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Troy F. Vaughn, Chief Programs Officer, Lamp Community Written Testimony September 26, 2013 Little Hoover Commission Public Hearing On Sentencing and Public Safety Realignment

Good morning commissioners. By way of introduction, my name is Troy Vaughn, and I am employed at Lamp Community as the Chief Programs Officer. Lamp Community is a well-respected community based organization with more than 28 years of fulfilling its mission which is to end homelessness for Los Angeles' most vulnerable individuals, who primarily are adults with mental illness *(including the formerly incarcerated)*. Lamp provides a continuum of services and housing, enabling homeless men and women to reach their highest level of self-sufficiency and community integration. Prior to my time at Lamp, I served this community for 15 years through the Weingart Center Association as Vice-President of Programs and Services.

As the former Vice President of the Weingart Center Association and now the Chief Programs Officer for Lamp Community, the sole representative of Community-Based Organizations (CBO) on the Public Safety Realignment Team (PSRT), and Chair of the Service Delivery Committee for the Los Angeles Regional Reentry Partnership (LARRP), I appreciate the opportunity to provide input to the Little Hoover Commission as it re-visits its work on criminal justice sentencing. In light of community changes/challenges resulting from public safety realignment and the state's continued prison overcrowding crisis, this review is welcomed and much needed.

As I understand it, the focus of the September 26 hearing is to better understand how community-based realignment programs and services are funded in Los Angeles County, the challenges service providers face in funding programs and in partnering with local law enforcement and what needs to be done to resolve current implementation issues. As an advocate with more than 20 years of serving this community, and providing services to the reentry population, I have witnessed several changes over this period in funding streams, priorities, and the needs of service recipients. It is from this vantage point that I am pleased to share with you my observations concerning public safety realignment and its impact on provider agencies and the clients that they serve.

In particular, I would like to address three key areas. They are (1) the structure and allowed uses of realignment funding; (2) what has happened since realignment implementation; and (3) continuing challenges facing service providers and their Post-released Supervised Persons (PSPs).

1. The Structure and Allowed Uses of Realignment Funding.

Funding Community Based Organizations: The County contracts with numerous CBOs to provide the critical services needed for those re-entering our community. These services include drug and alcohol addiction treatment, mental health treatment, sober living housing, transitional housing and transportation. According to the 2012-13 scale of funding to counties by the state for AB109, Los Angeles County received about one third (31.5%), or $267,782,587 for implementation, in addition to $4,638,303 for DA/PD activities (revocation) for a total funding allotment of $272,620,890.[1] The 2012-13 funding provided to CBOs in LA County is through three main vehicles as follows:

- **[8.4] - Department of Public Health Substance Abuse Prevention and Control (SAPC)** is a portal for individuals seeking treatment of alcohol and drug addiction, including detoxification treatment, transitional housing or residential treatment. This is accomplished by locating twelve (12) Community Assessment Service Centers (CASC) throughout the County in eight (8) Service Planning Areas (SPAs).[2] Reportedly, more than 80% of the jail population has drug or alcohol abuse problems, meaning the CASC role is critical in the County's AB 109 efforts. A significant barrier to correcting behavior is finding a way to control one's drug or alcohol addiction. Treatment experts agree that addiction is a disease that may result in persons living chaotic lives. These individuals have difficulty seeking and sustaining their engagement in effective treatment programs. Therefore, providing a structured approach to controlling their chaotic lives (e.g., supportive housing) will aid in controlling addiction. The CASC also supports the community's recommended longer periods for the provision of structured service—three (3) to nine (9) months—including recommending starting services prior to release, with continuity during the re-entry process. That's why the community is perplexed as to why it is not happening.

  ***[COMMUNITY IMPACT]* – Insufficient use of CBO treatment facilities. There are more than 200 CBOs located throughout the county and many of them are reputable licensed facilities, with adequate bed availability to assist in dealing with the large number of PSPs returning to our community. In addition, the current sole-source contract with HR360 does not allow for reimbursement for treatment services, given LA County's contractual requirement to go through DPH for only housing and employment services. This means the most cost effective evidence-based practice of serving individuals of this profile holistically is extremely underutilized.**

- **[24.3M] - Department of Mental Health (DMH) -** DMH staff are co-located with Probation at Pre-Release Centers to assist with pre-release eligibility screening and identification of PSPs with mental health or co-occurring disorders (i.e., mental health and substance abuse disorders) at the HUBS. They (a) request medical records from prisons; (b) assess current status of client; (c) provide crisis counseling as needed; (d) determine level of services required; (e) work with client to engage recommended treatment option. (treatment is a voluntary condition of supervision); and (f) refer client to contracted service provider/directly- operated contracted CBO.[3]

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[1] http://www.cdcr.ca.gov/realignment/docs/BASE-REALIGNMENT-FUNDING.pdf

