of total dollars spent on the SB 618 program thus far.

The effectiveness measure (successful cases) equals those not returning to prison six months after release.

The cost-effectiveness measure for each group (SB 618 program participants or non-SB 618 program participants) is calculated as:

Total costs for all group members / Number of persons not returning to prison within 6 months = Average cost per successful case

This average cost per successful case measure shows whether the additional cost for SB 618 program participants is worthwhile when factoring in the effectiveness of the program. By comparing it to the non-SB 618 program participant figure, it can be determined whether spending the additional money for the program is a cost-effective investment.

Table 2
Average Costs per Person for SB 618 Participants and Non-participants
July 2007 – July 2009
(in FY 2009-10 dollars)

SB 618 Program Participant Costs	Average Cost Per Person	Source	Formula
Additional Probation Staff	$1,860.42	Probation & CDCR	Additional dedicated staff costs for 2.5 years averaged to per person ($843.97) + additional 18.63 staff hours per person at Deputy Probation Officer rate of $54.56 ($1,016.45)
SB618 Program Assessment – Male[1]	$1,004.33	County Sheriff	Cost per participant to conduct the ASI[2] assessment, dental, educational, and mental health screening
SB618 Program Assessment – Male[3]	$1,104.33	County Sheriff	Cost per participant to conduct ASI, dental, educational, and mental health screening
SB618 Program Assessment – Female[4]	$1,004.33	County Sheriff	Cost per participant to conduct ASI, dental, educational, and mental health screening
SB618 Program Assessment – Female[5]	$1,104.33	County Sheriff	Cost per participant to conduct ASI, dental, educational, and mental health screening
Prison incarceration – RJD[6] (Males)	$37,150.82	CDCR	Average daily rate of $132.12 * Average number of days in prison (281.19)
Prison incarceration – CIW[7] (Females)	$40,650.16	CDCR	Average daily rate of $165.98 * Average number of days in prison (244.91)
In-custody case management – RJD (Males)	$1,828.52[8]	CDCR 09/10 PEA[9] Budget	Average daily rate of $6.50 * Average number of days in prison (281.19)
In-custody case management – CIW (Females)	$2,346.84[8]	CDCR 09/10 PEA Budget	Average daily rate of $9.58 * Average number of days in prison (244.91)
Parole	$4,699.50	CDCR DAPO[10]	Average monthly rate of $361.50 * Average parole of 13 months per person
Community services	$2,411.07	UCSD[11] and CTS[12]	UCSD cost per client of $1,432.74 + CTS cost per client of $978.33
DA database	$416.32	County DA	Total ongoing maintenance costs averaged per participant. Does not include one-time, start-up costs.

SB 618 Program Non-Participant Costs	Average Cost Per Person	Source	Formula
Prison incarceration – RJD	$38,099.44	CDCR	Average daily rate of $132.12 * Average number of days in prison (288.37)
Prison incarceration – CIW	$47,636.26	CDCR	Average daily rate of $165.98 * Average number of days in prison (287.00)
Parole	$4,699.50	CDCR DAPO	Average monthly rate of $361.50 * Average parole of 13 months per person

1 – Applied to 50% of cases
2 – ASI = Addiction Severity Index
3 – Applied to 50% of cases that received extra mental health screenings
4 – Applied to 75% of cases
5 – Applied to 25% of cases that received extra mental health screenings
6 – RJD = R. J. Donovan Correctional Facility
7 – CIW = California Institution for Women
8 – Cost figure will not exactly equal the formula listed due to rounding of the daily rate in table above
9 – PEA = Public Entity Agreement
10 – DAPO = Department of Adult Parole Operations
11 – UCSD = University of California, San Diego
12 – CTS = Comprehensive Training Systems, Inc.

Cost-Avoidance Analysis

In addition to the cost-effectiveness analysis, CDCR requested that a cost-avoidance analysis be conducted. Cost-avoidance is a method for projecting future expenses that are avoided due to successful treatment (in this case the SB 618 program).

The methodology in this analysis is based on a formula developed by the Florida Office of Program Policy Analysis and Government Accountability (Report Number 00-23, page 48). Cost-avoidance is derived by multiplying the number of inmates who complete a program by the reduction in recidivism percentage and multiplying this number by an annual incarceration rate per inmate plus average parole costs per inmate. These figures are based on total number of people in a program. (At the time the data was compiled for this analysis, 646 were in the SB 618 program even though they are not all in the evaluation sample.)

Using this methodology, the formula in this project is:

[(14.34% recidivism rate reduction * 646 program participants) * $48,256.83 annual prison cost] + [(14.34% recidivism rate reduction * 646 program participants) * $4,699.50 average of 13 months of parole] = $4,905,684

The figures used in this formula are described below:

- Recidivism rate reduction: 14.34% = 31.93% (recidivism rate non-SB 618 program participants) – 17.59% (recidivism rate SB 618 program participants)
- Program participants: 646 = Number of **total** SB 618 program participants enrolled before July 1, 2010 (the time the data were compiled for the cost-avoidance analysis)[3]
- Annual Prison Costs: $48,256.83 = Average cost per inmate based on average prison daily rate for RJD $132.12 (Table 2) * 365.25 days[4]
- 13 Months of Parole: $4,699.50 (Table 2)

This calculation also assumes that a reoffender would return to prison for one year.

[3] The cost-effectiveness analysis and the cost-avoidance analysis were conducted at two separate times. The cost-effective analysis was done in spring 2010, and the cost-avoidance analysis was done in fall 2010.

[4] Due to the small numbers of females recidivating in both samples, (3 SB 618 program participants and 5 non-SB 618 program participants), the RJD daily rate was used in this analysis. This is a more conservative approach because RJD daily cost is less than CIW daily cost and it simplifies the analysis (parsimony).

RESULTS OF ANALYSIS

The SB 618 program is the more cost-effective option when the effectiveness of the program is considered. The average cost per successful SB 618 case is $59,854, compared to $65,390 for the comparison group. While the results are still preliminary, they suggest that the SB 618 program is more successful at reducing recidivism than treatment as usual. Of the 108 SB 618 clients, 19 (17.59%) had been returned to prison for a new charge, compared to 53 (31.93%) of the 166 comparison cases. This analysis suggests that the SB 618 program is the better return on investment than treatment as usual (Table 3).

The average cost per successful case is higher for the non-SB 618 program participants because more of them returned to prison. While initially the cost per case was higher for SB 618 participants because of the extra costs associated with the program, the costs were lower for them when the analysis factored in the number returning to prison. The figures in Table 3 show whether the additional cost for SB 618 participants is worthwhile when factoring in the effectiveness of the program. By comparing it to the non-SB 618 program participant figure, it can be determined whether spending the additional money for the program is a cost-effective investment. It is important to evaluate both cost and effectiveness together because the goal of this program is to prevent offenders from returning to prison and, in essence, prevent future costs for the State of California. Using a comparative cost figure combined with an effectiveness measure is crucial for understanding the complete picture.

Also, it is important to point out that these figures do not represent the average prison costs of all inmates. They are averaged only by cases that do not recidivate (successful cases) – not *all* cases. Thus, the figures are higher than one might expect for average prison costs per person.

Table 3
The SB 618 Program Provides Better Return on Investment than Treatment as Usual

Cost Information	SB 618 Clients	Comparison Group
Average Cost per Successful Case	$59,854	$65,390
Percent Returned to Prison	17.59%	31.93%

Additionally, a cost-avoidance figure was calculated as part of this analysis. While the previous analysis compares costs to relative outcomes, the cost-avoidance analysis projects *future* expenses that are avoided due to successful treatment.

Using the recidivism rates from Table 3 and the entire population of clients enrolled in the SB 618 program as of July 1, 2010, the reduction in recidivism (14.34% = 31.93% - 17.59%) translates into approximately 93 offenders (14.34% * 646 = 92.63) not returning to prison. Avoiding the cost of their re-incarceration for one year and parole supervision would amount to cost savings of approximately $4.9 million.

SUMMARY

Preliminary results suggest the SB 618 program is a cost-effective option for the State of California. Having fewer SB 618 clients return to prison within six months of release results in a lower cost per successful case and may justify the additional costs for a greater variety of services. Additionally, these data currently support the conclusion that this program could save the State of California almost $5 million in future costs. This potential savings is based on a relatively small number of successful clients. It is possible that serving more offenders could result in more money saved in future State costs.

The results presented here are not based on the full sample of participants or the final program costs. While these preliminary results are positive, this analysis is still early and the final results may differ due to longer follow-up periods (i.e., 12 months or 18 months), budget changes resulting in smaller or larger budgets in subsequent years, and a larger sample size that may impact the cost per participant (economies of scale).

Improving Reentry For Ex-Offenders in San Diego County: Senate Bill (SB) 618 Third Annual Evaluation Report - Executive Summary

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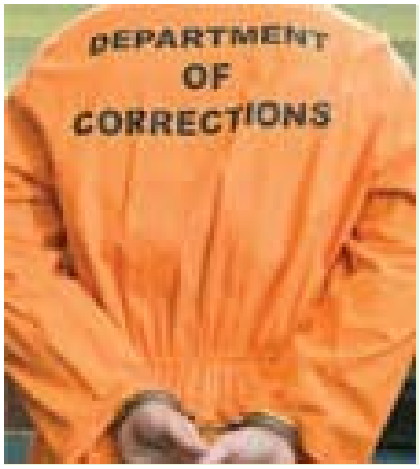

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EXECUTIVE SUMMARY

MAJOR FINDINGS

Process Evaluation:

- Good communication and strong collaboration has been the key to successful program implementation.
- The typical SB 618 participant is a 35-year-old White or Black male in custody for a property-related crime with extensive prior involvement with the criminal justice system and in need of vocational training and substance abuse treatment.
- Participant needs are assessed within the expected timeframe, reducing time spent in the prison reception center and increasing time available for in-prison rehabilitative services.
- Over three-quarters (78%) of the treatment group participate in programming while in prison and over two-thirds (69%) receive services in the community during the six months following prison release.
- Almost all participants have contact with a Prison Case Manager (PCM), Community Case Manager (CCM), or vocational staff while in prison, and four in five participate in prison programs that match their individual needs.
- During the first six months of community reentry, almost all participants have regular contact with the CCM and this contact occurs during the critical three-day period after prison release for the majority (two-thirds) of participants.
- Program retention is high, with 91 percent of participants remaining in the program throughout their prison term and the same proportion successfully participating during the six months following prison release.

Impact Evaluation:

- The treatment group is significantly less likely than the comparison group to be returned to prison within the first six months of community reentry.
- Treatment group participants are five times more likely to be employed six months post release compared to the comparison group, and employed individuals are less likely to have a new arrest in the same period.
- With respect to risk reduction, preliminary data suggest that SB 618 participation reduces substance use, as well as improves social supports, housing, and employment.
- Overall, treatment participants, as well as their friends and family members, have a favorable opinion of the program. In fact, the majority of participants would recommend SB 618 to others.

INTRODUCTION

As historically high numbers of ex-offenders parole to California communities, the issue of reentry poses a significant problem to policymakers, public safety officials, and community leaders alike. Reentry is a key issue facing many communities because over the last 30 years, more individuals have been locked up than ever before, due in part to changes in many jurisdictions from indeterminate sentencing to determinate sentencing (which mandates specific sentence type and length for many crimes) (Austin, Clear, Duster, Greenberg, Irwin, McCoy, Mobley, Owen, & Page, 2007). As a result, by 2008, the United States had the highest incarceration rate in the world with 1 of every 100 adults behind bars (The Pew Center on the States, 2008). Without a commensurate expansion of prison infrastructure, prisons have become overcrowded.

At the same time that more offenders have been locked up for longer periods of time, many in-prison rehabilitation programs have been cut back or eliminated completely due to budget constraints. Thus, many of the issues these offenders entered prison with and which may have been related to their criminal activity (such as substance abuse and few vocational skills) have gone unaddressed during the confinement period, decreasing the chances of successful reintegration (Travis, Solomon, & Waul, 2001).

With researchers and policymakers across the country noting these trends and their implications for communities, there has been more attention paid to determining how this revolving door to prison can be closed for a greater number of individuals, thereby increasing public safety and ensuring best use of citizens' tax dollars. One program resulting from this focus is the Senate Bill (SB) 618 San Diego Prisoner Reentry Program. This report describes this effort, outlines the research methodology used to evaluate the program's effectiveness, and presents preliminary findings from the evaluation.

WHAT'S NEW

This third annual evaluation report expands upon previous reports by including the following:

- vignettes highlighting success stories;
- updated literature review to ensure study findings can be interpreted in terms of current knowledge in the field of corrections;
- updated description of the SB 618 program and the status of corrections in California;
- results from the third annual program partner and key staff surveys;
- analysis of assessment data;
- analysis of services received;
- first available outcome data based on prison rule violations and recidivism information, including multivariate analysis;
- data from a greater number of satisfaction surveys, as well as first analysis of friends/family survey results and data from follow-up interviews with participants; and
- updated lessons learned and practical implications based on the above information.

WHAT IS SB 618?

SB 618 (Speier), effective as of January 2006, is one of several efforts across California to reduce recidivism and increase the probability of successful reentry by addressing concerns about the State's correctional system cited by the Little Hoover Commission in 2003 and 2007. Authored by the San Diego County District Attorney's (DA's) Office, SB 618 is based on best practices and the concept that providing tangible reentry support services will increase parolees' chances of successful reintegration into the community (as evidenced by increased completion of parole conditions and desistence from criminal activity). The ultimate goal is to produce law-abiding and self-sufficient members of the community and enhance public safety.

Although SB 618 allowed for the possibility of three California counties to implement a program, San Diego County was the first and, at the time of this report, the only jurisdiction authorized to create a multiagency plan and develop policies and programs to educate and rehabilitate non-violent 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 Probation Department, San Diego County Sheriff's Department (including a subcontract with Grossmont Union High School District to do educational assessments), San Diego County Public Defender's Office, San Diego County Defense Bar, San Diego County Superior Court, and University of California, San Diego.

SENATE BILL (SB) 618 ELIGIBILITY

All participants are selected from the DA's felony prosecution caseload. The opportunity to enroll in the program is offered to both male and female nonviolent offenders as space is available. To be considered, the candidate must be in local custody (i.e., not out on bail) so the assessment process can be completed, be a legal resident of San Diego County, and agree (or "stipulate") to a prison sentence for the instant offense of 8 to 72 months. Those with prior convictions for great bodily injury or murder are excluded, as are arson and sex offender registrants. Candidates with prior violent convictions over five years old are evaluated on a case-by-case basis. All SB 618 participants are housed at either the Richard J. Donovan (RJD) Correctional Facility or the California Institution for Women (CIW) and, therefore, also must meet any housing restrictions at these facilities.

PURPOSE OF EVALUATION

The Criminal Justice Research Division of SANDAG is conducting both a process and an impact evaluation of SB 618.

The purpose of the process evaluation is to determine if the program is implemented as planned, measure what system changes occur, and assess program operations. More specifically, research questions to be answered include the following.

- How was the program implemented and managed?
- How well did the partners work together to accomplish program goals?
- How many individuals were screened and agreed to participate in the program, and what were their characteristics?
- Were participants' needs adequately assessed and were gender-responsive and culturally-competent services provided to meet these needs during detainment and after release?

