



**San Mateo County
Board of Supervisors
Criminal Justice Committee**

**Adrienne Tissier, Chair
Mark Church, Vice-Chair**

David S. Boesch, County Manager
Brenda Carlson, Chief Deputy County Counsel
400 County Center, Redwood City, CA 94063
650-363-4123

To: Criminal Justice Committee
From: David S. Boesch, County Manager
Subject: Criminal Justice Committee Meeting Agenda

Meeting Date and Time: February 9, 2009, 11:30 AM

Place: Board Conference Room, Office of the Board of Supervisors
First Floor, Hall of Justice, 400 County Center, Redwood City

AGENDA

1. Call to order
2. Public comment
3. Jail Planning Update (Sheriff's Office)
4. Legislative Analyst's Office Juvenile Justice/Parole Reform (County Manager's Office) - *attachment*
5. Status of Women Inmate Programs and Future Proposals at the Maple Street Facilities (Sheriff's Office)
6. Reentry Planning Update: (Reentry Committee)
 - A) Review and approve Reentry Report and Recommendations - *attachment*
7. Adjourn

A COPY OF THE SAN MATEO CRIMINAL JUSTICE COMMITTEE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE CLERK OF THE BOARD'S OFFICE, HALL OF JUSTICE, 400 COUNTY CENTER, FIRST FLOOR. THE CLERK OF THE BOARD'S OFFICE IS OPEN MONDAY THRU FRIDAY 8 A.M. - 5 P.M., SATURDAY AND SUNDAY – CLOSED.

MEETINGS ARE ACCESSIBLE TO PEOPLE WITH DISABILITIES. INDIVIDUALS WHO NEED SPECIAL ASSISTANCE OR A DISABILITY-RELATED MODIFICATION OR ACCOMMODATION (INCLUDING AUXILIARY AIDS OR SERVICES) TO PARTICIPATE IN THIS MEETING, OR WHO HAVE A DISABILITY AND WISH TO REQUEST AN ALTERNATIVE FORMAT FOR THE AGENDA, MEETING NOTICE, AGENDA PACKET OR OTHER WRITINGS THAT MAY BE DISTRIBUTED AT THE MEETING, SHOULD CONTACT ASHNITA NARAYAN, CRIMINAL JUSTICE COMMITTEE CLERK, AT LEAST 72 HOURS BEFORE THE MEETING AT (650) 363-4121 AND/OR axnarayan@co.sanmateo.ca.us. NOTIFICATION IN ADVANCE OF THE MEETING WILL ENABLE THE COUNTY TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING AND THE MATERIALS RELATED TO IT. ATTENDEES TO THIS MEETING ARE REMINDED THAT OTHER ATTENDEES MAY BE SENSITIVE TO VARIOUS CHEMICAL BASED PRODUCTS.

If you wish to speak to the Committee, please fill out a speaker's slip. If you have anything that you wish distributed to the Committee and included in the official record, please hand it to the County Manager who will distribute the information to the Supervisors and staff.

LEGISLATIVE ANALYST'S OFFICE

Proposal for Criminal Justice Realignment:

Analysis and Concerns

On Tuesday, January 27, the Legislative Analyst's Office (LAO) released the latest document in its 2009-10 Budget Analysis Series titled "Criminal Justice Realignment." The document outlines the LAO's proposal to realign certain components of the criminal justice system. Specifically, the document lays out a proposal to realign (shift) to counties from the state responsibility for juvenile offenders as well as adults convicted of drug possession crimes and DUI crimes not involving injury or death.

The proposal calls for financing the realignment by increasing the vehicle license fee (VLF) rate to 1 percent and redirecting \$359 million of existing VLF revenues. The rate increase to the VLF would produce \$1.1 billion in 2009-10. Of course, this rate increase and redirection of existing revenues would produce more than \$1.4 billion in savings to the State General Fund, an option that might prove quite attractive to the Legislature, given the state's current fiscal situation.

The proposal calls for shifting VLF revenues into three separate and distinct accounts and, in the process, providing for the restoration of certain funding for juvenile justice grants targeted for reduction in the governor's proposed budget for the current and budget years.

The first account would be the Juvenile Offender Account which would be the repository for \$765 million for 2009-10 and be used to finance juvenile offender programs that would be administered by counties. Indeed, the proposal would transfer full program authority for juvenile offender programs to counties. The funds could be used to operate juvenile justice programs at the local level, or reimburse the Division of Juvenile Facilities (DJF) for any county youths placed in DJF facilities. It should be noted that unlike the recent shift in responsibility for juvenile offenders that provided for the counties to assume responsibility for only certain classifications of juvenile offenders, the new LAO proposal calls for the counties to assume responsibility for all juvenile offenders. Again, counties could contract with the DJF for the placement of juveniles in state facilities.

The \$765 million for juvenile justice programs would be allocated into three funding pots as follows:

- | | |
|--|---------------|
| • Shift responsibility for DJF to counties | \$379 million |
| • Consolidate funding for juvenile justice grants | 355 million |
| • Provide additional funds for facilities and programs | 30 million |

Total \$765 million

The second account would be the Adult Offender Account which would receive \$638 million in 2009-10 to finance specific adult offender programs that would be shifted to counties. Under the proposal, responsibility for drug possession and DUI offenses would become the responsibility of counties. In addition, the proposal would provide funds for additional resources for adult offender facilities and programs; create a secure funding source for the Citizens Option for Public Safety (COPS) program and booking fees.

The \$638 million for adult offender programs would be allocated into four funding pots as follows:

• Shift responsibility for drug possession and DUI offenses to counties	\$385 million
• Provide addition funds for adult offender facilities and programs	125 million
• COPS	96 million
• Booking fees	32 million
Total	\$638 million

The third account would not represent a realignment of administration of justice responsibility for either adult or juvenile offenders. Rather, it would be a \$103 million Mandate Payment Account. Funds appropriated to the account would be used to address the current mandate backlog regarding moneys owed to counties and cities for various mandates.

The \$103 million in the account would be allocated as follows:

• Mandate backlog	\$ 92 million
• Peace Officer Bill of Rights (POBOR) reimbursement	11 million
Total	\$103 million

The LAO proposes that the VLF be the funding source because it is a secure and identifiable funding source, and one of the sources of funding for the 1991 realignment of various state programs. In addition, the LAO points out that if targeting the VLF as a funding source for the administration of justice realignment plan does not provide counties with the level of security and comfort necessary to garner their participation in the plan, then the Legislature may wish to pursue a constitutional amendment that would guarantee the free flow of VLF to counties to support the realigned programs. The constitutional amendment approach would preclude the Legislature from reducing or eliminating realignment funds in the state budget or via specific legislation.

Concerns

Realignment of state programs to counties has been a frequent refrain of late, including the 2008 proposal by the LAO to transfer the responsibility of adult probation to counties. That proposal never really got off the ground, although it was discussed briefly during the budget subcommittee process. The LAO's current realignment proposal may attract considerably more attention, however, because the juvenile justice realignment portion comports with last year's Little Hoover Commission report titled "Juvenile Justice Reform: Realigning Responsibilities," which recommended that counties take over the responsibility for the administration of juvenile justice. These two proposals, in tandem, make a very strong argument for juvenile justice realignment, considering they come from two sources that garner the respect and attention of the Legislature.

Therefore, it is all the more important to scrutinize the latest realignment proposals very carefully, so that any realignment plan that may be adopted has comprehensive input from counties. That being said, here are some of the problems we see with the current proposal:

- The proposal does not seem to take into account the dearth of juvenile detention facilities available at the county level (Some counties lack appropriate facilities while still other have facilities that simply cannot accommodate additional wards).
- The proposal may well require the hiring of additional staff for county probation departments and it is unclear if the funding level proposed would accommodate both increased staff and the delivery of viable programs.
- Some counties would have to develop and implement new programs for juvenile offenders, which may require the employment of personnel in various departments other than probation. Can the proposed funding level provide for additional staff and sufficient programs?
- The proposal calls for counties to assume responsibility for all juvenile offenders, even those transferred to state facilities pursuant to reimbursement agreements. In such cases, who would bear legal responsibility for those offenders? Could counties face possible lawsuits for situations or staff conduct at state facilities even though county staff may not have direct control over those juvenile offenders?
- The proposal would provide only \$30 million for additional resources and facilities. Since many counties lack adequate juvenile facilities, there is a real need to construct additional housing of both a secure and non-secure nature. The \$30 million in the LAO proposal would not go very far in terms of funding new construction or the renovation of existing facilities.

- The proposal calls for adults convicted of drug possession crimes and certain DUI offenders to be punished and treated at the county level. The proposal fails to recognize or acknowledge that many county jails are under court-ordered population caps or subject to consent decrees. In addition, many other counties have jails that are at or near their design capacities. Thus the adult punishment aspect of the proposal may not be workable, if such punishment is to include time in county jail.
- The proposal calls for adult offenders to be placed in various kinds of programs at the discretion of counties; however, some counties do not have sufficient programs to accommodate larger populations or the facilities in which the programs can be delivered.
- Additional adult offenders, whether in county jails or in residential treatment facilities, may require the employment of additional personnel in various county departments, including probation and mental health. Is the funding level proposed sufficient to provide for additional staff?
- The LAO acknowledges that since its adult offender component is prospective (it would apply only to offenders convicted of crimes after July 1, 2009), one-half of the proposed \$385 million allocation geared to finance the realignment portion would not be expended in 2009-10. The LAO proposes to transfer \$193 million on a one-time basis to the aforementioned Mandate Payment Account. Given the fundamental nature of the proposal – realigning the responsibility for juvenile justice and specified adult offenders – the \$193 million might be better spent local juvenile and/or adult facilities. The funds could be made available on a matching basis, much like funding provide in AB 900.

The above represent concerns identified after an initial reading of the proposal and without the benefit of follow-up conversations with the LAO, or pertinent legislators, or key legislative staff. It is imminently clear, however, is that counties should not dismiss this proposal out of hand. In legislative parlance, it could get “legs” and walk right through the legislative process. Thus it is imperative that counties make certain they are at the table and a part of the discussions.



Mac Taylor
Legislative Analyst

January 27, 2009

2009-10 Budget Analysis Series

Criminal Justice Realignment



SUMMARY

Despite spending significant sums, the state's success in rehabilitating juvenile and drug-addicted adult offenders has been poor. Specifically, the state spends more than \$200,000 a year to house a juvenile offender in a state youth correctional facility. Although these facilities are intended to rehabilitate youthful offenders, over 50 percent of them return to state custody within three years of their release. Similarly, the state has seen poor results from its in-prison substance abuse programs for adults. While national studies find that in-prison programs can reduce recidivism rates by about 6 percent, California's in-prison programs have not achieved success.

Several times over the last 20 years, the Legislature has achieved notable policy improvements by reviewing state and local government programs and realigning responsibilities to a level of government more likely to achieve good outcomes. The Governor's 2009-10 budget plan contains a proposal to shift some funding for some criminal justice programs from the state to the local level. We recommend that the Legislature expand upon this concept, and implement a policy-driven realignment of nearly \$1.4 billion of state responsibilities to counties along with resources to pay for them. In particular, we propose that the state shift to counties programs for juvenile offenders and adults convicted of drug possession crimes. Under our realignment concept, counties would have broad authority to manage juvenile and drug-addicted adult offenders programs to achieve success.

We recommend that the Legislature finance this criminal justice realignment by increasing the vehicle license fee (VLF) rate to 1 percent (which results in a revenue gain of \$1.1 billion) and redirecting \$359 million of existing VLF revenues. Under this financing approach, realignment would serve as a nearly \$1.4 billion ongoing General Fund budget solution.

OVERVIEW

The Governor's 2009-10 budget proposes to shift the funding for four local public safety programs from the General Fund to the VLF. As shown in Figure 1, local governments would receive \$359 million of VLF—resources currently allocated to the Department of Motor Vehicles (DMV). The DMV, in turn, would increase the annual vehicle registration fee by \$12 to offset this revenue shift. The administration indicates that this proposal would provide stable, but somewhat reduced, ongoing support for the local public safety programs and \$359 million of annual General Fund savings.

Our review indicates that the administration's proposal could serve as a starting point for a policy-driven realignment of state-local criminal justice responsibilities. Under this realignment, the Legislature could reduce annual state expenditures by nearly \$1.4 billion, improve services for juvenile and adult offenders, and provide a more reliable reimbursement stream to local governments for mandates.

The funding source for our proposed criminal justice realignment is the VLF: \$359 million

shifted from the DMV, as proposed by the Governor, and an additional \$1.1 billion raised by increasing the VLF rate to 1 percent. As shown in Figure 2 (see next page), these funds (\$1.5 billion in total) and all growth in these revenues would be deposited into a new criminal justice realignment fund and allocated to three accounts. In so doing, our proposal restores some funding for certain juvenile justice grants that would otherwise be reduced under the Governor's budget plan.

Juvenile Offender Account—\$765 Million

Under realignment, counties would have full program authority and the corresponding financial responsibility for juvenile offender programs. Counties could use the resources in this account for the juvenile offender programs and services that they determine work best in their communities. Counties would be financially responsible for reimbursing the Division of Juvenile Facilities (DJF), the formal name of the state agency frequently called the Division of Juvenile Justice, for any county youths placed in DJF facilities.

Adult Offender Account—\$638 Million

Under realignment, responsibility for punishment and treatment of certain adult offenders with substance abuse problems would shift to counties. Counties could use the resources in this account to place these individuals in jails or residential treatment facilities, or to supervise them

Figure 1

Governor's Budget Shifts DMV VLF to Support Local Public Safety Programs

(In Millions)

Program	Current Law/ Funding Source	Proposed 2009-10/ Funding Source
Department of Motor Vehicles (DMV) administrative costs	\$359 (VLF)	\$359 (Registration Fee)
Local Public Safety Programs: COPS, Juvenile Justice Crime Prevention Act, Juvenile Probation and Camps, Booking Fees	\$427 (General Fund)	\$359 (VLF)

Vehicle license fee = VLF; Citizens Option for Public Safety = COPS.

in the community while they attend substance abuse treatment programs. Cities would receive a dedicated portion of the funds in this account under the existing Citizens' Option for Public Safety (COPS) program.

Mandate Payment Account—\$103 Million

Funds in this account would provide local governments with a steady stream of revenues to reimburse them for long-overdue mandate

claims. Cities and counties also would receive a "per peace officer" reimbursement for one mandate—the Peace Officer Procedural Bill of Rights (POBOR). This simple POBOR payment methodology would replace the current complicated and highly contentious reimbursement for POBOR.

How This Report Is Organized

This report begins with an overview of the

Figure 2

LAO Proposed Criminal Justice Realignment Program Funding by Account

(In Millions)

	Current Law (General Fund)	LAO (VLF)
Juvenile Offender Account		
Shift funding responsibility for Division of Juvenile Facilities to counties	\$379	\$379
Consolidate funding for juvenile justice grants	355	355
Additional resources for facilities and programs	—	30
Account Totals	\$735	\$765
Adult Offender Account^a		
Shift responsibilities drug possession and DUI offenses to counties	\$385	\$385
Additional resources for offender facilities and programs	—	125
COPS	107	96
Booking fees (jail facility funds)	32	32
Account Totals	\$524	\$638
Mandate Payment Account^a		
Mandate backlog	\$92	\$92
POBOR	\$8 ^b	11
Account Totals	\$100	\$103
Total General Fund	\$1,359	
Total VLF		\$1,504

^a For one year as realignment is phased in, \$193 million in the Adult Offender Account transfers to the Mandate Payment Account. Counties receive these funds for mandates and AB 3632 program payments.

^b Department of Finance estimate, amount could be higher.

Vehicle license fee = VLF; driving under the influence = DUI; Citizens' Option for Public Safety = COPS; and Peace Officer Procedural Bill of Rights = POBOR.

state's experience with realignment, explaining why changing governmental responsibilities for programs and funding can improve program outcomes. We then discuss the programs we propose to realign and how the realignment plan

would work. In the concluding sections, we explain why we finance the realignment plan with revenues from the VLF and discuss several major practical, policy, legal, and financial questions related to our proposals.

WHEN DOES REALIGNMENT MAKE SENSE?

Several times over the last 20 years, the Legislature has achieved notable policy improvements by reviewing state-local program responsibilities and taking action to realign program and funding responsibility to the level of government likely to achieve the best outcomes. In 1991, for example, the Legislature shifted state mental health responsibilities to counties, giving counties a reliable funding stream and the authority to develop innovative and less costly approaches to providing services. While implementation of realignment proposals has been complex, the net result of these changes is that California state and local governments have better ability to implement their programs successfully.

Could the state improve other program outcomes by realigning state-local responsibilities? If so, which programs should the state control and which should local government control? While there is no single answer to these questions, we find that programs tend to be more effectively controlled by local government if (1) the program

is closely related to other local government programs, (2) program innovation and experimentation are desired, and (3) responsiveness to local needs and priorities is important. In addition, assigning full control over program governance and financing to a single level of government has the benefit of reducing fragmentation of government programs and focusing accountability for program outcomes. (The box on the next page lists LAO reports that provide a more extensive discussion of when we believe program realignment makes sense.)

In this report, we review state and local government responsibilities for (1) juvenile offenders, (2) certain lower-level adult offenders with substance abuse problems, and (3) mandate claims. After discussing the current fragmented governance and financing system behind the juvenile offender and adult substance abuse offender programs, we discuss how realignment could improve these programs.

JUVENILE OFFENDER ACCOUNT

Background

Responsibility for juvenile justice programs in California is split between counties and the state. Specifically, county probation departments initially oversee all juveniles entering the criminal justice system and supervise most juveniles determined to be offenders. Counties generally

place these young offenders on probation supervision; in a group home; or in a secure facility such as a juvenile hall, camp, or ranch. The state, on the other hand, supervises the most serious young offenders, housing them in facilities run by DJF. The DJF parole agents supervise these juveniles upon their release.