[2] http://publichealth.lacounty.gov/sapc/casc/CASCRoster2013.pdf

[3] AB 109: A Journey to Integration: From Incarceration to Community – A Collaborative Approach

[COMMUNITY IMPACT] - **Insufficient use of CBO treatment facilities remains an issue here also. In addition, while services are available, there seems to be minimal coordination with the community housing "only" projects under the sole source contract. Since the current sole-source contract with HR360 does not allow for reimbursement for treatment service it is imperative that coordination of services is at the highest level for this population.**

[$12 Million] - Health-Right 360 (HR360) via Probation Department – HR360 was selected by the Probation Dept. as the sole source contractor (with 44 subcontractors) to provide sober living & transitional housing, job readiness training and transportation services.. The allocation of funding set aside for the sole-source in FY12-13 was $12 million.

[COMMUNITY IMPACT] – **In the 2012-13 funding year, funding allocated to CBOs through HR360 was underutilized by $4 million. The money was never fully expended nor was it reallocated to fund subsequent years of service. It was unfortunately lost to the community. In addition, disbursement of funding has been provided through quarterly increments making it impossible for CBOs to adequately ramp up services, to plan, or to ensure the longer-term employment, necessary to recruit the best staff available. In addition, the housing market in Los Angeles makes it extremely difficult for people to find housing during the 90 days of transitional housing paid by the county, resulting in numerous extensions.**

- **[NO FUNDING] - Faith-Based Organizations:** - Faith-based organizations stand ready as key partners in contributing to the reentry work throughout the County. Faith-based organizations have shown tremendous resolve and creativity in fostering partnerships toward the goals of reducing recidivism through family reunification, mentoring, community support and connection to services.

  [COMMUNITY IMPACT] - **Although faith-based organizations are not receiving AB 109 funding, their supporting role is a significant component toward helping us solve the puzzle of realignment. In collaboration with other support programs, faith-based groups offer the connections to potentially helpful persons who can broaden and strengthen the safety net offered to PSPs. The current plan is weak in that it has not fully exhausted efforts to find ways to create reimbursed roles for this needed partner, such as mentoring, system navigation, or life skills.**

2. What Has Happened Since Realignment

The "intended" objective of AB 109 legislation was to reduce California's prison population. It further provided counties the option to invest in alternatives to jail, including out-of-custody rehabilitative treatment or programs. Successful AB 109 implementation depends on many public and private agencies working together. Under the leadership of the PSRT, county agency interdepartmental barriers, such as lack of coordination of services, funding disparity among the departments and CBOs/FBOs, and mistrust *(within the county and community)* are beginning to break down, which if continued, will facilitate better systematic realignment implementation.

Some barriers continue to exist, however, as discussed below:

- The PSRT developed the County's BOS approved realignment implementation plan. The plan is outlined in three sections: (a) Post-release Community Supervision; (b) Revocation; and 3) Jail Management Plan. The plan incorporates key elements of AB 109 that our County must execute in order to carry out successful implementation. They include the following:

  ✓ **Post-Release Community Supervision (PRCS):** Offenders released from state prison on or after October 1, 2011 after serving a sentence for an eligible offense shall be subject to a period of post-release community supervision not to exceed three years.

  [COMMUNITY IMPACT] - **Out-of-custody program sentencing requirements should look for longer periods of treatment rather than the typical 30 – 45 days. According to criminal justice best practices, longer periods (e.g., 6 months to a year) for treatment or safe housing are more effective in helping individuals succeed, make better decisions, and choose to avoid criminal behavior. Los Angeles County's current system fails to maximize the length of stay available under AB109 and the services of CBOs; as a result PSP's are returning to the streets sooner than they should.**

  ✓**Revocations:** PRCS, mandatory probation and parole revocations (i.e., violations) will be served in local custody, with a maximum revocation sentence of up to 180 days.

  [COMMUNITY IMPACT] – **Currently Probation is using mandatory treatment and employment training as a condition of probation and we are beginning to see greater participation from the PSP as it relates to staying in treatment. If a PSP doesn't comply with treatment, their probation can be revoked, and they can be sentenced to jail time. This provides more "teeth" to the overall process, and has had a positive impact. The problem that we are having is that DMH-SAPC doesn't have sufficient amount of CBOs included in their system to make enough treatment beds available for people needing services.**

  ✓**Alternative Custody:** Penal Code §1203.018 authorizes electronic monitoring for inmates being held in the county jail in lieu of bail. Eligible inmates must first be held in custody for 60 days post-arraignment (30 days for those charged with misdemeanor offenses).

