

**California Rehabilitation Oversight Board Minutes
February 11, 2009 Meeting**

The California Rehabilitation Oversight Board (C-ROB) met in open session on February 11, 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); Dennis Fisher, Education Programs Consultant, Secondary, Postsecondary, and Adult Leadership Division, Educational Options Office (Designee for Superintendent of Public Instruction); Ron Selge, Dean, Career Technical Education (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); and, Loren Buddress, Chief Probation Officer (Senate Committee on Rules appointee). Absent from the meeting was 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, materials table.

Panel Presenters: Deborah Hysen, Chief Deputy Secretary, Facility Planning, Construction and Management, CDCR; Kathy Jett, Undersecretary, Adult Programs, CDCR; Carole Hood, Chief Deputy Secretary, Adult Programs, CDCR; Vince Cullen, Chief Deputy Warden, San Quentin; Thomas Hoffman, Director, Division of Adult Parole Operations (DAPO) CDCR; Rick Winistorfer, Parole Administrator, DAPO, CDCR.

Public Comments: David Warren, Lobbyist, Taxpayers for Improving Public Safety (TiPS); Susan Lawrence, M.D., Executive Director, The Catalyst Foundation; Patrick Wilson, a taxpayer; Ray Miller, Consultant, Organizational Research; and Victor Abrunzo, Jr., Inmate Family Council, Valley State Prison for Women.

Item 1. Call to Order

Chairman Shaw called the meeting to order at 9:41 a.m.

Item 2. Introductions and Establish Quorum

Chairman Shaw introduced the participating staff from the Office of the Inspector General (OIG) and thanked the C-ROB board members for their attendance. The C-ROB board members introduced themselves.

Item 3. Review Agenda

Chairman Shaw advised that the purpose of today's meeting is to hear from the Department of Corrections and Rehabilitation on the progress it has made on rehabilitative programming between July and December 2008.

Item 4. Review and Approval of Prior Minutes

Patrick Wilson requested two revisions to his public comments at the November 3, 2008 board meeting. The board voted to approve the minutes with those changes.

Item 5. Executive Director Update

Laura Hill, C-ROB Executive Director, advised the board that their individual meeting packets contained correspondence received since the last meeting. Ms. Hill stated that the report writing subcommittee is working on producing the March 15, 2009 biannual report.

Item 6. Progress Report from the California Department of Corrections and Rehabilitation on Rehabilitation-Related Efforts

Deborah Hysen, Chief Deputy Secretary, Facility Planning, Construction and Management, CDCR, began by discussing four infill sites designated as phase one, priority one: (1) Kern Valley will be an infill site providing level IV housing for 950 inmates with full programming space available for rehabilitation, and with significant healthcare treatment space; (2) North Kern State Prison, a 950-bed reception center; (3) Wasco, a 1,900-bed level IV facility; and (4) repurposing the El Paso DJJ Youth Facility into a level II, which will be designated for 4,800 older male population. Two additional facilities that will be added to the phase one, priority one list are Tehachapi and High Desert State prison, both 950-bed facilities. Ms. Hysen said that it is believed they will be able to break ground within ten to eleven months once funding is received.

Ms. Hysen stated that phase two facilities to follow are Deuel Vocation Institute and Centinela. She commented further that planning needs to remain flexible due to unknown outcomes of the three-judge panel decision, pending legislation, and aging offender populations that could all affect development plans.

Ms. Hysen talked about reentry facilities that will bring offenders closer to their communities, families and service providers. Currently, there are eleven siting agreements with various counties for a 500-bed reentry facility. Some smaller counties have joined together to form a regional consortium. Counties are actively engaged in planning with the CDCR staff to lay out the parameters by which these reentry facilities will be operated. Ms. Hysen said that in some instances, the Department is waiting on authorization from the Public Works Board or from the Department of Finance. Ms. Hysen believes the prototype is manageable, cost effective, and contains programs that lead to rehabilitation. She commented that these reentry facilities are the first such facilities in the country where high level offenders can begin to decompress through the physical environment, moving from state control to living in the community.

In conclusion, Ms. Hysen said that AB900 provides some general fund resources for infrastructure improvements. She stated some of the money is being used towards water conservation devices within the institutions, with a goal of reducing water flow by 20%. Ms. Hysen said that to date, 27 billion gallons of water were saved.

Public Comment:

David Warren, Lobbyist, Taxpayers for Improving Public Safety stated that with the shortage of funding and with information he received indicating there is no money to build the health facilities that the Receiver has requested, it would, in his opinion, be best to spend money on mental health facilities and medical facilities both inside and exterior to the prison system. Mr. Warren states that the department's plans will need to be reconsidered and reconfigured based on funding and changes to AB 900. Mr. Warren is concerned that how the money should be spent is not before the Board today.

