

# **Community Safety, Community Solutions**

Implementing AB 109: Enhancing Public Safety, Saving  
Money and Wisely Allocating Limited Jail Space



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## **EXECUTIVE SUMMARY**

### **The Problem: Over-incarceration and High Recidivism**

**T**oday, the United States has 5% of the world's population and 25% of the world's incarcerated population. The state of California houses one of the largest prison and jail populations within the U.S. Despite extremely high state and local incarceration rates, California's recidivism rate of 67.5% is among the highest in the nation. California prisons face conditions so extreme that the U.S. Supreme Court has stepped in, ordering the state to take immediate steps to significantly reduce our prison population to comply with Constitutional standards.

### **The Solution: County-level, Evidence-based Alternatives to Incarceration**

Your county can be part of the solution. With the passage of AB 109 and subsequent amending legislation ("The 2011 Realignment Legislation Addressing Public Safety"), your county government assumes significant new corrections, reentry and community supervision responsibilities for people convicted of certain non-serious, non-violent felonies. Broadly speaking, realignment refers to changes in the assignment of program and fiscal responsibilities between the state and local governments. In the context of AB 109, realignment refers to the shifting of criminal justice responsibilities from the state prisons and parole board to local county officials and superior courts.

AB 109 realignment goes into effect on October 1, 2011. The state is providing funding to counties to offset some of the local costs realignment will bring. Each county is required to develop a realignment implementation plan, to be voted on by a seven-member committee of county officials and submitted to its Board of Supervisors. This Report will provide local government officials, service providers and the public with the information and tools needed to collaboratively develop successful realignment implementation plans.

### **Twelve Key Elements of Successful Realignment Planning & Implementation Process**

Implemented properly, realignment need not lead to an increase in your county's jail population; in fact, the new state funds coming into your county can and should be utilized to decrease incarceration by improving and increasing community programs demonstrated to reduce recidivism. Incarceration is expensive and, especially for low-risk populations, counterproductive. That is, there is evidence that it can produce more crime over the long run than it reduces. With a clear focus on reentry and on evidence-based alternatives<sup>1</sup> to incarceration, each county's realignment plan can reduce recidivism, improve public safety, and decrease incarceration levels while providing accountability to taxpayers, protecting against costly liability and reducing structural inequalities.

In adopting and implementing an AB 109 realignment plan, in order to maximize the opportunity for success, each county should incorporate the following key elements:

- 1) Set up a process from the outset that is public, inclusive and transparent and that complies with the Brown Act.**
- 2) Assess the characteristics of the currently supervised population and the anticipated new realignment population.**
- 3) Determine whether programs have a valid scientific basis demonstrating success, set program targets, and engage in periodic program evaluation and adjustments.**
- 4) Develop a comprehensive approach that includes each aspect of your local criminal justice system, from pre-entry to re-entry, addressing the underlying causes of criminal behavior and recidivism.**
- 5) Establish a system of pre-booking or pre-charging diversion for your lowest-risk population.**
- 6) Reduce immigration-based detention and booking costs.**
- 7) Expand current, and adopt new, alternatives to incarceration utilizing home detention and work furlough to replace pre-trial jail detention.**
- 8) Instead of relying predominately upon jail to punish non-serious, non-violent offenders, utilize appropriate community corrections alternatives.**
- 9) Ensure that jail conditions and alternative sanctions meet constitutional standards and are subjected to legal review before implementation.**
- 10) Establish effective evidence-based post-release community supervision programs.**
- 11) Develop a financing model that prioritizes funding programs and services necessary for successful rehabilitation, treatment and reentry, instead of adding costly jail beds.**
- 12) Do not get into the prisoner exchange business.**

This report provides recommendations and information, including examples, for local government officials, service providers and the public to work together to create safer communities, reduce recidivism rates, and more effectively allocate scarce criminal justice resources.

## INTRODUCTION

With the passage of AB 109 and subsequent amending legislation (“The 2011 Realignment Legislation Addressing Public Safety”), counties across California are charged with implementing the most significant reform of the State’s criminal justice system in more than three decades. AB 109, which will take effect on October 1, 2011 makes fundamental changes to California’s correctional system, including prospectively realigning from state to local jurisdictions certain responsibilities for lower-level non-violent offenders and parolees. These changes are intended to improve public safety and ease severe prison overcrowding while saving the state money.

