

California Rehabilitation Oversight Board Minutes October 31, 2011 Meeting

The California Rehabilitation Oversight Board (C-ROB) met in open session at 9:45 a.m. on October 31, 2011, at the California State University, Sacramento Alumni Center, 6024 State University Drive South, Sacramento, California.

Board Members: Present at the meeting were Robert Barton, Inspector General (Chairman); Matthew Cate, Secretary, Department of Corrections and Rehabilitation (CDCR); Patricia Terry, Education Administrator, Adult Education Office, California Department of Education, (Designee for Tom Torlakson, Superintendent of Public Instruction); Michael Cunningham, Director (A), Department of Alcohol and Drug Programs; Jon DeMorales, Deputy Director, State Hospital Operations (Designee for Cliff Allenby, Director (A), 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); Wendy Still, Chief Adult Probation Officer for the City and County of San Francisco (Senate Committee on Rules appointee); and, William Arroyo, M.D., Regional Medical Director, Los Angeles County Department of Mental Health. Absent from the meeting was Van Ton-Quinlivan, Vice Chancellor, California Community Colleges (Designee for Jack Scott, Chancellor, California Community Colleges) and Gary Stanton, Sheriff, County of Solano (Governor Appointee).

Office of the Inspector General staff: Reneé Hansen, C-ROB Executive Director; Bruce Monfross, Counsel to the Board; Ann Bordenkircher, Board Secretary; and, Celeste Olson, Executive Assistant.

Panel Presenters:

CDCR: Elizabeth Siggins, Director (A), Division of Rehabilitative Programs
Terri McDonald, Undersecretary, Operations
Darby Kernan, Assistant Secretary, Legislative
Charles Pattillo, General Manager, California Prison Industry Authority
Glenn Brooking, Superintendent, Office of Correctional Education
Gary Sutherland, Associate Superintendent, Office of Correctional Education
Rachel Rios, Director (A), Division of Juvenile Justice (DJJ)
Eleanor Silva, Associate Director, Intake and Court Services, DJJ
Anna Olivas, Re-entry Coordinator, Intake and Court Liaison, DJJ

Other: Patrick Wilson, a member of the public

Public Comments: John Kern and Susan Lawrence.

Item 1. Call to Order.

Chairman Barton called the meeting to order at 9:45 a.m.

Item 2. Introductions and Establish Quorum.

The Chairman introduced Office of the Inspector General staff assisting with the C-ROB meeting and asked board members to introduce themselves. Chairman Barton welcomed two new designees to the board – Patricia Terry, Department of Education; and Jon DeMorales, California Department of Mental Health. A quorum was established.

Item 3. Review Agenda.

There were no specific comments regarding the agenda; however, it was noted that due to delayed travel, some items on the agenda would be presented out of order.

Item 4. Review and Approval of the September 7, 2011 minutes.

The September 7, 2011 minutes were unanimously approved.

Item 5. Executive Director updates.

Reneé Hansen, Executive Director to the Board, introduced Sueann Gawel, Deputy Inspector General, Office of the Inspector General, who will assist the board and report writing committee by working directly with the Department of Corrections and Rehabilitation, as well as other stakeholders, to gather data in preparation of the March 15, 2012 biannual report.

Item 6. CDCR Update: 2011 Public Safety Realignment legislation implementation.

Terri McDonald, Undersecretary, Operations, and Darby Kernan, Assistant Secretary, Legislation, presented on the status of the 2011 Public Safety Realignment implementation and related legislation. Ms. McDonald stated that realignment was implemented on October 1. Inmates, who had no current or prior serious, violent or sexual offense, would remain at the local level rather than enter state prison. Inmates scheduled to leave prison, who are considered non-serious, non-violent and a non-high risk sex offender, will go to county probation supervision, with the remainder going to state parole. State prison population since October 1 has been reduced by 3,000 offenders. Ms. McDonald also explained that reception centers would note the largest reduction due to those persons whose parole was revoked after October 1 and would not return to state prison.