The purpose of the impact evaluation is to determine whether participation in SB 618 improves reintegration and reduces recidivism (i.e., return to prison) and to identify the conditions under which the program is most likely to accomplish these goals. Additionally, the impact evaluation will determine whether the reentry program is cost effective relative to traditional procedures and whether positive change is realized in other areas of participants' lives (e.g., employment). The following research questions will be answered.

- What was the level of prison rule compliance for participants relative to the comparison group?
- Were there any improvements in program participant needs and family and/or social bonds over time?
- Was recidivism reduced among participants relative to the comparison group?
- Was the program cost effective?

To answer the impact evaluation questions, the most rigorous research design possible, given programmatic constraints, is being used and compares SB 618 participants to individuals who would have been eligible to receive services but were not approached to do so. To help mitigate possible confounding factors between the two groups, statistical techniques are being used to ensure equivalency so the effect of receiving SB 618 services can be isolated to determine if goals are met.

To answer these process and impact evaluation questions, data are being collected from both archival (e.g., program assessment data, service data, and criminal history records) and original sources (e.g., surveys with key staff, program partners, community members, participants, and friends/family, as well as follow-up interviews with participants). Additionally, the research team is monitoring other factors that could affect SB 618 participants, including changes at the State level (such as fiscal constraints and legislation that releases individuals from parole at earlier points in time), tracking staffing, and observing all key program activities.

NEXT STEPS FOR EVALUATION

As the evaluation continues, a more complete assessment of program impact will be provided through the following:

- matching of study groups to ensure that research findings are not biased;
- larger number of cases out of custody long enough to conduct recidivism analysis;
- longer term outcomes (i.e., 12 months post-prison release); and
- cost-effectiveness analysis.

SB 618 KEY COMPONENTS

Incorporating evidence-based practices, the local SB 618 program is unique compared to traditional California correctional practices in a number of ways, including the following.

- Participants' needs are assessed before the prison sentence begins and an individualized Life Plan is created by a multidisciplinary team comprised of program staff, in conjunction with the participant. The Life Plan is designed to be modified with participant input throughout the course of program delivery and is created to ensure services meet identified needs.
- Case management, both during prison and after release, is provided to ensure services meeting identified needs are accessed.
- Upon release, a Community Roundtable (comprised of the Community Case Manager, Parole Agent, and other individuals identified by the ex-offender) meets regularly to ensure reintegration challenges are addressed.

PROCESS EVALUATION FINDINGS

Program Implementation

According to the feedback provided through surveys with program partners (i.e., individuals who have been integral in planning and managing the SB 618 program, whether or not they have direct contact with SB 618 clients), key staff (i.e., individuals who have direct contact with program participants), and the community (i.e., members of the San Diego Reentry Roundtable and the San Diego County DA's Interfaith Advisory Board), it appears that while program implementation and management have included some challenges, especially in regard to recent budgetary constraints (e.g., elimination of most in-prison programming, high unemployment), both have been accomplished well and in line with the original program design. This success is demonstrated by the continued collaboration and communication among local team members that have been sustained over the past three years. Reflecting the willingness of program partners to implement the most effective strategies possible, several modifications were made to the program design including expansion to a second courthouse, as well as refinements to the screening and assessment process, prison case management at the Richard J. Donovan (RJD) Correctional Facility, multidisciplinary team (MDT) meetings, and Community Roundtable meetings. Program components that have been described as most effective have included: the Life Plan, the MDT, the prison programming in the California Institution for Women (CIW), and the Community Roundtable. Further, most of the program partners and key staff have expressed optimism that the program will result in long-term systems changes and has already contributed to a cultural shift that focuses more on rehabilitation.

With respect to program accomplishments, program partners and key staff have noticed positive outcomes in participants during the third year of program implementation, reflecting the larger number of participants released from prison who are working toward their Life Plan goals.

Participant Characteristics and Needs

As part of the evaluation design, a total of 348 eligible individuals were assigned to the treatment group and 363 to the comparison group. The comparability of these groups was examined to discover any differences resulting from the lack of random assignment that could bias the study findings. The treatment and comparison groups were comparable to each other with respect to age, gender, and prior criminal history. These research findings indicate that SB 618 targets individuals shown in the corrections literature to be at high risk for continued criminal activity (i.e., drug or property offenders with lengthy criminal records) (National Research Council, 2008).

While there were differences related to ethnicity (with a larger proportion of Whites in the treatment group and fewer Hispanics), this difference will be controlled through a statistical matching process as the data become available to ensure that both groups are equivalent and eliminate any potential bias from study findings.

The typical SB 618 participant has the following characteristics.

- About 35 years of age.
- Around four in five are male.
- Three-quarters are White or Black.
- More than half are in custody for a property-related offense.
- Most had served time in jail or prison in the past.
- Almost nine in ten are assessed as high risk due to previous non-compliance and prior criminal involvement.
- Most are released from prison to medium level parole supervision and are required to participate in drug testing.
- Almost all are assessed as having severe or significant vocational or substance abuse needs.
- Literacy is not an issue for most, but two-thirds still have educational deficiencies.
- One-third have medical, mental health, or dental issues.
- Over half have criminogenic risks related to residential instability.

Consistent with other research findings (Bloom, Owen, & Covington, 2003), female participants were significantly more likely to report being a victim of abuse (i.e., emotional, physical, or sexual abuse). Based on assessed needs, SB 618 services should focus on vocational training, substance abuse treatment, and gender-responsive programming.

Service Delivery

Service provision for SB 618 begins with the needs assessment process, completed in local custody (i.e., prior to sentencing) to facilitate provision of rehabilitative services during the prison stay. Based on data collected for the evaluation (Table 1), participants were assessed within the expected window, reducing the period spent in the prison reception center so that prison time could be used efficiently to begin the process of addressing needs prior to prison release. As a result, nearly all participants received some type of program services while in prison. However, the match between needs and services received was less consistent which is probably related to program availability as the following discussion describes.

Table 1
SB 618 MEETS AND EXCEEDS MANY PROGRAM DELIVERY GOALS

	Goal	Reality
In-Jail Assessments		
ASI	14 days	12.09 days
CASAS	14 days	10.60 days
COMPAS	14 days	17.16 days
TABE	14 days	10.54 days
In-Prison Vocational Assessments		
Myers Briggs Type Indicator® (MBTI)	90 days	63.91 days
Occupational Information Network (O*NET) Abilities	90 days	61.31 days
O*NET Careers	90 days	64.46 days
O*NET Values	90 days	69.51 days
Time in Reception Center	30 days	41.53 days
PCM Contacts		
Within first three months	100%	68%
Six months prior to prison release	100%	83%
CCM Contacts		
In prison	100%	96%
Within three days after prison release	N/A	63%
Within six months after prison release	100%	99%
In-Prison Services		
Any service related to need(s)	N/A	80%
Education	100% of those with need	38%
Vocational Training	100% of those with need	48%
Substance Abuse	100% of those with need	56%
Community Services/Referral		
Any service related to need(s)	N/A	84%
Education	100% of those with need	42%
Vocational Training	100% of those with need	51%
Substance Abuse	100% of those with need	89%

SOURCES: SB 618 Database and PCM and CCM Official Records, SANDAG SB 618 Third Annual Evaluation Report

Overall, the majority participated in prison programs that matched their individual needs (i.e., 80% in custody and 84% in the community), though there was variation between the two prisons. Treatment participants at RJD with a need for vocational programming were significantly more likely than those at CIW to receive vocational programming in prison. However, participants at CIW with needs for substance abuse treatment and educational services were significantly more likely to participate in a program to address these specific needs in prison (not shown). These differences may be due to how areas of need are prioritized and service availability. For example, CIW prioritizes education over vocational training needs. In addition, program availability has been an issue at RJD, with delays in starting up new vocational programs, limited educational services depending on participant housing assignments, and interruptions in Substance Abuse Programs (SAP).

With respect to services received in the community during the first six months following prison release, participants with substance abuse needs were most likely to be referred to and participate in substance abuse treatment. Employment, clothing, and housing needs were also commonly addressed during this period. Almost all of the treatment group had regular contact with the Community Case Manager (CCM) after release and this contact occurred during the critical three-day period after prison release for the majority (two-thirds) of participants. In addition, about four out of five participants received services from the Vocational Specialist.

Program retention was high, with 91 percent remaining in the program throughout the prison term and the same proportion continuing to participate throughout the six months following prison release. The primary reason for leaving the program while in prison or in the community was lack of compliance (e.g., rule violations in prison and parole violations or new offenses committed in the community).

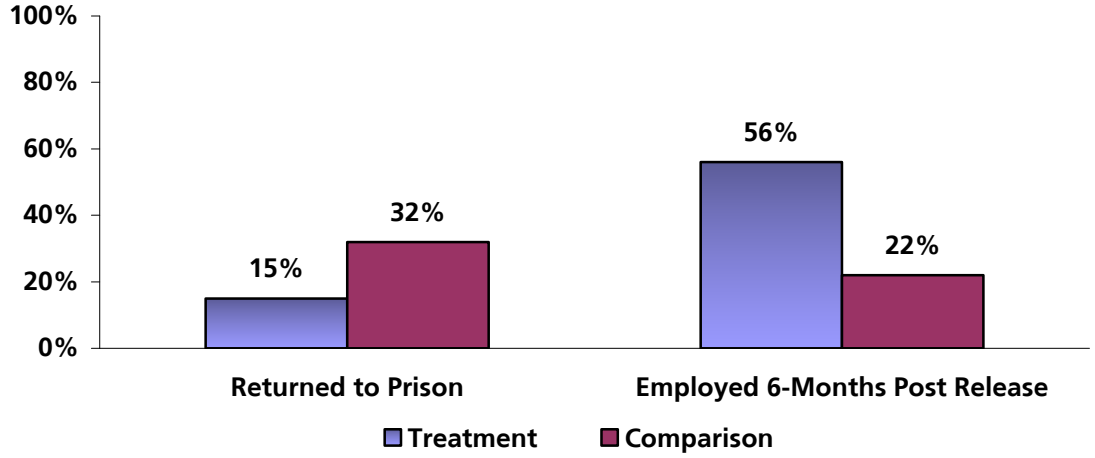
IMPACT EVALUATION FINDINGS

Recidivism

To determine the impact of SB 618 on an ex-offender's behavior, information is being collected regarding in-custody rule violations, as well as arrests, convictions, parole violations, and return to prison rates six months post-prison release.

Preliminary results reveal that the treatment group is significantly less likely (15%) than the comparison group (32%) to be returned to prison during the first six months of community reentry (Figure 1). Further, individuals who had been employed at least once during the six months post-release are less likely to be re-arrested (not shown). In addition, SB 618 participants are more likely than the comparison group to have been employed, highlighting the value of the workforce development aspect of the program.

Figure 1
TREATMENT GROUP LESS LIKELY TO BE RETURNED TO PRISON AND MORE LIKELY TO BE EMPLOYED



SOURCES: San Diego County Sheriff's Department and Parole Official Records, SANDAG SB 618 Third Annual Evaluation Report

Risk Reduction

Addressing the needs of offenders (e.g., substance abuse, education, employment, and housing) has been found to facilitate the reentry process and relate directly to lowering recidivism rates. This process is referred to as risk reduction (Travis, Solomon, & Waul, 2001). For the treatment group, it appears that SB 618 is associated with risk reduction in terms of improved relationships with family members, secured stable housing, employment, and association with positive peer groups. Participants reported improved family relationships and association with peers not involved in anti-social activities. Over three-quarters of the treatment group were living in stable housing and over half were employed.

Program Satisfaction

An important measure of program impact is participant satisfaction because the level of satisfaction can impact engagement in services and ultimately program effectiveness. Overall, treatment participants, as well as their friends and family members, had a favorable opinion of the program. In fact, the majority of participants would recommend the program to others. Specifically, aspects of SB 618 that appeared to have the strongest positive impact on participants included:

- receiving thorough information about the program from defense attorneys and probation officers;
- developing an individualized Life Plan that included personal input;
- participating in substance abuse treatment, education, and vocational programming while in prison;
- being motivated to change;
- interacting with CCMs and Vocational Specialists;
- participating in Community Roundtable meetings; and
- receiving services brokered through community-based agencies (e.g., education, housing, substance abuse treatment).

SB 618 PARTICIPANT PRISON EXIT CSQ

"No one ever cared what happened to me in the past!... SB 618 is good support and gives positive inputs for a stable Life Plan (structure). Thank you so much!"

LESSONS LEARNED

The accomplishments and challenges experienced through the implementation of SB 618 have provided valuable lessons to guide others considering implementation of similar prisoner reentry programs.

What Has Worked Well?

Ensuring ongoing communication between program partners: Since program inception, a culture of open communication has been fostered among program partners and key staff across agencies. Operational Procedures Committee meetings were first convened in November 2005 and have served as one vehicle for communication. These meetings are regularly attended by key individuals to discuss issues, brainstorm possible solutions, and come to agreement on the best course of action.

Obtaining support throughout all organizations involved in partnership: Findings from the process evaluation indicate that individuals who have direct contact with program participants (i.e., key staff) feel they can give input and communicate well with program management. Further, individuals who have been integral participants in planning and managing the SB 618 program (i.e., program partners) are committed to the program. This degree of support from all levels provides a foundation for successful program implementation and systems change.

Remaining committed to instituting best practices, despite challenges and roadblocks that may occur along the way: Although there have been a variety of constraints during the first three years of SB 618, program partners continue to pursue the goal of full implementation of all program components.

- Regarding duplicate screenings and assessments, the Medical and Mental Health Receivers and SB 618 program partners (including CDCR) continue to communicate in the hope of allowing local screenings to further reduce the length of time in the reception center.
- To increase the availability of in-custody programming, program partners have worked with the Division of Community Partnerships at RJD to implement Commercial Class B driver's license and food handler's certification programs.
- To increase access to services in the community for participants with co-occurring mental health and substance abuse issues, a Memorandum of Understanding (MOU) was initiated between UCSD and over 20 community-based agencies for in-patient and out-patient behavioral health services on a fee for service basis.

Conducting thorough needs assessments: As part of SB 618, assessments are conducted locally, beginning before a participant is transferred to the prison reception center. During program development, partners thoroughly discussed which assessments should be conducted and agreed that additional information would be useful regarding participants' substance use and vocational needs. The information gained from these assessments is used in the creation of each participant's Life Plan. As previously mentioned, key staff and program partners surveyed indicated that these assessments are effective. In addition, the relatively high proportion of participants receiving services matching their needs also suggests the effectiveness of these assessments.

Utilizing an interdisciplinary team approach: Research on prisoner reentry has highlighted the beneficial role of collaboration in the provision of services through partnerships across systems (La Vigne, Davies, Palmer, & Halberstadt, 2008). The primary method of collaboration used in the SB 618 program involves incorporating interdisciplinary team approaches at two key points in a participant's progress, both of which have received positive feedback from staff and participants. The first of these is the MDT meeting held prior to participants' sentencing to review eligibility and discuss screening and assessment results. These meetings are staffed by a Probation Officer, CCM, PCM, and a prison classification counselor. The second of these interdisciplinary forums, the Community Roundtable, is convened on an ongoing basis from the participants' release to their exit from the program. The Parole Agent, CCM, participant, and any other individuals significantly involved in the participant's reentry effort attend these meetings.