LAO REALIGNMENT REPORTS

Over the years, our office has published numerous reports (listed below) on the subject of state and local program realignments. With one exception, all of the reports were published in “Part V” of the *Perspectives and Issues* in February of the year shown. *Making Government Make Sense: Applying the Concept in 1993-94* was published separately in May 1993. These reports are available on our website: www.lao.ca.gov.

Report	Years
<i>Parole Realignment and the 2008-09 Budget</i>	2008
<i>Realignment and the 2003-04 Budget</i>	2003
<i>Realignment Revisited: An Evaluation of the 1991 Experiment In State-County Relations</i>	2001
<i>The Governor's 1995-96 State-County Realignment Proposal</i>	1995
<i>Making Government Make Sense: Applying the Concept In 1993-94</i>	1993
<i>Making Government Make Sense: A More Rational Structure For State and Local Government</i>	1993

Responsibility for funding juvenile justice programs is similarly split between counties and the state. Counties use local funds to pay (1) part of the costs to operate their probation departments, halls, camps and ranches and (2) a small share of DJF’s costs. The state, in turn, pays for most of DJF’s costs and supports various county juvenile offender grant programs (each with its own funding formula and requirements).

County Responsibility Has Already Increased. Over the years, criticism of California’s state-run juvenile justice program has mounted, culminating with the *Farrell vs. Allen* lawsuit, which challenged nearly every aspect of the state’s operation of its juvenile institutions. Since the case began, the Legislature has taken steps to shift key juvenile offender program responsibilities to counties, specifying that counties are better suited to providing the needed rehabilitative services for juvenile offenders. These changes, along with a general downward trend in juvenile

crime rates, have resulted in a steep decline in the DJF population from around 10,000 wards in 1995-96 to about 1,700 today. Currently, fewer than 1 percent of juvenile offenders are placed under state supervision each year. The state’s costs to house and rehabilitate these youths exceeds \$200,000 per offender annually, not including parole and capital costs.

Why Realignment Makes Sense

Basic Concept. Under our proposed criminal justice realignment, the Legislature would shift full programmatic and financial responsibility for juvenile offenders to counties and give counties an ongoing funding source to support these programs. This realignment would improve juvenile offender programs in several ways discussed below.

Increases Accountability for Results. A single level of government—the county—would be responsible for all outcomes in the system,

making it easier to identify which juvenile offender programs work and which need change. Moreover, counties would have a significant fiscal interest in promoting positive outcomes for all offenders and in taking steps to prevent low-level juveniles from becoming serious offenders. Under current law, in contrast, the responsibility for preventing juveniles from developing into serious offenders is blurred. Specifically, *counties* run juvenile crime prevention programs, but the *state* pays most of the cost to house and rehabilitate youths who become serious offenders. The state's DJF, in turn, (1) has no responsibility for early intervention or prevention programs and (2) receives its annual budget based on its caseload of offenders, without regard to program success.

Promotes Flexibility, Efficiency, and Innovation. Under realignment, counties would have greater ability to design programs to meet their unique challenges and needs in dealing with serious offenders. For example, one county might determine that actions to decrease gang involvement are most critical to its long-term success, while another might focus more on decreasing juvenile substance abuse, in keeping with that community's priorities. Realignment also would provide counties fiscal flexibility. Some counties might decide, for example, to spend fewer resources on its most serious offenders than the DJF currently spends and reserve some of these resources for juvenile offender prevention programs.

Facilitates Closer Supervision of Offenders. Due to its declining caseloads, DJF has consolidated parole offices, greatly expanding the geographical regions for which each parole agent is responsible. Currently, each DJF parole agent is typically responsible for supervising youthful offenders residing in a territory of more than 2,800

square miles—an area slightly larger than the County of Santa Barbara. These large geographic territories make it difficult for DJF agents to supervise parolees effectively and be knowledgeable about the communities in which their parolees reside—often a key to ensuring public safety. Under realignment, each county would supervise its own juvenile offenders. Because county probation offices oversee all youth entering the justice system, counties often have a long history of contact with these youths—a factor that can be an asset when supervising them upon their release. In addition, county officers are more likely to be knowledgeable about county communities and the availability of substance abuse treatment, education programs, and job placement resources their juvenile offenders might require.

Gives Counties Greater Fiscal Certainty.

Under current law, a significant portion of county juvenile offender resources is contingent on annual state budgeting decisions. Under realignment, counties would have greater certainty regarding their juvenile justice budgets, giving them greater capacity to develop long-term plans to improve their facilities and programs.

How Realignment Would Work

Under our realignment proposal, the Legislature would create a Juvenile Offender Account (JOA) in the realignment fund. Counties would use the funds in the account (\$765 million in 2009-10) to carry out their expanded juvenile justice responsibilities. The funding level is based on the following factors:

- ***Offsetting the Cost to Supervise Serious Offenders—\$379 Million.*** This amount is equivalent to the current level of state General Fund support provided for DJF operations, parole, and the juvenile por-

tion of the Board of Parole Hearings, excluding Proposition 98 resources. (Under our proposal, some additional Proposition 98 funds would separately shift from DJF to county offices of education for juvenile offender education.)

- **Consolidating Funding for Juvenile Justice Grants—\$355 Million.** This amount equals the combined current law funding for three block grant programs: the Juvenile Justice Crime Prevention Act, the Juvenile Camps and Probation grant, and the Youthful Offender Block Grant. Our proposal would in effect restore the \$29 million budget reduction for juvenile camps grants proposed in the Governor's budget, although these monies would then be consolidated with the other two programs.
- **Expanding Juvenile Justice Programs and Facilities—\$30 Million.** We provide this amount in recognition of the increased facility and programming costs counties likely will experience as a result of the program shift. We note that, absent realignment, the state likely would face significant capital outlay costs for renovating or rebuilding its aging juvenile facility infrastructure.

We discuss the major elements of our proposal below.

Counties Become Responsible for All Youth in Juvenile Justice System. Under our proposal, counties would be responsible for housing and supervising all youth in the juvenile justice system, including the 1,700 youths currently under the jurisdiction of DJF. To support these efforts,

counties would have broad flexibility to use the resources in the JOA. These funds include over \$200,000 for each offender currently supervised by DJF, \$355 million from county grant programs, and \$30 million for program expansion.

Managing the Transition. Most counties could not assume the increased responsibility for supervising youths placed with DJF immediately. Accordingly, our realignment authorizes counties to continue to contract with the state to place youths in DJF facilities on a fee-for-service basis. Under our proposed approach, counties could "purchase" beds in state youth correctional facilities for wards from their jurisdiction, similar to the way that counties now have the choice of committing mentally ill individuals from their area, at the county's cost, to state mental hospitals. Alternatively, the counties could redirect these resources to expand local facilities, community treatment and alternative sanction programs, and juvenile prevention efforts. We note that the state recently provided counties with \$100 million in grants to expand or upgrade local youth detention facilities. Over time, as counties develop alternative facilities and programs for these offenders, this contractual relationship with DJF could be reduced or phased out altogether, freeing the state to use DJF facilities for other purposes—such as reentry facilities for CDCR.

Need for Task Force. Any proposal of this magnitude raises numerous implementation questions. We recommend the Legislature create a task force of stakeholders and experts to give it advice and suggestions regarding the following matters:

- What methodology should guide the allocation of JOA revenues to specific counties? In the near term, a formula

that tracks existing laws and DJF utilization may be appropriate. Over the longer term, allocating these revenues based on county juvenile population, poverty, or crime statistics may be preferable.

- What type of outcome reporting is needed to foster accountability and promote cross-county sharing of successful programs?
- Should counties be required to maintain their current level of county support for juvenile offender programs?
- What actions are necessary to give DJF employees the greatest opportunity to make a smooth transition to positions in adult state prisons or hospitals or to county-level juvenile justice agencies?
- Should counties have some authority to transfer funds between this account and the Adult Offender Account (discussed below)?

ADULT OFFENDER ACCOUNT

Background

Under current law, responsibility for adult offenders convicted of drug possession is split between the state and the counties. Most individuals convicted of drug possession are sentenced to county jail, county probation, drug diversion, or some other penalty. Some offenders convicted of drug possession, however, are sent to state prison, typically because they are ineligible for local programs and sanctions or have failed out of such programs. Although the number of drug possession offenders in county jails is unknown, in excess of 50,000 drug possession offenders are placed on county probation and/or drug diversion programs each year. In contrast, about 11,600 offenders are in state prison for drug possession. The financial responsibility for providing offender drug treatment differs for counties and the state. Specifically, counties use a mix of county, state, and federal funds for this purpose. The state, in contrast, bears the full responsibility for incarceration and drug treatment services for offenders in state prison.

County Responsibility Has Already Increased. Over the last decade, California has assigned counties greater responsibility for drug possession offenders. For example, Proposition 36, approved by the voters in November 2000, established a drug treatment diversion program for certain non-violent offenders convicted of drug possession offenses. Under Proposition 36, about 50,000 offenders each year are placed on county probation and/or drug diversion programs, instead of prison or jail. Similarly, over the last decade, California counties, courts, and the Legislature have collaborated to establish over 200 drug court programs. Under these programs, offenders charged or convicted of various crimes are diverted to county treatment programs instead of incarceration. Drug court participants are subject to monitoring by a court (as well as by probation officers and drug treatment providers) and may also face sanctions if they do not comply with program rules or commit new crimes.

California's County Drug Diversion Programs: Generally Positive Outcomes. Proposi-

tion 36 and drug courts have generally demonstrated positive results. For example, a review of several dozen studies evaluating drug courts in different states found that they reduced recidivism rates by about 11 percent. Similarly, University of California at Los Angeles researchers found that Proposition 36's programs have generated net savings of more than two dollars for each dollar spent.

Program studies note, however, that current funding constraints are one of the key factors that has limited Proposition 36's efficacy. Specifically, although drug and alcohol addiction is a chronic relapsing disorder—frequently requiring residential placement, long-term treatment, and supportive services when relapses occur—Proposition 36 funding is not now sufficient to provide this array of services to all recipients. Instead, counties provide nearly 85 percent of Proposition 36 program participants outpatient treatment services only, typically lasting fewer than 90 days. For example, only 25 percent of persons assessed as being heavy users of drugs received residential treatment.

California's State Inmate Substance Abuse Programs: Generally Poor Results. In 2007, the Office of the Inspector General (OIG) evaluated CDCR's substance abuse programs for state prison inmates. While national studies demonstrate that inmate substance abuse programs can reduce recidivism rates by 6 percent, the OIG found that CDCR's programs were ineffective. The OIG found several reasons for CDCR's poor results, some of which involved how CDCR implemented and managed its programs. For example, OIG found that the department did not adequately monitor its contracts with treatment providers to ensure that program participants received the necessary level of service.

The OIG study and other research, however, also point to inherent difficulties in administering substance abuse programs in prison settings. For example, custodial and security procedures make it challenging to separate offenders in prison treatment programs from the rest of the prison population, thereby compromising the program's ability to create a supportive therapeutic environment. In addition, frequent and lengthy prison "lockdowns" can make it difficult for inmates to receive a consistent substance abuse program and to complete all the necessary components. Finally, fully integrating a community-based aftercare component into a prison-based treatment program can be a challenge, particularly because prisons often are located in areas remote from the communities into which offenders are paroled.

Why Realignment Makes Sense

Basic Concept. Under our proposed criminal justice realignment, responsibility for punishment and treatment of all drug possession offenders would shift from the state to counties. In addition, we propose to shift responsibility for two other groups of offenders likely to benefit from realignment to the county level—civil narcotic addicts and certain driving under the influence (DUI) offenders. Specifically, we recommend the Legislature change sentencing laws so that the crimes listed in Figure 3 would be classified as misdemeanors. Individuals convicted of these crimes could no longer be sentenced to state prison, but could be placed on probation, assigned to residential or outpatient treatment, held in county jails or other facilities, or some combination of the above. The realignment proposal provides counties significant resources to expand their services for offenders with substance abuse problems and gives counties broad flexibility to

determine how these funds are spent on incarceration, alternative sanctions, and drug and alcohol treatment.

The 700 individuals in prison as civil narcotic addicts are offenders very similar to many who participate in drug court programs—typically low-level offenders whose crime is closely tied to a drug problem. These individuals are not felons, however, because they were sent to prison under a civil commitment. The 1,700 offenders convicted of DUI do not include individuals whose offense resulted in bodily injury to another party. Most of these offenders, however, had at least three prior DUI convictions and were previously assigned to a DUI program. Realignment of government responsibility for these offenders would promote better substance abuse and public safety outcomes in the ways discussed below.

Consolidates Program Responsibility and Fosters Innovation. Assigning counties responsibility for these offenders would consolidate program responsibility at a level of government more likely to achieve program success, including reduced offender recidivism. As discussed, the state faces inherent difficulties administer-

ing substance abuse programs in a prison setting. Counties, on the other hand, are the state's primary providers of public substance abuse treatment services (either directly through county drug and alcohol departments, or by contracting with private treatment providers). They also have extensive experience with different treatment approaches, including residential treatment, methadone maintenance, and community-based aftercare programs. Counties also have greater capacity to design programs that focus on different age groups or cultures, and are better positioned to provide needed aftercare and relapse recovery services after offenders are released from jail or residential treatment facilities. Finally, counties are the primary providers of many other programs that people receiving substance abuse treatment may need, including mental health, social services, and indigent health care programs.

Gives Counties Reliable Revenues to Provide Needed Services. Under this realignment, counties would receive ongoing revenues to support offender treatment programs, including more intensive residential treatment and longer-term aftercare. Counties would have broad discretion

Figure 3
Proposed Population for Realignment

Crime	Inmates	Description
Drug possession	11,600	Includes felony and wobbler drug possession crimes. Excludes all other types of drug offenses, such as possession with the intent to sell, drug sales, drug trafficking, and drug manufacturing. Also excludes drug possession crimes with special circumstances, such as possession in a county jail or state prison, and possession while armed with a loaded firearm.
Driving under the influence	1,700	Includes crimes classified as driving under the influence that did not result in bodily injury to an individual other than the driver.
Civil narcotics addicts	700	Includes non-felon inmates serving time in state prison under a civil commitment for drug addiction.
Total	14,000	

to use these funds for the offenders realigned under this proposal, as well as for the offenders for whom counties already provide treatment. Providing funding for these services is important because evidence suggests that many offenders fail Proposition 36 and other treatment programs because they are not provided the level of treatment that an assessment shows is needed. That is, offenders with heavy addiction problems often fail because they receive limited outpatient treatment rather than residential treatment followed by extended aftercare.

Prioritizes State Prison Space for the Most Serious and Violent Offenders. Realignment would reduce the state's prison population by about 8 percent in the short term and by a greater percentage over time as county substance abuse programs expanded to serve more offenders and became more effective in rehabilitating those receiving treatment. These population reductions would alleviate some of the serious overcrowding in the prison system, while ensuring that the most serious and violent offenders remain incarcerated. It would free up in-prison substance abuse treatment space for these more serious offenders, and could reduce the number of new prison beds that the state would need to build to address the current high level of prison overcrowding. While our proposal would reduce the state prison population by about 14,000 inmates, it is important to note that this realignment does not simply result in a one-for-one transfer from state prisons to local jails. This is because (1) these offenders' maximum sentence in county jails (12 months) would be several months shorter than their average term in state prison (about 17 months) and (2) the counties could divert some of these offenders (or other offenders already in jails that they deem to pose less of a risk

to public safety) into residential treatment or other appropriate community facilities.

How It Would Work

Under our proposal, the Legislature would create an "Adult Offender Account" in the realignment fund with a 2009-10 allocation of \$638 million. This amount is based on the following factors:

- **Shift in Responsibility for Drug and Alcohol Crimes—\$385 Million.** This funding is equivalent to what the state spends incarcerating these drug and alcohol offenders. (In the first year, as the realignment is phased in, \$193 million from this amount is transferred to the Mandate Payment Account, as discussed further below.)
- **Enhanced Supervision and Substance Abuse Services for Offenders—\$125 Million.** Counties could use these resources to provide services or expand facilities for substance abuse treatment and incarceration.
- **COPS—\$96 Million.** This amount is based on the funding for the COPS program proposed in the Governor's budget. Under current law, these funds are split between counties (about \$29 million) and cities (about \$67 million). Under this realignment proposal, the city portion of these funds would be placed in a city subaccount in recognition of the potential for increased local law enforcement responsibilities due to the offender shift.
- **Booking Fees—\$32 Million.** This amount is also based on the funding proposed

in the Governor's budget. Under current law, these funds are allocated to counties with the understanding that county authority to charge cities and other arresting agencies fees when they book individuals into county jail is greatly reduced.

County Authority Over Adult Offender Account. With the exception of funds we propose be set aside in the city subaccount, we envision county boards of supervisors having broad authority to allocate Adult Offender Account revenues to departments and agencies affected by realignment, including drug and alcohol departments, probation, and sheriffs. Because increased support for drug and alcohol departments is integral to the success of this realignment, we envision counties demonstrating annually that a significant amount of funds from the new account were used for that purpose.

First-Year Transition. Our proposal would not result in an immediate shift of offenders in the categories we have identified. Those inmates already in prison for drug possession or driving under the influence, as well as civil narcotic addicts, would remain there until they completed their sentences, and then be placed on parole as they normally would. Instead, our proposal would be *prospective*, applying to offenders convicted of these crimes after July 1, 2009. We

estimate that the number of offenders realigned during the first year would be about one-half of the total affected population. Therefore, during the first year, counties would receive one-half of the associated state savings (\$193 million) and the other \$193 million would be transferred on a one-time basis to the Mandate Payment Account (discussed below).

Task Force to Address Certain Issues. As noted earlier, realignments of this magnitude inevitably raises questions meriting discussion and debate. Accordingly, we recommend the Legislature convene a task force and request its guidance on the following key issues:

- How should funds in the Adult Offender Account be allocated to each county? Should the formula be based on county population, poverty, or a combination of these factors?
- What reporting requirements should be required regarding how Adult Offender Accounts are spent?
- Should there be any changes to the list of offenders included in this realignment?
- Should counties have authority to shift funds between this account and the Juvenile Offender Account discussed earlier?