This public safety realignment comes at a time when California is facing unprecedented challenges. State and local governments continue to struggle to close record budget deficits, making deep cuts in core programs, including public safety, education, and social services. The U.S. Supreme Court has ordered the state to take immediate action to address its unconstitutionally overcrowded prison system,<sup>2</sup> a system that is so overburdened that it is jeopardizing the health and safety of inmates and staff alike. At the same time, a number of counties throughout the state are struggling to manage local jails that also are dangerously overcrowded, with over one-third of the counties in the state currently under court-ordered jail population limits.<sup>3</sup> Despite extremely high state and local incarceration rates, California’s recidivism rate of 67.5% is among the highest in the nation.<sup>4</sup>

It is in this climate that counties now must implement AB 109. This report is designed to assist counties in developing and implementing successful AB 109 public safety realignment plans. Successful plans will be those that prioritize safety, accountability, fairness, and efficacy. For realignment to work, counties must adopt evidence-based, cost-effective policies that promote effective public safety outcomes, including the twin goals of reducing recidivism and reducing jail populations.

There are four reasons why every county in California should focus on alternatives to incarceration where appropriate and solutions for reentry, instead of adding jail beds:

- **Improving Public Safety by Reducing Recidivism**

High rates of recidivism mean more new crimes and more new victims. Evidence-based alternatives to incarceration have been proven to reduce recidivism. We have to hold individuals accountable for their behavior while addressing the underlying reasons—whether drug addiction, mental health problems, lack of job prospects or others—that currently lead so many low-level offenders right back to prison and jail. Keeping these offenders in custody, especially under extremely adverse conditions and in the absence of meaningful programming, can itself significantly contribute to the likelihood that they will reoffend once released, as the Supreme Court recognized in *Brown v. Plata*.<sup>5</sup> Taking a smarter approach with low-level non-violent

offenses has another advantage: we can focus police, prosecutor, and court resources so that violent and serious crimes—like rape and murder—are thoroughly investigated, victims and witnesses are protected, and suspects are prosecuted and held accountable when found guilty.

- **Improving Accountability to Taxpayers**

Our federal, state, and county budgets are all under extreme pressure, with cuts to vital services that people and businesses depend upon. Taxpayers are rightfully demanding that every dollar that governments spend demonstrate the very best evidence of positive outcomes. The State of California is giving your county a block grant, not a blank check. The amount is finite. If your county insists upon long jail sentences for low-level non-violent offenses, you will quickly far exceed the limited funding provided by the state; counties that stick with outmoded policies emphasizing incarceration will be forced to pay for that choice with scarce discretionary county dollars. These dollars are desperately needed by your county's schools, public safety agencies, and the most basic safety net services.

- **Protecting Your County from Costly Legal Liability**

The same conditions of prison overcrowding and abysmal medical conditions that led the U.S. Supreme Court to order California to reduce prison overcrowding can occur in your county. In fact, because jails were never designed for long-term detention, counties that respond to realignment by packing their jails are likely at even greater risk of costly lawsuits for conditions of confinement. Nor can counties simply build their way out of the problem; the funding is just not available for the capital costs and the ongoing operating costs. The state has pursued that failed strategy for over thirty years with devastating consequences, leading directly to the current budgetary crisis and the need for AB 109 realignment with a new approach focusing upon alternatives to incarceration. Your county is much better off adopting front-end solutions that reduce jail populations, rather than paying for expensive capital and operating costs to sustain an ever-larger jail population during a time of continued budget cuts.

- **Reducing Structural Inequalities Based on Race and Poverty**

A higher proportion of African-Americans are incarcerated in California today than were blacks in Apartheid South Africa.<sup>6</sup> Latinos are now the largest group incarcerated in California state prisons.<sup>7</sup> Unequal treatment in the criminal justice system—especially in drug law enforcement—is one of the primary drivers of inequality in our society today. We are relying on incarceration to deal with mental health, drug abuse, and economic and social problems that can never be solved simply by locking more people behind bars. One of the core reasons the state has decided to fund realignment is that counties are better positioned to integrate public health and social services as part of rehabilitation and reentry in ways that the state cannot.

This report provides local government officials, service providers and the public with the information and tools needed to collaboratively develop successful realignment implementation plans. The report is divided into three main sections:

- 1) **An overview of AB 109 public safety realignment;**
- 2) **Guidelines and recommendations for creating AB 109 implementation plans; and**
- 3) **Examples of cost-effective, proven alternatives to incarceration.**

## OVERVIEW OF AB 109 PUBLIC SAFETY REALIGNMENT

**A**B 109, the U.S. Supreme Court’s *Plata* decision and state & local budgetary crises have combined to create a perfect storm at the county level, challenging local officials to take a fresh look at alternatives to incarceration for low-risk offenders. *Plata* requires the Department of Corrections and Rehabilitation (CDCR) to reduce the state prison population by about 33,000 people within the next two years.<sup>8</sup> According to the State, AB 109 is the centerpiece of its plan to comply with the *Plata* mandate. AB 109 prospectively shifts the responsibility for lower-level non-violent offenders and parolees from the state to local jurisdictions. In making this shift, the intent of AB 109—expressed by both the statutory language<sup>9</sup> and the preliminary funding calculations provided by the California Department of Finance<sup>10</sup> (DoF)—is for counties to focus on non-incarceration alternatives that have a proven track-record of reducing recidivism.