Creating a timely information sharing mechanism: One of the more behind-the-scenes successes of the program is the development of a Web-based data management system designed specifically for the local SB 618 program. With frequent input from program partners and key staff, the DA's Office Information Systems experts created a user-friendly database that captures data on each participant from screening/assessment through program exit. The database includes automation of the Life Plan to allow it to be updated online and shared among program staff, facilitating timely communication between all key staff working with each participant. The database also has proven crucial to program partners, key staff, and the evaluators in monitoring program implementation.

What Could Have Been Done Differently?

Anticipate, to the greatest degree possible, the logistical needs and possible pitfalls for service delivery: Due to a number of very real constraints prior to and after program implementation, in-custody vocational programming has not been available at the level that was desired or anticipated. As such, it would be beneficial for other jurisdictions to take stock of their existing programming resources and fully develop their capabilities prior to implementation or develop alternative strategies should barriers be more difficult to overcome than anticipated. Being proactive in this regard could help avoid time-consuming, bureaucratic hurdles delaying full implementation, as well as direct more realistic information regarding resources available to participants upon program entry.

Consider that while existing resources may be easier to implement, they might not always be the most effective and can impact successful program implementation: Originally, the role of PCM at CIW was filled by social workers and by educators at RJD. This staffing difference was debated early in the design stages of the program, with CIW staff emphasizing a history of using social workers for any type of case management. RJD staff felt their educational personnel were qualified to provide appropriate case management services and the program partners agreed to implement the program with this staffing difference in place. However, over the course of

program implementation, qualitative differences between the prisons' case management became more apparent and program partners concluded that the PCM role could be better suited to social work staff.

RECOMMENDATIONS FOR LOCAL CONSIDERATION

While these preliminary findings from the process and impact evaluation highlight the many successes of the SB 618 program, areas for program improvement also have been identified through the research findings. The following new recommendations are provided for consideration as program partners continue to refine the program and maximize program effectiveness.

- **Maintain program fidelity across components:** This overall recommendation is a challenge given fiscal constraints. However, lack of program fidelity is a primary threat to program effectiveness. Program partners will want to maintain their commitment ensuring consistency with the program design based on best practices despite restricted funding to preserve positive program impact. Areas of particular concern are discussed in the following recommendations.
- **Establish a liaison between the local SB 618 program and CDCR headquarters:** With the loss of the SB 618 program manager and assistant program manager from CDCR's Office of Community Partnerships due to budget cuts, CDCR representation during Operational Procedures Committee meetings is restricted to local prison and parole staff. This lack of representation from CDCR headquarters impacts the ability of program partners to communicate the status of program implementation up the chain of command and to address issues related to CDCR programming.
- **Expand program implementation to include all county courts within San Diego:** There is local interest in offering SB 618 services to all eligible offenders throughout San Diego County. Given the statewide policy changes that may reduce the quantity of felons sent to prison and assigned to parole supervision, this expansion may be necessary to ensure that the program remains at capacity.
- **Explore reasons why offenders refuse SB 618 services:** As the program is expanded to other courts within San Diego County, program partners may want to examine if refusal rates vary by jurisdiction to help determine the factors holding people back from getting needed assistance with the process of reintegrating into the community following release from prison.
- **Examine utility of vocational assessments:** Program partners rated the effectiveness of vocational assessments more highly than key staff. Further, the match between vocational assessments and actual jobs obtained varied across tools. As program partners grapple with fiscal constraints, while striving to maintain program fidelity, they may want to solicit additional feedback from staff to ensure that the most useful and relevant tools are being utilized.
- **Expand in-prison programming to focus on gaps highlighted by participant needs:** Data from the evaluation indicate a need to increase programs within the prison to meet the assessed needs of participants. Specifically, substance abuse treatment services and additional education programming are needed at RJD, as well as vocational training at both prisons, but

particularly at CIW. In this economically challenging time, continuing to coordinate with the Division of Community Partnerships within the prisons may be the best avenue for such expansion.

- **Improve program fidelity related to PCM services in RJD:** While modifications in the PCM component were made to improve consistency between the two prisons, service levels continue to be higher at CIW compared to RJD. Further, feedback from participants suggests that improvement is needed in getting people into programs quickly and making the prison system less complicated. The ability of PCMs to help participants navigate the prison system is directly related to having programs in prison, as well as adequate PCM staffing and supervision. Given the fiscal crisis in California, program partners will need to influence institutional priorities in order to positively impact this situation. The process of navigating across governmental systems (i.e., County versus State) is challenging and may not be easily accomplished in the short term.

- **Continue to refine the prison exit process:** Experts in reentry have concluded that the "moment of release" from prison, and specifically the first 72 hours, can be the most critical time for ex-offenders as they transition from a controlled environment to civilian life (Ball, Weisberg, & Dansky, 2008; Travis, Solomon, & Waul, 2001). Nearly two-thirds (63%) of the treatment group had contact with their CCM within three days of their prison release. Individuals transitioning directly into a residential treatment or sober living program are often not allowed outside contact for up to 30 days, so it is not expected that these participants will interact with the CCMs during this period. However, less than half (44%) of those who did not transition directly into a residential drug treatment or sober living program were met at the prison gate by their CCM and transported to appropriate housing. When participants were asked about this process during follow-up interviews, 28 percent (20 participants) indicated that they were on their own immediately upon release from prison. Since the ability of CCMs to provide this service is directly related to accurate information regarding the date of prison release, program partners have spent considerable efforts to obtain accurate prison release date information. Based on these research findings, program partners may want to explore additional methods for facilitating this process.

- **Explore alternatives for substance abuse treatment and improve engagement in these services when accessed:** With fewer resources available for substance abuse treatment in prison and in the community due to statewide budgetary constraints, there is a need to develop creative methods for accessing substance abuse services (e.g., similar to how the gap has been filled related to behavioral health programming). In addition, engagement in this service upon program entry is particularly critical given the chronic nature of addiction.

In addition, the following recommendations shared in earlier annual reports remain relevant.

- **Ensure clear communication of program expectations with participants:** While feedback from participants indicated an overall positive view of SB 618, the importance of informing participants of how SB 618 works and building rapport from the beginning cannot be overemphasized, especially during times of changing

policies to accommodate budget constraints. In addition to providing information during MDTs, program partners have held forums with participants in prison and the community to obtain feedback (both positive and negative) about how the program is doing and provide updates regarding the status of services available in prison.

- **Implement a system of incentives:** Consistent with the literature on the value of using incentives to reward positive behavior, as well as consequences for violations (National Research Council, 2008), program partners have considered developing a system of incentives and graduated sanctions to support treatment goals and facilitate program compliance. With respect to sanctions, California's Parole Violation Decision Making Instrument is used, which recommends an appropriate sanction level (i.e., least intensive, moderately intensive, or return to prison) for all parole violators in California. However, there is no clear system of incentives..

- **Implement cognitive-behavioral therapy:** Studies have shown that recidivism is cost effectively reduced when dysfunctional thinking and patterns of behavior are identified and skills are developed to modify these negative behaviors (i.e., cognitive-behavioral therapy) (National Research Council, 2008). Efforts have been made by program partners to implement a cognitive-behavioral program within SB 618, with instructors trained in the Thinking for a Change curriculum (a cognitive-behavioral approach). Program partners anticipate that classes will begin in 2010 at RJD.

- **Emphasize vocational training over education services:** Since assessment data suggest that SB 618 participants have a functional level of education and possess significant life skills, their time in prison may be best used for vocational programming rather than educational services. Specifically, vocational training should provide job skills in industries with local job market growth where local employers are willing to hire ex-felons.

- **Enhance outreach to employers:** While the treatment group was significantly more likely than the comparison group to be employed, the average hourly rate for these individuals was still below the living wage for San Diego County. Employment outreach has not only included efforts to identify job leads, but also has focused on developing relationships with employers. Beginning in November 2009, outreach to employers also promoted the use of Work Opportunity Tax Credits for hiring ex-felons within one year of prison release. These efforts are consistent with feedback from participants indicating a need for more employment assistance specifically related to ex-offenders and the local job market. Program partners also may want to include community members already linked to the SB 618 program (i.e., the Reentry Roundtable and Interfaith Advisory Board) in this process. Further, program partners have discussed the idea of reaching out to labor unions in particular.

- **Extend efforts to integrate social supports:** Research studies indicate that involving family members and positive peers in ex-offenders' reentry plans will improve their successful integration into the community (La Vigne, Davies, Palmer, & Halberstadt, 2008; La Vigne, Visher, & Castro, 2004). The assessment process at program entry indicates that participants have few considerably close relationships, suggesting a need for assistance in strengthening their support system within the community. While the SB 618 program design includes mechanisms for

facilitating this process (e.g., Community Roundtable meetings), the level of involvement has been relatively low suggesting an area for enhanced efforts. Outreach to the faith community may be helpful in the process, as almost all of the follow-up interview respondents who indicated involvement with a faith-based group reported that this relationship was supportive.

Partners should be commended for continuing to develop and implement best practices and encouraged to maintain their commitment to full implementation of the SB 618 program design to ensure maximum program effectiveness.

SUMMARY

Based on the preliminary research findings in this third annual evaluation report, the SB 618 Prisoner Reentry Program in San Diego has had many successes and program partners are committed to continuing to address new and on-going challenges to service delivery. The recommendations shared in this chapter are provided to assist local program partners as they continue to refine the program, as well as guide others interested in implementing similar reentry programs in other jurisdictions. Over the next year, the evaluation will continue to document the process of program implementation and further assess program impact. As the treatment and comparison groups have longer periods in the community following release from prison, more long-term outcome data will be available for a larger number of participants. Given California's fiscal crisis, particularly in the area of corrections, the continued results from the evaluation will be of particular interest. Most in-prison programs have been eliminated, some of which directly impact the ability of offenders to access services upon release from prison (i.e., substance abuse). Further, the lack of in-prison vocational services exacerbates the barriers to employment for offenders. The impact of these forces on outcomes and the process of how program partners attempt to fill these gaps will be examined.

about the program

What is the San Diego County Prisoner Reentry Program (Senate Bill 618)?

The program is a comprehensive multi-agency collaboration designed to assist, educate, treat addictions and transition parolees into the community.

There is no sentence reduction as a result of participation in this program.

Who is eligible for the program? Among other requirements, candidates must be:

- In custody
- Have a sentence between eight months and 72 months with time to serve of no less than four months and no more than 36 months.

Among other exculsionary factors, candidates cannot have:

- Any other law enforcement holds
- A prison gang affiliation
- Either a current violent felony offense or a violent felony offense within the last five years

community partners

District Attorney's Office

University of California San Diego

Comprehensive Training Systems

California Department of Corrections and Rehabilitation

Superior Court of California County of San Diego County

County of San Diego Public Defender's Office

San Diego County Sheriff's Department

San Diego Association of Governments

San Diego County Office of Probation

Reentry Roundtable

program contact

JJ Anderson, Public Affairs Officer

San Diego District Attorney's Office

(619) 531-3567

www.sandiegoda.com

PRISONER REENTRY PROGRAM

stopping the revolving door to prison

Bonnie M. Dumanis
District Attorney

A Message from your District Attorney:

Senate Bill 618 is a joint effort between the State of California, the County of San Diego and local community agencies designed to break the cycle of recidivism. With a 70% recidivism rate in San Diego County alone, it is increasingly apparent that the time for action has arrived.

It is my hope that our prisoner Reentry Program will serve as one of the first steps toward reducing this statistic and improving the level of public safety in our community.

The Prison Reentry Program was created with the knowledge that 95% of all state prisoners will eventually be released. Many of those in prison are there due to drug, fraud or other non-violent convictions, and will be incarcerated less than three years. The program provides these individuals with the tools necessary to overcome obstacles such as addiction and limited education, allowing them to come back to our communities as sober, productive individuals.

We cannot arrest our way out of this problem, but we can take steps to stop the revolving door to prison and reduce prison overcrowding.

Participant Process Flow Chart

Upon deciding to plead guilty and accepting a stipulated prison term, program eligibility is reviewed.

↓

Defendant is advised of eligibility for SB 618 and agrees to be screened by signing letter of intent.

↓

Participant begins vocational/educational, mental health, medical, and substance abuse assessments at county level.

↓

An individualized Life Plan is developed with the participant.

↓

Participant serves prison sentence while receiving prison case management services and programming.

↓

Six months prior to release, Prison Case Manager & Community Case Manager coordinate reentry plans with Participant.

↓

Participant is released and paroled. Participant is picked up at the prison gate by their Community Case Manager.

↓

Community Case Manager, Parole Agent, participant and others meet regularly as a Community Roundtable to review progress.

↓

Participant graduates from program 18 months post-release.

"I am extremely fortunate to have received this program and I believe it has great potential to help people who are ready to make changes in their lives, but don't have the ways or means to do it on their own. It so far has been a great success as far as I'm concerned. Thank you all for your help and support in my efforts to make a change to a positive lifestyle."

– SB 618 Participant

Benefits of the Program

- Priority placement in programming
- Enhanced educational services: GED, tutoring, college correspondence classes
- Enhanced vocational services including assessment within the first 120 days of incarceration
- Faith-Based Support (upon request)
- Prison Case Management Services
- Community Case Management Services

RECIDIVISM REDUCTION ACT OF 2009

An act to amend Sections 1000, 1000.1, 1203, 1203.8, 1210.1, 2933, 3000, 3001, 3063 and 3069 of the Penal Code, and Section 11357 of the Health and Safety Code, and to add new Sections 1210.01, 1210.3, 2933.45, and 3000.5 to the Penal Code.

This Act proposes widespread reform of probation, prison programming and parole supervision to counter the increasing rates of recidivism among convicted felons and thus, offset the high social and economic costs to our state. High recidivism rates are largely the product of the failure of existing law to adequately consider an offender's risk to re-offend or specific treatment and programming needs in sentencing. This Act proposes to use scientific evidence-based assessments to craft appropriate sentences, programming and sanctions to create a correctional policy that will result in reduced recidivism. Through pre-sentencing assessments of an individual offender's risk to re-offend and treatment or program needs, and post-sentencing incorporation of targeted programming and supervision, this Act aims to decrease recidivism and thereby, reduce its high financial and social costs to the state of California.

Existing law regulates the imposition of sentence for convicted felons in California; however this Act replaces the current one-size fits all approach to sentencing and rehabilitation with a system-wide implementation of targeted assessment and rehabilitation measures including (1) mandatory pre-sentencing assessment of risk to re-offend and treatment needs for nonviolent drug possession cases; (2) mandatory consideration of evidence-based assessments in felony sentencing; (3) expansion of the reentry programs pursuant to Penal Code section 1203.8; (4) mandatory assessments of risk and needs of inmates and commensurate programming and implementation of rehabilitative programming prison credits; (6) establishment of risk and needs based parole conditions, levels of supervision; and parole reentry courts.