Ms. McDonald explained the process of releasing offenders to parole supervision where HIPAA restricts the release of mental health information. She said while there is no hindrance with communication between prison mental health staff and parole mental health staff, a system still needs to be worked out with probation. Ms. McDonald noted that several probation departments have been innovative in reaching out to the prison before an offender's release.

Ms. McDonald stated that the collaborations built between sheriffs, district attorneys, police chiefs, probation, states, and the courts has been successful for early realignment implementation. She reminded the board that realignment is not an early release, stating everybody will serve their sentence in state prison. There was a question from the board on "flash" incarceration, which allows probation or parole agents to place somebody back in custody for up to 10-days without a full hearing. Board member Wendy Still explained the process used in San Francisco City/County. Ms. McDonald added that as for the department, the Board of Parole Hearings continues to conduct

revocation hearings until July 1, 2013, when the courts take over that process. Ms. McDonald mentioned the Hope model in use by the department today, which involves swift and sure sanctions for misconduct.

Ms. McDonald took additional questions from the board regarding mental health delivery systems, correctional clinical case management services (CCCMS), enhanced outpatient programs (EOP), and substance abuse.

Ms. Kernan advised that phase two of realignment would start in January 2012 where the focus will be on mental health and alcohol/drug programs transitioning to the counties. She briefly spoke regarding realignment's legislative history. The CDCR legislative unit prepared a bound copy for the board that reflects the progression of 2011/2012 legislative realignment bills.¹ The department is to provide additional copies to the board.

Item 7. Board discussion: The role of the board post-realignment.

Chairman Barton reminded members that the board was established in 2007 to report biannually on the effectiveness of treatment efforts, the rehabilitation needs of the offenders, gaps in services, levels of offender participation and success of those programs, utilizing the Expert Panel's report on recidivism reduction programming. Due to economic downturns within the state, CDCR has undergone significant budget reductions to programs and staffing, so it may become necessary for the board to discuss its future oversight role.

Several board members commented that additional data from various counties would be helpful. One example was to gather data from a progressive and conservative county to compare how each is spending available funds invested in services or beds. There was a brief discussion on whether the board has jurisdiction to look at what is happening in the counties and whether the Legislature would need to be involved to resolve that question, or if permission from a local governing board is sufficient.

After some discussion, the matter was tabled to a future meeting.

Item 8. Presentation: Prison Industry Authority Programs.

Charles Pattillo, General Manager of the California Prison Industry Authority² (CalPIA), assisted by Eric Reslock, Chief of External Affairs, presented on various programs within CalPIA. Those programs provide employment opportunities for prisoners under CDCR's jurisdiction, create and maintain working conditions much like those that prevail in private industry, and allow prisoners to work productively. CalPIA's work programs are self-supporting and generate sufficient funds from the sale of products and services to pay for the expenses of the program. An 11-member Prison Industry Board oversees CalPIA.

¹ Assembly Bill (AB) 109, chaptered April 4, 2011; AB 117, chaptered June 30, 2011; and ABX1 17, chaptered September 21, 2011.

² PIA authority is authorized by California Penal Code §§ 2800 and 2818.

Mr. Pattillo said that CalPIA programs reduce recidivism³ generally 25% lower than the general population's rate. Data shows that CalPIA's vocational education program has a recidivism rate that is 83% lower than the general population. Additionally, incarceration cost avoidance from CalPIA correctional industries saves the California general fund \$8.5 million a year, a fact verified by the Bureau of State Audits in May 2011.

Inmates have the opportunity to earn industry skill certificates that will help the inmate locate employment upon release. GEDs must be completed within 2 years or the inmate is excluded from the program. It is well known that when inmates are kept busy, prisons are safer. Work programs also allow inmates to pay back society (up to 40% of inmate wages are deducted for victim restitutions).