MANDATE PAYMENT ACCOUNT

Background

The California Constitution requires the state to reimburse local governments when it mandates certain new programs or higher levels of service. In recent years, the state's payment of its mandate obligations has been a source of

considerable state-local friction. This tension has been particularly notable concerning mandate claims (1) dating from before 2005 and (2) associated with the POBOR mandate. (The box on the next page provides information regarding this mandate.) Unlike other mandate obligations, the

Constitution does not specify a date by which the state must pay long overdue claims or mandates—like POBOR—that pertain to employee relations.

Mandate Backlog. The state owes local governments about \$1 billion for claims that have accumulated between the early 1990s and 2004-05. While statutes specify a schedule for the state to pay these obligations over time, the state did not provide funding for this purpose in the current year and the budget does not pro-

pose to make a mandate backlog payment in 2009-10. The state owes most of this \$1 billion to counties.

POBOR Claims. Determining what portion of POBOR's costs are reimbursable as a state mandate is exceedingly difficult. That is because POBOR did not create a distinct new program, but instead requires local agencies to take additional steps at certain stages of sensitive and complicated personnel processes. When the State Controller's Office (SCO) audited city and

PEACE OFFICER PROCEDURAL BILL OF RIGHTS

What Does This Mandate Require?

The Peace Officer Procedural Bill of Rights (POBOR), Chapter 465, Statutes of 1976 (AB 301, Keyser), provides a series of enhanced rights and procedural protections to peace officers who are subject to interrogation or discipline by their employer.

What Activities Are Eligible for Reimbursement?

In 1999, the Commission on State Mandates (CSM) found to be a reimbursable mandate those procedural requirements of POBOR that exceed the rights provided to all public employees under the due process clauses of the United States and California Constitutions. For example, POBOR requires local governments to hold an administrative hearing when they (1) transfer a peace officer as punishment or (2) deny a promotion for reasons other than merit. The due process clauses in the Constitutions do not require such a hearing. Thus, local costs to provide administrative hearings under these specific circumstances are reimbursable. The costs to provide administrative hearings under many other circumstances, in contrast, are not.

What Must Local Governments Do to Obtain Reimbursement?

The CSM detailed the specific elements of POBOR that are reimbursable in its 14-page "parameters and guidelines" (Ps&Gs). Following these Ps&Gs requires detailed and extensive record keeping by local governments. For example, the Ps&Gs permit local governments to claim costs to tape record and transcribe certain police officer interviews, but only if the peace officer commenced his or her own tape recording first. Similarly, local governments may send employees to training to learn about POBOR's requirements. If the training covers other personnel issues, however, the local government only may file for reimbursement for the number of minutes of the training in which POBOR is discussed. All reimbursement claims submitted by a local government must be supported with appropriate documentation.

county POBOR mandate claims over the last several years, SCO disallowed most of the claims, typically by more than 75 percent. Most of these cost disallowances resulted from (1) failures by local agencies to fully document the staff time devoted to each reimbursable activity and (2) claims for costs not eligible for reimbursement. Local agencies, in turn, respond that developing the required paperwork would be unproductive and that the list of costs eligible for reimbursement as a mandate is inappropriately narrow.

Seeking to resolve this controversy, the Department of Finance (DOF) and local agencies agreed that a simple, annual per peace officer payment would be a better way to reimburse local governments for the ongoing costs of this mandate. The administration and local agencies, however, did not reach agreement on the dollar amount of such a reimbursement.

Why Including Mandate Payments in the Realignment Plan Makes Sense

Under our proposal, payment responsibility for the mandate backlog and POBOR shifts from the state's General Fund to the realignment account. Unlike our proposals for realigning juvenile and adult offender responsibilities, funding mandates from the VLF would not improve the organization of government or the delivery of services. We note, however, that the success of juvenile and adult offender realignment depends on having a strong and viable county government partner and a working state-county relationship. Developing a plan for the reliable payment of overdue mandate obligations and simplifying the POBOR mandate claiming process facilitates this objective.

How It Would Work

Under our proposal, the Legislature would create a Mandate Payment Account in the realignment fund with \$103 million in 2009-10. Money in this account would:

- Pay the backlog of mandates claims over the next 10 to 15 years—about \$92 million annually. (After these mandate obligations have been retired, the Legislature could specify another purpose for which to use these funds.)
- Provide a per peace officer reimbursement for the POBOR mandate at about \$140 per peace officer. This amount is based on our review of actual 2004 local government claims and an assumption that roughly one-half of the SCO cost disallowances were for activities that local governments completed as a result of the POBOR mandate. We note that this amount is almost the midpoint between the amounts proposed by the DOF and local agencies during their negotiations.

Additional One-Time Funds for Mandate Payment Account. As discussed earlier in this report, realignment of adult drug offenders would be phased in over two years. During the first year—as these offenders transition from state to county responsibility—needed spending for the Adult Offender Account would be lower than it would be in subsequent years. This means that, in 2009-10, a portion of the funds raised through the VLF tax increase would not have a designated use. We recommend that these funds (\$193 million) be transferred on a one-time basis into the Mandate Payment Account. We propose that the Legislature direct county auditors to use

these funds to pay part of the state's 2009-10 costs for two programs: the Department of Mental Health's "AB 3632" categorical program (\$104 million) and the state's costs for mandate reimbursements (about \$134 million). Allocating this \$193 million of VLF for these purposes reduces 2009-10 state General Fund costs by an equal amount.

Implementation Issues. These mandate changes are nowhere near as complex as the changes proposed for juvenile and adult offenders. The Legislature, however, may wish to request guidance from the State Controller regarding steps needed to coordinate payment of the mandate backlog and POBOR from the Mandate Payment Account.

WHY FUND REALIGNMENT FROM THE VLF?

In our view, the realignment policy changes contemplated in this report make sense regardless of the state's current fiscal condition. If the state's fiscal condition were stronger, the Legislature could realign these additional program responsibilities from the state to local government by shifting *existing* state revenues into the realignment fund. In light of the state's major fiscal challenges, however, we propose a tax increase to raise \$1.1 billion to expand upon the Governor's proposal.

Deciding which tax should support the realignment fund is a difficult policy call for the

Legislature, involving different trade-offs and considerations. After reviewing various options, we propose increasing the VLF rate from 0.65 percent to 1 percent because:

- A 1 percent VLF rate remedies an inconsistency in the state's system of property taxation whereby cars and trucks are taxed at lower rates than boats and business equipment. (For additional information regarding these discrepancies in property taxes, please see nearby box).
- The VLF historically has been a revenue source reserved for local governments.

DISCREPANCY IN CALIFORNIA SYSTEM OF PROPERTY TAXATION

California's property tax system taxes "real property" (land and buildings) and tangible "personal property" (property not attached to land or buildings). The most common types of personal property subject to property taxation are cars, trucks, boats, airplanes, machinery, and office equipment.

Ideally, tax systems are neutral in that they treat similar households and businesses in a similar fashion. This tax policy goal is not evident in California's taxation of property. Specifically, while all other types of property are taxed at a 1 percent rate, cars and trucks are taxed at a 0.65 percent rate.

The lower rate for vehicles is the result of a series of actions taken by the Legislature in the late 1990s to provide tax relief. Increasing the vehicle license fee rate to the same property tax rate as charged for other types of property would eliminate the current inconsistency in state law.

- While all taxes are sensitive to economic downturns, the VLF historically has been less sensitive to economic fluctuations than have many other taxes. This revenue stability is important in a funding system for ongoing public safety programs.
- No constitutional provisions limit the Legislature's authority to raise the VLF rate or reallocate the new revenues.

KEY QUESTIONS RELATED TO CRIMINAL JUSTICE REALIGNMENT

Realigning responsibility for juvenile offenders and adults with substance abuse problems has the potential to significantly improve program outcomes. Enacting any form of complex realignment, however, raises some overarching practical, policy, and financial questions. This is particularly true given the fiscal challenges facing the state and the Constitution's many requirements regarding local finance. In this concluding section, we discuss these key questions.

Could the Legislature Choose Substitute Programs or Funding Sources?

Over the years, this office has reviewed many programs and concluded that some would benefit from a realignment of state-local respon-

sibilities. Figure 4 provides a partial list of these programs and identifies the year in which we published our analysis. (Each review is included in "Part V" of the LAO's *Analysis of the Budget: Perspective and Issues*, published annually in February.) In some cases, programs identified in Figure 4 could be included in a 2009-10 realignment plan as (1) a substitute for the programs we propose to realign in this report or (2) additions to our list of programs that could be shifted to the local level. In other cases, however, we note that federal funding or other constraints might limit the Legislature's ability to realign these programs immediately.

Different Funding Base Possible. While we think that funding the realignment plan from increased VLF revenues has policy advantages, we recognize the Legislature may wish to use different revenues to support realignment. Various other tax sources also could provide a good fiscal base for realignment, including a quarter-cent sales tax increase or an alcohol tax increase. We note that the 1991 realignment plan included two funding sources: revenues raised from a new one-half cent sales tax and a change in the VLF depreciation schedule.

Figure 4

Programs Appropriate for Realignment

	Year
Parole of lower level state prisoners	2008-09
AB 3632 program	2006-07
Adult Protective Services	2003-04
Medi-Care long-term care	2003-04
Public health	2003-04
Substance abuse programs and drug courts	2003-04
Mental health managed care	2003-04
Child care	2003-04

Does the Constitution Limit the Legislature's Authority Over the VLF?

Proposition 1A, approved by the state's voters in 2004, amended the Constitution to reduce the Legislature's authority over local finance. Nothing in the Constitution, however, limits the Legislature's authority to enact this realignment plan. Specifically, the Constitution does not (1) set a maximum VLF rate, (2) limit the Legislature's authority to raise the VLF rate or to reallocate DMV's share of VLF revenues, or (3) prohibit VLF revenues from being used to pay state mandates.

How Could Counties Gain More Confidence in the Realignment Plan?

Implementation of this criminal justice proposal would require extensive work and cooperation by state agencies and counties. To make the changes necessary to achieve improved program outcomes, counties likely will want assurance that the realignment plan will not change substantially without their agreement. Building state-local trust and stability into this realignment plan is thus critical to its success.

How could the Legislature give counties the confidence to implement realignment? While the Legislature has successfully implemented other state-county program shifts without going to the state's voters, the most direct way to provide this assurance probably would be for the Legislature to propose a constitutional amendment that commits the new VLF revenues to these realigned programs.

Would Realignment Impose A State Mandate?

Proposition 1A, approved by the voters in 2004, amended the Constitution to include provisions that recast as a state-reimbursable mandate certain actions by the Legislature that increase a city or county's net costs for required programs. In our view, this provision of Proposition 1A would not limit the Legislature's ability to implement this realignment proposal because it (1) contains more than sufficient revenues to offset the increase in county juvenile and adult offender costs and (2) state law exempts changes in criminal sentencing from the definition of a reimbursable mandate.

Would Increasing the VLF Affect The Proposition 98 Guarantee?

California voters enacted Proposition 98 in 1988 as an amendment to the Constitution, establishing a minimum annual funding level for K-12 schools and California Community Colleges. While calculating Proposition 98's minimum funding level is complex, the funding level tends to increase when the Legislature increases taxes and the resulting revenues are available each year for appropriation by the Legislature for general purposes.

Under this realignment plan, the increased VLF revenues would be dedicated to and controlled by local governments. The funds would not be available for state general purposes on an annual basis. For this reason, we do not think that the increase in the VLF would affect the Proposition 98 minimum funding level.

CONCLUSION

The best way to increase public safety is to prevent crimes before they are committed. Research indicates that well-run juvenile offender and adult substance abuse offender programs reduce the likelihood of offenders committing future crimes.

California's success in administering these offender programs suffers under its current fragmented governance and financing systems. Although these offender programs typically are better suited to county administration and control, current law assigns significant responsibility for them to the state. This division of governance and funding responsibilities does not promote program innovation or accountability for program results.

To address these shortcomings in the governance system, we recommend the Legislature realign to counties state juvenile offender and certain adult substance abuse offender responsibilities. In addition, to improve the state-county relationship (important to the implementation of realignment), we recommend the Legislature establish an ongoing funding source to reimburse local governments for about \$1 billion of long overdue mandate claims.

We recommend the Legislature finance this realignment plan by increasing the VLF rate to 1 percent and by redirecting existing VLF revenues currently allocated to the DMV. Under this financing approach, the Legislature could improve public safety while reducing state General Fund costs by nearly \$1.4 billion annually.



CORRECTIONS PARTNERS, INC.

Report and Recommendations

BUILDING SYSTEM CAPACITY WITHIN
SANMATEO COUNTY TO ADVANCE THE
PLANNING, DEVELOPMENT AND
IMPLEMENTATION OF COMMUNITY RE-ENTRY

GARY E. CHRISTENSEN, PH.D.

226 MARKET LANE

CLINTON CORNERS, NY 12514

GCHRISTENSEN@CORRECTIONSPARTNERS.COM

914-489-1584



INTRODUCTION

On April 14, 2008 the San Mateo County Board of Supervisors Criminal Justice Committee approved the initiation of a planning process to "...identify policy, financing, programmatic and accountability recommendations to enhance the successful transition of the jail inmate population to the community, relieve jail overcrowding, and reduce recidivism." To facilitate the development of these recommendations the committee designated a stakeholders planning committee co-chaired by the Sheriff's Office, Probation Department, and Health Department and comprised of representatives from cities, police departments, service providers, faith community, and formerly incarcerated people.

The decision to proceed with this planning process was in large part built on the successful implementation of the *Inmates Services and Case Management Re-entry Project* approved by the Board of Supervisors on June 6, 2006. Subsequent to this approval, the in custody CHOICES program doubled its capacity and a full time Probation Officer was added to provide case management services for inmates with modifiable sentences transitioning to a community based treatment program. As of December, 2008, 153 inmates have been modified to treatment and the early recidivism data is very encouraging.

In February, 2007, with leadership from Supervisors Jacobs-Gibson and Tissier, a Gender/Justice Summit was held to convene a community discussion on the need to improve services and outcomes for women and their children in the criminal justice system. The summit informed and educated the San Mateo County community to the needs, challenges and costs of criminal justice system programs, services and reforms relevant to women and girls and built understanding and support for County/community criminal justice initiatives, programs and services. The summit also identified innovative and "best practices" for prevention, early intervention and re-entry programs to reduce costly incarceration and reduce recidivism.

Concurrent with efforts to improve reentry services, significant issues regarding jail overcrowding and the essential need to improve jail facilities for women has emerged. Two needs assessment studies were concluded in March 2007 (women), and January 2008 (men). Both studies delineated important demographic characteristics of the inmate population, criminogenic factors, prior and current efforts to improve services and control the jail population, and future challenges. At this time the Sheriff's Office is undertaking a comprehensive jail planning process that will determine the site, capacity, and programmatic elements of a new jail facility.

The implementation of the recommendations set forth in this plan and the future discussion and resolution of policy issues and questions is expected to occur systematically over several years under the auspices of the Board of Supervisors Criminal Justice Committee and as overseen by the County Manager with input from the Reentry Advisory Committee. Wherever appropriate the plan is intended to build upon evidenced based and/or promising practices already implemented.



PROPOSAL AND IMPLEMENTATION PLAN

I. RECOMMENDATIONS FOR IMPLEMENTATION

Transition/Reentry Planning

Transition planning is a viable, cost effective strategy to address the needs of nearly all offenders with the exception of the highest risk offenders e.g. sexual predators or offenders afflicted with psychopathy. Transition/reentry planning should begin as soon as possible and include as many stakeholders as possible, most importantly the offender him/herself. Simply stated, a plan for transition/reentry that is driven by risk and needs and agreed upon by all involved (or as many as possible) has a far greater chance to succeed. Lower risk and very short-term offenders might be given an orientation and a resource pack; while long-term, higher-risk offenders would be afforded far more comprehensive intervention strategies. Myriad options exist relative to transition planning for offenders of varying levels of risk and need. To maximize outcomes, offenders, in partnership with stakeholders of interest and power, must be afforded the benefit of having a significant role in their own transition plan within a context of ethically and legally acceptable treatment strategies for reentry. It is important to engage them in efforts to understand assessment outcomes and the reason that certain treatment targets and interventions are correct for them. While simple in concept, system and organizational cultures (of all agencies involved) loom all important in the implementation of such a strategy. Therefore, the cultures of stakeholder agencies should be evaluated, managed, and/or changed to ensure that they will accommodate such an approach.

Despite the fact that such an approach has proven viable for all types and classifications of offenders; during this initial process of implementation, evaluation, and system change, it is recommended to focus initially on those offenders who are sentenced. Also attention will be given to incarcerated women and all those with serious mental illness. This would allow the reentry process to be developed more fully and in concert with the mission and values of San Mateo County while working with a smaller group of offenders. Further, at the time of this writing, discussions are ongoing to evaluate legal issues related to the implementation of such an approach for pretrial offenders. Finding ways to expand this approach to pretrial offenders has the potential to impact the scope of reentry significantly.

According to the latest research, the greater capacity and flexibility a system has to remove obstacles for lower risk offenders to be in less restrictive environments and separated from offenders of higher risk the better likelihood of successful reentry. Given current jail capacity this is a considerable challenge; however as much as possible offenders should be classified, grouped, and programmed according to their levels of risk and need subsequent to the completion of an actuarial assessment of criminogenic risk and need. Currently, various treatment plans exist and are utilized by practitioners throughout San Mateo County; however a far more collaborative process could be developed that would be more aligned and realize more effective outcomes. Such outcomes include those related directly to the treatment of offenders as well as those related to resource allocation and/or duplication/conflict in service.



Transition plans should account carefully for a person's time beginning immediately upon release; for it is the time soon after release when formerly incarcerated people are most likely to be rearrested. In fact, nationwide statistics prove that 80% of all jail inmates who recidivate do so within six-months of their release. Accordingly, case plans and aftercare strategies should be very structured during the days and hours after an offender's release from jail. Stakeholders of all walks should be prepared to follow-up with formerly incarcerated people soon after their release to ensure that the transition/reentry plan is being followed or is in need of revision.