Pre-sentencing Measures:

Existing law provides that certain defendants, charged with particular crimes and who meet certain criteria, may be eligible for deferred entry of judgment or diversion. Existing law provides that upon successful completion of a deferred entry of judgment program, the arrest upon which the judgment was deferred shall be deemed to have never occurred and allows for the sealing of court and arrest records where the interests of justice would be served. Existing law similarly establishes diversion programs where a case can be dismissed upon completion of the drug treatment program and probation. Existing law permits deferred entry and diversion for non violent drug possession charges based solely upon an individual's criminal history without regard to the risk and needs of the individual.

This Act would utilize already existing treatment programs. This Act would still provide for deferred entry of judgment and diversion; however, the individual would be placed in the correct level of treatment and supervision based upon risk and needs assessments conducted prior to a plea of guilty. Possession of under 28.5 grams of marijuana would be punished as an infraction.

Sentencing Measures:

Existing law currently provides that the probation department shall prepare a probation report for every convicted felon. This Act would require the probation department conduct evidence-based

risk and needs assessments as part of that report and incorporate the findings into the probation recommendation to the Court to promote rehabilitation and reduce recidivism. This Act would require the Sentencing Court consider those findings in imposing sentence.

This Act would also permit participation in Drug Court by both nonviolent felons convicted of simple possession, as well as other nonviolent felons, who require higher levels of supervision and drug treatment.

Expand Senate Bill 618 Program:
Existing law authorizes the Department of Corrections and Rehabilitation to enter into an agreement with three counties to implement multi-agency plans to prepare and enhance nonviolent felony offenders' successful re-entry into their communities. This Act would permit the implementation of multi-agency plans for nonviolent offenders re-entry with at least, but not limited to, the ten most populous counties in California and the California Department of Corrections and Rehabilitation, as listed in the amended section. This Act would require the Department of Corrections and Rehabilitations reimburse the counties for any assessments and testing conducted for the Department of Corrections and Rehabilitation.

Prison Programming:
Existing law requires the Department of Corrections and Rehabilitation provide programming for inmates. This Act would mandate the use of risk to re-offend and treatment needs assessments for every inmate. This Act would permit risk and needs assessments, along with medical, dental and mental health assessments to be conducted at the county level. This Act would permit classification and reception center assessments and medical, mental health and dental screenings to be conducted at the county level and permit immediate placement into general population for the same ten counties to reduce the need for Reception Centers in prison. This Act would require the Department of Corrections and Rehabilitations reimburse the counties for any assessments and testing conducted for the Department of Corrections and Rehabilitation.

This Act would also require the Department to provide appropriate vocational, addiction and behavioral treatment, and educational programming based on risk and needs assessments for up to two years prior to an inmate's release from parole and step down transitional housing to prepare inmates for their successful reintegration into their community in Re-Entry Program Facilities, converted from Reception Centers.

Existing law permits inmates to earn up to six months of work-time credit for every six months served. This Act would provide certain prisoners with up to four months of additional credit per year for the successful participation in appropriate programming, as determined by the individual's risk and needs assessments.

Parole Reform:
Existing law provides that the maximum period of parole for persons who have served at least one year and one day of imprisonment in the state prison is three years, unless the person was convicted of certain crimes, or unless the parole authority, for "good cause" waives parole. Existing law also requires a person who has not been convicted of a violent felony be discharged from parole after one year of continuous parole supervision, and a person who has been

convicted of a violent felony who as has a parole term of three years to be discharged after two years of continuous supervision or who has a parole term of five years to be discharged after three years of continuous supervision, unless the parole authority determines that the person should be retained on parole, as specified.

This Act would instead provide that the length and intensity of parole supervision for any person who is not required to register as a sex offender, and who was not sentenced for any offense that is a serious or violent felony, shall be based upon their criminal history, and results of their risk and needs assessments. Appropriate parolees with low risk to re-offend and low treatment needs will be placed on minimum supervision for a maximum of twelve months on a banked caseload with a Fourth Amendment waivers. Appropriate parolees with a low risk to re-offend, but high treatment needs will be placed on intermediate supervision for up to eighteen months. Parolees with high risk to re-offend will be placed on maximum supervision. Parolees on minimum supervision shall not have their parole suspended or revoked for violations of the conditions of parole unless the parolee has committed a new crime. Parolees on minimum or intermediate supervision could earn up to 90 days per year of credit toward their term of parole.

Existing law provides for various sanctions to be imposed on persons who violate parole, including incarceration. This Act would require that community sanctions for violations of parole by parolees who present a lower risk to public safety be determined by use of the Parole Violation Decision Making Indicators. This Act would require that all efforts should be made by parole to utilize intermediate community sanctions before a return to prison is required. This Act would not limit the prosecution of parolees who commit new crimes.

Existing law requires the Department of Corrections and Rehabilitation to establish programs to assist parolees in the successful reintegration into the community. This Act would require the Judicial Council and the Department of Corrections and Rehabilitation to establish a minimum of ten re-entry courts for parolees who would benefit from community-based treatment and more intensive supervision. This program would include key components used by drug and collaborative courts using a highly structured model, including close supervision and monitoring by a judicial officer, dedicated calendars, nonadversarial proceedings, frequent drug testing and close collaboration between the respective entities involved to impose offender outcomes.

PRESENTENCING MEASURES:

Section 1210.01 is added to the Penal Code:

1210.01. Assessment of Defendants prior to Entering a Plea for Eligibility Determination

1210.01(a) *Notwithstanding any other provision of law, after arraignment on a felony nonviolent drug possession offense only, as defined in Penal Code section 1210(a), the court may order a clinical assessment and criminal history evaluation for substance abuse treatment needs and risk to criminally re-offend, including but not limited to ASI (Addiction Severity Index – CJ version) and COMPAS instruments. The defendant shall have the right to counsel and may refuse the clinical evidence-based assessment and/or interview for the criminal history evaluation until after a plea is entered.*

(b) For a defendant who does appear for a clinical evidence-based assessment and criminal history evaluation, no statement made by the defendant, or any information revealed during the course of the assessment or evaluation with respect to the specific offense, shall be admissible against him or her in a jury trial of his or her guilt.

(c) The results of the assessments shall be prepared by the probation department with a recommendation to be utilized after a plea is entered for the court to determine the appropriate course of treatment pursuant to section 1000, section 1210, or Drug Court, pursuant to section 1210.3 . The course of treatment shall be entirely dependent upon the risk to re-offend and the substance abuse treatment needs of the offender.

(d) For first-time felony nonviolent drug possession offenders, irrespective of which course of treatment is chosen by the sentencing court, upon successful completion of the program, the plea of guilty pursuant to this section shall not constitute a conviction for any purpose, pursuant to Section 1000.4, unless a judgment of guilty is entered pursuant to Section 1000.3

(e)(1) For second-time felony nonviolent drug possession offenders, irrespective of which course of treatment is chosen by the sentencing court, upon successful completion of the program and three years of probation, the conviction on which the probation was based shall be set aside and the court shall dismiss the indictment, complaint or information against the defendant, pursuant to the limitations of Section 1210.1(f).

(f)(1) For third-time felony nonviolent drug possession offenders, irrespective of which course of treatment is chosen by the sentencing court, upon successful completion of the program and three years of probation, the court may hold a hearing to determine whether the conviction on which probation was based shall be set aside and the indictment, complaint or information dismissed against the defendant, pursuant to the limitations of 1210.1(f).

(g) No person shall be permitted to participate in treatment pursuant to section 1000 more than one time within a five year period.

(h) No person shall be permitted to participate in treatment pursuant to section 1210 more than three times within a five year period.

(i) No person shall be permitted to participate in Drug Court pursuant to section 1210.3 more than three times within a five year period.

Penal Code section 1000 is amended and renumbered to read:

1000(a) This chapter shall apply whenever a case is before any court upon an accusatory pleading for a violation of Section 11350, 11357, 11364, 11377 or 11350, or subdivision (b) of Section 23222 of the Vehicle Code, or section 11358 of the Health and Safety Code if the marijuana planted, cultivated, harvested, dried or processed is for personal use, or section 11368 of the Health and Safety Code if the narcotic drug was secured by a fictitious prescription and is for the personal use of the defendant and was not sold or furnished to another, or subdivision (d) of section 653f if the solicitation was for acts directed to personal use only, or section 381 or subdivision *f) of section 647 of the Penal Code, if for being under the influence of a controlled substance, or Section 4060 of the Business and Professions Code, or *Sections 11352(a), 11379, 11390, or 11360 of the Heath and Safety Code if the transportation was for personal use,* and it appears ~~to the prosecuting attorney that,~~ *to the Court that based upon the risk and needs assessments and criminal history conducted pursuant to Section 1201.01*, ~~except as provided in subdivision (b) of Section 11357 of the Health and Safety Code~~, all of the following apply to the defendant:

~~(1) The defendant has no conviction for any offense involving controlled substances prior to the alleged commission of the charged offense.~~

~~(2)~~ *(1)* The offense charged did not involve a crime of violence or threatened violence.

~~(3)~~ *(2)* There is no evidence of a violation relating to narcotics or restricted dangerous drugs other than a violation of the sections listed in this subdivision.

(3) *The offender has a low risk to re-offend and low substance abuse treatment needs.*

~~(4) The defendant's record does not indicate that probation or parole has ever been revoked without thereafter being completed.~~
~~(5) The defendant's record does not indicate that he or she has successfully completed or been terminated from diversion or deferred entry of judgment pursuant to this chapter within five years prior to the alleged commission of the charged offense.~~
~~(6) The defendant has no prior felony conviction within five years prior to the alleged commission of the charged offense.~~

~~(b) The prosecuting attorney shall review his or her file to determine whether or not paragraphs (1) through (6), inclusive, of subdivision (a) apply to the defendant. Upon the agreement of the prosecuting attorney, law enforcement, the public defender and the presiding judge of the criminal division of the superior court, or a judge designated by the presiding judge, this procedure shall be completed as soon as possible after the filing of the charges. If the defendant is found eligible, the prosecuting attorney shall file with the court a declaration in writing or state for the record the grounds upon which the determination is based and shall make this information available to the defendant and his or her attorney. This procedure is intended to allow the court to set the hearing for deferred entry of judgment at the arraignment. If the defendant is found ineligible for deferred entry of judgment, the prosecuting attorney shall file with the court a declaration in writing or state for the record the grounds upon which the determination is based, and shall make this information available to the defendant and his or her attorney. The sole~~

~~remedy of a defendant who is found ineligible for deferred entry of judgment is a postconviction appeal.~~

(b) The court shall review the clinical evidence-based assessments, criminal history, and probation recommendation, pursuant to Section 1210.01 and make a determination as to whether the defendant is an appropriate candidate for the lower level treatment of this section. The treatment program defined in this chapter can be applied to a defendant eligible for deferred entry of judgment or a defendant convicted of a felony nonviolent drug possession offense if the court finds the program appropriate based on the needs assessment. A defendant may be eligible for deferred entry of judgment pursuant to this section, if the following factors, inclusively, apply to the defendant.

(1) The defendant's record does not indicate that probation or parole has ever been revoked without thereafter being completed.

(2) The defendant's record does not indicate that he or she has successfully completed or been terminated from diversion or deferred entry of judgment pursuant to this chapter within five years prior to the alleged commission of the charged offense.

(3) The defendant has no prior felony conviction within five years prior to the alleged commission of the charged offense.

(c) All referrals for deferred entry of judgment *or for other eligible defendants without deferred entry of judgment, pursuant to Penal Code section 1210.01, after appropriate clinical evidence-based assessments and criminal history review,* granted by the court pursuant to this chapter shall be made only to programs that have been certified by the county drug program administrator pursuant to Chapter 1.5 (commencing with Section 1211) of Title 8, or to programs that provide services at no cost to the participant and have been deemed by the court and the county drug program administrator to be credible and effective. The defendant may request to be referred to a program in any county, as long as that programs meets the criteria set for the in this subdivision.

(d) Deferred entry of judgment for a violation of Section 11368 of the Health and Safety Code shall not prohibit any administrative agency from taking disciplinary action against a licensee or from denying a license. Nothing in this subdivision shall be construed to expand or restrict the provisions of Section 1000.4.

(e) Any defendant who is participating in a program referred to in this section may be required to undergo analysis of his or her urine for the purpose of testing for the presence for any drug as a part of the program. However, urine analysis results shall not be admissible as a basis for any new criminal proceeding.

(f) The court may order any defendant who is participating in a program referred to in this section to make more frequent court appearances or impose other sanctions as a result of low levels of program participation or urine analysis that test positive for the presence of any controlled substance.

Section 1000.1 of the Penal Code is amended, to read:

1000.1 If the ~~prosecuting attorney~~ *court* determines that this chapter may be applicable to the defendant, he or she shall advise the defendant and his or her attorney ~~in writing~~ of that determination. This notification shall include the following:

(1) A full description of the procedures for deferred entry of judgment, *if eligible for deferred entry of judgment*.

(2) A general explanation of the roles and authorities of the probation department, the prosecuting attorney, the program, and the court in the process.

(3) A clear statement that in lieu of trial, the court may grant deferred entry of judgment with respect to any crime specified in subdivision (a) of Section 1000 that is charged, provided that the defendant pleads guilty to each such charge and waives time for the pronouncement of judgment, and that upon the defendant's successful completion of a program, as specified in subdivision (c) of Section 1000, the positive recommendation of the program authority and the motion of the prosecuting attorney, the court, or the probation department, but no sooner than 18 months and no later than three years from the date of the defendant's referral to the program, the court shall dismiss the charge or charges against the defendant.

(4) A clear statement that upon any failure of treatment or condition under the program, or any circumstance specified in Section 1000.3, the prosecuting attorney or the probation department or the court on its own may make a motion to the court for entry of judgment and the court shall render a finding of guilt to the charge or charges pled, enter judgment, and schedule a sentencing hearing as otherwise provided in this code.

(5) An explanation of criminal record retention and disposition resulting from participation in the deferred entry of judgment program and the defendant's rights relative to answering questions about his or her arrest and deferred entry of judgment following successful completion of the program.

(b) If the defendant consents and waives his or her right to a speedy trial or a speedy preliminary hearing, the court may refer the case to the probation department or the court may summarily grant deferred entry of judgment if the defendant pleads guilty to the charge or charges and waives time for the pronouncement of judgment. When directed by the court, the probation department shall make an investigation and take into consideration the defendant's age, employment and service records, educational background, community and family ties, prior controlled substance use, treatment history, if any, demonstrable motivation, and other mitigating factors in determining whether the defendant is a person who would be benefited by education, treatment, or rehabilitation. The probation department shall also determine which programs the defendant would benefit from and which programs would accept the defendant. The probation department shall report its findings and recommendations to the court. The court shall make the final determination regarding education, treatment, or rehabilitation for the defendant. If the court determines that it is appropriate, the court shall grant deferred entry of judgment if the defendant pleads guilty to the charge or charges and waives time for the pronouncement of judgment.

(c) No statement, or any information procured therefrom, made by the defendant to any probation officer or drug treatment worker, that is made during the course of any investigation conducted by the probation department or treatment program pursuant to subdivision (b), and prior to the reporting of the probation department's findings and recommendations to the court, shall be admissible in any action or proceeding brought subsequent to the investigation. No statement, or any information procured therefrom, with respect to the specific offense with which the defendant is charged, that is made to any

probation officer or drug program worker subsequent to the granting of deferred entry of judgment, shall be admissible in any action or proceeding, including a sentencing hearing.

