California Rehabilitation Oversight Board Minutes
June 17, 2009 Meeting

The California Rehabilitation Oversight Board (C-ROB) met in open session on June 17, 2009, at the CSAC Convention Center, 1020 11th Street, 2nd Floor, Sacramento, California.

Board members: Present at the meeting was David Shaw, Inspector General (Chairman); Matt Cate, Secretary, Department of Corrections and Rehabilitation (CDCR); Debra Jones, Administrator, Adult Education Programs (Designee for Superintendent of Public Instruction); Ron Selge, Dean-Career Technical Education, California Community Colleges (Designee for Jack Scott, Chancellor, California Community Colleges); Renée Zito, Director, State Department of Alcohol and Drug Programs; Stephen Mayberg, Director, Department of Mental Health; Susan Turner, Professor, University of California, Irvine (President of the University of California appointee); Bruce Bikle, Professor, California State University, Sacramento (Chancellor of California State University appointee); Gary Stanton, Sheriff, Solano County (Governor appointee); Loren Buddress, Chief Probation Officer (Senate Committee on Rules appointee); and, William Arroyo, Regional Medical Director, Los Angeles County Department of Mental Health (Speaker of the Assembly appointee).

Office of the Inspector General staff: Barbara Sheldon, Chief Counsel; Laura Hill, C-ROB Executive Director; Ann Bordenkircher, C-ROB Secretary; and Jamie Sammut, C-ROB analyst.

Panel Presenters: Department of Corrections and Rehabilitation staff – Elizabeth Siggins, Chief Deputy Secretary (A); Steven Chapman, Assistant Secretary, Office of Research; Dave Lewis, Deputy Director, Fiscal Services; Thomas Powers, Director, Division of Public Services; and, Jennifer Valdez, Department of Education, Vocation and Offender Programs.

Public Comments: David Warren, Lobbyist, Taxpayers for Improving Public Safety (TiPS); and, Susan Lawrence, M.D., Executive Director, The Catalyst Foundation.

Item 1. Call to Order

Chairman Shaw called the meeting to order at 9:38 a.m.

Item 2. Introductions and Establish Quorum

The Chairman introduced OIG staff and the board members introduced themselves to the public.

Item 3. Review Agenda

Chairman Shaw stated the board would review an interim report covering data between July and December 2008. The Chairman advised the public that they would have an opportunity to provide comments prior to calling for the board's decision on the interim report.

Item 4. Review and Approve Minutes from March 2, 2009 Board Meeting

On motion made and seconded, the March 2, 2009 minutes were unanimously approved.

Pending

Item 5. California Department of Corrections and Rehabilitation Budget Update

Dave Lewis, Deputy Director, Fiscal Services presented a PowerPoint® presentation regarding CDCR's budget after the Budget Conference Committee[1] decisions made the preceding day. One slide reflected the breakdown of expenditures by program area for CDCR. Mr. Lewis said 54% of the total budget is spent on adult institution operations, 22% is spent on correctional healthcare, 3% on Corrections Standards Authority (including all local grants), 5% on adult programs, 8% for parole operations, 1% on Board of Parole Hearings, 5% on Juvenile Justice, and 3% is spent on central administration.

Mr. Lewis also explained the breakdown of adult prison costs within CDCR: 46% security, 20% medical services, 5% psychiatric services, 2% dental services, 1% on health care administration (for mental health and dental services), 4% on case records and classification, 3% for adult operations administration, 2% on academic education programs, 1% vocational education, 1% each for substance abuse programs and program administration, 4% inmate feeding, clothing, etc., and 10% on facility costs.

Mr. Lewis said that the average cost per inmate for CDCR in 2007-08 was $49,212. Figures for '09-'10 have not yet been calculated. It was reported that the national average cost per inmate in 2007 was about $31,985. Mr. Lewis explained that CDCR increases over 2005-06 figure were driven mostly by changes to employee compensation, including retirement rate changes. Mr. Lewis added that additional drivers to the increase were court cases and the appointment of the Receiver in 2006.

Mr. Lewis commented that in California the average correctional staff per inmate ratio is approximately 6.1 inmates per correctional staff (officers, sergeants and lieutenants). While the Texas ratio is slightly larger than CDCR's, most other large states are lower, mostly due to the design of CDCR institutions.