Post-release, follow-up efforts can be enhanced dramatically through a jail policy that encourages "in-reach" of stakeholders who will interface with an offender when he/she leaves the correctional facility. Often times failure to appear in court, for job interviews, treatment, or other appointments results from fear of the unknown and lack of familiarity with the person with whom he/she is scheduled to meet. Simply stated, the sooner a probation officer, employer, treatment professional, or community partner meets with an offender while he/she is incarcerated and becomes part of his/her transition plan; the more likely the plan will be followed post-release. Correctional staff can be of profound influence in this practice; for they will have already built rapport with an offender during incarceration and can facilitate the building of rapport with stakeholders from outside the jail facility. The San Mateo Sheriff's current policy and practice recognizes the importance of "in-reach" and can serve as a platform for fully realizing its potential.

The San Mateo County Model of Offender Reentry

San Mateo Officials involved in the reentry effort have chosen to follow a format utilized in The Michigan Prisoner ReEntry Initiative (available at: <http://www.dcjp.org/ReEntry.pdf>) where three phases are considered: Getting Ready, Going Home, Staying Home.

GETTING READY – The Institutional Phase

The Getting Ready phase describes the events and responsibilities that occur during the inmates incarceration from admission until the point of the release and involves two major decision points:

- ▶ Screening, assessment and classification: Measuring the prisoner's risks, needs, and strengths.
- ▶ Inmate programming: Assignments to reduce risk, address need, and build on strengths.

GOING HOME – The Transition to the Community Phase

The Going Home phase begins before the inmate's target release. In this phase, highly specific re-entry plans are organized that address housing, employment, and services to address addiction and mental illness. This phase involves two major decision points:

- ▶ Inmate release preparation: Developing a strong, public-safety-conscious probation plan.



- Connection to community services and support systems.

STAYING HOME – The Community, Probation, Services and Supports Phase

The Staying Home phase begins when the incarcerated person is released from jail and continues until discharge from community probation supervision. In this phase, it is the responsibility of the former inmate, human services providers, and the offender's network of community supports and mentors to assure continued success. Phase Three involves the final three major decision points of the transition process:

- Supervision and services: Providing flexible and firm supervision and services.
- Revocation decision making: Using graduated sanctions to respond to behavior.
- Discharge and aftercare: Determining community responsibility to "take over" the case.

Recommendations/Outputs of the Reentry Planning Committee System, Infrastructure, and Sustainability

Area	Strategy	Lead
Vision, Mission, Goals	<p>The VISION of the San Mateo County Reentry Strategy is that every person released from jail will succeed in the community.</p> <p>The MISSION of the San Mateo County Reentry Strategy is to reduce crime by using proven practices in implementing a seamless system of services, supports, and supervision developed for each formerly incarcerated person from the time of their entry into jail through their transition and return to their community.</p> <p>The GOALS of the San Mateo County Reentry Strategy are to :</p> <ul style="list-style-type: none">• Improve community safety• Increase the successful reintegration of formerly incarcerated persons into the community	BOS-Criminal Justice Committee
Plan Implementation	<p>A. The County Manager will assume lead responsibility for:</p> <ol style="list-style-type: none">1. ensuring implementation of the Re-entry Plan2. modifying the plan as necessary to accomplish goals3. promoting information sharing, communication and problem solving among stakeholders, and4. reporting to the Board of Supervisors through the Criminal Justice Committee on:<ul style="list-style-type: none">• progress of the Reentry Plan	BOS



	<ul style="list-style-type: none">• barriers and proposed remedies• unmet needs of the population and proposed ways to meet those needs based on existing research and best practices <p>B. A Reentry Advisory Committee comprised of key stakeholders (see Appendix A) will be established to assist and provide input to the County Manager</p>	
Outcomes and Accountability	Formal outcome and performance evaluations will be conducted at the system, program and individual client levels	CMO
Quality Improvement	Quality improvement processes will be utilized at the system and program levels, based on outcome and performance information. Where possible, enhancements will be made building on existing programs and services that have demonstrated desired outcomes	CMO
Cultural Competency	Programming will incorporate the principles of cultural and gender competency	CMO
Restorative Justice	Programming will support the concept of “giving back” to the community, a key principle of restorative justice	PROBATION
Evidenced Base Practice	Programming will implement evidenced based practices specific to the risk and needs of the target populations	BHRS/Sheriff
System Integration	Intersystem and interdisciplinary education and cross training will be expanded.	BHRS
Public Education	Educate the public about the risk posed and the needs of the reentry population(s), and the benefits of successful initiatives to public safety and the community in general.	CMO/Sheriff
Funding	<ol style="list-style-type: none">1. Maximize the value of discrete local, state, federal and private sources of funding that target people released from incarceration, their families and the community to which they return.2. Focus resources on interventions, programs, and services that have an evidence base.3. Coordinate and leverage funding intended for the target populations across funding sources	CMO
Sustainability	Establish a full time Reentry Coordinator position (see Appendix B)	CMO
Evaluation	Identify and develop resources necessary to conduct program, process, and system evaluations to ensure consistency with identified system goals as well as practices that are proven to result in the most favorable offender outcomes	Reentry Coordinator



Recommendations for GETTING READY

Area	Strategy	Lead
Target Populations	<ol style="list-style-type: none">1. Primary assessment, case management, and transitional community based services will be targeted toward those individuals who meet or exceed the threshold score on the “quick screen”.2. Women will receive gender responsive programs and support.3. Individuals with Serious Mental Illness will receive a comprehensive assessment, case management, medication management, and transitional community based services.	Reentry Coordinator
Inmate Screening and Data Collections	Identify and fund 2 full time positions to conduct risk and needs screening on all inmate admissions (see Appendix C)	CMO/Sheriff
Individual Service Plans	For each person in the target population(s) an individualized services plan, guided by information obtained from the CAIS assessment,, will identify the key components needed for the individual's Getting Ready, Going Home, and Staying Home phases of reentry.	Lead Case Manager
Transition Planning	Expand current efforts by the Service League by adding 4 full time transition planners to work with target population inmates to facilitate in –custody programming, conduct CAIS assessments, develop transition plans, and facilitate the linkages to community services and supports (see Appendix D)	CMO/BHRS
Community Connection	Inmates will be connected to community based treatment, health care, employment and housing providers prior to release	Lead Case Manager
Family Reunification	Contact between inmates and their children and other family members during the period of incarceration will be facilitated when appropriate.	Sheriff's Office
Parenting and Family Stability	Parenting and other programs to address a range of family needs and responsibilities of people in jail will be provided	Sheriff



Recommendations for GOING HOME

Area	Strategy	Lead
Peer to Peer Mentoring	Formerly Incarcerated People are valuable resources at the individual, program and system levels and should be utilized as mentors to inmates, ambassadors to the community, and as participants in the oversight responsibilities.	Service League
Continuity of Care	Ensure for inmates receiving psychiatric medications that community based medication management services are in place upon their release.	Lead Case Manager
Community Contacts	Develop and publish a community resources directory distributed to each person released from jail	Sheriff/BHRS
Family Preparation and Reunification	<ol style="list-style-type: none">1. Services and supports for family members and children of inmates will be made available and when appropriate, help to establish, re-establish, expand and strengthen relationships between inmates and their families2. Family members will receive notification and information regarding the inmates impending release.	Lead Case Manager and Sheriff's Office
Family Stability	Policies for child-support debt management and collection that encourage payment and family stability, and engage family members in creating a viable support strategy will be pursued.	Child Support



Recommendations for STAYING HOME

Area	Strategy	Lead
Family Support	As appropriate, programming will be made available for family reunification and self sufficiency.	Reentry Coordinator
Community Treatment Capacity	<ol style="list-style-type: none">1. Identify and fund additional residential alcohol and other drug treatment, and sober living beds (see appendix E)2. Expand Bridges service capacity (see appendix E)	CMO/BHRS
Housing	<ol style="list-style-type: none">1. Develop a practical training manual of reference material and access protocols for Housing Resource Locators2. Ensure access to County-funded shelters, transitional facilities, or housing for formerly incarcerated individuals through contractual requirements when legally and fiscally appropriate.3. Develop a best-practice Positive Alternative Group Home Environment model, that facilitates seeking funding opportunities, then purchase and rehabilitate multiple, strategically located houses countywide, if feasible.	HOPE Interagency Council and Reentry Advisory Committee
Employment	<ol style="list-style-type: none">1) Prior to release, incarcerated individuals will meet with transition planning staff with the goal of becoming "job ready" on the day of release. Goals of those meetings will include:<ol style="list-style-type: none">a) Career Readiness and Skills Assessmentsb) Completion of a resumec) Begin process of obtaining documentation required for employment2) Create a core set of "tools" to all eligible inmates that provides a strong starting place and clear direction to begin their job search3) Evaluate amending the requirement on the County's general employment application that requires the applicant to specify that they have/or have not been convicted of a felony and/or misdemeanor and if yes list all prior convictions, with a conviction history form that is only submitted with an application when instructed to do so4) Review and modify County policies and practices that either facilitate or impede the hiring of formerly incarcerated people5) County undertake training and actions which demonstrate its leadership as an employer who will actively consider and hire formerly incarcerated individuals	<div>Service League</div> <div>Workforce Investment Board</div> <div>County Human Resources</div> <div>County Human Resources</div> <div>CMO</div>



II. DEFINING “BIG PICTURE” CHALLENGES

Any system of offender management that wishes to be as effective as possible must consider its actions at various decision points and ensure through the use of objective evaluation and measurement that each decision results in the best possible offender outcomes. Such an orientation requires the alignment of all involved so that conflicting messages, strategies, and perspectives do not negate gains made with offenders. Such an orientation is difficult, for myriad decisions and perspectives impact an offender's interface with the criminal justice system. To complicate matters, criminal justice systems are comprised of different departments, agencies, or community partners with diverse leadership and approach. In the best of such systems these entities put aside competing interests, leadership conflict, and competition for funding in favor of a shared mission and vision for long-term public safety; and in the worst, competition, conflict, and ineffective use of already limited resources results in poor offender outcomes.

To achieve the best potential outcomes, an overarching strategy of the reentry effort in San Mateo County must be to formalize a shared perspective or mission for criminal justice that recognizes who is populating its system, the type of correctional treatment proffered to diverse groups, the expected and actual outcomes of treatment, intervention, and supervision strategies, and the long-term effect of the system's actions on public safety. When a collective shared responsibility is lacking or absent among key stakeholder organizations there is often conflict and contradiction leading to myriad fiscal, programmatic, and system costs and unintended consequences.

As part of the proposal for this work, Corrections Partners, Inc. (CPI) talked of the necessity to engage high-level stakeholder leaders to ensure consistency of mission and purpose among stakeholder agencies. Based on the strong history of collaboration among key stakeholders and the commitment of top-level leaders San Mateo County is well poised and has committed to an evaluation of organizational/system cultures, beliefs, and practices in order to realize a shared system goal of recidivism reduction and the enhancement of long-term public safety. It is understood successful offender reentry is contingent largely upon this commitment; despite the anticipated difficulties related to the fact that inevitably such a commitment challenges the status quo and requires system change.

With increasing offender population management and treatment challenges and decisions related to new jail construction looming, San Mateo County has begun efforts to consider offender reentry from a holistic or system perspective. Many challenges lay ahead as the San Mateo County system of criminal justice examines itself in the context of a shared system mission and vision designed to increase the effectiveness with which offenders reenter its local communities. However, as posited initially, great potential exists within San Mateo County to realize an approach to offender reentry that yields cost savings, increased efficiency, and improved long-term public safety.

Extensive analyses follow within this report to assist San Mateo County in implementing the recommendations, further evaluating the current state of criminal justice system efforts, and considering future policy and implementation enhancements. To facilitate these tasks, suggested “Policy Questions and Considerations” are included within each sub-section.



III. SYSTEM LEVEL POLICY AND SUSTAINABILITY RECOMMENDATIONS AND ISSUES

A comprehensive plan for reentry in any community must take into full consideration who comes into and populates the criminal justice system, what interventions are utilized or necessary (Phase #1 - Getting Ready), the process and outcomes during a person's interface with the system (whether in the courts, custody, supervision, or treatment), and the services and supports available to people as they prepare (Phase #2 – Going Home) and eventually reenter their local communities (Phase #3 – Staying Home). Each of these complex interactions must be planned carefully, aligned throughout the system (as much as is practicable), and their outcomes measured to ensure that the community is investing its resources wisely and the best possible long-term public safety outcomes are realized.

To start its work with San Mateo County, CPI developed a flow chart to simplify the implementation of effective reentry strategies and begin aligning key stakeholders in this very complex process (Appendix F). Review of the actions and activities described within this report in the context of this flow chart speaks quite favorably of the progress made from June 2008 until today. However, as is also noted within Appendix F, measurement, evaluation, and policy revision is essential to a robust system of reentry. Throughout this report, many data anomalies are called to question.

As stated, these data anomalies are crystallized in the form of “Policy Questions and Issues” to better understand policies and system actions that impact the overarching success of reentry and the allocation of limited resources. Discussions and actions relative to these important policy considerations should fall within the purview of and be directed by the Reentry Task Force. Due to the complexity of these issues it is advised strongly that the County Manager in collaboration with the Reentry Advisory Committee ensure that research or work specific to various questions or issues are assigned to the appropriate stakeholder group(s). The County Manager should receive reports and analyses, with input from the Reentry Advisory Committee, explaining these various questions and issues to inform future system decisions. It is then incumbent upon policy level officials to change policy and decision making to reflect the intention of the mission and goals for reentry in San Mateo County. Absent such structure and accountability, well-meaning efforts will likely be duplicated and/or act in contrast to intended overarching reentry policies.

Who comes into, populates, and consumes criminal justice system resources within San Mateo County?

With an overall incarceration rate of 227/100,000 third lowest rate among Bay Area counties (reported by DMJM Design/Huskey) compared with a state rate of approximately 306/100,000, it is apparent that past and current efforts have diverted offenders successfully from jail within San Mateo County. Perhaps more impressive is the rate of 164/100,000 derived after considering more current San Mateo demographics. Despite these efforts, the San Mateo County jail system remains crowded with total yearly admissions of nearly 19,000 and long average lengths of stay for pretrial inmates (males = 127 days; females 145 days when excluding offenders serving 48 hours or less).). The tables below entitled,



“Bookings/Admissions – Fiscal Year 2007/2008” and “Inmate Population Snapshot – January 9, 2009” depict current admissions data for San Mateo County Correctional Facilities.

Inmate Population Snapshot

January 9, 2009

The in-custody inmate population is distributed into three separate facilities (MAG, WCC & MSTF). Maguire and WCC house inmates classified as pretrial and sentenced. MSTF houses only sentenced inmates. The Sheriff's Work Program and Electronic Monitoring Program are programs within the Alternative Sentencing Bureau. **These programs monitor 59.1% of the over-all sentenced inmate population.**

	Facility/ Program	Inmate Population	Population Classified as Pretrial	Population Classified as Sentenced	Sentenced Felony	Sentenced Misdemeanor	Modifiable Re-Entry Program Candidates
Custody	MAG	961	723	238	154	84	40
	WCC	122	81	41	31	10	14
	MSTF	25	0	25	18	7	3
	TOTAL	1,108	804	304	203	101	57
Programs	Percentage		72.6%	27.4%			
	EMP	5	0	5	3	2	0
	SWP	434	0	434	64	370	0
	TOTAL	439	0	439	67	372	0
Total Combined (Includes Custody Facilities & Programs)		1,547	804	743	270	473	57
Percentage			52.0%	48.0%			

On January 9, 2009 there were 1,108 inmates in-custody. The in-custody inmate population was classified as 72.6% Pretrial and 27.4% as Sentenced. The in-custody sentenced population was made up of 203 inmates serving sentences on Felony charges and 101 inmates serving sentences on Misdemeanor charges.

The Alternative Sentencing Bureau reported 439 sentenced inmates active in programs. (67 inmates serving time on Felony charges and 372 on misdemeanor charges.)

Sentenced Misdemeanor Breakdown

	Facility	Sentenced Misdemeanors	Sent/Misd w/o any pending matters	Sent/Misd. w/pending CDC Hold	Sent/Misd. w/pending ICE Hold	Sent/Misd. w/pending OOC Warrant	Sent/Misd monitored for Re-Entry Eligibility (without any pending cases/holds)
Custody	MAG	84	53	6	21	1	3
	WCC	10	6	1	0	1	2
	MSTF	7	6	0	0	1	0
	TOTAL	101	65	7	21	3	5
Programs	Percentage		64.4%		30.7%		4.9%
	EMP	2	2	0	0	0	0
	SWP	370	370	0	0	0	0
	TOTAL	372	372	0	0	0	0
Inmates do not qualify for alternative sentencing programs if they have any other pending case or hold.							
Total Combined (Includes Custody Facilities & Programs)		473	437	7	21	3	5

There are 65 inmates in-custody serving sentences on Misdemeanor charges without any other pending cases or holds.



Sentenced Felony Breakdown

	Facility	Sentenced Felony	Sent/Felony w/o any pending matters	Sent/Felony w/pending CDC Hold	Sent/Felony w/pending ICE Hold	Sent/Felony w/pending OOC Warrant	Sent/Felony monitored for Re-Entry Eligibility (without any pending cases/holds)
Custody	MAG	154	76	23	22	8	25
	WCC	31	21	2	0	1	7
	MSTF	18	14	0	0	1	3
	TOTAL	203	111	25	22	10	35
	Percentage		54.7%	28.1%			17.2%
Programs	EMP	3	3	0	0	0	0
	SWP	64	64	0	0	0	0
	TOTAL	67	67	0	0	0	0
Inmates do not qualify for alternative sentencing programs if they have any other pending case or hold.							
Total Combined (Includes Custody Facilities & Programs)		270	178	25	22	10	35

There are 111 inmates in-custody serving sentences on Felony charges without any other pending cases or holds.