During the presentation, Mr. Pattillo described five CalPIA work programs:

- Correctional Industries – provides 5,000 work assignments; has 60 enterprises in 22 adult institutions; produces over 1,400 goods and services.
- Joint and Free Venture Program - private sector companies employ adult and juvenile offenders inside institutions; pays industry-comparable wages; reflects a recidivism rate of 9 percent.
- Career Technical Education Program - provides real world vocational training in carpentry, construction labor, iron working and commercial diving; increases the chance of post-release employment.
- Inmate Employability Program – adds new industry certifications; documents job skills, experience, work habits; connects parolees with employers.
- California ID Project – through collaborated effort with the Department of Motor Vehicles, distributed more than 5,000 California Identification cards to the paroling population of nine institutions during the pilot period.

Mr. Pattillo took questions from the board relating to the criminogenic profile of inmate workers, status of module building construction, and potential marketing to jails for rehabilitative programming buildings.

In closing, Mr. Pattillo touched on the potential for an annual performance-based general fund appropriation for CalPIA's Career Technical Education Program due to a 20% reduction of CalPIA sales to CDCR, as well as reductions to inmate work assignments and civil service positions.

Item 9. Board discussion: September 15, 2011 draft report (to be published Nov. 7).

Because of scheduling conflicts, the meeting set for September 29 to review and approve the report was canceled, thereby delaying the proposed publication date by another 30 days. Ms. Hansen presented proposed final edits for discussion.

Item 10. Board decision regarding the September 15, 2011 draft report.

After much discussion and hearing comments offered by Elizabeth Siggins, Director (A), Division of Rehabilitative Programs, the report was approved for publication by November 7, 2011. A

³ Defined as an inmate who does not return to an institution within 3 years after release on parole.

suggestion was made that future edits be shown in underline and strike through mode for ease in understanding, which would also save time at the meeting.

Item 11. Presentation: Inmate education issues: Patrick Wilson, member of the public.

Patrick Wilson, a member of the public and former inmate, demonstrated a process that leads an individual to a learning experience. He stated that the meanings of certain words have become fictitious, inaccurate or imaginary. Relying on the use of fictitious definitions causes one's judgment to become misguided. Mr. Wilson's contention is that CDCR will continue to fail in its attempts to educate prisoners and cannot adequately reduce recidivism. He believes that the major causes of recidivism are being denied or ignored by CDCR management and are not addressed in the current C-ROB report.

Mr. Wilson was aided by Emmett Johnson and presented in an answer/question format. The questions were designed to assist a learner to (1) turn his attention toward himself, (2) sense physical existence, (3) utilize images and symbols, (4) sense physical existence and judgments of it, and (5) recognize abstract actions of the mind.

In conclusion, Mr. Wilson commented that the study of abstract actions of the mind and their causal principles are a central study in the state's public education system, including CDCR's education curriculum, whose efforts to educate prisoners will fail.

Item 12. CDCR Presentation: Division of Juvenile Justice wards transferring to adult institutions—coordination of their education.

Rachel Rios, Director (A), Division of Juvenile Justice (DJJ), Eleanor Silva, Associate Director, Intake and Court Services, and Anna Olivas, statewide Re-Entry Coordinator, jointly presented on the process for transferring youth who are committed through the adult courts from DJJ to the Division of Adult Institutions.

Approximately 200 youth are transferred to either adult parole or adult institutions annually. Prior to 2010, youth were allowed to stay in the DJJ to complete their term; however, a policy shift results in transfer at age 18 to the adult division.

Counties prepare commitment packets prior to delivery of the youth to DJJ. These packets include abstract of judgments, mental health assessments, arrest and probation reports, as well as any psychological or psychiatric reports that may have been prepared at the county level. Courts are not required to identify individuals with exceptional needs who may require an individualized education plan and DJJ staff must look for triggers indicating exceptional needs. Each youth goes through an academic evaluation and is assigned to an Ed advisor who creates a high school graduation plan that is updated every 6 months. Youth with difficulties in class settings are referred to a student consultation team who remediate the student's needs. Each DJJ facility has a WASC⁴ accredited high school. High school diplomas and career technical education certificates are issued after a general education test.