(d) A defendant's plea of guilty, *if eligible for deferred entry of judgment,* pursuant to this ~~chapter~~ *section,* shall not constitute a conviction for any purpose unless a judgment of guilty is entered pursuant to Section 1000.3.

Ssection 1210.1 of the Penal Code is amended and renumbered to read:

1210.1(a) *The court shall review the clinical evidence based risk and needs assessments, criminal history, and probation recommendation, pursuant to Section 1210.01 and make a determination as to whether the defendant is an appropriate candidate for the medium level treatment of this section. The treatment program defined in this chapter can be applied to a defendant eligible for deferred entry of judgment or a defendant convicted of a felony nonviolent drug possession offense if the court finds the program appropriate based on the risk and needs assessment.* Notwithstanding any other provision of law, and except as provided in subdivision (b), any person, convicted of a nonviolent drug possession offense, *with low risk to re-offend, but a high substance abuse treatment needs as determined by the assessments in Section 1210.01, shall receive probation.* As a condition of probation the court shall require participation in and completion of an appropriate drug treatment program. The court shall impose appropriate drug testing as a condition of probation. The court may also impose, as a condition of probation, participation in vocational training, family counseling, literacy training and/or community service. A court may ~~not~~ impose *flash* incarceration *in the local custodial agency* as an additional condition of probation, *if the court determines it is necessary*. Aside from the limitations imposed in this subdivision, the trial court is not otherwise limited in the type of probation conditions it may impose. Probation shall be imposed by suspending the imposition of sentence. No person shall be denied the opportunity to benefit from the provisions of the Substance Abuse and Crime Prevention Act of 2000 based solely upon evidence of a co-occurring psychiatric or developmental disorder. To the greatest extent possible, any person who is convicted of, and placed on probation pursuant to this section for a nonviolent drug possession offense, shall be monitored by the court through the use of a dedicated court calendar and the incorporation of a collaborative court model of oversight that includes close collaboration with treatment providers and probation, drug testing commensurate with treatment needs, and supervision of progress through review hearings.

In addition to any fine assessed under other provisions of law, the trial judge may require any person convicted of a nonviolent drug possession offense who is reasonably able to do so to contribute to the cost of his or her own placement in a drug treatment program.

(b) Subdivision (a) shall not apply to any of the following:

> (1) Any defendant who previously has been convicted of one or more violent or serious felonies as defined in subdivision (c) of Section 667.5 or subdivision (c) of Section 1192.7, respectively, unless the nonviolent drug possession offense occurred after a period of five years in which the defendant remained free of both prison custody and the commission of an offense that results in a felony conviction other than a nonviolent drug possession offense, or a misdemeanor conviction involving physical injury or the threat of physical injury to another person.
>
> (2) Any defendant who, in addition to one or more nonviolent drug possession offenses, has been convicted in the same proceeding of a misdemeanor not related to the use of drugs or any felony.

(3) Any defendant who, while armed with a deadly weapon, with the intent to use the same as a deadly weapon, unlawfully possesses or is under the influence of any controlled substance identified in Section 11054, 11055, 11056, 11057, or 11058 of the Health and Safety Code.

(4) Any defendant who refuses drug treatment as a condition of probation.

(5) Any defendant who has two separate convictions for nonviolent drug possession offenses, has participated in two separate courses of drug treatment pursuant to subdivision (a), and is found by the court, by clear and convincing evidence, to be unamenable to any and all forms of available drug treatment, as defined in subdivision (b) of Section 1210. Notwithstanding any other provision of law, the trial court shall sentence that defendant to 30 days in jail.

(6) Any defendant whose assessments indicate high risk to re-offend and/or high substance abuse treatment needs.

(c)

(1) Any defendant who has previously been convicted of at least three non-drug-related felonies for which the defendant has served three separate prison terms within the meaning of subdivision (b) of Section 667.5 shall be presumed eligible for treatment under subdivision (a). The court may exclude such a defendant from treatment under subdivision (a) where the court, pursuant to the motion of the prosecutor or its own motion, finds that the defendant poses a present danger to the safety of others and would not benefit from a drug treatment program. The court shall, on the record, state its findings, the reasons for those findings.

(2) Any defendant who has previously been convicted of a misdemeanor or felony at least five times within the prior 30 months shall be presumed to be eligible for treatment under subdivision (a). The court may exclude such a defendant from treatment under subdivision (a) if the court, pursuant to the motion of the prosecutor, or on its own motion, finds that the defendant poses a present danger to the safety of others or would not benefit from a drug treatment program. The court shall, on the record, state its findings and the reasons for those findings.

(d) Within seven days of an order imposing probation under subdivision (a), the probation department shall notify the drug treatment provider designated to provide drug treatment under subdivision (a). Within 30 days of receiving that notice, the treatment provider shall prepare a treatment plan and forward it to the probation department for distribution to the court and counsel. The treatment provider shall provide to the probation department standardized treatment progress reports, with minimum data elements as determined by the department, including all drug testing results. At a minimum, the reports shall be provided to the court every 90 days, or more frequently, as the court directs.

(1) Depending upon the severity of addiction and the treatment needs, the court may order more frequent court appearances and consider all necessary sanctions.

(~~1~~) *(2)* If at any point during the course of drug treatment the treatment provider notifies the probation department and the court that the defendant is unamenable to the drug treatment being provided, but may be amenable to other drug treatments or related programs, the probation department may move the court to modify the terms of probation, or on its own motion, the court may modify the terms of probation after a hearing to ensure that the defendant receives the alternative drug treatment or program.

(~~2~~) *(3)* If at any point during the course of drug treatment the treatment provider notifies the probation department and the court that the defendant is unamenable to the drug treatment provided and all other forms of drug treatment programs pursuant to subdivision (b) of Section 1210, the probation department may move to revoke probation. At the revocation hearing, if it is proved that the defendant is unamenable to all drug treatment programs pursuant to subdivision (b) of Section 1210, the court may revoke probation.

(~~3~~) *(4)* Drug treatment services provided by subdivision (a) as a required condition of probation may not exceed 12 months, unless the court makes a finding supported by the record, that the continuation of treatment services beyond 12 months is necessary for drug treatment to be successful. If such a finding is made, the court may order up to two, six-month extensions of treatment services. The provision of treatment services under the Substance Abuse and Crime Prevention Act of 2000 shall not exceed 24 months.

(e) *Pursuant to Penal Code section 1210. 01, if a court determines that this program is appropriate, a defendant will be eligible for deferred entry of judgment if all of the following conditions are met:*

(1) The defendant's record does not indicate that probation or parole has ever been revoked without thereafter being completed.

(2) The defendant's record does not indicate that he or she has successfully completed or been terminated from diversion or deferred entry of judgment pursuant to this chapter within five years prior to the alleged commission of the charged offense.

(3) The defendant has no prior felony conviction within five years prior to the alleged commission of the charged offense.

(~~e~~) (*f) For all other participants ordered to engage in this program by the court,* at any time after completion of drug treatment and the terms of probation, *and pursuant to Penal Code section 1210.01,* the court shall conduct a hearing, and if the court finds that the defendant successfully completed drug treatment, and substantially complied with the conditions of probation, including refraining from the use of drugs after the completion of treatment, the conviction on which the probation was based ~~shall~~ *may* be set aside and the court ~~shall~~ *may* dismiss the indictment, complaint, or information against the defendant. In addition, except as provided in paragraphs (2) and (3), both the arrest and the conviction shall be deemed never to have occurred. The defendant may additionally petition the court for a dismissal of charges at any time after completion of the prescribed course of drug treatment. Except as provided in paragraph (2) or

(3), the defendant shall thereafter be released from all penalties and disabilities resulting from the offense of which he or she has been convicted.

(2) Dismissal of an indictment, complaint, or information pursuant to paragraph (1) does not permit a person to own, possess, or have in his or her custody or control any firearm capable of being concealed upon the person or prevent his or her conviction under Section 12021.

(3) Except as provided below, after an indictment, complaint, or information is dismissed pursuant to paragraph (1), the defendant may indicate in response to any question concerning his or her prior criminal record that he or she was not arrested or convicted for the offense. Except as provided below, a record pertaining to an arrest or conviction resulting in successful completion of a drug treatment program under this section may not, without the defendant's consent, be used in any way that could result in the denial of any employment, benefit, license, or certificate. Regardless of his or her successful completion of drug treatment, the arrest and conviction on which the probation was based may be recorded by the Department of Justice and disclosed in response to any peace officer application request or any law enforcement inquiry. Dismissal of an information, complaint, or indictment under this section does not relieve a defendant of the obligation to disclose the arrest and conviction in response to any direct question contained in any questionnaire or application for public office, for a position as a peace officer as defined in Section 830, for licensure by any state or local agency, for contracting with the California State Lottery, or for purposes of serving on a jury.

~~(f)~~ *(g)*(1) If probation is revoked pursuant to the provisions of this subdivision, the defendant may be incarcerated pursuant to otherwise applicable law without regard to the provisions of this section. The court may modify or revoke probation if the alleged violation is proved. *The court shall determine the appropriate sanctions for violations of probation under this section and whether or not the defendant may continue to participate. The court may receive input from treatment, probation, the state, and the defendant, and the court may conduct further hearings as it deems appropriate to determine whether or not probation should be reinstated under this section. If the court reinstates the defendant on probation, the court may modify the treatment plan and any other terms of probation, and continue the defendant in a treatment program under the Substance Abuse and Crime Prevention Act of 2000. If the court reinstates the defendant on probation, the court may, after receiving input from the treatment provider and probation, if available, intensify or alter the treatment plan under subdivision (a), and impose sanctions, including jail sanctions, to enhance treatment compliance. The court shall consider, among other factors, the seriousness of the violation, previous treatment compliance, employment, education, vocational training, medical conditions, medical treatment, including narcotics replacement treatment, and include the opinion of the defendant's licensed and treating physician if immediately available and presented at the hearing, child support obligations, and family responsibilities. The court shall consider additional conditions of probation, which may include, but are not limited to, community service and supervised work programs. The court may, if available, direct the defendant to enter a licensed detoxification or residential treatment facility.*

~~(2) If a defendant receives probation under subdivision (a), and violates that probation either by committing an offense that is not a nonviolent drug possession offense, or by violating a non-drug-related condition of probation, and the state moves to revoke probation, the court may remand the defendant for a period not exceeding 30 days during which time the court may receive input from treatment, probation, the state, and the defendant, and the court may conduct further hearings as it deems appropriate to determine whether or not probation should be reinstated under this section. If the court reinstates the defendant on probation, the court may modify the treatment plan and any other terms of probation, and continue the defendant in a treatment program under the Substance Abuse and Crime Prevention Act of 2000. If the court reinstates the defendant on probation, the court may, after receiving input from the treatment provider and probation, if available, intensify or alter the treatment plan under subdivision (a), and impose sanctions, including jail sanctions not exceeding 30 days, a tool to enhance treatment compliance.~~

~~(3) (A) If a defendant receives probation under subdivision (a), and violates that probation either by committing a nonviolent drug possession offense, or a misdemeanor for simple possession or use of drugs or drug paraphernalia, being present where drugs are used, or failure to register as a drug offender, or any activity similar to those listed in subdivision (d) of Section 1210, or by violating a drug-related condition of probation, and the state moves to revoke probation, the court shall conduct a hearing to determine whether probation shall be revoked. The trial court shall revoke probation if the alleged probation violation is proved and the state proves by a preponderance of the evidence that the defendant poses a danger to the safety of others. If the court does not revoke probation, it may intensify or alter the drug treatment plan and in addition, if the violation does not involve the recent use of drugs as a circumstance of the violation, including, but not limited to, violations relating to failure to appear at treatment or court, noncompliance with treatment, and failure to report for drug testing, the court may impose sanctions including jail sanctions that may not exceed 48 hours of continuous custody as a tool to enhance treatment compliance and impose other changes in the terms and conditions of probation. The court shall consider, among other factors, the seriousness of the violation, previous treatment compliance, employment, education, vocational training, medical conditions, medical treatment, including narcotics replacement treatment, and including the opinion of the defendant's licensed and treating physician if immediately available and presented at the hearing, child support obligations, and family responsibilities. The court shall consider additional conditions of probation, which may include, but are not limited to, community service and supervised work programs. If one of the circumstances of the violation involves recent drug use, as well as other circumstances of violation, and the circumstance of recent drug use is demonstrated to the court by satisfactory evidence and a finding made on the record, the court may, after receiving input from treatment and probation, if available, direct the defendant to enter a licensed detoxification or residential treatment facility, and if there is no bed immediately available in such a facility, the court may order that the defendant be confined in a county jail for detoxification purposes only, if the jail offers detoxification services, for a period not to exceed 10 days. The detoxification services must provide narcotic replacement therapy for those defendants presently actually receiving narcotic replacement therapy.~~

~~(B) If a defendant receives probation under subdivision (a), and for the second time violates that probation either by committing a nonviolent drug possession offense, or a misdemeanor for~~

~~simple possession or use of drugs or drug paraphernalia, being present where drugs are used, or failure to register as a drug offender, or any activity similar to those listed in subdivision (d) of Section 1210, or by violating a drug-related condition of probation, and the state moves to revoke probation, the court shall conduct a hearing to determine whether probation shall be revoked. The trial court shall revoke probation if the alleged probation violation is proved and the state proves by a preponderance of the evidence either that the defendant poses a danger to the safety of others or is unamenable to drug treatment. In determining whether a defendant is unamenable to drug treatment, the court may consider, to the extent relevant, whether the defendant (i) has committed a serious violation of rules at the drug treatment program, (ii) has repeatedly committed violations of program rules that inhibit the defendant's ability to function in the program, or (iii) has continually refused to participate in the program or asked to be removed from the program. If the court does not revoke probation, it may intensify or alter the drug treatment plan, and may, in addition, if the violation does not involve the recent use of drugs as a circumstance of the violation, including, but not limited to, violations relating to failure to appear at treatment or court, noncompliance with treatment, and failure to report for drug testing, impose sanctions including jail sanctions that may not exceed 120 hours of continuous custody as a tool to enhance treatment compliance and impose other changes in the terms and conditions of probation. The court shall consider, among other factors, the seriousness of the violation, previous treatment compliance, employment, education, vocational training, medical conditions, medical treatment, including narcotics replacement treatment, and including the opinion of the defendant's licensed and treating physician if immediately available and presented at the hearing, child support obligations, and family responsibilities. The court shall consider additional conditions of probation, which may include, but are not limited to, community service and supervised work programs. If one of the circumstances of the violation involves recent drug use, as well as other circumstances of violation, and the circumstance of recent drug use is demonstrated to the court by satisfactory evidence and a finding made on the record, the court may, after receiving input from treatment and probation, if available, direct the defendant to enter a licensed detoxification or residential treatment facility, and if there is no bed immediately available in the facility, the court may order that the defendant be confined in a county jail for detoxification purposes only, if the jail offers detoxification services, for a period not to exceed 10 days. Detoxification services must provide narcotic replacement therapy for those defendants presently actually receiving narcotic replacement therapy.~~