Bookings/Admissions

Fiscal Year 2007/2008

July 1 to June 30th

In Fiscal Year 2007/2008, Maguire Correctional Facility accepted 18,898 bookings/admissions (an average of 1,575 per month). Of the total bookings, 14,959 or 79.2% were Pretrial Bookings and 3,923 or 20.8% were Sentenced Bookings.

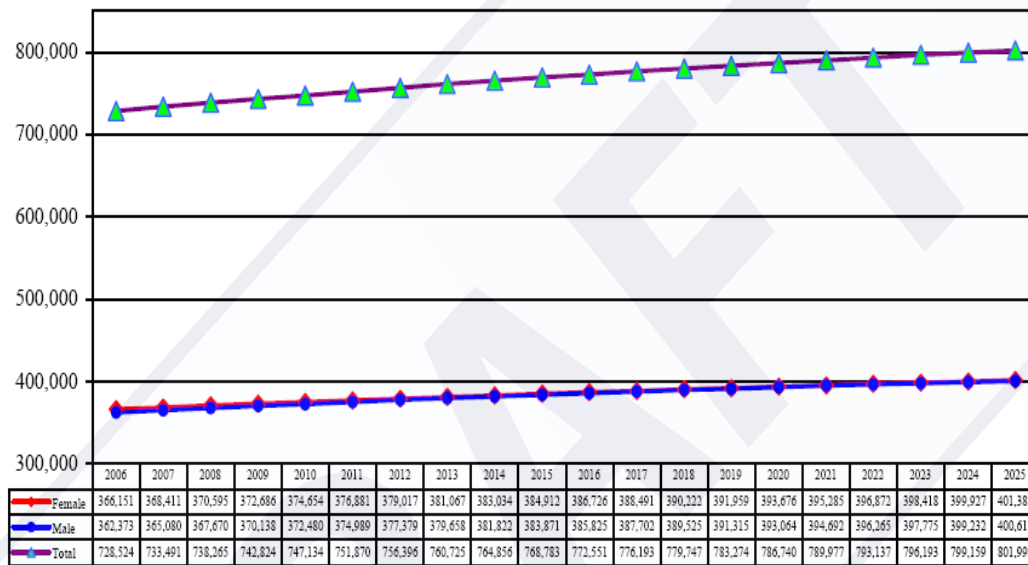
All pretrial misdemeanor bookings (8,678 per year) are screened during the intake process to determine their release eligibility before being housed. 3,945 misdemeanor bookings were released within 48 hours (26.4% of the total pretrial bookings).

A	B	C	D	E	F	G	H	I	K	L
FY 07/08 Month	Total Bookings (Pretrial Bkgs + Sentenced Bkgs)	Pretrial Bkgs	Felony Pretrial Bkgs	Misdemeanor Pretrial Bkgs	Misdemeanor Pretrial Bkgs Released within 48hrs	Sentenced Bkgs	Felony Sentenced Bkgs	Misdemeanor Sentenced Bkgs	Maguire ADP	Total In-Custody ADP (Includes MAG, WCC, MST, WKR)
Jul-07	1,577	1,247	486	756	367	330	157	172	1,069	1,270
Aug-07	1,626	1,250	538	707	312	376	178	198	1,047	1,244
Sep-07	1,585	1,289	530	757	362	296	121	175	1,042	1,239
Oct-07	1,526	1,257	502	753	304	269	116	152	985	1,161
Nov-07	1,469	1,171	497	674	299	298	124	174	954	1,137
Dec-07	1,556	1,257	506	750	364	299	123	176	927	1,107
Jan-08	1,520	1,184	518	666	291	333	146	187	900	1,084
Feb-08	1,525	1,149	491	658	283	375	158	217	922	1,096
Mar-08	1,647	1,293	528	765	362	351	163	188	958	1,131
Apr-08	1,582	1,270	547	723	317	312	114	198	971	1,152
May-08	1,741	1,364	609	755	368	370	130	240	987	1,157
Jun-08	1,544	1,228	514	714	316	314	129	185	977	1,155
Total	18,898	14,959	6,266	8,678	3,945	3,923	1,659	2,262	Average Daily Population	
Average	1,575	1,247	522	723	329	327	138	189	978	1,161



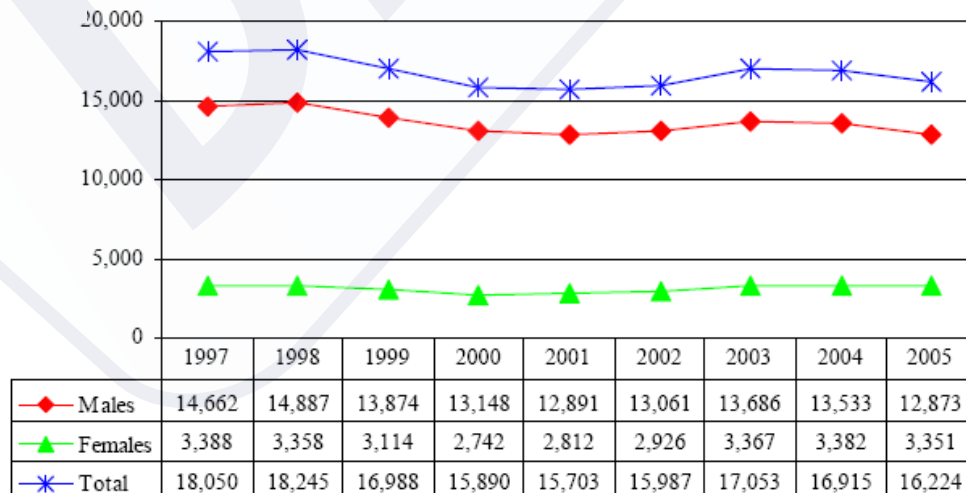
Data obtained from the Detention Facilities Needs Assessment & Master Plan, dated February 25, 2008, prepared by DMJM Design in association with Huskey & Associates (depicted in Figures 1-4 below) indicate that the rate of arrest and/or crime through 2005 remained relatively constant within San Mateo County despite a county population showing moderate increase.

Figure 1
San Mateo County, CA
Population Projections by Sex
2006-2025



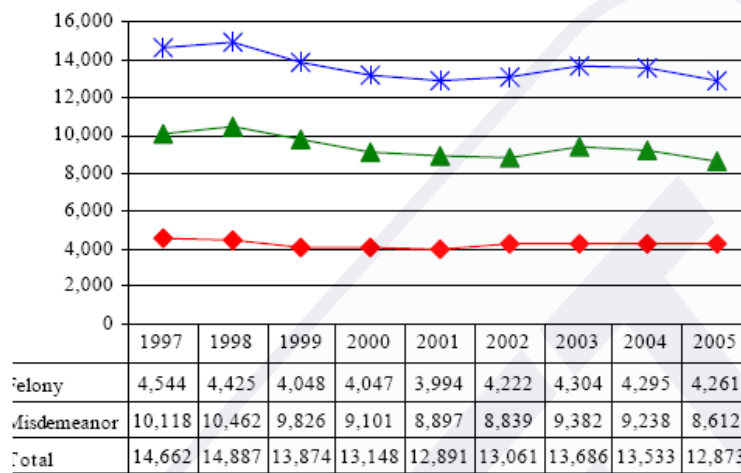
Source: State of California, Department of Finance, Race/Ethnic Population with Age and Sex Detail, 2000–2050. Sacramento, CA, May 2004.

Figure 2
San Mateo County, CA
Total Crime Arrests by Gender
1997-2005



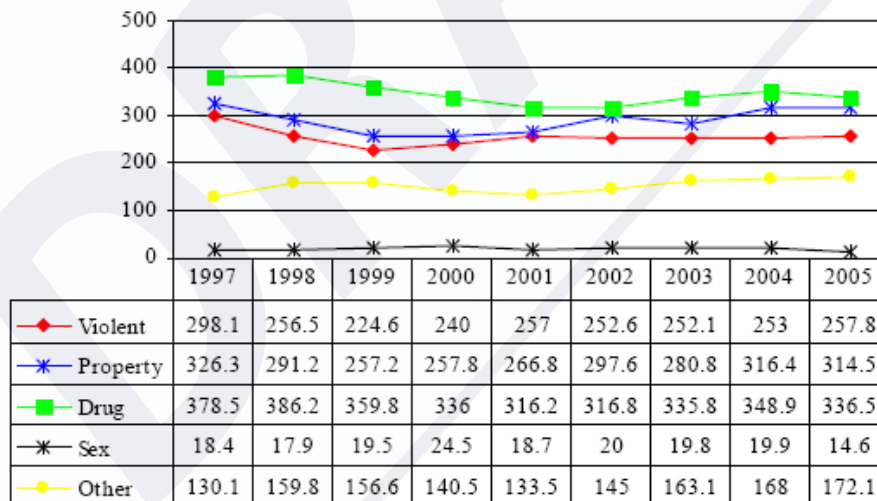
Source: California Office of the Attorney General, Department of Justice, Criminal Justice Statistic Center. Available at <http://ag.ca.gov/cjsc/datatabs.php>

Figure 3
San Mateo County, CA
Male Adult Arrests by Category



Source: California Office of the Attorney General, Department of Justice, Criminal Justice Statistic Center.
Available at <http://ag.ca.gov/cjsc/databas.php>

Figure 4
San Mateo County, CA
Felony Arrest Rates by Charge Type
1997-2005

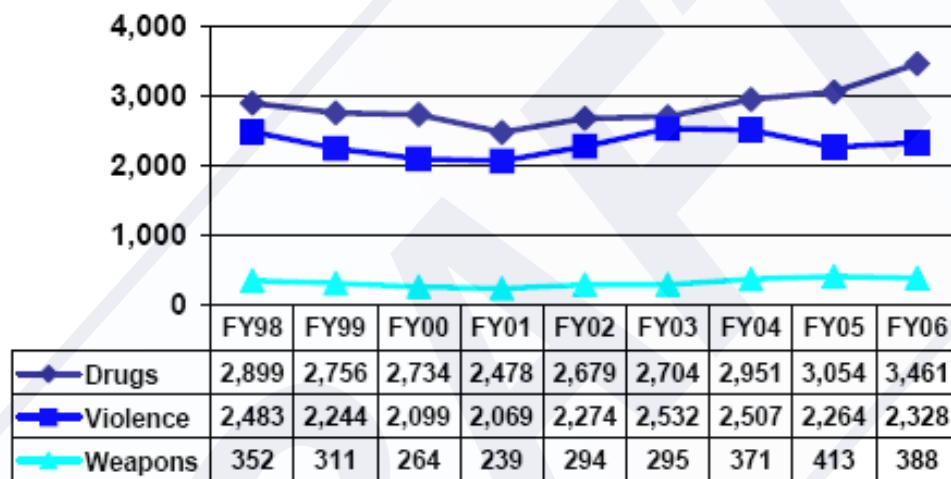


Source: California Office of the Attorney General, Department of Justice, Criminal Justice Statistic Center.
Available at <http://ag.ca.gov/cjsc/databas.php>
Note: Other offenses = weapons, driving under infl, hit and run, escape, bookmaking, other.



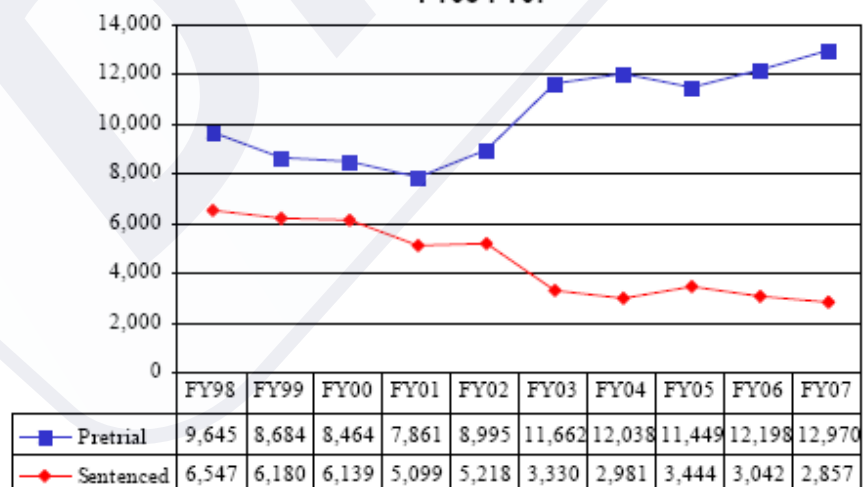
Despite the relative “flatness” of crime rate within San Mateo County, there exists a shortage in system beds to manage its offender population that is reflective of the increasing incarceration of certain types of offenders. Ongoing analyses are being conducted by the Sheriff’s Office to determine the type and frequency of offenders housed currently within the San Mateo County Jail to augment data contained within Figures 11 and 12 below.

Figure 11
San Mateo County, CA
Felony Jail Admissions for Males by Charge Type
FY98-FY06



Source: San Mateo County Sheriff's Office

Figure 12
San Mateo County, CA
Status of Male Jail Admissions
FY98-FY07

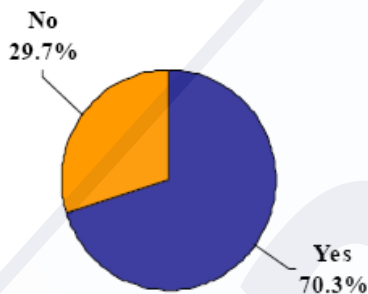


Source: San Mateo County Sheriff's Office (Booking Breakdowns 2006.xls, Booking Breakdowns 2007.xls)



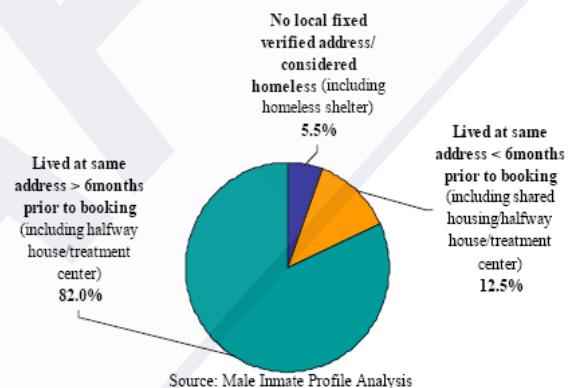
Noteworthy is the increase in incarceration for felonies related to drugs and the increase in percentage of pretrial detainees. Additionally, the fact that incarcerations for violent populations or those in possession of a weapon remain relatively constant or in decline makes the discussion of reentry quite viable given the fact that historically these types of populations account for a disproportionate amount of concern relative to public safety. Additional data obtained from the San Mateo County Sheriff's Office in January, 2009 revealed that over 56% (n=855) of all admissions (n=1512) during the month of December 2008 were incarcerated with a Misdemeanor as their most severe offense. The fact that nearly all of these admittances were released within one month makes consideration of diversion and reentry quite important for this group of incarcerated. While the lack of actuarial data makes tenuous any conclusion regarding the level of criminogenic risk and need of these populations; data contained within 2008 DMJM Design/Huskey & Associates report (depicted in Figures 40, 41, and Table 7 & 22 below) are reflective of a jail population that is of moderate criminogenic risk/need.

Figure 40
San Mateo County, CA
Jail Male Inmate Population Study
Resident of San Mateo County
N=128



Source: Male Inmate Profile Analysis

Figure 41
San Mateo County, CA
Jail Male Inmate Population Study
Length of Current Residence at time of Admission
in San Mateo County
N=128



Source: Male Inmate Profile Analysis

Table 7
Classifications of Male Inmates
2007

Jail	Minimum	Medium	Maximum
San Mateo County Jail	21.0%	50.0%	28.9%

Table 22
San Mateo County, CA
Jail Male Inmate Population Study
Mean Age at Time of Booking
N=128

Mean Age at Time of Booking Males	
Pretrial	33.4 years
Sentenced	34.2 years

Source: Male Inmate Profile Analysis



Policy Questions and Considerations

- Despite relatively static crime rates and in consideration of the loss of 5 facilities/380 beds operated by the Sheriff's Office, why is there an increasing need for jail beds and community beds within San Mateo County?
- Exclusive of very short-term incarcerated, is it possible to reduce long pretrial lengths of stay through changes in process?
- What factors contribute to misdemeanor incarceration?
- What efforts could be implemented to reduce the misdemeanor population?
- What alternatives can be expanded or developed to prevent jail admissions for those who otherwise would be released in a few days?
- Are options available for some Misdemeanant incarcerated that may net superior long-term public safety outcomes than those obtained as a result of simple incarceration?
- Should consideration be given to fund additional options to reduce the number of "quick releases" being admitted to jail?
- What factors contribute to incarceration for felony drug charges?
- What actions could be taken to mitigate incarceration and enhance treatment for felony drug charges?
- Are misdemeanants and incarcerated for felony drugs viable candidates for reentry efforts or alternative or intermediate sanctions?
- What factors contribute to the decrease in overall felony admissions?
- What factors/initiatives have contributed to the decrease in incarceration related to weapons and violent felonies and could similar actions be employed for other incarcerated populations?
- Should a more complete profile and analyses of both the misdemeanor and felony populations be developed?



PHASE #1 – “Getting Ready”

Assessment of offenders within San Mateo County - Criminogenic Risk and Need - Data Management -

At the time of this writing, professionals within San Mateo County have decided upon and initiated the use of the Correctional Assessment and Intervention System (CAIS) to make objective assessments of the criminogenic risks and needs of the offender population. The adoption of CAIS as a risk and needs assessment tool is an essential component of evidenced based practice. These assessments will aid San Mateo officials in classifying offenders based upon their level of criminogenic risk/need and case plan accordingly. To date, this process has been accomplished within San Mateo County through the use of conventional static predictors of offender risk that by their nature do not offer insight and/or measurement of dynamic or changeable areas of offender behavior. In the absence of the availability of a validated risk and needs assessment tool, practitioners have relied on their professional judgment in the formulation of offender service planning. Research has shown that positive outcomes regarding offender classification, placement, and behavioral change are enhanced when evidenced based assessment tools are used as the primary driver for planning.