When a youth is nearing their 18th birthday, DJJ staff prepares a packet of information that is sent in advance of the transfer to the Division of Adult Institutions. This packet includes a summary of the

⁴ The Western Association of Schools and Colleges

youth's DJJ progress, an educational summary report, transcripts, a disciplinary history and the DJJ field file, which is kept onsite at the DJJ facility. DJJ no longer provides parole supervision for youth, so when a youth is transferred back to a local county, the same packet of information is sent to the receiving county.

Glenn Brooking, Superintendent of Correctional Education, and Gary Sutherland, Associate Superintendent, spoke on the process of receiving youth in adult institutions.

Youth are given a TABE⁵ test upon entry at a reception center to determine an individual's education level. Youth who are determined to have special needs are placed in the Developmental Disabled Program (DDP) with a learning handicapped teacher, who completes an annual review and assessment. The teacher also prepares an individual transitional education plan (ITEP). Adult institutions are also WASC accredited schools. CDCR staff are responsible for ensuring reasonable accommodation, when requested. Superintendent Brookings provided the board with a packet of materials outlining educational processes in the CDCR institution.

The Superintendent explained that all students get an individualized education in the prison setting. Each class may have a variance of several different grade levels requiring the teachers to work with the students at their individual level. Some transferring youth fit into a high school diploma process, while others are placed in the GED program. Voluntary educational programs are available for transferring youth who already have a high school diploma. It was stated that some institutions are establishing more community college programs. Some offer bachelors and masters degrees. The Superintendent shared that one inmate received a doctoral degree this past year. These college programs are contingent upon an inmate family's financial resources.

The panel took questions from the board regarding inmates with physical impairments, and compliance with *Armstrong* and *Clark* remedial plans.

Item 13. Future board meeting schedule.

Executive Director Reneé Hansen confirmed with the board previously scheduled meetings for January 11 and March 7, 2012. Additionally, a Report Writing Committee will occur in Sacramento on January 30.

Item 14. Future agenda items.

It was suggested that the Bureau of State Audits present on its report concerning benefits of the department's COMPAS.⁶ Additional suggestions were to have a presentation on the Hope Model and a continued discussion among the board regarding its role post-realignment.

Item 15. Public comment.

John Kern, SEIU 1000 activist, stated that he believes realignment offers new opportunities in that the department is working at preserving programs and making better use of its resources. He is

⁵ Test Adult Basic Education, which determines a grade level equivalent for each student.

⁶ "Department of Corrections and Rehabilitation: The Benefits of Its Correctional Offender Management Profiling for Alternative Sanctions Program Are Uncertain" published September 6, 2011

hopeful that counties would do a better job in providing realignment programming and stated that the world ought to be a better one for rehabilitation, generally.

Susan Lawrence, founder and CEO, Catalyst Foundation, spoke concerning the peer led basic time activity groups that were eliminated over the past two months in the Honor Program at Los Angeles County State Prison, Lancaster. She determined from correspondence distributed at the C-ROB meeting,⁷ that a prison staff member's complaint resulted in an official memo, which shut down the self-help groups that did not have a sponsor attending the group meeting. Dr. Lawrence said that in 2010, there were 886 classes with 9,187 participants, which has been reduced by two-thirds due to the aforementioned memo. She emphasized that the Honor Program operated without incident for the past ten years. In closing, Dr. Lawrence encouraged the department to take advantage of these programs that are operated free to the State.

Item 16. Adjournment.

The meeting was adjourned at 2:32 p.m.

C-ROB Secretary

Dated

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

⁷ Letter to Robert Barton, Inspector General from Friends & Families for the Honor Program dated October 19, 2011.