~~(C) If a defendant receives probation under subdivision (a), and for the third or subsequent time violates that probation either by committing a nonviolent drug possession offense, or by violating a drug-related condition of probation, and the state moves for a third or subsequent time to revoke probation, the court shall conduct a hearing to determine whether probation shall be revoked. If the alleged probation violation is proved, the defendant is not eligible for continued probation under subdivision (a) unless the court determines that the defendant is not a danger to the community and would benefit from further treatment under subdivision (a). The court may then either intensify or alter the treatment plan under subdivision (a) or transfer the defendant to a highly structured drug court, *pursuant to Section 1210.3*. If the court continues the defendant in treatment under subdivision (a), or drug court, the court may impose appropriate sanctions including jail sanctions as the court deems appropriate.~~

~~(D) If a defendant on probation at the effective date of this act for a nonviolent drug possession offense violates that probation either by committing a nonviolent drug possession offense, or a misdemeanor for simple possession or use of drugs or drug paraphernalia, being present where drugs are used, or failure to register as a drug offender, or any activity similar to those listed in subdivision (d) of Section 1210, or by violating a drug-related condition of probation, and the state moves to revoke probation, the court shall conduct a hearing to determine whether probation shall be revoked. The trial court shall revoke probation if the alleged probation violation is proved and the state proves by a preponderance of the evidence that the defendant poses a danger to the safety of others. If the court does not revoke probation, it may modify or alter the treatment plan, and in addition, if the violation does not involve the recent use of drugs as a circumstance of the violation, including, but not limited to, violations relating to failure to appear at treatment or court, noncompliance with treatment, and failure to report for drug testing, the court may impose sanctions including jail sanctions that may not exceed 48 hours of continuous custody as a tool to enhance treatment compliance and impose other changes in the terms and conditions of probation. The court shall consider, among other factors, the seriousness of the violation, previous treatment compliance, employment, education, vocational training, medical conditions, medical treatment, including narcotics replacement treatment, and including the opinion of the defendant's licensed and treating physician if immediately available and presented at the hearing, child support obligations, and family responsibilities. The court shall consider additional conditions of probation, which may include, but are not limited to, community service and supervised work programs. If one of the circumstances of the violation involves recent drug use, as well as other circumstances of violation, and the circumstance of recent drug use is demonstrated to the court by satisfactory evidence and a finding made on the record, the court may, after receiving input from treatment and probation, if available, direct the defendant to enter a licensed detoxification or residential treatment facility, and if there is no bed immediately available in such a facility, the court may order that the defendant be confined in a county jail for detoxification purposes only, if the jail offers detoxification services, for a period not to exceed 10 days. The detoxification services must provide narcotic replacement therapy for those defendants presently actually receiving narcotic replacement therapy.~~

~~(E) If a defendant on probation at the effective date of this act for a nonviolent drug possession offense violates that probation a second time either by committing a nonviolent drug possession offense, or a misdemeanor for simple possession or use of drugs or drug paraphernalia, being present where drugs are used, or failure to register as a drug offender, or any activity similar to those listed in subdivision (d) of Section 1210, or by violating a drug-related condition of probation, and the state moves for a second time to revoke probation, the court shall conduct a hearing to determine whether probation shall be revoked. The trial court shall revoke probation if the alleged probation violation is proved and the state proves by a preponderance of the evidence either that the defendant poses a danger to the safety of others or that the defendant is unamenable to drug treatment. If the court does not revoke probation, it may modify or alter the treatment plan, and in addition, if the violation does not involve the recent use of drugs as a circumstance of the violation, including, but not limited to, violations relating to failure to appear at treatment or court, noncompliance with treatment, and failure to report for drug testing, the court may impose sanctions including jail sanctions that may not exceed 120 hours of continuous custody as a tool to enhance treatment compliance and impose other changes in the terms and conditions of probation. The court shall consider, among other factors, the seriousness of the~~

~~violation, previous treatment compliance, employment, education, vocational training, medical conditions, medical treatment including narcotics replacement treatment, and including the opinion of the defendant's licensed and treating physician if immediately available and presented at the hearing, child support obligations, and family responsibilities. The court shall consider additional conditions of probation, which may include, but are not limited to, community service and supervised work programs. If one of the circumstances of the violation involves recent drug use, as well as other circumstances of violation, and the circumstance of recent drug use is demonstrated to the court by satisfactory evidence and a finding made on the record, the court may, after receiving input from treatment and probation, if available, direct the defendant to enter a licensed detoxification or residential treatment facility, and if there is no bed immediately available in such a facility, the court may order that the defendant be confined in a county jail for detoxification purposes only, if the jail offers detoxification services, for a period not to exceed 10 days. The detoxification services must provide narcotic replacement therapy for those defendants presently actually receiving narcotic replacement therapy.~~

~~(f)~~ ~~*(h)*~~ ~~If a defendant on probation at the effective date of this act for a nonviolent drug offense violates that probation a third or subsequent time either by committing a nonviolent drug possession offense, or by violating a drug-related condition of probation, and the state moves for a third or subsequent time to revoke probation, the court shall conduct a hearing to determine whether probation shall be revoked. If the alleged probation violation is proved, the defendant is not eligible for continued probation under subdivision (a), unless the court determines that the defendant is not a danger to the community and would benefit from further treatment under subdivision (a). The court may then either intensify or alter the treatment plan under subdivision (a) or transfer the defendant to a highly structured drug court,~~ ~~*pursuant to Section 1210.3.*~~~~. If the court continues the defendant in treatment under subdivision (a), or drug court, the court may impose appropriate sanctions including jail sanctions.~~

(~~g~~) (*i)* The term "drug-related condition of probation" shall include a probationer's specific drug treatment regimen, employment, vocational training, educational programs, psychological counseling, and family counseling.

Section 1210.3, Drug Court, is added to the Penal Code:

1210.3(a) The court shall review the clinical-evidence based risk and needs assessments, criminal history, and probation recommendation, pursuant to Sections 1210.01 or 1203 and make a determination as to whether the defendant is an appropriate candidate for the highest level of treatment of this section. Notwithstanding any other provision of law, and except as provided in subdivision (c), any person , whose assessments, pursuant to Section 1210.01 or 1203, indicate high risk to re-offend and high substance abuse treatment needs, convicted of a nonviolent drug possession offense or convicted of a "qualifying offense" as defined in subdivision (b) may participate in Drug Court. As a condition of probation the court shall require participation in and completion of an appropriate drug treatment program. A person who is convicted of, and placed on probation pursuant to this section shall be monitored by the court through the use of a dedicated court calendar and the incorporation of a collaborative court model of oversight that includes close collaboration with treatment providers and probation, drug testing commensurate with treatment needs, and supervision of progress through review hearings. The court shall impose appropriate drug testing as a condition of probation. The court may also impose, as a condition of probation, participation in vocational training, family counseling, literacy programs and/or community service. A court shall impose incarceration in the local custodial agency as an additional condition of probation, if the court determines it necessary. Aside from the limitations imposed in this subdivision, the trial court is not otherwise limited in the type of probation conditions it may impose. No person shall be denied the opportunity to benefit from the provisions of the Substance Abuse and Crime Prevention Act of 2000 based solely upon evidence of a co-occurring psychiatric or developmental disorder.

In addition to any fines assessed under other provisions of law, the trial judge may require any person in Drug Court, who is reasonably able to do so, to contribute to the cost of his or her own placement in a drug treatment program.

(b) Subject to subdivision (c), "qualifying offense" shall include a controlled substance offense or a nonviolent property offense. A "controlled substance" offense is any offense pursuant to 11355, 11357, 11359, 11360, 11363, 11368, 11377, 11379, 11379.5, 11350, 11351, 11351.5, or 11352 of the Health and Safety Code, unless the conviction involved selling to a minor, or the sale, possession for sale, or transportation of more than one kilogram of the controlled substance. A "non violent property" offense is a crime against property in which no one is physically injured and which did not involve the use or attempted use of force or violence, or the express or implied use threat to use force, or is not a violent felony within the meaning of Section 667.5(c) or serious felony within the meaning of Section 1192.7.

(c) Subdivision (a) shall not apply to any of the following:

> *(1) Any defendant who previously has been convicted of one or more violent or serious felonies as defined in subdivision (c) of Section 667.5 or subdivision (c) of Section 1192.7, respectively, unless the defendant is currently eligible for probation and the nonviolent drug possession or other qualifying offense, occurred after a period of five years in which the defendant remained free of both prison custody and the commission of*

an offense that results in a felony conviction other than a nonviolent drug possession offense, or a misdemeanor conviction involving physical injury or the threat of physical injury to another person.

(2) Any defendant who, while armed with a deadly weapon, with the intent to use the same as a deadly weapon, unlawfully possesses or is under the influence of any controlled substance identified in Section 11054, 11055, 11056, 11057, or 11058 of the Health and Safety Code.

(3) Any defendant who refuses drug treatment as a condition of probation.

(d)

(1) Any defendant who has previously been convicted of at least three non-drug-related felonies for which the defendant has served three separate prison terms within the meaning of subdivision (b) of Section 667.5 shall be presumed eligible for treatment under subdivision (a). The court may exclude such a defendant from treatment under subdivision (a) where the court, pursuant to the motion of the prosecutor or its own motion, finds that the defendant poses a present danger to the safety of others and would not benefit from a drug treatment program. The court shall, on the record, state its findings, the reasons for those findings.

(2) Any defendant who has previously been convicted of a misdemeanor or felony at least 5 times within the prior 30 months shall be presumed to be eligible for treatment under subdivision (a).The court may exclude such a defendant from treatment under subdivision (a) if the court, pursuant to the motion of the prosecutor, or on its own motion, finds that the defendant poses a present danger to the safety of others or would not benefit from a drug treatment program. The court shall, on the record, state its findings and the reasons for those findings.

(e) Within 7 days of an order imposing probation under subdivision (a), the probation department shall notify the drug treatment provider designated to provide drug treatment under subdivision (a). Within 30 days of receiving that notice, the treatment provider shall prepare a treatment plan and forward it to the probation department for distribution to the court and counsel. The treatment provider shall provide to the probation department standardized treatment progress reports, with minimum data elements as determined by the department, including all drug testing results. At a minimum, the reports shall be provided to the court every 90 days, or more frequently, as the court directs.

(f) Pursuant to Penal Code section 1210. 01, if a court determines that Drug Court is appropriate for a nonviolent drug possession offense, a defendant will be eligible for deferred entry of judgment if all of the following conditions are met:

(1) The defendant's record does not indicate that probation or parole has ever been revoked without thereafter being completed.

(2) The defendant's record does not indicate that he or she has successfully completed or been terminated from diversion or deferred entry of judgment pursuant to this chapter within five years prior to the alleged commission of the charged offense.

(3) The defendant has no prior felony conviction within five years prior to the alleged commission of the charged offense.

(g) For all other participants ordered to engage in Drug Court by the court for a nonviolent drug possession conviction, at any time after completion of drug treatment and the terms of probation, and pursuant to Penal Code section 1210.01, the court shall conduct a hearing, and if the court finds that the defendant successfully completed drug treatment, and substantially complied with the conditions of probation, including refraining from the use of drugs and alcohol after the completion of treatment, the nonviolent drug possession conviction on which the probation was based may be set aside and the court may dismiss the indictment, complaint, or information against the defendant, pursuant to the limitations of Section 1210.1(f). This subsection does not apply to any Drug Court participant who suffered a "qualifying offense."

Section 11357 of the Health and Safety Code is amended to read:

11357(a) Except as authorized by law, every person who possesses any concentrated cannabis shall be punished by imprisonment in the county jail for a period of not more than one year or by a fine of not more than five hundred dollars ($500), or by both such fine and imprisonment, or shall be punished by imprisonment in the state prison.

(b) *Except as authorized by law, every person 18 years of age or older who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, is guilty of an infraction and shall be punished by a fine of not more than one hundred dollars ($100). Every person under 18 years of age who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, is guilty of an infraction and shall be required to complete a science-based drug education program certified by the county probation department.*

(c) Except as authorized by law, every person 18 years of age or older who possesses more than 28.5 grams of marijuana, other than concentrated cannabis, shall be punished by imprisonment in the county jail for a period of not more than six months or by a fine of not more than fivehundred dollars ($500) or by both such fine and imprisonment.

(d) Except as authorized by law, every person 18 years of age or over who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, upon the grounds of, or within, any school providing instruction in kindergarten or any of grades 1 through 12 during hours the school is open for classes or school-related programs is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars ($500), or by imprisonment in the county jail for a period of not more than 10 days, or both.

(e) Except as authorized by law, every person under the age of 18 who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, upon the grounds of, or within, any school providing instruction in kindergarten or any of grades 1 through 12 during hours the school is open for classes or school-related programs is guilty of a misdemeanor and shall be subject to the following dispositions:

(1) A fine of not more than two hundred fifty dollars ($250), upon a finding that a first offense has been committed.

(2) A fine of not more than five hundred dollars ($500), or commitment to a juvenile hall, ranch, camp, forestry camp, or secure juvenile home for a period of not more than 10 days, or both, upon a finding that a second or subsequent offense has been committed.

SENTENCING MEASURES

Section 1203 of the Penal Code, Probation Reports, is amended to read:

1203(a) As used in this code, "probation" means the suspension of the imposition or execution of a sentence and the order of conditional and revocable release in the community under the supervision of a probation officer. As used in this code, "conditional sentence" means the suspension of the imposition or execution of a sentence and the order of revocable release in the community subject to conditions established by the court without the supervision of a probation officer. It is the intent of the Legislature that both conditional sentence and probation are authorized whenever probation is authorized in any code as a sentencing option for infractions or misdemeanors.

(b) (1) Except as provided in subdivision (j), if a person is convicted of a felony and is eligible for probation, before judgment is pronounced, the court shall immediately refer the matter to a probation officer to investigate and report to the court, at a specified time, upon the circumstances surrounding the crime and the prior history and record of the person, which may be considered either in aggravation or mitigation of the punishment. *If a felony matter is referred to the Probation Department for an investigation and report, the Probation Department shall conduct assessments for criminogenic risk to re-offend and rehabilitative needs, including but not limited to ASI (Addiction Severity Index – CJ version) and COMPAS instruments. Rehabilitative needs shall include, but not be limited to, vocational, substance abuse, and education. The results of these assessments shall be included in the probation report and shall be considered in making the recommendation to the court.*

SB 618 EXPANSION

Existing law authorizes the Department of Corrections and Rehabilitation to enter into an agreement with three counties to implement multi-agency plans to prepare and enhance nonviolent felony offenders' successful re-entry into their communities. This Act would permit the implementation of multi-agency plans for nonviolent offenders re-entry into the community with at least, but not limited to, the ten most populous counties in California as listed below and the California Department of Corrections and Rehabilitation.