To their credit, San Mateo County professionals have recognized the need to use dynamic factors as treatment targets and as a means to classify or assign offenders appropriately. System practitioners have also recognized that less-expensive short risk screens should be utilized to avoid completing more costly, detailed assessments for low to low/moderate risk offenders. Officials within the jail facility have agreed to implement a short risk screening tool as part of their booking process for all jail inmates. Short risk tools have proven useful to identify low to low/moderate risk offenders who should be moved as soon as is practicable from treatments or settings designed for higher risk offenders and returned to their communities, whether or not on supervision, with minimal or very targeted intervention. Conversely, short risk tools also identify offenders in need of more comprehensive assessment and intervention.

Once verified, normed, and determined to be valid, data obtained from these assessments will prove extremely useful and offer direction and guidance for the appropriate placement and treatment for San Mateo offenders. Equally important is the fact that these data will allow for meaningful evaluation of all programs, treatments, and strategies applied to the target populations. By their nature, with their ability to test and re-test dynamic areas of performance and behavior, validated methods of actuarial assessment (such as CAIS) allow system professionals to measure the effectiveness of interventions and then learn and adjust policy guided by valid scientific evidence.

As implied, the need to collect, store, collate, and analyze data is central to building a system of offender reentry that is evidence-based; therefore consideration must be given to understand this capacity within San Mateo County. Significant issues to be discussed include the assignment of sufficient resources to conduct and pay for actuarial assessments, manage data, the sharing of said data between and among practitioners, the means and methods by which these data will be evaluated, and the extent to which these data and evaluations will guide policy and practice within San Mateo County.

The proper use of CAIS requires that practitioners from all disciplines suspend their pre-judgment and allow case plans to be built and/or assignments be made consistent with



assessment data. Such a practice represents a departure from the past practice of practitioners and clinicians relying primarily (and sometimes exclusively) on their professional judgment to make determinations relative to treatment, placement, and/or sanction. Despite the fact that professional or clinical judgment has proven statistically inferior to actuarial assessment; for a variety of reasons, instances will arise where practitioners do not agree with CAIS outcomes and will override recommended case plans and/or classifications. Regardless of rationale, warranted or not, all decisions, strategies, and/or actions must be recorded, measured, and evaluated so that San Mateo can ensure that its policy decisions are reflective of objective, scientific data analyses; for only then will evidence-based policy and practice result in the best possible public safety outcomes. For example, San Mateo, like other jurisdictions at the county, state and federal levels finds that there is a disproportionate confinement of racial/ethnic populations (CHART 1 and Table A below). CAIS information would assist in ascertaining the level of criminogenic risk of these populations and offer insight regarding future actions to reduce or examine disproportionality. This represents one example of many in which decision making would be enhanced dramatically by the availability of objective actuarial assessments.

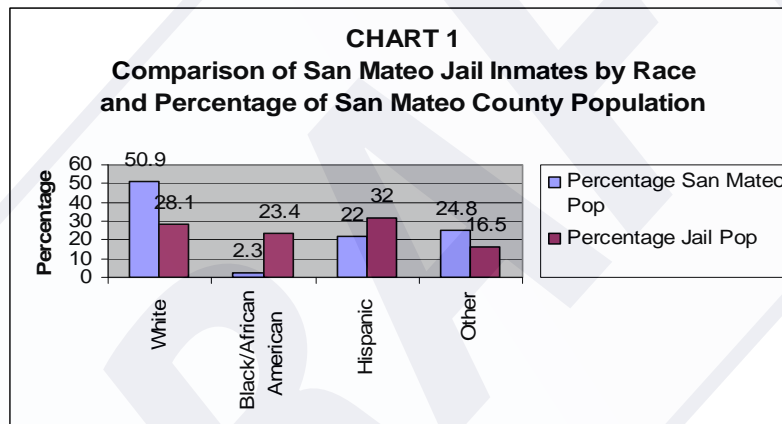


Table A		
County Population	Actual # Incarcerated	Rate/100K
Total = 733,491	1200	164
White = 373,347	337	90
Other = 181,906	198	109
Hispanic = 161,368	384	237
Black/African American = 16,870	281	1665

NOTE: not all the individuals included in the above data self-report they are residents of San Mateo County. According to the DMJM needs assessment 70% men and 56% women identify as San Mateo County residents.



Jail – Modifiable Inmates

In June, 2006 the Board of Supervisors approved a plan that would facilitate reentry to community alcohol and drug treatment for inmates with a modifiable sentence. Through the implementation of this plan 153 inmates have been placed in community treatment as of December, 2008. This compares to 36 inmates modified outside of the new process. In addition to a reduction in jail bed days utilized, early recidivism rates are promising. After 180 days post incarceration 20% of those modified to treatment have been rebooked into county jail in comparison to 38% for those eligible for modification but not placed. Continuing to track the outcomes for this population is important.

Beyond current policy decisions and/or deliberations/efforts to consider and decide upon the capacity of San Mateo County jails, it seems by all accounts that there exists a backup of jailed modifiable offenders resulting in the use of approximately 50 jail beds.

Number of modifiable inmates at end of month – 2008					
Jan	Feb	Mar	Apr	May	Jun
97	96	94	89	81	86
Jul	Aug	Sep	Oct	Nov	Dec
77	82	73	62	63	66

Moving modifiable offenders from jail to less expensive community based treatment beds is a desirable strategy likely to net better long-term outcomes. Chart 1 below depicts the residential treatment programs used for modifiable inmates. Of course, the realization of better outcomes is contingent upon the application of evidence-based practices within each of these placements. While the evaluation of the efficacy of existing programs was beyond the scope of this contract; the realization that the majority of modifiable offenders are likely of low to moderate risk/need make the use of these placements desirable. These assignments should be guided by CAIS assessments and their outcomes measured by same. Process and outcome measures should be conducted to determine the degree to which these placements adhere to standards known to result in the most favorable outcomes. Current efforts to define evidenced based standards of care for contracted alcohol and drug treatment providers is an excellent step in this direction.

Aside from the obvious cost savings of less expensive bed cost per day, the reality that modifiable offenders will be released to the community relatively quickly, regardless of system action, should prompt greater attention to the management of this group. CAIS assessments should guide these placements and objective and measurable means of making decisions relative to the placement of modifiable offenders should be developed. Due to relatively short sentences, time is short to affect behavior among modifiable offenders before they are released from custody. Residential placements using evidence-based interventions are more equipped to realize positive behavioral change within modifiable offenders than straight custody settings.



Table 1

Residential Treatment Program used since January 1, 2008			
In-County – 2008		Out-of-County – 2008	
Bridges	24	Ohlhoff House	7
WRA	20	Salv Army SJ	7
OCG	19	Delancey St.	5
Jericho	16	Salv Army SF	3
P90	15	Amicus House	6
P90 WMP	11	Walden House	3
Free at Last	9	Asian-American	2
Latino Comm	9	FAD (SF)	1
Hope House	8	Latino Comm	1
Catherine Center	2	Metropolitan Fresh Start	1
Cordilleras	2	New Life Recovery Center	1
Pathways (non-residential program complying with Court requirements for modifiable inmates)	2		
Malaika House	1		
Redwood House	1		
Solidarity	1		
Veterans Admin	1		
Total in County 2008	141	Total Out-of-County 2008	37

Programming - CHOICES

In addition to an array of traditional jail programming such as AA, NA, GED, Anger Management, Job Skills, etc., “CHOICES”, a program based on a therapeutic community model is provided. A recently concluded recidivism study contrasting CHOICES participants with a comparison group of jail inmates revealed promise as well as opportunities for improvement. Many of its tenets are consistent with the latest research and the environment (social learning) within CHOICES seems quite conducive to behavioral change. Recently, two evidenced based practices were incorporated, Seeking Safety for trauma issues and Breaking Barriers which addresses criminal thinking. Careful consideration should be given to all tenets of CHOICES to ensure that it is realizing the best possible outcomes. CHOICES is an important component in preparing offenders for their return to the community. The ultimate effectiveness of CHOICES in meeting the system goals for reentry must be evaluated in the context of other important components of reentry including assessment, case management, and community treatment.

Whenever feasible, offenders considered for enrollment in CHOICES should be assessed using the CAIS, classified, and case planned accordingly. Without such an assessment of actuarial risk/need it is not possible to determine fully the efficacy of CHOICES. Program and process analyses are available to provide objective information for professionals affiliated with this effort to maximize CHOICES outcomes. Given the demonstrated commitment of these professionals,



there is little doubt that such findings could be implemented successfully in a relatively short period of time to realize better offender outcomes.

CHOICES' participants include those bound for state prison and those returning to the community directly from jail. Over the years the percentage of prison bound inmates has fluctuated often exceeding 50%. However, a recent analysis indicates that less than 30% are prison bound. In June '06 the Board of Supervisor, acting upon a recommendation by the Sheriff's Office, approved the expansion of CHOICES for "defendants (individuals, probationers etc) serving a jail term in County Jail, who have as a condition of their sentence, or grant of probation, the ability to be modified out of custody to a treatment program, and inmates who have chemical dependency, anti-social behaviors, and/or co-occurring disorders. This expanded program will emphasize the inclusion of inmates serving county-time who will be returning to the community upon release."¹ As this reentry plan is implemented it will be important to maximize the opportunity for inmates meeting this target population description to be placed into CHOICES.

Inmates being considered for CHOICES should be determined by a multitude of factors including; criminogenic needs, length of sentence, treatment readiness, behavior management, program capacity and needs of the facility. Further analysis also revealed that prison bound inmates stay longer when they are in CHOICES significantly affecting the average length of stay of all jail offenders (Table 3 and Figure 21 below). It seems that greater focus on county inmates meeting the target population detailed above, would decrease the length of jail stays for all concerned. Further, CHOICES resources allocated for offenders reentering San Mateo would undoubtedly net better public safety outcomes.

CHOICES also offers a unique opportunity to expand on current efforts of outside stakeholders "reaching in" to the jail facility. It is widely accepted that an offender facing transition or reentry to the community is far more likely to report to his/her probation officer, therapist/counselor, employer, or community partner, if he/she has been acquainted with them and developed some rapport. Efforts such as these would be augmented even further by the development of a transition plan that is agreed upon mutually. Such an effort serves as a "script" for all to follow beginning immediately upon release. Due to the alarmingly large percentage of re-arrest that occurs soon after release such a plan, that is agreed upon and shared by all, proves invaluable to successful reentry and aftercare.

¹ Inmates Services & Case Management for Re-entry, Sheriff's Office, June 6, 2006

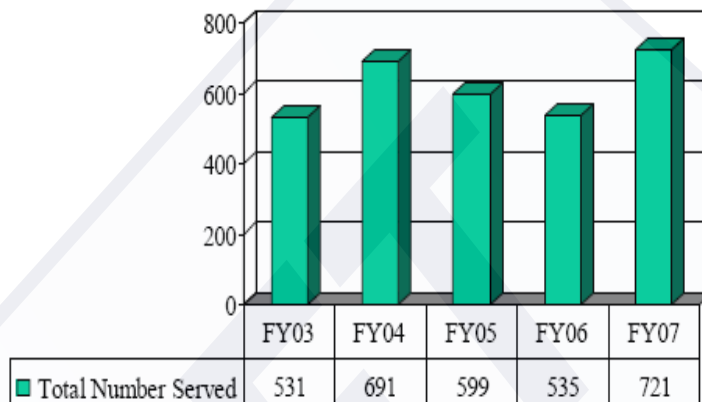


Table 3
San Mateo County, CA
Length of Stay in Days by Location in Jail

LOCATION	DAYS
6 th Floor Choices	152
5 th Floor	118
4 th Floor	78
3 rd Floor	199
2 nd Floor	103
Old Maguire	
2North	51
2South	102
3North	55
3South	75

Source: San Mateo County's Sheriff's Office.

Figure 21
San Mateo County, CA
CHOICES Recovery Services
Total Number Served
FY03-FY07



Source: San Mateo Correctional Health Services; CHOICES Recovery Services
Note: includes males and females

Policy Questions and Considerations

Assessment and Disposition

- Will the entire offender population within San Mateo County be screened and classified relative to risk?
- Will CAIS data be used as part of sentencing considerations?
- What level of risk will prompt the use of a detailed CAIS assessment?
- Will CAIS assessments be utilized for pretrial detainees?
- Will assessment data be used to inform sanction, assignment, and/or program placement?
- What resources are necessary to conduct, utilize, and analyze data obtained from assessments?
- How will data on underserved/unserved populations be captured?

Modifiables

- Will CAIS data guide decisions relative to modifiable offenders?
- Will an objective means be developed to evaluate modifiable offenders?
- Will residential treatment beds be identified or developed to best manage diverse modifiable populations readying for transition to the community?
- When, why, and how long should modifiable inmates be held in jail? Are these determinations made consistent with best possible long-term outcomes?
- Will outcome evaluations be conducted to determine the efficacy of CHOICES in changing the behavior of diverse groups of offenders?



Choices

- Will CHOICES be reevaluated in the context of known best practices?
- Will CAIS assessments be used prior to admission into CHOICES and as a guide for transition planning?
- Will outcome evaluations be conducted to determine the efficacy of CHOICES in changing the behavior of diverse groups of offenders?
- Will CHOICES focus more fully on offender populations readying for transition to the local community?
- What additional efforts can be initiated to expand “reach in” to the jail facility and assist with transition planning prior to the release of CHOICES participants?
- Will CHOICES develop and/or assist in the development of aftercare and/or follow-up efforts post incarceration?

Data Management

- How will data obtained from risk/needs assessments be collected, collated, managed, shared, and stored?
- Will system/practitioner/clinical overrides be evaluated? How?
- How will assessment data be used to discern the effectiveness of various sanctions, assignments, or programs?
- How will data analyses relative to criminogenic risk/need inform future policy decisions?
- Will all case plans be reflective of assessment data? How will this be measured?

PHASE #2 – “Going Home”

The importance of creating an effective and efficient plan for offender transition is tenuous particularly from a closed institution such as jail to some community sanction where more personal freedom and self regulation and/or control is required. This transition is also made difficult by the fear and apprehension of offenders to interface with and trust different groups of professionals within the community. Many times, it is this fear, discomfort, or lack of trust in the system that prompts offenders to disengage from services designed to support them and return to their prior habits/lifestyle. This choice often leads to rearrest and/or reincarceration. It is therefore highly advised that professionals who operate within the community such as probation, treatment, employment, etc. be granted access to offenders prior to their release from jail to enhance professional rapport and transition planning. In fact the more that these professionals are part of an overarching plan for transition, the greater the likelihood that such a plan will succeed.



Probation - Community Corrections

Recent data obtained from the San Mateo County Probation Department reflecting pretrial investigation frequency for 2006-07 and 2007-08 (depicted graphically below) revealed increasing percentages of recommendations for release for both Misdemeanants and Felons; yet the number of people actually released remained relatively static during the past two years. Table 13 below depicts favorable failure to appear and rearrest outcomes for those released from custody. Court documents indicates a gap between the recommendation for O.R. from Pre-Trial Service, and an overall downward trend toward not granting release. There appears to be other factors to explain this trend. A review of the December 2008 booking data revealed of the 1512 inmates appearing before the Court 407 of them were not eligible for release due to holds placed on them from other law enforcement agencies. Of those remaining cases, some may have been adjudicated with a jail sentence that would preclude their release. Additionally, the assessment and recommendation done by Pre-Trial Services does not take into account the nature of the present offense and some of the cases before the Court may involve serious acts of violence which are not generally released on bail or O.R.