Kathy Jett, Undersecretary, Adult Programs, CDCR, said department has been busy. Chris Ryan was hired as Deputy Director of Prison to Employment (P2E) and he is recruiting for the regional administrators that will interface more with local governments to secure local programs for the department's parole population. Ms. Jett described a recently opened program in Northern California at the Leo Chesney Community Correctional Facility (CCF). This project represents the first 200 beds of the 2,000 required in AB 900. Leo Chesney is a women's institution, focused on trauma informed services, in an evidence-based environment. Ms. Jett explained research shows that many women offenders get involved in the criminal justice system through trauma that they experience either from violence in the home, domestic violence, or sexual abuse. The Leo Chesney CCF programs provide, through outside contracts, substance abuse counselors, psychologists, and other clinical services that are more extensive than in other facilities.

Ms. Jett touched on budget reductions in CDCR's Division of Adult Parole Operations (DAPO). One of the reforms is the establishment of the Parole Violation Decision Making Instrument (PVDMI), focusing parole supervision on violent and sexual offenders, and reducing the parole population of nonviolent and serious offenders. Ms. Jett said there is a funding shift in the department's drug treatment programs from general fund to an alcohol excise tax. Ms. Jett stated a budget item significant to the C-ROB Board is the proposal to expand the department's capacity to deliver assessments to the general population in the reception centers. That project will provide the board with needed data for the board's mandated reports.

Ms. Jett concluded by saying that the Department has put significant time in building a plan and conducting an analysis on potential needs of parolees in the community, and also on what it would take to roll out all of the programs in line with the California Logic Model from the Expert Panel Report to all 33 prison environments.

Carole Hood, Chief Deputy Secretary, Adult Programs, CDCR, focused the Board's attention first to implementation of the Track I and Track II phases at reception centers and at California State Prison, Solano (SOL). Ms. Hood reminded the Board that the goal of Track I was to improve and better utilize existing resources. CDCR looked at the education data, and then matched the data to the AB900 benchmarks. It was determined that participation rates in those education programs were exceedingly low (offenders actually show up in the classrooms for academic programs 50 percent of the time statewide, while vocational programs was at about 14 percent). Often the problem stemmed from not having funding for substitute teachers so classes were cancelled. CDCR is working on how to get beyond some of those barriers so that when they are ready to bring in Track II (instituting the California Logic Model), participation will have already improved. A new process was added to Track I, which is referred to as the program performance accountability improvement process. A team was able to complete reviews at 14 institutions before budget concerns brought travel to a halt. Ms. Hood stated that

a space inventory at each institution was completed. CDCR staff visited all but five institutions, viewed space currently used for programming, as well as space that may have been used in the past and could be acquired again for programming, in an attempt to match space with programming. That process was followed by matching budget resources, such as teacher ratio to students, and they determined that many offenders could be served in a classroom during a year. Ms. Hood stated that there has been developed an annual performance plan for each of those 14 institutions which will look at programs that are not only educational, but also deal with substance abuse, leisure time, self-help, and volunteer programs that are within the rubric of rehabilitation programming. Ms. Hood provided several pages of data reflecting participation rates in academic and vocational adult programs. Ms. Hood said all of this data is relative to Track I in order to measure progress and the data also guides the department in knowing if it is headed in the right direction. Ms. Hood shared that Dr. Chapman (Office of Research, CDCR) has a plan to centralize many district databases.

Dennis Fisher, designee for board member Jack O'Connell, State Superintendent of Public Instruction, appreciated the department's efforts in bringing together these databases, stating it is complex and difficult and a ground-breaking project. Mr. Fisher applauded the department for participating the past few years in the Department of Education's Program of Excellence program, which gives the opportunity to adult schools to be recognized for their efforts in competition with community-based adult education schools.

There was discussion between panel and board members regarding comments made at the November 3, 2008 board meeting where not all Solano staff was in agreement that Proof Project implementation was a smooth transition. Kathy Jett responded that whenever there is change, some people are supportive and some are not. Secretary Matt Cate said that as a public agency, the department tries to be as transparent as possible and it is part of the process to have some public disagreement. Barbara Sheldon, counsel to the board, commented that C-ROB is a public board, and stated that anyone is welcome to attend meetings and speak during the public comment portion of the meeting, or they can send information to the board, but the board cannot meet privately with a group of people because the public must have an opportunity to be present.