Section 1203.8 of the Penal Code is amended to read:

1203.8(a) *All offenders of the counties listed in subsection (c), who are recommended for a prison commit, shall have substance abuse, education, criminogenic, and vocational risk and needs assessed by the local probation department prior to transfer to the California Department of Corrections and Rehabilitation. The risk to re-offend and treatment needs shall be determined by evidence-based assessments, selected by the Department of Corrections and Rehabilitation, including, but not limited to the ASI (Addiction Severity Index – CJ edition) and COMPAS instruments. The local custodial agency of each of these counties shall also be responsible for conducting medical, mental health and dental examinations, pursuant to the requirements of the California Department of Corrections and Rehabilitation. The California Department of Corrections and Rehabilitation shall be responsible for training the staff of the custodial agency and for reimbursing the county for costs incurred for assessments and examinations in excess of those currently required by Section 1203.*

(b) *Each county listed in subsection (c) (shall)(may)* ~~A county may~~ develop a multi-agency plan to prepare and enhance nonviolent felony offenders' successful reentry into the community. The plan shall be developed by, and have the concurrence of, the presiding judge, the chief probation officer, the district attorney, the local custodial agency and ~~the public defender or their designees~~ *a representative of the criminal defense bar or criminal defense public agency*, and shall be submitted to the county's board of supervisors for its approval. The plan shall provide that when a report prepared pursuant to Section 1203.10 recommends a state prison commitment, the report shall also include, but not be limited to, the offenders' *substance abuse* treatment, literacy and vocational needs. *Those needs shall be determined by the evidence-based assessments of subsection (a).* Any sentence imposed pursuant to this section shall include a recommendation for the completion while in state prison of all relevant programs to address those needs identified in the assessment.

(c) The Department of Corrections and Rehabilitation ~~is authorized to~~ *(shall)(may)* enter into an agreement ~~with up to three counties~~ *with the counties listed below* to implement subdivision (a) and to provide funding for the purpose of the probation department carrying out the assessments. The Department of Corrections and Rehabilitation, to the extent feasible, shall provide to the offender all programs pursuant to the court's recommendation. *The ten counties are Alameda, Contra Costa, Fresno, Los Angeles, Orange, Riverside, Sacramento, San Bernadino, San Diego, and Santa Clara. The Department of Corrections and Rehabilitation is also authorized to enter into agreements with other counties to implement a multi-agency plan pursuant to section (b).*

(d) All nonviolent offenders, who meet the requirements set forth in the individual agreements between the county and California Department of Corrections and Rehabilitation, shall be provided treatment and/or educational programming in prison, commensurate in duration and intensity with the assessments conducted on the local level.

PRISON PROGRAMMING:

Section 2933 of the Penal Code is amended and renumbered to read:

2933 (a) It is the intent of the Legislature that persons convicted of a crime and sentenced to the state prison under Section 1170 serve the entire sentence imposed by the court, except for a reduction in the time served in the custody of the Director of Corrections for performance in work, training, *vocational, treatment,* ~~or~~ education ~~programs~~*, or any other rehabilitative program* established by the ~~Director of Corrections~~ *California Department of Corrections and Rehabilitation*. Worktime credits shall apply for ***a combination of*** performance in work assignments ***and good behavior***. ~~and performance in elementary, high school, or vocational education programs~~. ~~Enrollment in a two- or four-year college program leading to a degree shall result in the application of time credits equal to that provided in Section 2931.~~ *Except as provided in subsection (b),* ~~F~~ *for* every six months of full-time performance in a credit qualifying program, as designated by the director, a prisoner shall be awarded worktime credit reductions from his or her term of confinement of six months. A lesser amount of credit based on this ratio shall be awarded for any lesser period of continuous performance. Less than maximum credit should be awarded pursuant to regulations adopted by the director for prisoners not assigned to a full-time credit qualifying program. Every prisoner who refuses to accept a full-time credit qualifying assignment or who is denied the opportunity to earn worktime credits pursuant to subdivision (a) of Section 2932 shall be awarded no worktime credit reduction. Every prisoner who voluntarily accepts a half-time credit qualifying assignment in lieu of a full-time assignment shall be awarded worktime credit reductions from his or her term of confinement of three months for each six-month period of continued performance. Except as provided in subdivision (a) of Section 2932, every prisoner willing to participate in a full-time credit qualifying assignment but who is either not assigned to a full-time assignment or is assigned to a program for less than full time, shall receive no less credit than is provided under Section 2931. Under no circumstances shall any prisoner receive more than six months' credit reduction for any six-month period under this section.

(b)(1) Except as provided in subsection (a), a prisoner shall receive up to a maximum of four months of "rehabilitative program participation" credits per year. Under no circumstances shall any prisoner receive more than four months total rehabilitative programming credits per twelve month period. "Rehabilitative program participation credits" shall be earned at the rate of one day of credit for every three days of active participation as defined by the Secretary of the Department of Corrections and Rehabilitation in a program approved by the Secretary, including, but not limited to, any of the following:

(A) A substance abuse treatment program.
(B) An education program.
(C) A vocational program.
(D) Any other cognitive behavior management treatment or education program, mental health treatment, or rehabilitative program offered by the department.

(b)(2) An additional ten days of rehabilitative program completion credits may be earned for the successful completion of particular programs as defined below:

(A) Earning a G.E.D., high school diploma or college degree.
(B) Earning a certificate of completion for a vocational program.

(b)(3) Rehabilitative programming credits may be earned in addition to worktime credits.

(b)(4) Risk to re-offend and treatment needs shall be determined by evidence-based assessments, selected by the Department of Corrections and Rehabilitation, including, but not limited to the ASI (Addiction Severity Index – CJ version) and COMPAS instruments. These assessments can be satisfied by those conducted pursuant to Sections 1203, 1203.8, 2933.45, or upon entry into the custody of the California Department of Corrections and Rehabilitation. If any assessments for this section are conducted pursuant to Sections 1203 or 1203.8, the California Department of Corrections and Rehabilitation shall be responsible for training the staff of the custodial agency and for reimbursing the county for costs incurred

(b)(5) These programming credits shall not apply to a prisoner serving a term of imprisonment for either an offense requiring registration as a sex offender pursuant to Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1 or an offense sentenced pursuant to subdivisions (b) – (i), inclusive, of Section 667 or Section 1170.12, or pursuant to Section 2933.1.

(b)(6) These credits shall only be earned for participation in qualifying rehabilitative programming, pursuant to section (b)(1). These credits shall not be applied for good behavior or lost as a sanction for misconduct. An inmate has no right to "Rehabilitation Programming Credits." These credits are a privilege.

(~~b~~) *(c)* Worktime credit ~~is a~~ *and rehabilitative programming credits are* privileges, not ~~a~~ rights. Worktime credit must be earned and may be forfeited pursuant to the provisions of Section 2932. Except as provided in subdivision (a) of Section 2932, every prisoner shall have a reasonable opportunity to participate in a full-time credit qualifying assignment *and rehabilitative programming* in a manner consistent with institutional security and available resources.

~~(c)~~ *(d)* Under regulations adopted by the Department of Corrections, which shall require a period of not more than one year free of disciplinary infractions, worktime credit which has been previously forfeited may be restored by the director. The regulations shall provide for separate classifications of serious disciplinary infractions as they relate to restoration of credits, the time period required before forfeited credits or a portion thereof may be restored, and the percentage of forfeited credits that may be restored for these time periods. For credits forfeited for commission of a felony specified in paragraph (1) of subdivision (a) of Section 2932, the Department of Corrections may provide that up to 180 days of lost credit shall not be restored and up to 90 days of credit shall not be restored for a forfeiture resulting from conspiracy or attempts to commit one of those acts. No credits may be restored if they were forfeited for a serious disciplinary infraction in which the victim died or was permanently disabled. Upon application of the prisoner and following completion of the required time period free of disciplinary offenses, forfeited credits eligible for restoration under the regulations for disciplinary offenses other than serious disciplinary infractions punishable by a credit loss of more than 90 days shall be restored unless, at a hearing, it is found that the prisoner refused to

accept or failed to perform in a credit qualifying assignment, or extraordinary circumstances are present that require that credits not be restored. "Extraordinary circumstances" shall be defined in the regulations adopted by the director. However, in any case in which worktime *or programming* credit was forfeited for a serious disciplinary infraction punishable by a credit loss of more than 90 days, restoration of credit shall be at the discretion of the director. The prisoner may appeal the finding through the Department of Corrections review procedure, which shall include a review by an individual independent of the institution who has supervisorial authority over the institution.

~~(d)~~ *(e)*The provisions of subdivision (c) shall also apply in cases of credit forfeited under Section 2931 for offenses and serious disciplinary infractions occurring on or after January 1, 1983.

Reentry Program Facilities

New Penal Code Section 2933.45. Completion of in-prison re-entry programs and placement in transitional housing.

2933.45(a) Notwithstanding any other provision of law, all inmates under the custody of the Department of Corrections and Rehabilitation, who do not meet the Penal Code section 1203.8 requirements of local re-entry programs, shall be transferred to Reentry Program Facilities eighteen to twenty-four months prior to the inmate's earliest parole release date, receive re-entry programming commensurate with their classification level and needs based upon the assessments conducted either at the local level prior to sentencing, pursuant to Penal Code section 1203.8(a) or upon entry into prison. All costs for assessments, whether conducted at the local level or within prison, shall be borne by the California Department of Corrections and Rehabilitation.

(b) All Reception Centers, as authorized by Government Code Sections 15819.40 and 15819.4, except those necessary to conduct classification of inmates that do not meet the Section 1203.8 requirements, shall be converted, as space becomes available, to Reentry Program Facilities. Reception Centers shall be converted as assessments and classification are conducted by the probation departments and local custodial agencies from counties listed in Section 1203.8(c).

(c) Converted Reentry Program Facilities will offer re-entry programming, including, but not limited to, cognitive behavioral treatment or education, dependent upon the risk and needs level; continuation of any necessary medical or mental health treatment plan; vocational training, applicable to the labor work force of the county of release; and appropriate treatment for substance abuse, education and life skills.

(d) Upon completion of required programming, an inmate, not currently serving and who has not served prior indeterminate sentence, or a sentence for a violent felony pursuant to Section 667.5(c), a serious felony pursuant to Section 1192.7, or a crime that requires him or her to register as a sex offender pursuant to Section 290, shall be transferred to transitional community housing to begin re-entry into the community, including drug treatment furlough.

PAROLE REFORM

Section 3000 of the Penal Code is amended and renumbered to read:

3000(a)(1) The Legislature finds and declares that the ~~period~~ *periods* immediately ~~following~~ *before and after the end of* incarceration *are* critical to successful reintegration of the offender into society and to positive citizenship. It is in the interest of public safety for the state to *prepare inmates who are leaving prison for reintegration into society*, to provide for the supervision of and surveillance of *some* parolees, including the judicious use of revocation actions, and to provide educational, vocational, family and personal counseling necessary to assist *all* parolees in the transition between imprisonment and discharge. A sentence pursuant to Section 1168 ~~or 1170~~ shall include a period of parole, unless waived, as provided in this section. *A sentence pursuant to Penal Code section 1170 may include a period of parole as provided in this section.*

(2) The Legislature finds and declares that it is not the intent of this section to diminish resources allocated to the Department of Corrections for parole functions for which the department is responsible. It is also not the intent of this section to diminish the resources allocated to the Board of Prison Terms to execute its duties with respect to parole functions for which the board is responsible.

(3) The Legislature finds and declares that diligent effort must be made to ensure that parolees are held accountable for their criminal behavior, including, but not limited to, the satisfaction of restitution fines and orders.

(4) Any finding made pursuant to Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code, that a person is a sexually violent predator shall not toll, discharge, or otherwise affect that person's period of parole.

(5) *The Legislature finds and declares that greater resources shall be allocated to the supervision of parolees who pose a greater risk to society, while nonviolent parolees, who have not suffered a conviction within the meaning of Penal Code sections 667.5(c) or 1192.7(c) or a 290 registration offense, who pose less risk to public safety, pursuant to Sections b and c, may be released with minimum or intermediate parole supervision.*

(b) *For the purposes of this section, and subdivision (b) of Section 2933, the following definitions apply:*

(1) The term "qualifying commitment offense" means that the current offense from which the inmates is being paroled is a controlled substance offense, a nonviolent property offense, or any other offense added by the Legislature by two-thirds vote. A "controlled substance" offense is any offense pursuant to 11355, 11357, 11359, 11360, 11363, 11368, 11377, 11379, 11379.5, 11350, 11351, 11351.5, or 11352 of the Health

and Safety Code, unless the conviction involved selling to a minor, or the sale, possession for sale, or transportation of more than one kilogram of the controlled substance. A "non violent property" offense is a crime against property in which no one is physically injured and which did not involve the use or attempted use of force or violence, or the express or implied use threat to use force, or is not a violent felony within the meaning of Section 667.5(c). The Board of Prison Terms shall create an advisory list of qualifying commitment offenses which meet the criteria identified in this subsection.

(2) The term "Section 290 registration offense" means an offense for which registration is required pursuant to Section 290.

(3) The term "minimum supervision" means a level of parole under which the parolee is on a banked caseload and is subject to search at any time with or without cause upon the request of law enforcement.

(4) The term "intermediate supervision" means a level of parole under which a parolee receives supervision and monitoring with incentives to reach treatment milestones that would allow the individual parolee to be discharged early from active supervision and transitioned to a "minimum supervision level." The Board of Prison Terms shall create an advisory list of treatment milestones.

(5) Parole sanctions for violations of parole shall be determined by use of the Parole Violation Decision Making Indicators, pursuant to Section 3069. All efforts shall be made to utilize intermediate sanctions for parole violations before a return to prison is required. Nothing in this section shall limit the prosecution of new crimes committed while on parole or imposition of new prison terms.

(6) Re-Entry Courts shall be established pursuant to Sections 3069 and 14700.

(c) Notwithstanding any provision to the contrary in Article 3 (commencing with Section 3040) of this chapter, the following shall apply:

(1) All inmates scheduled to be released from state prison, including inmates returned to state prison for a parole violation, shall be assessed for substance abuse, educational, and vocational needs and criminogenic risks to re-offend, including, but not limited to ASI (Addiction Severity Index – CJ version) and COMPAS instruments. These assessments may be satisfied by Sections 1203.8 or 2933.45 assessments. The California Department of Corrections and Rehabilitation shall be responsible for training the staff of the custodial agency and for reimbursing the county for costs incurred for assessments and examinations in excess of those currently required by Section 1203. The results of these assessments shall be used in conjunction with the defendant's criminal history to determine which level of parole supervision shall be required, as well as to tailor the type, intensity and duration of the rehabilitative programming to the needs of the parolee.

(2) At the expiration of a term of imprisonment of one year and one day, or a term of imprisonment imposed pursuant to Section 1170 or at the expiration of a term reduced

pursuant to Section 2931 or 2933, if applicable, the inmate shall be released on parole for a period not exceeding three years, except that any inmate sentenced for an offense specified in paragraph (3), (4), (5), (6), (11), (16), or (18) of subdivision (c) of Section 667.5 shall be released on parole for a period not exceeding five years, *and* unless in either case the parole authority for good cause waives parole and discharges the inmate from the custody of the department, an *inmate shall be released from custody on minimum, intermediate or maximum supervision.*

(a) An inmate shall be discharged on minimum supervision for a period not exceeding twelve months if all of the following conditions are met:

(i) The offense from which the inmate is being paroled is a qualifying commitment offense, and
(ii) The inmate has never been convicted of, or suffered a juvenile true finding, of either a serious or violent felony within the meaning of section 667.5 or 1192.7, or a 290 registration offense, and
(iii) The inmate has never been convicted of participating in a criminal street gang in violation of subdivision (a) of Section 186.22, or convicted of a felony committed for the benefit of, at the direction of, or in association with any criminal street gang in violation of subdivision (b) of Section 186.22, and
(iv) The inmate's assessments on the assessments of subsection (c)(1) indicate the inmate has both low treatment needs and low risk to re-offend.