Deputy Director Lewis said that studies have shown that California has a significantly higher rate of adult parole supervision than the national average. California's rate of parole supervision is 511 per 100,000 adult residents, while the rate of all other states together is 302 per 100,000. A 2005 University of California report found that California's rate of returning offenders to jail or prison within 3 years for a new crime or technical violation was higher than other states with large prison populations. (California's rate 60%, Florida = 40%, Illinois =44%, New York = 63%, North Carolina = 53%, and Texas = 38%.)

Mr. Lewis stated that California's higher rate of return to prison is due to technical violations, and far exceeds that of other states. Figures show if technical violations were excluded, California's rate of returning offenders to jail or prison on a new crime would be lower than many other states.

The presentation shifted to the proposed budget reductions brought about by the Governor's veto of $400 million. Some time was spent discussing CDCR's reduction plan, which included issues such as risk-based parole supervision and lower agent caseloads, using GPS as an alternative sanction, positive behavior and rehabilitation program credit enhancements, felony property crime thresholds adjustment, staff efficiencies through elimination of positions at DJJ and Headquarters, commute and deportation of

[1] The Budget Conference Committee is made up of five legislators from both the California Assembly and Senate

Pending

illegal immigrants, changing various crimes to a misdemeanor category, and alternative custody methods.

Deputy Director Lewis indicated that while the Governor's administration is proposing to eliminate funding for most inmate and parole programs in CDCR (with funding to be retained for court ordered programs), as of June 16, 2009, the Budget Conference Committee approved a $175 million reduction to rehabilitative programming in addition to a $75 million reduction associated with parole reforms. Mr. Lewis anticipates further discussions between the Governor's administration and the Legislature as to the exact composition of the final package.

Secretary Cate commented at the conclusion of Deputy Director Lewis' presentation that CDCR sees this as an opportunity for the department to do things fundamentally differently and looks forward to changing the way CDCR operates while still maintaining public safety. Secretary Cate stated that 3,600 layoff notices have been sent out, CDCR employees have taken a ten percent cut in pay under the furlough programs, and he believes there is a personal face to all that is occurring.

Elizabeth Siggins, Chief Deputy Secretary (A) responded to Chairman Shaw's question as to how the Budge Conference Committee reductions affect issues pertinent to the board. Ms. Siggins stated that the department is looking at how to cut programs essentially in half. While too early to speak to what programs will actually remain, Ms. Siggins said the department will think through possible alternatives while remaining consistent with the commitment to evidence-based programming and reducing recidivism, without losing the progress that has already happened. Ms. Siggins publicly thanked Thomas Powers, the Director of the Division of Public Services, Jennifer Valdez, Department of Education, Vocation and Offender Programs, Paul Agastini and Lisa Anders, who work with Dr. Steve Chapman in the Research Office, and Dusty Reyes, who helped with the PowerPoint.®

Ms. Siggins discussed the Solano proof project, stating it serves a very important purpose in improving the effectiveness of the program before statewide implementation. There was some discussion between Ms. Siggins and board members as to the effectiveness of the Solano proof project, who participates, how many participate, and prospect of success. Ms. Siggins commented that the Solano population changed since selected as the site of the Proof Project with over 2,000 inmates being moved out of the prison, which changed the dynamic of the facility population. A brief discussion ensued on the challenges of moving inmates. Other issues discussed related to substance abuse treatment and potential problems if inmates are released without treatment due to budget concerns.

Public comment was received as follows:

> **Susan Lawrence, M.D., Executive Director, The Catalyst Foundation** suggested the use of community-based volunteers to take the place of some of the paid programming that is going to be cut. Dr. Lawrence stated that about 25 community organizations, some non-profits, stand by ready to come into the prison and provide programming. Dr. Lawrence believes these are good programs that can help prisoners and would help reduce recidivism.

pending

Item 6. California Department of Corrections and Rehabilitation Presentation on Interim Report Data

Steven Chapman, Assistant Secretary, Office of Research stated that use of the term "proxy" in the C-ROB Interim Report is an inexact term, and he prefers using the phrase "samples." While C-ROB is hopeful that by the next report there would not be sample data, the department states that because not everyone in the system has undergone COMPAS assessments, sample numbers will continue for some time. Dr. Chapman states that he ran a power analysis using completed assessments and the data has a confidence interval of plus or minus one percent. Dr. Chapman stated further that once those figures are broken down by individual prisons, the confidence interval becomes larger, perhaps three to five percent. Dr. Chapman spent some time explaining data in Appendices A through E, which provide statistical information on issues such as criminogenic needs, substance abuse programs, levels of participation in academic and vocational programs, effectiveness of rehabilitative programming, and determining levels of offender participation and success.

