

Corrections Standards Authority

Implementation Recommendations:

Report to the
Board of State and Community
Corrections

May 2012



Implementation Recommendations

Report to the Board of State and Community Corrections

May 2012

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Table of Contents

| | |
|---|----|
| Introduction | 1 |
| Executive Summary | 1 |
| Purpose | 3 |
| Background and Mission | 3 |
| Recommendations | 4 |
| Conclusion | 9 |
| Bibliography | 10 |
| Appendices | |
| Appendix A: Executive Steering Committee Members | |
| Appendix B: Corrections Standards Authority/Board of State and Community Corrections Funding Streams | |

**CORRECTIONS STANDARDS AUTHORITY
REPORT TO THE BOARD OF STATE AND COMMUNITY CORRECTIONS**

**IMPLEMENTATION RECOMMENDATIONS
MAY 2012**

INTRODUCTION

It is well recognized that California's criminal justice system is in need of reform. There have been numerous class action lawsuits, inmate populations are burgeoning, costs are unsustainable, and overall challenges exist in addressing conditions of confinement and the effectiveness of the system to promote public safety. Last year the U.S. Supreme Court ordered the State Department of Corrections and Rehabilitation to reduce the prison inmate population by tens of thousands.

In order to address the requirements of the court and to achieve budgetary savings, Governor Edmund G. Brown, Jr. signed historic legislation (Assembly Bill 109) to reduce the state prison population and transfer responsibilities to counties to create community-based correctional programs where low level offenders are sentenced to locally based community corrections programs rather than sending them to state prison. He stated, "Cycling these offenders through state prisons wastes money, aggravates crowded conditions, thwarts rehabilitation, and impedes local law enforcement supervision." Since these changes became effective in October 2011, California's prison population has been reduced by 22,000 inmates. These changes give local law enforcement the right and the ability to manage offenders in smarter and cost-effective ways.

A similar historic process has unfolded in California's juvenile system. The push to keep youth closer to home and family has resulted in successive legislative enactments to realign most youth to the county level (e.g., Senate Bill 81, Assembly Bill 1628). These changes will require more attention to community based services, how to serve a higher level of youth in county programs and facilities, and how to measure program effectiveness. The current effort represents the beginning of the sea change that will reform California's juvenile and correctional systems. It is not the end. There are still many interrelated and complex problems that need to be addressed. The newly created Board of State and Community Corrections, as will be summarized in this report, is in a pivotal position to implement the necessary changes to achieve the highest standards of public safety using cost effective, evidence-based methods. These challenges represent shared opportunities for our great state.

EXECUTIVE SUMMARY

Effective July 1, 2012, pursuant to Senate Bill (SB) 92 (Chapter 36, Statutes of 2011), the Board of State and Community Corrections (BSCC) is established as an entity independent of the Department of Corrections and Rehabilitation. The BSCC is the successor to the Corrections Standards Authority (CSA), which is abolished. The BSCC is vested with all of CSA's rights, powers, authorities and duties, as well as a new mission with duties and responsibilities to improve public safety through cost-effective, promising, and evidence-based strategies to manage statewide criminal and juvenile justice populations.

To assist with the transition of responsibilities and implementation of the reform efforts now underway, the CSA Board established an Executive Steering Committee (ESC) to provide information and recommendations to the BSCC. This report represents the work of a broad

group of individuals with expertise in various aspects of the justice system. A list of the ESC is presented in Appendix A to this report. The report is intended to provide information and recommendations to advance the public policies outlined briefly above. Given the limits of time, the report is not an exhaustive study and is intended to be a thumbnail sketch of the issues to be addressed by the BSCC. It includes advice on lessons learned, what has worked well in the past, what is currently working well, and areas where more focus is needed to achieve the statewide goals.

The report outlines five priority goals along with recommended objectives and activities. The goals, objectives and activities are divided into strategic categories, based on the mission and duties/responsibilities of the BSCC.

Promote Effective State and Local Efforts and Partnerships

Goal 1: Create quality community-based services and strategies for juveniles and adults to enhance public safety by reducing the number of people that are incarcerated, reducing recidivism, producing better outcomes for juveniles and adults, and reducing the overall long term costs of the justice system.

Data Collection and Reporting

Goal 2: Create a statewide repository for standardized data collection and reporting including outcome-based community corrections program data, program descriptions, outcomes, evaluations, costs, and cost effectiveness.