(b) An inmate shall be discharged on intermediate supervision for a period not exceeding eighteen months if all of the following conditions are met.

(i) The offense from which the inmate is being paroled is a qualifying commitment offense, and
(ii) The inmate has never been convicted of, or suffered a juvenile true finding, of either a serious or violent felony within the meaning of section 667.5 or 1192.7, or a 290 registration offense, and
(iii) *The inmate has never been convicted of either a participating in a criminal street gang in violation of subdivision (a) of Section 186.22, or convicted of a felony committed for the benefit of, at the direction of, or in association with any criminal street gang in violation of subdivision (b) of Section 186.22.*
(iv) The inmate's assessments on the assessments of subsection (c)(1) indicate the inmate has high risk to re-offend and high treatment needs.

(c) Inmates released on intermediate supervision may transition to minimum supervision upon reaching prescribed treatment milestones, pursuant to Section (a)(4), or upon a finding by the Re-Entry Court, pursuant to Section 3069.

(d) All others parolees shall be placed on the maximum level of supervision until discharge.

(~~2~~) *(3)* In the case of any inmate sentenced under Section 1168, the period of parole shall not exceed five years in the case of an inmate imprisoned for any offense other than first or second degree murder for which the inmate has received a life sentence, and shall not exceed three years in the case of any other inmate, unless in either case the parole authority for good cause waives parole and discharges the inmate from custody of the department. This subdivision shall also be applicable to inmates who committed crimes prior to July 1, 1977, to the extent specified in Section 1170.2.

(~~3~~) *(4)* Notwithstanding paragraphs (1), (2), (3), (4) and (5), in the case of any offense for which the inmate has received a life sentence pursuant to Section 667.61 or 667.71, the period of parole shall be five years. Upon the request of the Department of Corrections, and on the grounds that the paroled inmate may pose a substantial danger to public safety, the Board of Prison Terms shall conduct a hearing to determine if the parolee shall be subject to a single additional five-year period of parole. The board shall conduct the hearing pursuant to the procedures and standards governing parole revocation. The request for parole extension shall be made no less than 180 days prior to the expiration of the initial five-year period of parole.

(~~4~~) *(5)* The parole authority shall consider the request of any inmate regarding the length of his or her parole and the conditions thereof.

(~~5~~) *(6)* Upon successful completion of parole, or at the end of the maximum statutory period of parole specified for the inmate under paragraph (1), (2), or (3), as the case may be, whichever is earlier, the inmate shall be discharged from custody. The date of the maximum statutory period of parole under this subdivision and paragraphs (1), (2), and (3) shall be computed from the date of initial parole or from the date of extension of parole pursuant to paragraph (3) and shall be a period chronologically determined. Time during which parole is suspended because the prisoner has absconded or has been returned to custody as a parole violator shall not be credited toward any period of parole unless the prisoner is found not guilty of the parole violation. However, in no case, except as provided in Section 3064, may a prisoner subject to three years on parole be retained under parole supervision or in custody for a period longer than four years from the date of his or her initial parole, and, except as provided in Section 3064, in no case may a prisoner subject to five years on parole be retained under parole supervision or in custody for a period longer than seven years from the date of his or her initial parole or from the date of extension of parole pursuant to paragraph (3).

(~~6~~) *(7)* The Department of Corrections shall meet with each inmate at least 30 days prior to his or her good time release date and shall provide, under guidelines specified by the parole authority, the conditions of parole and the length of parole up to the maximum period of time provided by law. The inmate has the right to reconsideration of the length of parole and conditions thereof by the parole authority. The Department of Corrections

or the Board of Prison Terms may impose as a condition of parole that a prisoner make payments on the prisoner's outstanding restitution fines or orders imposed pursuant to subdivision (a) or (c) of Section 13967 of the Government Code, as operative prior to September 28, 1994, or subdivision (b) or (f) of Section 1202.4.

~~(7)~~ *(8)* For purposes of this chapter, the Board of Prison Terms shall be considered the parole authority.

~~(8)~~ *(9)* ~~The sole~~ *(A)*uthority to issue warrants for the return to actual custody of any state prisoner released on parole rests with the Board of Prison Terms, except for any escaped state prisoner or any state prisoner released prior to his or her scheduled release date who should be returned to custody, and Section 3060 shall apply, *or with a judge or commissioner presiding over a Reentry Court pursuant to section 3069, who shall also have the authority to issue a warrant for the arrest of any parolee assigned to the Reentry Court.*

~~(9)~~ *(10)* It is the intent of the Legislature that efforts be made with respect to persons who are subject to subparagraph (C) of paragraph(1) of subdivision (a) of Section 290 who are on parole to engage them in treatment.

Section 3001 of the Penal Code is amended and renumbered to read:

Notwithstanding any other provision of law, when any person referred to in paragraph (~~1~~) *(2)*of subdivision (~~b~~)*(c)* of Section 3000 who was not imprisoned for committing a violent felony, as defined in subdivision (c) of Section 667.5, has been released on parole from the state prison, and has been on parole continuously for one year since release from confinement, within 30 days, that person shall be discharged from parole, unless the Department of Corrections recommends to the Board of Prison Terms that the person be retained on parole and the board, for good cause, determines that the person will be retained. Notwithstanding any other provision of law, when any person referred to in paragraph (~~1~~) *(2)* of subdivision (~~b~~) (*c)*of Section 3000 who was imprisoned for committing a violent felony, as defined in subdivision (c) of Section 667.5, has been released on parole from the state prison for a period not exceeding three years and has been on parole continuously for two years since release from confinement, or has been released on parole from the state prison for a period not exceeding five years and has been on parole continuously for three years since release from confinement, the department shall discharge, within 30 days, that person from parole, unless the department recommends to the board that the person be retained on parole and the board, for good cause, determines that the person will be retained. The board shall make a written record of its determination and the department shall transmit a copy thereof to the parolee.

(b) Notwithstanding any other provision of law, when any person referred to in paragraph (~~2~~) *(3)* of subdivision (~~b~~) (*c)*of Section 3000 has been released on parole from the state prison, and has been on parole continuously for three years since release from confinement, the board shall discharge, within 30 days, the person from parole, unless the board, for good cause, determines that the person will be retained on parole. The board shall make a written record of its determination and the department shall transmit a copy thereof to the parolee.

(c) Notwithstanding any other provision of law, when any person referred to in paragraph (~~3~~) *(4)* of subdivision (~~b~~) *(c)* of Section 3000 has been released on parole from the state prison, and has been on parole continuously for six years since release from confinement, the board shall discharge, within 30 days, the person from parole, unless the board, for good cause, determines that the person will be retained on parole. The board shall make a written record of its determination and the department shall transmit a copy thereof to the parolee.

(d) In the event of a retention on parole, the parolee shall be entitled to a review by the parole authority each year thereafter until the maximum statutory period of parole has expired.

(e) The amendments to this section made during the 1987-88 Regular Session of the Legislature shall only be applied prospectively and shall not extend the parole period for any person whose eligibility for discharge from parole was fixed as of the effective date of those amendments.

Parole Compliance Credits:

New Penal Code Section 3000.5. Parole compliance credits.

3000.5(a). Persons released from the California Department of Corrections and Rehabilitation on minimum or intermediate parole supervision, pursuant to Section 3000, shall earn 10 days of parole compliance credits for every month, with a maximum of 90 days credit per year, if the following conditions are met:.

1. *Has no new arrests, and*
2. *Makes scheduled payments for restitution, fines and fees, and*
3. *If on intermediate supervision, has no violations of parole conditions.*

(b) Parole compliance credits shall not be awarded to persons released from the California Department of Corrections and Rehabilitation on maximum parole supervision or those who have suffered a conviction or suffered a juvenile true finding, of either a serious or violent felony within the meaning of section 667.5 or 1192.7, or a 290 registration offense.

(c) *The California Department of Corrections and Rehabilitation shall adopt rules and regulations for the forfeiture of earned compliance credits for all individuals who are eligible to earn the credits, who violate conditions of parole. Such regulations shall provide that:*

1. *Forfeiture is part of the system of graduation sanctions;*
2. *The extent of earned compliance credits forfeited is related to the level of severity of the violation; and*
3. *Forfeiture of earned compliance credits is limited to credits already earned, and may not prospectively deny future earned compliance credits.*

Section 3063 of the Penal Code is amended to read:

3063. No parole shall be suspended or revoked without cause, which cause must be stated in the order suspending or revoking the parole.

For parolees on minimum supervision, pursuant to Section 3000(c)(2)(a), parole shall not be suspended or revoked for violations of parole conditions, unless the parolee is convicted of new felony or misdemeanor charges.

Section 3069 of the Penal Code is amended to read:

3069(a) The Department of Corrections and Rehabilitation is hereby authorized to create the Parole Violation Intermediate Sanctions (PVIS) program. The purpose of the program shall be to improve the rehabilitation of parolees, reduce recidivism, reduce prison overcrowding, and improve public safety through the use of intermediate sanctions for offenders who violate parole. The PVIS program will allow the department to provide parole agents an early opportunity to intervene with parolees who are not in compliance with the conditions of parole and facing return to prison. The program will include key components used by drug and collaborative courts under a highly structured model, including close supervision and monitoring by a hearing officer, dedicated calendars, nonadversarial proceedings, frequent appearances before the hearing officer, utilization of incentives and sanctions, frequent drug and alcohol testing, immediate entry into treatment and rehabilitation programs, and close collaboration between the program, parole, and treatment to improve offender outcomes. The program shall be local and community based.

(b) As used in this section:

(1) "Department" means the Department of Corrections and Rehabilitation.
(2) "Parole authority" means the Board of Parole Hearings.
(3) "Program" means the Parole Violation Intermediate Sanctions program.

(c) (1) A parolee who is deemed eligible by the department to participate in this program, and who would otherwise be referred to the parole authority to have his or her parole revoked for a parole violation shall be referred by his or her parole officer for participation in the program in lieu of parole revocation.

(2) If the alleged violation of parole involves the commission of a serious felony, as defined in subdivision (c) of Section 1192.7, or a violent felony, as defined in subdivision (c) of Section 667.5, or involves the control or use of a firearm, the parolee shall not be eligible for referral to the program in lieu of revocation of parole.

(d) The department ~~is authorized to~~ (*shall)(may)* establish local PVIS programs *in each of the ten counties listed in Section 1203.8*. Each local program may have, but shall not be limited to, the following characteristics:

(1) An assigned hearing officer who is a ~~retired~~ superior court judge or commissioner and who is experienced in using the drug court model and collaborative court model.

(2) The use of a dedicated calendar.

(3) Close coordination between the hearing officer, department, counsel, community treatment and rehabilitation programs participating in the program and adherence to a team approach in working with parolees.

(4) Enhanced accountability through the use of frequent program appearances by parolees in the program, at least one per month, with more frequent appearances in the time period

immediately following the initial referral to the program and thereafter in the discretion of the hearing officer.

(5) *A treatment plan shall be developed based upon a risk to re-offend and rehabilitative needs assessment.* Reviews of progress by the parolee as to his or her treatment and rehabilitation plan and abstinence from the use of drugs and alcohol through progress reports provided by the parole agent as well as all treatment and rehabilitation providers.

(6) Mandatory and frequent drug and alcohol testing.

(7) Graduated in-custody sanctions may be imposed after a hearing in which it is found the parolee failed treatment and rehabilitation programs or continued in the use of drugs or alcohol while in the program. *Local custodial sanctions shall be considered before a return to prison is authorized.*

(8) A problem-solving focus and team approach to decision-making.

(9) Direct interaction between the parolee and the hearing officer.

(10) Accessibility of the hearing officer to parole agents and parole employees as well as treatment and rehabilitation providers.

(e) Upon successful completion of the program, the parolee shall continue on parole, or be granted other relief as shall be determined in the sole discretion of the department or as authorized by law. *Transition to minimum supervision or discharge from parole shall be considered.*

(f) The department is authorized to develop the programs. The parole authority is directed to convene in each county where the programs are selected to be established, all local stakeholders, including, but not limited to, a ~~retired~~ superior court judge or commissioner, designated by the Administrative Office of the Courts, who shall be compensated by the department at the present rate of pay for ~~retired~~ judges and commissioners, local parole agents and other parole employees, the district attorney, the public defender, an attorney actively representing parolees in the county and a private defense attorney designated by the public defenders association, the county director of alcohol and drug services, behavioral health, mental health, and any other local stakeholders deemed appropriate. Specifically, persons directly involved in the areas of substance abuse treatment, cognitive skills development, education, life skills, vocational training and support, victim impact awareness, anger management, family reunification, counseling, residential care, placement in affordable housing, employment development and placement are encouraged to be included in the meeting.

(g) The department, in consultation with local stakeholders, shall develop a plan that is consistent with this section. The plan shall address at a minimum the following components:

(1) The method by which each parolee eligible for the program shall be referred to the program.

(2) The method by which each parolee is to be individually assessed as to his or her treatment and rehabilitative needs and level of community and court monitoring required, participation of counsel, and the development of a treatment and rehabilitation plan for each parolee.

(3) The specific treatment and rehabilitation programs that will be made available to the parolees and the process to ensure that they receive the appropriate level of treatment and rehabilitative services.

(4) The criteria for continuing participation in, and successful completion of, the program, as well as the criteria for termination from the program and return to the parole revocation process *or discharge from parole.*

(5) The development of a program team, as well as a plan for ongoing training in utilizing the drug court and collaborative court nonadversarial model.

(h) (1) If a parolee is referred to the program by his or her parole agent, as specified in this section, the hearing officer in charge of the local program to which the parolee is referred shall determine whether the parolee will be admitted to the program.

(2) A parolee may be excluded from admission to the program if the hearing officer determines that the parolee poses a risk to the community or would not benefit from the program. The hearing officer may consider the history of the offender, the nature of the committing offense, and the nature of the violation. The hearing officer shall state its findings, and the reasons for those findings, on the record.

(3) If the hearing officer agrees to admit the parolee into the program, any pending parole revocation proceedings shall be suspended contingent upon successful completion of the program as determined by the program hearing officer.

(i) A special condition of parole imposed as a condition of admission into the program consisting of a residential program shall not be established without a hearing in front of the hearing officer in accordance with Section 3068 and regulations of the parole authority. A special condition of parole providing an admission to the program that does not consist of a residential component may be established without a hearing.

(j) Implementation of this section by the department ~~is subject to the appropriation of funding for this purpose as provided in theBudget Act of 2008, and subsequent budget acts~~ *shall be funded in the Budget Act of 2009 and subsequent budget acts.*