After some discussion with the board on offender participation in the classroom, Ms. Hood moved on to talk about Track II. Ms. Hood stated that the COMPAS tool is available at all 12 reception centers for use by correctional counselors. The COMPAS assessment has been integrated with key classification documents so that the institutional staff summary recommendation and the admission form now reside on the COMPAS instrument. The assessments were initially conducted by teachers, but about 650 correctional counselors were recently trained to conduct the assessments. The department is in the process of rolling out COMPAS to the rest of the institutions. This automation is called ARNAT, which is the acronym for automated risk and needs assessment tool. Ms. Hood said a major next step is noticing the unions about the classification of the staff that will be designated to be the case managers in the system. Ms. Hood stated that once funding is available there is a need to revisit those staff trained at the reception centers because they were trained to do intake and now a different set of staff need to be trained as case managers. These steps are critical infrastructure that needs to be in place to make the system run and operate smoothly.

Ms. Hood mentioned that programming to be phased in shortly at CSP Solano is the new criminal thinking and anger management programs provided through the Orange County Department of Education. Additional anticipated programming is "Thinking For a Change" and "Controlling Anger and Learning to Manage It." It is estimated that 650 individuals would flow through each of these 40-48

hour programs. Ms. Hood commented that progress is being made in implementing the substance abuse counselor certification program, which will train a select group of life offenders for 24-29 months to become licensed or certified as substance abuse counselors.

Ms. Hood stated that the department is now able to provide labor market projections from the Employment Development Department (EDD) by county, so that when releasing an offender to a particular county, they can also provide labor market information as well as vocation programs that align with those markets.

Vince Cullen, Chief Deputy Warden, San Quentin, part of the Solano project team, shared with the board some of the barriers in moving offenders from one area to another. He said that offenders quickly pass through the work change structure when going up from the yard to an education area. At that point, all that is required is a hand off of their ID to an officer. Mr. Cullen explained that coming back into the facility creates a backlog because after having been in an area where there is equipment, metal, etc., the offender must remove their clothing, pass that clothing and other materials through an x-ray machine, and then go through a metal detector before redressing and heading back down to the yard. Mr. Cullen said that because of time constraints, offenders were leaving the classroom early to get through the work change structure and back to the yard for count and evening meal. Mr. Cullen stated this creates some of the low percentages in the vocational and educational charts that Ms. Hood presented earlier to the board. Mr. Cullen concluded by saying that the Prison Industries Authority (PIA) is working on a new design that will allow three processing lines, as opposed to the two currently, which will improve the offender flow and allow the offender to stay in the classroom for a longer period of time.

There was a brief discussion on types of substance abuse programs provided to offenders as well as completed reentry, core, and adult COMPAS assessments.

Public Comment:

Patrick Wilson, taxpayer, suggested the board should not dismiss CDCR employees' negative comments made at the November 3, 2008 board meeting regarding the Solano Proof Project. He also praised Ken Hartman's Honor Program proposal, which was provided to the board members.

David Warren, Lobbyist, Taxpayers for Improving Public Safety, expressed concerns that inmates should have every educational opportunity possible because of the educational requirements that must be met before they can appear before the Board of Parole Hearings (BPH). Mr. Warren stated that based on today's presentations by the department, it appears there is only one seat for every four inmates which means a large number of individuals are being denied access to programming. Mr. Warren is also concerned that inmates do not have adequate access to religious programming which provides the opportunity for a change in priorities, and reestablishes a set of values.

Susan Lawrence, M.D., Executive Director, The Catalyst Foundation, applauded the department's discussion about trauma informed models because it ties in with material provided to the board about the Ace study conducted by the Centers for Disease Control (Kaiser Permanente) which demonstrates that childhood abuse and trauma often leads to substance abuse and other self-destructive activities. Dr. Lawrence pointed out that this dynamic is true for men

as well as women and would like to see the trauma informed models expanded to men's facilities.

Victor Abrunzo, Jr., Inmate Family Council (IFC), Valley State Prison for Women, stated concerns that the Inmate Welfare Fund should have funds available for post-secondary programs, as family IFC volunteers are having to provide cases of paper as well as pens and pencils so that the students can continue in their studies. Mr. Abrunzo provided to the board secretary, a letter seeking assistance in this matter.