Align Fiscal Policy and Correctional Practice

Goal 3: Encourage and support funding mechanisms and guidelines that create successful performance-based programs with accountability.

Leadership, Coordination and Technical Assistance

Goal 4: Develop a uniform risk and needs assessment approach for all communities.

Goal 5: Design and implement a sustainable financial and organizational structure, appropriate staffing and budget for the BSCC to assure the agency can meet its goals.

In addition to the goals outlined above, the report also highlights the need to prioritize the following:

- Delinquency prevention, intervention, and services for juveniles;
- Address racial and ethnic disproportionality and disparities in the justice system through data collection and reporting, programs, and services at all decision points along the justice system continuum;
- Continue the use of the ESC process as a mechanism to keep the BSCC apprised of local, state, and national issues and trends;

- Maintain existing partnerships and establish new partnerships across organizations and disciplines to effectively achieve the mission of the BSCC;
- Encourage the maximum exchange of data between systems and between state and local agencies;
- Take a proactive leadership role related to California's correctional practices; and
- Assure accountability and oversight over programs for juveniles and adults to assure wise expenditures of public funding.

The legislature established the BSCC to provide leadership in the implementation of the policy changes envisioned for the criminal justice systems in California. The BSCC, with the collaborative involvement of all justice partners and stakeholders, has an opportunity to provide this leadership. This report represents the beginning of that effort.

I. PURPOSE

The purpose of this report is to assist with the transition of responsibilities from the Corrections Standards Authority (CSA) to the Board of State and Community Corrections (BSCC) and spearhead various reform efforts that are underway in California to improve public safety and the criminal justice systems we use.

In January 2012, the CSA Board established an Executive Steering Committee (ESC) consisting of a broad group of individuals with expertise in various aspects of the justice system. A list of the ESC members is presented in Appendix A. The ESC held two meetings, including a brainstorming session for ideas and recommendations to be presented to the BSCC and a meeting for the review and finalization of the goals and recommendations included in this report. Given the limits of time, the report is not intended to be an exhaustive study; rather it is intended to be a thumbnail sketch of the issues to be addressed. It includes advice on lessons learned, what has worked well in the past, what is currently working well, and areas where more focus is needed to achieve the statewide goals.

II. BACKGROUND AND MISSION

Effective July 1, 2012, the Board of State and Community Corrections (BSCC) is established as the successor to the Corrections Standards Authority (CSA), which is abolished. The BSCC consists of state and local justice system stakeholders appointed by the Governor, Judicial Council of California, the Speaker of the Assembly and the Senate Committee on Rules. The BSCC is vested with all of the CSA's rights, powers, authorities and duties, including the existing responsibilities to monitor local facilities, develop and certify selection and training standards for local corrections agencies, administer local correctional facility construction funds, and distribute juvenile and criminal justice resources. In addition, the BSCC has a new mandated mission and duties.

The BSCC's new mission as stated in Penal Code Section 6024(b) is as follows:

The mission of the board shall include providing statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system, including addressing gang problems. This mission shall reflect the principle of aligning fiscal policy and correctional practices, including, but

not limited to prevention, intervention, suppression, supervision, and incapacitation, to promote a justice investment strategy that fits each county and is consistent with the integrated statewide goal of improved public safety through cost-effective, promising, and evidence-based strategies for managing criminal justice populations.

The BSCC's new mission is accompanied by mandated duties, which require the BSCC to regularly seek advice from stakeholders and subject matter experts related to adult corrections, juvenile justice, and gang problems; oversee specific federal acts, establish funding priorities, disburse funds, and recommend system improvements; collect, analyze, maintain and seek to make available to the public state and community corrections information and data, including data to identify, promote and provide technical assistance relating to promising and evidence-based programs, practices, and innovative projects; cooperate with and render technical assistance to the Legislature, state and local agencies, and others; conduct evaluation studies and make recommendations to coordinate the state's programs, strategies, and funding that address gang and youth violence in a manner that maximizes effectiveness and coordination; consult with justice system partners on the implementation of county plans and other outcome-based measures, and report to the Governor and the Legislature on the implementation of the plans. The link to the text SB 92 can be found in the Bibliography at the end of the report.

In addition to the newly mandated mission and duties, the creation of the BSCC also resulted in the transfer to the BSCC of various federal and state criminal justice programs administered by other agencies. The list of current and incoming federal and state funding streams with administrative oversight by the CSA/BSCC is included in Appendix B.