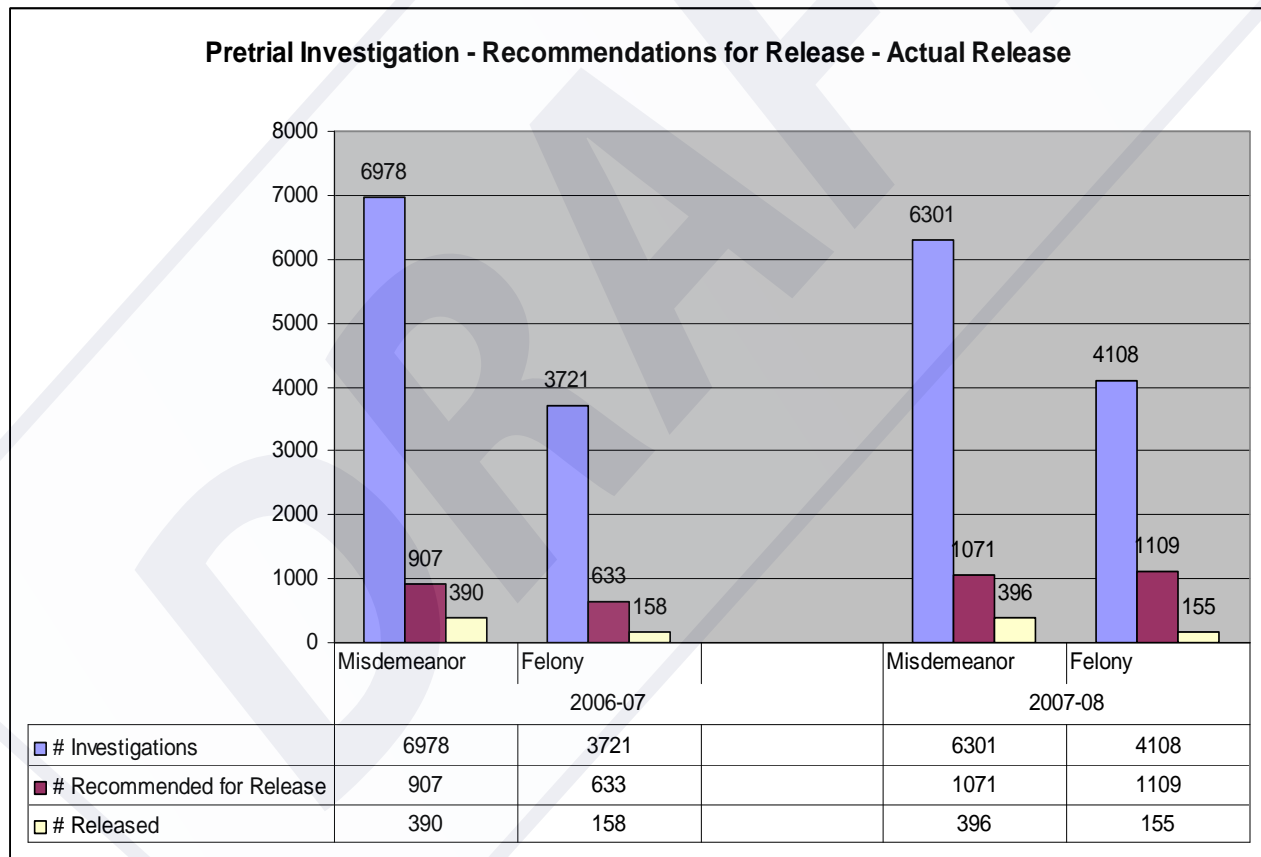




Table 13

Failure-to-Appear and Re-arrest Rates for Felony Defendants Released Prior to Case Disposition						
County	Failure to Appear in Court			Were Rearrested		
	Total	Returned to Court	Remained a Fugitive	Total	Felony	Misdemeanor
Alameda	40%	26%	14%	8%	4%	4%
Contra Costa	15%	15%	0%	38%	28%	10%
Los Angeles	31%	26%	6%	17%	10%	7%
Orange	33%	24%	9%	41%	31%	10%
Riverside	28%	22%	5%	32%	26%	6%
San Bernardino	30%	22%	8%	33%	29%	4%
San Diego	19%	17%	2%	25%	19%	6%
San Mateo	25%	20%	5%	13%	8%	5%
Santa Clara	33%	21%	12%	21%	11%	10%
Jefferson, AL	31%	25%	6%	24%	18%	6%
Baltimore, MD	14%	11%	2%	14%	7%	7%
Essex, NJ	47%	21%	26%	33%	27%	6%
Montgomery, PA	18%	13%	5%	14%	7%	7%
El Paso, TX	3%	2%	1%	18%	8%	10%
Pima, AZ	9%	7%	2%	6%	6%	0%
Montgomery, MD	15%	11%	4%	8%	4%	4%
Travis, TX	22%	16%	6%	12%	6%	6%
Salt Lake, UT	43%	38%	5%	9%	5%	4%
Total Average	25.3%			20.3%		

Source: Bureau of Justice Statistics: State Court Processing Statistics. Felony Defendants in Large Urban Counties, 2002; Appendix Table F

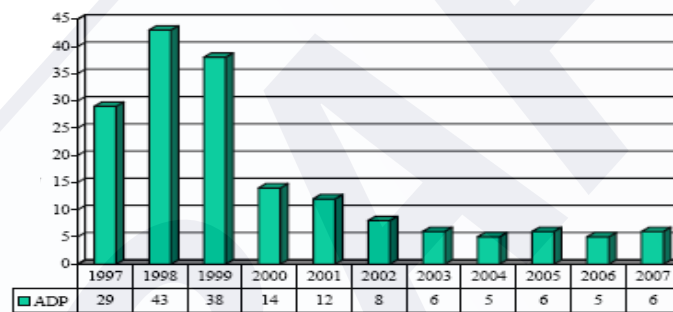
Note: All defendants who failed to appear in court and were not returned to the court during the 1-year study period are counted as fugitives. Some of these defendants may have been returned to the court at a later date. Re-arrest data were collected for 1 year. Re-arrests occurring after the end of this 1-year study period are not included in the table. Information on re-arrests occurring in jurisdictions other than the one granting the pretrial release was not always available. Detail may not add to total because of rounding.



Probation – More Restrictive Alternative Sanctions

More restrictive alternative sanctions such as electronic monitoring have proven to be an effective option for alternative sanctioning consideration. The use of electronic monitoring has declined markedly (Figures 24) over the past ten years. Although the number of individuals on EMP and enrolled in Bridges has remained relatively stable, between 22-25 per year, for the past 7 years. The Bridges program has proven an extremely viable alternative sanction. After independent evaluations conducted by Dr. Edward Latessa and The Institute of Health and Policy Studies at the University of California, San Francisco, Bridges verified its consistency with known best practices resulting in offender success and documented significant improvements in the rate of success for its participants. In fiscal year 07-08 40 persons were admitted and for fiscal year 08-9 there have been 17 admissions year to date. Increasing the utilization and/or capacity of these alternatives would be a valuable addition to the system's "toolkit".

Figure 24
San Mateo County, CA
Electronic Monitoring Program Average Daily Population
1997-2007



Source: San Mateo County Sheriff's Office
Note: Annual ADP=Average monthly ADP for that particular 12-month year calendar year (Jan-Dec).



Policy Questions and Considerations	
Pre-release	<ul style="list-style-type: none">• Why are so few offenders recommended for release and even fewer granted release?• Will recommendations for release be guided by CAIS assessments?
Case Planning	<ul style="list-style-type: none">• Will all case plans be reflective of CAIS assessments?
Caseload Assignment	<ul style="list-style-type: none">• Will low-risk offenders (identified by risk screens) be moved to administrative case loads to free resources for use with higher risk offenders?

PHASE #3 – “Staying Home”

According to the Bureau of Justice Statistics (2007) two-thirds of jail inmates are rearrested within three years. Furthermore, the initial 60 days post release is critical in establishing a firm foundation for successful long term reentry. Most men and women who have been incarcerated have limited marketable work experience, and low levels of education or vocational skills in addition to substance abuse, mental illness and many other health related issues. As identified in the San Mateo County jail needs assessment over 40% of male offenders and approximately 65% of female offenders were lawfully employed at the time of their admission. Additionally, approximately 40% of men and approximately 35% women did not complete high school nor have a GED.

Each of the preceding phases and all aspects contained within this report are essential when considering the question of the capability and likelihood of former offenders to “stay home” and not reenter the San Mateo County Criminal Justice System. Given the histories and needs of a vast majority of medium and high risk/needs offenders, services such as sober housing, transitional and permanent housing, jobs, access to eligible benefits, and safe environments will need to be made available to facilitate their reintegration within their local communities. It must be noted that these placements and supportive services should also be evaluated to ensure that their participants are classified and assigned properly and their approach and process is consistent with known best practice as well as the overarching mission for reentry within San Mateo County.



Existing Placements, Programs, Sanctions

Residential Treatment Capacity

As has been recognized by all San Mateo County Officials and stakeholders of reentry efforts, access to residential treatment capacity is of paramount concern. Currently there exists treatment beds within San Mateo County that offer a fairly extensive array of services at lesser cost than jail (Chart #2 below). As the chart indicates there are currently 101 licensed residential treatment beds that are not funded by San Mateo County. Each individual provider makes efforts to receive funding for those beds from sources other than the County including state parole, other counties, private health insurance, and self pay. Providers in San Mateo County express their preference to contract with the county to meet their capacity. Discussions and policy decisions reflective of the San Mateo County Mission for Reentry are imperative to secure the number of residential treatment beds necessary for the most favorable offender outcomes. As with any placement or sanction, bed/treatment allocations should be guided by CAIS assessments and evaluated based upon their ability to mitigate criminogenic risk and need.

Chart #2					
<i>San Mateo County Residential Treatment Capacity</i>					
<u>ProviderName</u>	<u>TOTAL Lic. Capacity</u>	<u>SMCAOD Contracted Capacity/Slots</u>	<u>Average Utilized Fee For Service Capacity</u>	<u>Capacity Available for SMC funding</u>	<u>SMC Negotiated Rates</u>
Free At Last-Mens	18	4	3	11	\$71.50-94.65
Free At Last-Womens	14	8	1	5	
Latino Commission-Mens	18	6	3	9	\$81.00-88.73
Latino Commission-Womens	15	6	2	7	
Project 90- Mens	94	42	6	46	\$76.22+110.24
OCG- Mens	20	12	3	5	71.00
OCG- Womens	12	6	1	5	
Service League	16	13	1	2	\$85.00-94.00
WRA	44	29	4	11	\$87.54-101.97
TOTAL	251	126	24	101	Average \$88.01



Transitional and Permanent Housing

The Reentry Planning Committee's Community Engagement Workgroup contributed the following observations/recommendations and will make additional recommendations relative to employment during the coming year.

It is commonly understood and well documented that formerly incarcerated persons face many challenges in accessing shelter, transitional, supportive, and permanent housing and more so for those with current or historic mental health and/or substance abuse challenges. Two paramount challenges related to housing for this population are: removing barriers to access for existing transitional and shelter services, and acquiring suitable properties for permanently-available community-based housing solutions. Of course these challenges are common nationwide as reentry services are becoming more and more prevalent.

There is a perception by some advocates and community members that unnecessary and discriminatory barriers serve to limit access by members of marginalized populations, including formerly incarcerated persons to County facilities, shelters, transitional and affordable housing. On the other hand, organizations operating such facilities and housing have legitimate concerns about complying with regulatory and funding mandates, protecting the safety and well-being of all clients/residents using a facility, and assuring the long-term viability of these facilities. Because resolution of this issue is also included in the HOPE Plan (plan to end homelessness - recommendations #19 and #20) it is recommended that a special joint action team (Re-entry and HOPE) be convened to investigate the various issues surrounding eligibility and access, and then implement a plan to work with providers and facility operators to review and revise eligibility requirements to reduce barriers that are unnecessary and/or that violate fair housing law while also ensuring public safety.

Given the sensitivity and opposition expressed by many regarding housing formerly incarcerated persons within their community, it is imperative that such housing – whether transitional or permanent – be developed and operated using “best-practice” models to ensure success for the residents and surrounding communities. While it was reported that state housing law (especially the new SB2 legislation) is meant to make it easier to site and operate group homes and other special needs housing; it was also noted that this law applies equally to successful, well-run facilities and those that are poorly or even improperly managed and are loathed by neighbors and municipalities. While there are examples in San Mateo County of successful, community-based group homes and transitional housing; there is no overall strategic or business plan for determining the extent of the need for transitional and/or permanent housing facilities serving those re-entering from jail or prison, what model or models represent “best practices”, where the housing should be located, how it would be funded, etc. It would seem within the current economic climate, that the availability of foreclosed properties and other low-cost single family homes offers a relatively favorable climate for the purchase and development of group homes.

Because this issue is also included in the HOPE Plan (plan to end homelessness, recommendations #26 and #27) it is recommended that the special joint action team (Re-entry and HOPE) develop a “best practice” model and strategic plan for developing, funding, and operating transitional and/or permanent housing to serve those re-entering the community from jail and prison (youth and adults). Should the need be established for additional transitional/Permanent housing, such a plan should consider resources for acquisition and rehabilitation of pilot properties in several cities.

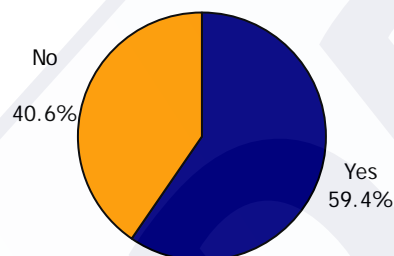


Employment

Finding meaningful employment for individuals released from jail or prison is frequently a daunting challenge. Formerly incarcerated individuals often face substantial barriers to many types of legal employment; nonetheless, stable employment is one of the best predictors of post-release success. The prospective opportunities that may exist for legal employment are frequently limited by laws, regulations, or policies that prohibit or discourage employers from hiring people with criminal records. In a survey conducted by the Urban Institute in 2003 of employers found that 60% would not hire a released individual. However, the Urban Institute also reports that “employers are more willing to hire released individuals who have been convicted of drug related and property crimes than violent crimes”. Furthermore, that the willingness of employers to hire recently released individuals can be increased with the use of case management, faith and/or community based organizations, etc. These factors make reentry a viable option to improve the linkage of released individuals with legal and meaningful employment.

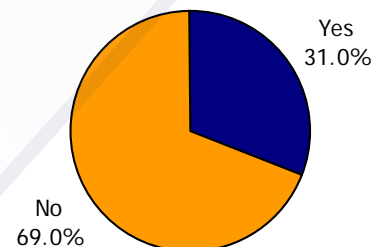
Employment for both men and women admitted to and released from San Mateo County Jail is a significant factor as indicated in Figure 51 and Figure 2.2.1 below.

Figure 51
Jail Male Population Study
Lawfully Employed at Admission



Source: Male Inmate Profile Analysis:
data self-reported DMJM 1/2008

Figure 2.2.1
Jail Female Population
Employed at Admission



Source: Female Inmate Profile Analysis DMJM 3/2007

A major determinant of whether an individual will re-offend is whether or not they were able to find steady employment. Therefore, when ex-offenders are unable to find employment it becomes a public safety issue. Several jurisdictions across the United States (including Boston, Chicago, Cambridge MA, Minneapolis, Battle Creek MI, San Francisco, St. Paul and the Counties of Alameda and Multnomah) have adopted significant new policies to limit discrimination in city and county jobs against people with criminal records including taken the critical first step by removing unfair barriers to employment in their hiring policies. Of special significance, these communities have now removed the question on their job applications asking for an individual's criminal history, thereby deferring the criminal background check until the later stages of the hiring process.



The Reentry Planning Committee’s Community Engagement Workgroup identified another significant barrier to employment that many formerly incarcerated individuals lack the required documentation necessary to obtain employment including but not limited to birth certificates, driver’s license, and social security cards.

<u>Policy Questions and Considerations</u>
Community Treatment and Housing <ul style="list-style-type: none">• What number and type of residential treatment beds are necessary within San Mateo County? How and at what level will these beds be funded?• Will CAIS data inform decisions to create, fund, and evaluate the use of residential treatment beds?• Will community treatment programs be evaluated in the context of known best practices?• How many and what type of housing is needed?• What incentives and funding can be identified to increase the various types of housing? Employment/Self-Sufficiency <ul style="list-style-type: none">• What process improvements are necessary to ensure that a person being released from custody has applied for and/or has access to public assistance and health coverage benefits?• What policies and procedures can be implemented and/or modified to remove barriers to employment for formerly incarcerated individuals?• What processes and supports can be utilized for undocumented individuals returning to the community from jail?

IV. SYSTEM DECISIONS – OFFENDER FLOW

Process and Flow of Offenders within San Mateo County **– Stakeholders and Policy/Decision Makers –**

The complexity of considering the many decisions, mandates, and/or entities that factor into successful offender reentry often proves daunting and effectively paralyzes jurisdictions desiring innovative change. Two exercises were undertaken to offer clarity regarding the overarching process of criminal justice within San Mateo County and insight relative to the people or entities that take part in the many decisions made throughout an offender’s interface with the system.

To understand the flow and process of the San Mateo Criminal Justice System, with the assistance of a cross-section of San Mateo professionals, practitioners, and community members, a preliminary system map (Appendix G) was created in the form of a flow chart. While this flow chart is preliminary and should be developed with more detail; it offers a model on which to build for system stakeholders to assist in understanding the many decision points that might potentially change the flow and/or placement of San Mateo offenders. It is intended that future decisions to improve the quality of processes, programs, and services will be grounded in scientific evidence obtained principally through the application and evaluation of



assessments such as CAIS and result in a continual cycle of learning and policy revision designed to result in the most effective outcomes.

A stakeholder analysis was also conducted to identify internal and external stakeholders of the criminal justice system and group them by interest and power. As this plan is implemented it is crucial that a diverse range of stakeholders are involved that reflect the membership of the steering and planning committees that have participated in this planning process. When considering decisions made throughout the system of criminal justice, these stakeholder groups should be reviewed to determine the extent to which they have influence, authority, and/or interest. Of course this exercise is valuable to determine the entities that need to be part of policy considerations and/or revisions; but perhaps equally important, this exercise is quite useful to evaluate the extent to which resources and/or services are available to offenders reentering the community at various decision points.

Regardless of affiliation or perspective, within a system of evidence-based reentry, system stakeholders must agree to have their actions, perspectives, and approaches measured within the overarching context of effective reentry. Often, identified issues as simple as the speed with which paperwork is processed can net significant savings to the allocation of system beds. More complex issues that find conflict between system entities require more careful deliberation and dialog to realize significant effect on policy as it relates to reentry and long-term public safety as a whole. It is hoped that these exercises and subsequent discussions and evaluations of same lead to a process where as much as is practicable, system stakeholders are aligned in their approach to offender management, placement, and reentry.

V. CONCLUSION

Review of this document makes clear the complexity of system decisions relative to criminal justice and reentry and their effect on other parts of the system. Indeed, decisions are many when considering efficient sanctioning practice and offender reentry in the context of long-term public safety. What is clear is that effective, evidence-based policy and practice are by far most cost efficient and most effective when considering important factors such as criminal recidivism and their positive impact on improved long-term public safety.

The Urban Institute (Washington, D.C.) and the Washington State Institute for Public Policy have each provided extensive analyses on reentry proving the cost effectiveness of evidence-based policy and practice. In 2006, the Washington State Institute for Public Policy meta-analyzed 571 comparison-group evaluations of adult corrections, juvenile corrections, and prevention programs and found savings among adult populations as high as \$13,738 per participant when considering overall cost, benefits to victims, and benefits to tax payers as well as reductions in recidivism of up to 20 percent. These cost/benefit analyses used as comparison those groups simply placed in jail or receiving no other form of treatment. In its review of drug treatment among criminal offenders throughout the United States, the Urban Institute (Bhati, Roman & Chalfin, 2008) also documented \$2.21 in benefits for every \$1 spent on drug and/or alcohol treatment. Indeed, resources must be committed to realize savings in cost and enhanced public safety; however, these extensive analyses prove that it costs more and affects public safety in a negative way to simply incarcerate, provide surveillance, or monitor electronically.