  [COMMUNITY IMPACT] - **It is commonly accepted that treatment, programs and services are effective rehabilitation tools. But studies show that it is critical to begin them while in jail and continue them—without interruption—upon release. A common observation made is that when individuals are released to the community without support or specific community connections, they are likely to wind up back in jail. Without a specifically identified mentor or support program to go to, released individuals will likely go back to their old ways. The County's Plan has failed to successfully implement Alternatives to Custody, not because the providers are unwilling, but because the political will does not exist to make it happen. As a result, many PSP's are coming home without adequate services, and are being set up for failure.**

  ✓**Community-Based Treatment:** AB109 authorizes counties to use a range of community-based services and graduated sanctions other than re-incarceration alone, or traditional probation supervision. This means that the County's approach should be to work with offenders through

counseling services and treatment on the problems that lead to criminal behavior; not use force and intimidation to bring them into compliance. Studies show that this approach produces improved social behaviors, such as working, avoiding substance abuse, performing community service and paying court-ordered obligations.

***[COMMUNITY IMPACT]* – To date, we have seen minimal efforts in the area of treatment vs. punishment. We are currently addressing this mandate with overuse of force as it relates to compliance checks on facilities / residence. These checks have left a bad taste in the mouth of providers that have been working in good faith with law enforcement. The community understands the need of law enforcement to ensure a person is in compliance with the conditions of their supervision and in the interest of public safety, but we must continue working toward a treatment approach rather than a punitive one.**

3. Continuing Challenges Facing Service Providers and Summary

In summary, the Public Safety Realignment Team (PSRT) is well positioned to advance this conversation and bring the right players to the table. At the local level, it will take strong leadership from within the county and community to overcome the current inertia. Members of the PSRT must continue to work with members of the community through partnerships like LARRP. As we test the benefits and gain positive experience with evidence-based decision making, confidence in the approach will grow. As much as I understand the placement of sanctions and compliance checks, this is not the most effective way to bring about change. In the context of realignment, counties agreed to assume new responsibilities and risk – accompanied by resources to support the programs – in exchange for the ability to innovate and develop local designs; and we are already seeing change take root. Recently, Probation led the way by working with me in my role as CBO representative to create the Community Advisory Committee (CAC), creating a formal role for a variety of community voices at the decision making table. This committee will provide additional balanced community representative voices as we seek to improve collaboration between public and private partners. The best way to support this effort is to set aside funding for training and technical assistance around research, evaluation, and best practices so the committee can be uniformed in their understanding of realignment.

While I am hopeful of the future, the situation at present continues to challenge provider resources. Hard choices need to be made and some needs go unaddressed due to limited and/or restricted use of resources. Examples include how to address the Proposition 36 releases from state prison. Special attention is being given to those offenders released under AB109 because the County is required to do so. But hundreds more are being released from the jails to the community because of Proposition 36 with similar histories who would also benefit from the re-entry planning afforded to those who fall under AB109. Currently, Prop. 36 – the former Three Strikers – are being housed and served through the generosity of local providers and 90% are receiving no public funding.

If the County wants to further reduce recidivism, AB 109 services and funding may warrant being offered to more individuals than just the N/N/Ns. For example, if the re-entry assessments and plans are provided for more than AB109 releases, and CBOs/FBOs are allowed to provide services it may lead to even safer communities.

Here are three final observations:

A] As previously shown, the overall funding allocation is sufficient, while the funding for treatment is insufficient and is restricted in its use based solely at the County's discretion. The current CEO construct of public safety realignment funds doesn't allow Los Angeles County departments the flexibility and discretion to invest local resources according to a plan recommended by the PSRT. To date, the methodology for allocating resources throughout the County has not been targeted to program-specific priorities or performance incentives, but rather to bureaucratic needs and agendas. However, it is my belief that the Community Advisory Committee will be charged with making a recommendation about an allocation formula that recognizes and explores ways over the long-term to incentivize performance and, perhaps in conjunction with the financial discussion, support adoption of best practices to drive funding needs. In addition, funding is not guided by community need and preference. Nothing prohibits investment in alternative custody programs or services, and certainly allowing the current contracts to provide wider discretion as it relates to treatment.

B] Realignment is an opportunity that is full of potential. To this end we have to do a better job of leveraging existing resources, coordinating services, and implementing leading and evidence-based practices. As an example, we need to do a much better job in enrolling people in the benefits and entitlements for which they are eligible. This assistance includes emergency money, food stamps, transitional housing, child support, and in some cases, disability benefits. If these benefits were applied for prior to release, they would contribute greatly to the process of stabilizing the PSP.

C] It is recommended that we continue to build upon the work that has been done through the PSRT by strengthening the role and voice of CBOs/FBOs in the process. This includes using alternatives to incarceration, pre-trial release, and split sentences as a means of dealing with realignment in Los Angeles County.

Thank you for this opportunity to share with you my views on realignment. I welcome your questions and comments.

Respectfully submitted

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