III. RECOMMENDATIONS

Promote Effective State and Local Efforts and Partnerships

Goal 1: *Create quality community-based services and strategies for juveniles and adults to achieve public safety by reducing the number of people that are incarcerated, reducing recidivism and reducing the overall long term costs of the justice system.*

Objectives:

- Define and reduce recidivism
- Reduce the number of adults and juveniles in state prisons and local detention facilities
- Reduce the overall long-term costs of the juvenile and adult criminal justice system
- Improve offender outcomes, e.g., increased employment, positive social behaviors, and productivity
- Define and increase public safety through evidence based programming.

The following are recommended activities to support the goal and objectives:

- Coordinate with Mental Health Services Act (MHSA) to reduce incarceration utilizing the Prevention and Early Intervention and Community Services funding.
- Coordinate grant funding opportunities, both governmental and non-governmental to ensure effective use of funding streams. Non-duplication of strategies must also be stressed.

- Partner with universities, colleges and private foundations to augment staff resources and ensure positive outcomes:
 - Priorities should be education, research and training.
 - Encourage partnership with subject matter experts (e.g., education) for assistance in oversight.
- Conduct 'small tests of change' in collaboration with partner agencies, e.g., informal courts and wraparound services.
- Collaborate and share best and promising practices and evidence-based practices with other agencies nationwide.
- Focus not only on adult and juvenile justice, but on causal factors of gangs as well.
- Translate research information into training and education for stakeholders at all levels of the justice system, include statewide justice system associations.

Data Collection and Reporting

Goal 2: *Create a statewide repository for standardized outcome-based community corrections program data collection and reporting, including program descriptions, outcomes, evaluations, costs and cost effectiveness.*

Objectives:

- In conjunction with our justice partners, create a statewide data center for justice reform and engage all justice partners and stakeholders, including academia, to develop and implement a data collection mechanism to collect and report on the effectiveness of custodial and community corrections programs throughout the state and provide uniformity and objectivity in evaluating outcome and cost effectiveness data.
- Report on system operations and capacities.
- Provide measurements of how the statewide system is operating.

The following are recommended activities to support the goal and objectives:

- Seek and allocate resources to support the data collection required by statute.
- Prepare annual reports to Governor and Legislature.
- Monitor and analyze the *implementation* of Community Corrections Plans.
- Emphasize timely and accurate data collection.
- Facilitate the planning, coordination, and allocation of resources to support a statewide data system and include all justice partners, foundations, academia, California State Library Research Bureau.
- Establish a common data dictionary applicable across systems and jurisdictions in partnership with justice system stakeholders.
- Define variables, outcomes, and recidivism.
- Outline what works as opposed to what does not work with respect to effective data collection with periodic review of data elements collected for usefulness and pertinence.
- Develop universal data systems to ensure consistent data.
- Prioritize research on strategies proven to deter criminal or gang involvement.
- Emphasize Disproportionate Minority Contact (DMC).

- Gather data to measure correctional costs and outcomes and provide cost benefit analyses.
- Emphasize the need for adequate research staff and/or look toward partnerships with universities, colleges, private foundations, consultants, subject matter experts, upcoming grant funding opportunities. etc.
- Coordinate data collection with the National Youth in Transition Database: potential to work with Probation for viable outcomes (e.g., indicators of case management, rates of placement).

Align Fiscal Policy and Correctional Practice

Goal 3: Encourage and support funding mechanisms and guidelines that create successful performance-based programs with accountability.

Objectives:

- Prioritize funding for community-based corrections to programs that have proven effectiveness, or promising programs meeting specified criteria.
- Support adequate funding levels for proven programs and request the support of foundations to test and support new and innovative program concepts
- Coordinate state funding for targeted populations in order to reduce redundancy and promote cost effectiveness.

The following are recommended activities to support the goal and objectives:

- Invest in strategies with performance-based outcomes that address the underlying problems that contribute to recidivism (i.e., mental illness, substance abuse, physical and sexual abuse, trauma, etc.) and link individuals with appropriate opportunities and resources to prevent and reduce crime and delinquency.
- Align grant opportunities with targeted populations and proven program operators. Encourage the development of promising programs that meet specified criteria.
- In conjunction with adequate data collection systems and research, where applicable, fund proven strategies as well as rescind funding from ineffective strategies (SB 81 has language specific to “monitor and withholding funds”).
- Evaluate effective grant disbursement and provide follow up technical assistance.
- Incentivize family-based and community-based alternatives to detention and successful program outcomes.
- Support an effort to expand ability of custody staff to be able to be providers of direct services to incarcerated persons. Train custody staff and outside service providers on the holistic needs of the individual.
- Avoid duplicative efforts.
- Maximize programming and education functions in construction planning and design. Needs assessments must include priority for education and programming space within facilities.