Dr. Chapman shared information on the department's plan to monitor program output and outcomes, both intermediate and long-term to assure that meaningful data is provided to decision-makers and stakeholders in the system for program evaluation. Dr. Chapman says a program should run for a couple of years before performing heavy-duty evaluations. For evidence-based programs under development like the Solano proof project, a formative evaluation is used rather than an outcome evaluation, which allows for changes that improve the process as it is being implemented. While frameworks are laid out in broad strokes, Dr. Chapman states evaluations will be developed that will provide needed data for future C-ROB reports.

Public comment was received as follows:

> **David Warren, Lobbyist, Taxpayers for Improving Public Safety (TiPS)** stated concerns that when an inmate presents before the Board of Parole Hearings, there is no indication on the inmate report to the lack of access to rehabilitative programming, so it appears that if the inmate did not participate, he did not want to go. Mr. Warren also stated that attendance at rehabilitation programs provides insight into criminal behavior, giving the inmate an opportunity to recognize the need to accept responsibility for the criminal act. By not allowing lifers to have access to these programs, the inmate is prevented from learning this concept. Lastly, Mr. Warren commented that lifers are looked to for direction by young inmates. If the people who are going to be the leaders are not rehabilitated, then the institution is simply reinforcing the criminal behavior in the young and those who will be paroled. Mr. Warren said this institutional paradigm needs to be changed to reduce the rate of recidivism.
>
> **Susan Lawrence, M.D., Executive Director, The Catalyst Foundation** appreciated Dr. Bikle's comments on the immense problems encountered in transporting prisoners to new living quarters within different prisons. Dr. Lawrence further commented that while these types of moves present enormous challenges with wide-ranging effects, they are not insurmountable problems if addressed in a broad and meaningful way, and could help bring about the kind of rehabilitative programming needed, especially in this time of budget shortfall.

Pending

Item 7. Board Review and Discussion of the June 2009 Interim Report

Board members were given an opportunity to discuss the draft Interim Report. There was a brief discussion on several issues, which included the need for context concerning some of the numbers in the report, and making sure that data recently received is correct (Appendices A and C). It was suggested the term "proxy" should be changed to "sample."

Public comment was received as follows:

> **David Warren, Lobbyist, Taxpayers for Improving Public Safety (TiPS)** reiterated his opinion that the board should be adjourned until such time as the Governor and the Legislature pass a budget. Mr. Warren suggested the board add an inquiry to the conclusion of its interim report asking the state legislature to determine whether or not the board should proceed any further as a courtesy to the members who travel far and give up their time to conduct the business of the board.
>
> **Susan Lawrence, M.D., Executive Director, The Catalyst Foundation** countered Mr. Warren's comments by stating she feels C-ROB serves an enormous purpose. Dr. Lawrence said having a body that provides for accountability within the CDCR, ensuring projects remain on track, is important and needs to continue.

After a short break, Laura Hill, Executive Director, described the proposed changes to the June Interim Report. It was determined that the report writing committee would work on context and accuracy so the changes are understandable to the board and to the public.

Item 8. Board Decision Regarding the June 2009 Interim Report

Upon motion made and seconded, the June 2009 Interim Report was approved, subject to amendments by the report writing committee, as discussed as this meeting.

Item 9. Discussion of Board Members' Roles and Responsibilities

The Chairman stated that with the current budget issues, the discussion of board members' roles and responsibilities would be tabled and discussed at a future board meeting.

Item 10. Future Board Meeting Schedule

Chairman Shaw commented that the next biannual report is due on September 15, and with that in mind, two dates were agreed to among the members to prepare for publishing that report: August 5 and September 2.

Item 11. Future Agenda Items

The Chairman advised board members that Laura Hill and Jamie Sammut are available to accept suggestions on future agenda items.

Item 12 and 13. Public Comment

There were no further public comments.

Pending

Item 14. Adjournment

The meeting was adjourned at 12:34 p.m.

_____ _____

C-ROB Secretary Dated

(These Minutes are posted on the web at www.oig.ca.gov.)

Pending