Rick Winistorfer, Parole Administrator, DAPO, started his presentation by saying that DAPO uses COMPAS 240 days prior to inmate release. The California Static Risk Assessment (CSRA) has been integrated into COMPAS and is part of the recidivism scale. There are five levels of scoring in the recidivism scale: (1) low risk, (2) moderate risk, (3) high risk for violence, (4) high risk for property and (5) high risk for substance abuse. Mr. Winistorfer explained similarities between the Adult COMPAS, reentry COMPAS, and parole COMPAS, which together create the COMPAS suite. He stated that COMPAS has an annual licensing fee that is paid to North Point, the vendor for COMPAS, which allows unlimited access and unlimited assessments. Mr. Winistorfer presented a PowerPoint presentation explaining each area of the Parole Violation Decision Making Instrument. (PVDMI). He stated that agents make their recommendation, and then the supervisor reviews every violation that occurs, and it then goes to the parole administrator, if necessary, with justification required at each level of review. In conclusion, Mr. Winistorfer stated that the PVDMI was not designed in any way to lessen or mitigate the role of the Board of Parole Hearings (BPH) and their capacity to make independent decisions about the outcome in the revocation process. He said that the BPH was involved in the development of this instrument.

Thomas Hoffman, Director, DAPO, explained that the PVDMI moves DAPO towards policy-driven responses to revocations and commissions of new crimes by parolees under parole's supervision. The PVDMI also provides a very orderly and thoughtful direction given to agents and supervisors. Mr. Hoffman stated that DAPO responds to approximately 180,000 parole violations each year. There are about 2,700 agents and supervisors dealing with those violations. Mr. Hoffman believes the use of the PVDMI significantly improves the outcome of decisions. The instrument was built over a year and a half process, coordinated by DAPO, the CDCR Office of Research, and with help from the Center for Effective Public Policy. Training will begin this month, with plans to roll out the project within all the institutions in the months ahead.

Public comment:

Patrick Wilson, a taxpayer, shared with the board that when he went through release, parole agents put things on his parole sheet that were lies, placed there at their own discretion, because they thought he might be a risk in certain areas that did not even relate to his life style. Mr. Wilson said it was ultimately up to the judgment of the person filling out the form and the biases that person had, so he believes the new PVDMI will be a good tool if the parole agent is honest in their judgment.

Ray Miller, Consultant, inquired as to pre-entry COMPAS assessments and whether that is something done in the juvenile system commenting that the information would be valuable. He also wanted information on whether rehabilitation or counseling is considered a science or art, stating if it is an art, more input is needed than just objective data in making determinations.

Board member Loren Buddress addressed Mr. Miller's concerns on pre-entry COMPAS assessments stating that most probation departments are not currently using COMPAS instruments to validate risk needs, but stated that many departments are moving in that direction.

Item 7. Future Board Meeting Schedule

After some discussion among the board members, the board agreed to an informational meeting on June 17 and afternoon meetings on August 5 and September 2.

Item 8. Future Agenda Items

Laura Hill, C-ROB Executive Director, advised the board she is still working on having Adam Gelb from the PEW Institute address the board at a future meeting and invited the board to submit additional topics of interest.

Public Comment:

David Warren, Lobbyist, Taxpayers for Improving Public Safety, stated that he sent a request to the board requesting an agenda item for consideration of terminating C-ROB meetings until June 2010. Mr. Warren said neither bonds nor trailer bills amending AB 900 were approved, and because of significant budget issues, he believes it is unwise for C-ROB to expend funds on meetings until the CDCR has AB900 funding and the release of construction funds occur.

Patrick Wilson, a taxpayer, commented that intellectual and moral chaos results from applying logic and misconception to the law of justice and crime and sustains the dysfunction of the CDCR. Mr. Wilson believes that in order for the C-ROB to reform the CDCR, it must force the issue of the correct definitions of law, justice, and crime onto the political table. Mr. Wilson offers to present a demonstration from personal experience that will lead the board to correctly define these concepts. Mr. Wilson concluded by saying that the board should be allowed to go beyond the scope of the legislative mandates and allow his presentation at a future board meeting. Mr. Wilson concluded by encouraging the board to see that rehabilitation happens, and to not disappoint the public who has a stake in what happens in the various institutions.

Item 9. Public Comment

Ray Miller, Consultant, stated that he prepared a white paper on reports collected from juvenile to probation to the institutions to parole and found no cohesion between the different groups, so it appears that upon entry at each stage, reports are simply being repeated, and tests are conducted over and over again because no paperwork follows anyone and it is all just scattered out there somewhere. Mr. Miller stated that he would like to see the ability to accumulate data and revisit the whole system. Mr. Miller provided one copy of his white paper to the board secretary.

Susan Lawrence, M.D., Executive Director, Catalyst Foundation, stated her appreciation to the CDCR staff for the progress that has been made. Dr. Lawrence said that inmates have a unique perspective on all that occurs within an institution and believes the voice of the prisoner should be heard.

Item 10. Adjournment

There being no further business, the meeting adjourned at approximately 1:00 p.m.

Aren Bordenbucker
C-ROB Secretary

March 2, 2009
Dated

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