Leadership, Coordination and Technical Assistance

Goal 4: *Develop a uniform risk and needs assessment approach for all communities.*

Goal 5: *Design and implement a sustainable financial and organizational structure, appropriate staffing and budget for the BSCC to assure the agency can meet its goals.*

Objectives:

- Evaluate the capacity of the existing BSCC organizational structure, functions, duties, staffing to assure priorities can be met.
- Maximize staff resources through training and professional development.
- Proactively pursue the allocation of adequate funding for program and grant management and evaluation activities, currently and in the future, to support legislatively mandated requirements.
- Create an ongoing structure within the BSCC to address specific juvenile needs separate from adults.

The following are recommended activities to support the goal and objectives:

- Create strong and effective leadership at the BSCC by way of establishing an organizational structure to effectuate the work and staffing.
- Allocate adequate and appropriate staff and resources to address the future mission and duties of the BSCC and prioritize tasks to ensure that capabilities and duties are matched appropriately.
- Be proactive regarding legislation by providing technical assistance to the Legislature and testify regarding emerging trends and needs nation and state-wide.
- Establish a mechanism to create standing subcommittees and/or Executive Steering Committees (ESC) on specific topics (e.g., prevention, education, gangs, research/data) to report regularly to the BSCC. The federally mandated State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP) is made up of Governor-appointed subject matter experts and is a standing ESC to the CSA/BSCC Board.
- Maintain a comprehensive list of subject matter experts on both adult and juvenile issues to serve on ESC and committees. Such committees should:
 - Focus on the mandates outlined in SB 92 and be given clear direction to meet regularly to brief the BSCC Board on pertinent issues including review current local and nationwide trends, issues, and relevant legislation.
 - Involve all levels of participation, and include line staff and direct service providers, as well as administrators and the courts.
 - Focus specifically on gangs (causal factors, suppression, intervention, prevention).
- Encourage flexibility during the RFP process for grant funding, focusing on positive outcomes and accountability rather than prescriptive requirements.
- Develop a grant management and monitoring accountability process for new and current grants to:

- Hold locals accountable for what was stated in RFP/RFA, grant contract, etc., and what is actually implemented and/or occurring.
 - Incentivize DMC within BSCC grants.
 - Employ comprehensive evaluation and oversight with outcomes.
 - Create tiered levels of suitability.
- Develop a system to track potential funding opportunities and initiatives for proven programs through foundations and other sources.
- Provide for BSCC members and staff to visit program sites within the state and across the country for necessary data sharing, programs, resources, policy and shifts in best and promising practices.
- Integrate/institutionalize best practices into agency policy and procedure manuals.
- Enforce standards and work for a stronger enforcement process - although minimum standards are enforced through statute, there could be greater accountability if the BSCC had powers of enforcement.
 - Focus enforcement on the implementation of minimum standards, not just policy and process.
 - Standards must comport with federal and state law and reflect constitutional rights. Standards that encompass constitutional, case law and professional standards will help BSCC to better fulfill its oversight mission and protect county facilities against problems resulting in harm to inmates or staff, and resulting litigation.
 - Implement a complaint mechanism to investigate and resolve condition issues between inspections.
- Expand the qualifications, training, professional development of staff involved in the adult and juvenile justice systems to attain maximum cost effective benefits and program effectiveness at the state and local level.
- Establish jail, juvenile detention facility and prison-based programs to support successful reintegration into the community, including:
 - Promote quality education as a top priority, especially for youth.
 - Test or assess for disabilities and educational development issues and provide services that directly address the mental health needs of incarcerated individuals, including substance abuse services.
 - Assure academic and special education programs that meet state and federal law requirements.
 - Create mentor programs involving both service providers and system-involved individuals.
- Work in conjunction with other state agencies to work together on similar issues concerning the same populations, such as First 5 and/or State Interagency Team (SIT). There must be active BSCC participation on subgroups and partnerships on realignment, cross-over populations, and data sharing.
- Coordinate with mental health, social services, education, other relevant state and local agencies and justice partners, including public defenders and prosecutors, working with cross-over population to:

- Provide tools for a holistic approach to services, including legal representation (i.e., outcome-based prosecution).
- o Establish a research unit and serve as a clearinghouse for publications, data, and information.
 - Provide and distribute information on emerging justice trends and issues.
 - Review programs that work or don't work and with what populations.
 - Provide education and technical assistance at the local level.
 - Conduct meaningful research related to county needs for realignment.
 - Redefine the purpose for incarceration and provide services to get to the "root" of crime.
 - Compile population treatment needs and provide resources for training, such as sex offenders, violent offenders, mentally ill offenders

IV. CONCLUSION

The BSCC, with the collaborative involvement of all justice partners and stakeholders, has an opportunity to provide the leadership needed to guide California toward a long-term, strategic, and successful implementation of a cost-effective, evidence-based community corrections system. This report represents a beginning to that leadership effort.

Maintaining the status quo is economically unsustainable and the need to develop alternatives to incarceration provides an opportunity for meaningful and qualitative change.

The current effort represents the beginning of the sea change that will reform California's juvenile and adult correctional systems. It is not the end. There are still many interrelated and complex problems to be addressed. The newly created Board of State and Community Corrections is in a key position to implement the necessary changes to achieve the highest standards of public safety using cost effective, evidence-based methods at the community corrections level.

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- ◆ Center on Juvenile and Criminal Justice:
<http://www.cjcj.org/>
- ◆ Jurisdictions Sought For Project To Reduce DMC in Juvenile Justice Systems:
Center for Children’s Law and Policy
<http://www.cclp.org/apply.php>
- ◆ National Youth Screening and Assessment Project:
<http://www.nysap.us/index.html>
- ◆ Listserv from the Office of Juvenile Justice and Delinquency Prevention (OJJDP):
https://puborder.ncjrs.gov/listservs/subscribe_JuvJust.asp

APPENDICES

Executive Steering Committee Members

The Corrections Standards Authority (CSA) acknowledges the work of the Board of State and Community Corrections (BSCC) Executive Steering Committee (ESC) members in developing the information in this report. Those members are:

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Corrections Standards Authority/Board of State and Community Corrections Funding Streams

Federal Funding Streams

Current CSA Funds:

| | |
|--|-------------|
| Title II 2012 Allocation | \$2,237,024 |
| *59.7% reduction from 2011 (\$5,546,329) | |

| | |
|--|-------------|
| Juvenile Accountability Block Grant (JABG) 2012 Allocation (Partial Direct Allocation per Federal formulas) | \$2,076,603 |
| * 40.4% reduction from 2011 (\$3,484,259) | |

| | |
|--------------------------------------|-----|
| Title V 2012 Allocation | \$0 |
| *100% reduction from 2011 (\$50,000) | |

Incoming BSCC Funds:

| | |
|--------------------------------|--------------|
| JAG 2012 Solicitation (CalEMA) | \$19,000,000 |
| RSAT solicitation (CalEMA) | \$824,000 |

State Funding Streams

Current CSA Funds:

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|--|-----------|
| Proud Parenting (2011-12 funds) (Future funding dependent on Budget Act 2012) | \$835,000 |
|--|-----------|

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|---|---------------|
| Juvenile Justice Crime Prevention Act (JJCPA) (Funding set in Legislation) | \$107,100,000 |
|---|---------------|

| | |
|---|--------------|
| Youthful Offender Block Grant (YOBG) (Calculation based on number of youth to County from DJJ) | \$93,400,000 |
|---|--------------|

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|--|--------------|
| Juvenile Camp Funding (Direct allocation based on occupied camp beds) | \$29,430,000 |
|--|--------------|

| | |
|---|-------------|
| Juvenile Reentry (Allocated in Legislation to 25 counties) | \$1,651,382 |
|---|-------------|

| | |
|--|-----------------|
| (SB81) Local Youthful Offender Rehabilitative Facilities Construction Financing Program | \$300,000,000 |
| (AB900) Local Jail Construction Financing Program | \$1,200,000,000 |

Incoming BSCC Programs:

| | |
|--|--------------|
| CalGrip (CalEMA) | \$9,250,000 |
| Local Law Enforcement Services Act (CalEMA) (Direct Allocation PC Section 138210) | \$40,900,000 |

*This list represents only those state and federal dollars administered by the CSA/BSCC