The impact of reductions in recidivism is felt by all parts of the community inclusive of the criminal justice system and the community treatment system. As an example, if San Mateo County achieved a stable reduction in the overall recidivism of 5% it would yield hundreds fewer victims, arrests, and jail admissions while significantly enhancing overall public safety. Public safety enhancements are exponential when considering the impact of substance abuse on a local community as researchers such as Belenko, Peugh, Califano, & Foster (American Correctional Association, 1997) estimated that active substance abusers commit on average of 140 felonies per year.

The potential to realize a reduction in recidivism in San Mateo County is viable given that 6 of 10 of the most frequent offenses for incarcerated males within San Mateo are related directly to illegal drugs or alcohol. 5 of 6 of these most common offenses are violations of either the Vehicle Code or the Health and Human Safety Code, not the Penal Code. Further, over 56% of all jail admissions are incarcerated with a Misdemeanor as their most serious offense, many of whom are released within a relatively short period of time. These realities offer opportunity for dialogue among policy level stakeholders to determine the manner in which such offenders should be managed from the start, whether by simple incarceration, community treatment, probation, release, or some combination of interventions. CAIS outcomes can and should offer important information to assist in determinations relative to the management of these groups of offenders.

Program fidelity and alignment with principles of evidence-based policy and practice are imperative to realize outcomes such as those outlined above. Simply because a given approach is called “treatment” and offers an alternative to jail or used as part of an offender’s return to the community does not mean that it affects offender behavioral change. In fact, at best, treatment that is not designed and implemented properly will net the same or very similar recidivism outcomes as jail or simple supervision and given its base in the community, will subject the community to increased crime. It is therefore extremely important as San Mateo County considers its allocation of resource for reentry treatment and supportive services that all existing programs are evaluated and funded based upon their demonstrated ability to meet standards known to result in superior outcomes.

As recommended, San Mateo County is proposing to implement this plan by primarily targeting the sentenced population. As experience is gained and the elements of all the recommendations evaluated, it will be essential to expand the focus of reentry to the largest and most appropriate pool of inmates in order to maximize public safety, reduce recidivism, improve the lives of formerly incarcerated individuals and their families, and reduce taxpayer costs.

The low arrest rates mentioned earlier along with other crime data make San Mateo County one of the safest counties in California. This has been accomplished by a commitment to public safety, finding effective ways to serve the needs of those in the criminal justice system such as Bridges, CHOICES, Pathways, or the Sheriff’s Work Program, a strong history of collaboration, and building on what works. Therefore, San Mateo County is well poised to meet the original mandate from the Board of Supervisors to reduce recidivism and enhance the successful transition to the community of formerly incarcerated persons.



APPENDICES

Appendix A
Reentry Advisory Committee Membership

Appendix B
Job Title: Reentry System Coordinator

Appendix C
Jail Screening

Appendix D
Job Title: Reentry Case Manager

Appendix E
Community Capacity Expansion

Appendix F
Implementation Process

Appendix G
Process and Flow of Offenders

Appendix H
Committees



Appendix A

Reentry Advisory Committee Membership

The Committee will be co-chaired by a representative from a non-County stakeholder and a representative from a County department. The co-chairs shall be selected by the Committee members.

Non-County Representatives:

- Formerly Incarcerated People (2 released from custody within past 2 years, 2 currently managing community based programming, 1 advocate. All appointed by the Board of Supervisors)
- Alcohol and Other Drug Treatment Providers (3)
- Mental Health Treatment Providers (3)
- Family Member (2)
- Faith Community (2)
- Private Defender
- Police Chiefs Association Representative

County Department Representatives, as designated by the Department Head:

- Sheriff
- County Manager
- Health Systems-Alcohol and Other Drug Services
- Probation
- Courts
- District Attorney
- Human Services Agency



Appendix B

Job Title: Reentry System Coordinator

Classification: Community Program Specialist III

Reports to: County Manager or designee

Purpose:

The purpose of this job is to coordinate the planning, implementation and evaluation of the Reentry Strategic Plan. Duties include, but are not limited to: supporting the work of the Reentry Task Force, planning, organizing and administering specific elements of the plan, facilitating collaboration among stakeholders, preparing reports; and performing additional tasks, as assigned.

Essential Job Functions:

- Provides staff support to the Reentry Task Force and its standing and ad hoc committees
- Plans, organizes and coordinates various elements of the Reentry Strategic Plan
- Monitors the implementation and progress of all aspects of the plan
- Monitors contract compliance
- Collects and analyzes data/statistics pertaining to the effectiveness of the plan
- Evaluates and recommends opportunities for improvement including the use of evidence based practices
- Facilitates and supports organizational partnerships with government, private, and nonprofit entities
- Researches, identifies, facilitates and/or writes for grant funding
- Prepares and delivers presentations to community agencies and other groups or individuals as necessary



Appendix C

Job Title: Legal Office Specialist in Sheriff R.O.R. Program

Reports to: Sheriff's Office

Primary Duties and Responsibilities:

- Interview individuals (10 to 30 per shift) in custody to assess qualifying for release on own recognizance, housing issues and provide placement recommendations.
- Escort criminal detainees to and from facility work stations.
- Re-interview inmates housed in the facility who require more accurate information for purposes of O.R. release
- Verify information with references provided by inmates during the interview process.
- Support the Probation Department in their Pretrial Program.
- Carry out the required steps associated with the Victim Notification Program.
- Track and manage misdemeanor citation (PTA) caseloads.
- Track booking database and issue statistical reports to the Sheriff's Office as needed.
- Other activities as required to maintain an effective intake/classification process.

Required Qualifications:

- Demonstrate the ability to elicit information from criminal detainees in an interview setting, speak and write clearly, read and understand diverse types of information, use computers to read and record accurate case data and keep concise/accurate case records.
- Deal effectively with potentially difficult/diverse detainees in a high pressure maximum security facility.
- Deal tactfully and effectively with a variety of individuals, some of whom may be hostile, irate, under the influence of alcohol/drugs and/or may display mental health issues.
- Be able to perform job responsibilities in an accurate and timely manner, especially when working under pressure.
- Perform technical, specialized, complex or difficult legal office support work.
- Organize, prioritize and coordinate work activities.
- Use initiative and sound independent judgment within established guidelines.



Appendix D

Job Title: Reentry Case Manager
Reports To: contract agency

Primary Duties and Responsibility:

- Conduct comprehensive assessments
- Develop individualized transition/reentry plans with measurable goals and objectives
- Coordinate and facilitate the timely implementation of reentry plans
- Work with representatives from community based organizations to support individuals in attaining services including alcohol and other drug treatment, mental health services, housing, medical resources, financial assistance, employment services, etc
- Work with in-custody staff to provide programming consistent with the assessment findings and reentry plan goals
- Maintain direct contact with persons released from jail to support their stabilization in the community
- Client advocacy
- Coordinate, prepare and maintain required charting and documentation in a timely and thorough manner
- Act as a back-up to other Case Managers as needed
- Adhere to all client confidentiality requirements and standards
- Be aware of the Tarasoff Act
- Follow the policy and procedures of the Corrections Division of the Sheriff's Office.

Required Qualifications:

- Masters Degree in social work or related field: license or license track preferred
- Two years experience providing case management services, including with criminal justice populations
- Demonstrated ability to work effectively in a team environment
- Ability to effectively resolve conflict
- Strong team/consensus building skills
- Effective interpersonal relationships
- Good working knowledge of local resources and demonstrated skills to acquire and use this knowledge and information expeditiously
- Ability to work effectively with people from diverse cultures and diverse socioeconomic situations
- Strong assessment, case planning, and documentation skills
- Bi-lingual Spanish and Bi-cultural desired
- Pass an in depth back ground investigation
- A valid CA driver's license



APPENDIX E

Community Capacity Expansion

18 beds Residential Alcohol and Drug Treatment	504,000
Estimated annual number of clients served 66	
10 Sober Living Beds	82,000
Estimated annual number of clients served 40	
2 Haven House Units	50,000
Estimated annual number of clients served 10 (plus children)	
10 slots Bridges Expansion	165,000
Estimated annual number of clients served 15	

Total Beds/Slots: 40

Case Management Capacity

4 transition and reentry case managers	430,000
Estimated annual number of unduplicated clients served 245	

System Coordination

Reentry Coordinator	115,000
	\$1,346,000

Total Estimated Annual Number of Clients Served	245
---	-----

Average Cost Per Client	\$5,500
-------------------------	---------

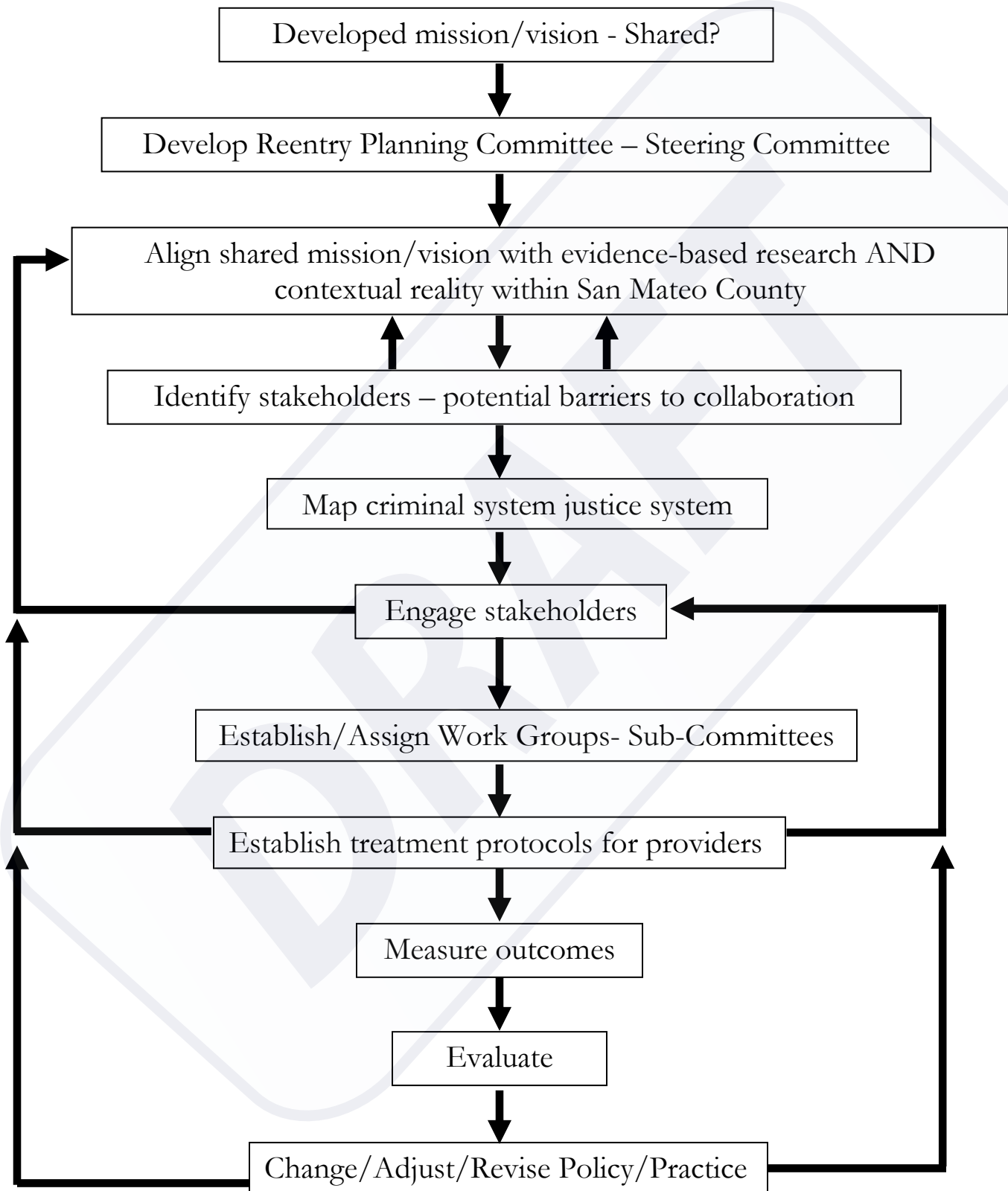
Screening

2 FTEs Legal Office Specialist	\$190,000
--------------------------------	-----------

Total Estimated Annual Number of Clients Served	11,000
---	--------

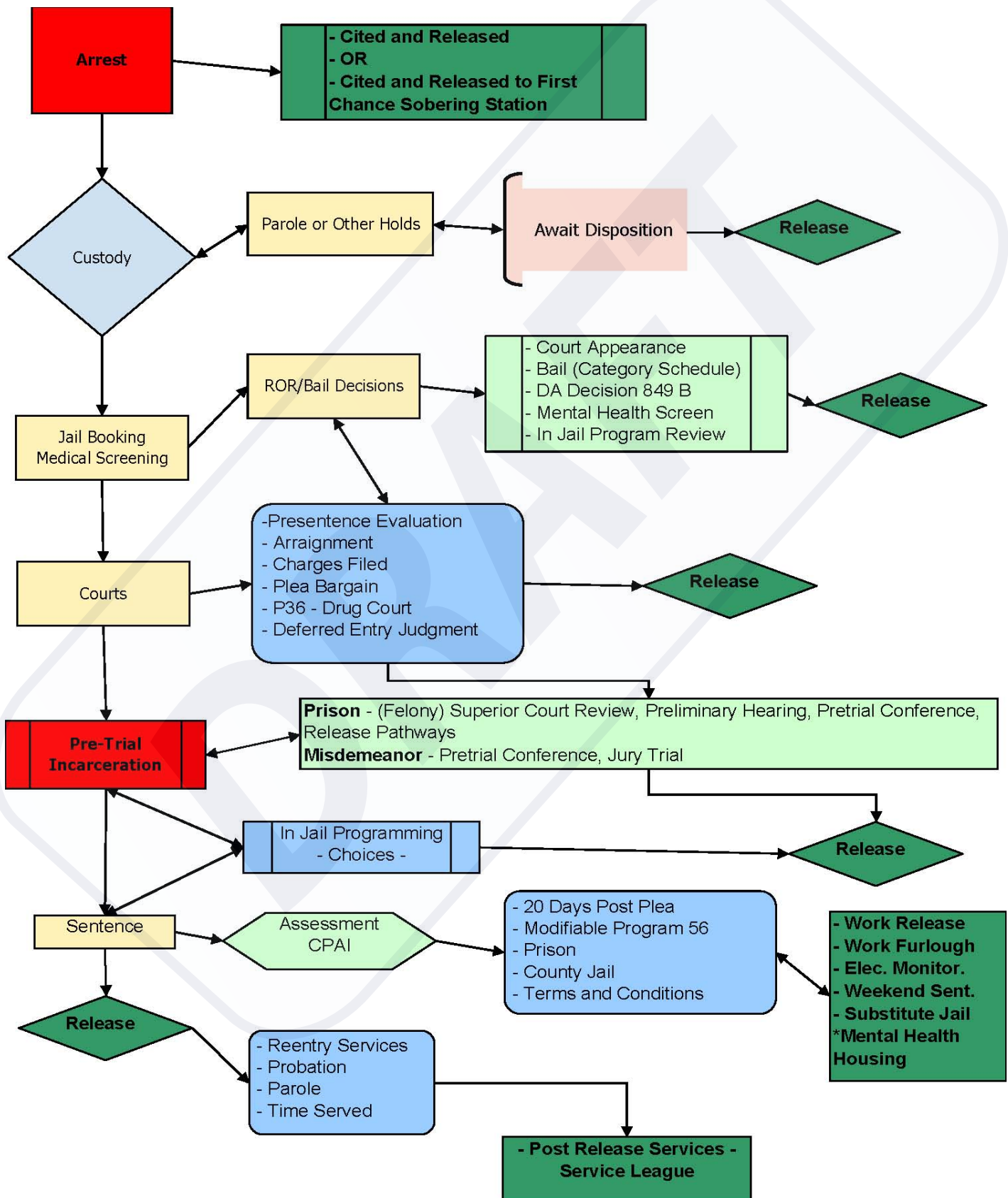
Average Cost Per Client	\$17.00
-------------------------	---------

Appendix F





Appendix G Process and Flow of Offenders





Appendix H

Reentry Planning Steering Committee

David Boesch, Chair
Greg Munks, Sheriff's Office
Charlene Silva, Health Department
Judge Robert Foiles, Judiciary
Steve Wagstaffe, District Attorney's Office
Brenda Carlson, County Counsel
Michael Bolander, County Manager's Office
Trisha Sanchez, Sheriff's Office

Reentry Planning Committee

Stephen Kaplan, Co-chair, Health System
Debra Keller, Co-chair, Sheriff's Office
Ken Pessa, Co-chair, Probation

Carlos Morales, Health System
Chris Coppola, Health System
David Lewis, Free at Last
Debbie Torres, Human Services Agency
Duane Bay, Department of Housing
Fred Slone, Human Services Agency
Ian Adamson, Mateo Lodge
Iliana Rodriguez, Child Support
James Saunders, Pacifica Police Department
Karen Francone, Service League
Karen Guidotti, District Attorney's Office
Kathleen Irvine, Sheriff Department
Laura Melendy, Probation Department
Linda Carlson, Women's Recovery Association
Lisa Williams, Sheriff Department
Lorraine Simmons, Board of Supervisors Office
Marc Sabin, P90

Mark Raffaelli, So. San Francisco Police Department
Mary Frazier, Faith-Based Community
Maya Perkins, Board of Supervisors Office
Michael Bolander, County Manager's Office
Myra Weiher, Private Defenders Office
Rich Hori, Probation Department
Paula Nannizzi, Health System
Peter Ingram, Redwood City
Randy Torrijos, Board of Supervisors Office
Ray Mills, Consumer
Judge Robert Foiles, San Mateo County Courts
Rodina Catalano, San Mateo County Courts
Sharon Roth, NAMI
Shirley Lamarr, Health System
Susan Kole, Health System
Tom Mohr, Cañada College
Trisha Sanchez, Sheriff Department

Reentry Planning Committee Consultant, Gary Christensen