For realignment to work, counties must employ smart on crime approaches to keep communities safe by reducing recidivism while reserving incarceration for only the most high-risk populations. There isn’t sufficient capacity at the local level to simply relocate all AB 109-eligible offenders from state prisons to county jails, and counties will not have the resources to pay for the number of new jail beds that would be required for any such reallocation.<sup>11</sup> While AB 109 does authorize counties to contract back with the Department of Corrections and Rehabilitation (CDCR) for beds in state prisons,<sup>12</sup> given the greater cost of state prison incarceration,<sup>13</sup> the lack of funding to be provided to the counties, and the *Plata*-imposed cap on state prison population,<sup>14</sup> this will not be a realistic option. This means that counties *must* employ safe, effective, and economical alternatives to incarceration at *all stages* of the local criminal justice process when appropriate.

Probation departments in some parts of the state have already begun to use new, evidence-based programs for those they supervise on probation and for the post-incarceration reentry population. Under AB 109, these same types of programs can and should be utilized, when appropriate, as alternatives to incarceration in the first instance. Rather than removing low-risk offenders from the community and sending them to jail, counties can impose intermediate sanctions including, for example, day reporting; home detention; victim mediation and restitution; drug, alcohol, and/or

mental health treatment; work furlough; and community service and other cost-effective rehabilitative programs that have been demonstrated to reduce recidivism. Even greater cost savings can be realized through pre-booking and pre-charging diversion programs in which members of the lowest-risk population most amenable to rehabilitative intervention can be placed directly into county-run or county-monitored programs instead of being placed into the expensive, over-burdened court system, cycled through, only then to be sentenced to the very same programs.

## ***Brown v. Plata* decision**

In the *Plata* decision, the U.S. Supreme Court ruled on May 23, 2011, that extreme overcrowding in California's prisons results in cruel and unusual punishment in violation of the Eighth Amendment to the U.S. Constitution.<sup>15</sup> The decision was the result of lengthy litigation in which the lower court found that "[t]he convergence of tough-on-crime policies and an unwillingness to expend the necessary funds to support the population growth has brought California's prisons to the breaking point."<sup>16</sup> This breaking point has resulted in prisons that are dangerously overcrowded, jeopardizing the health and safety of inmates and staff alike and making it virtually impossible for any sort of rehabilitation to occur.

Eleven former prison system directors and six former federal judges supported the prisoners before the Supreme Court, explaining that "chronic overcrowding makes prison systems unmanageable, unsafe and inhumane" and expressed confidence that "crowding can be reduced without jeopardizing public safety."<sup>17</sup> The Supreme Court has ordered California to reduce its prison population by about 33,000 inmates over two years.<sup>18</sup>

AB 109 realignment is the centerpiece of the state's plan for reducing overcrowding in the state's prisons.

## **Summary of AB 109**

AB 109 shifts many criminal justice responsibilities and powers from the state to the county level. The law represents a sea-change in criminal justice and corrections policy, in ways much more significant than simply moving prisoners from state facilities to local jails. The legislative findings declare that "[d]espite the dramatic increase in corrections spending over the past two decades, re-incarceration rates . . . remain unchanged or have worsened...".<sup>19</sup> Indeed, as noted above, California's overall recidivism rate (67.5% as of October 2010) is among the highest in the nation.<sup>20</sup>

Instead of simply adding jail capacity, AB 109 instructs counties to employ evidence-based correctional sanctions and programming "encompassing a range of custodial and noncustodial responses to criminal or noncompliant offender activity."<sup>21</sup> In other words, instead of simply locking up low-risk offenders in jail cells, counties must employ sanctions and services that have been demonstrated to reduce recidivism and increase public safety—and which cost less than

incarceration. Accordingly, county probation and sheriff's departments must take seriously AB 109's insistence upon an evidence-based approach to community corrections, and implement programs that truly seek to rehabilitate rather than simply punish people—and then recycle them through the system.

The main components of AB 109 are as follows:

- **Lower-level offenders.** Most non-serious, non-violent, non-sex-registerable felony offenders sentenced after October 1, 2011 will now be subject to local jail custody and/or community alternatives to incarceration rather than being sent to state prison.<sup>22</sup> The law grants county sheriffs additional discretion for managing people using intermediate alternative sanctions other than jail incarceration or traditional routine probation supervision.<sup>23</sup> The law revises the definition of a felony to include certain crimes that are now punishable in jail (rather than prison) for 16 months, 2 years, or 3 years.<sup>24</sup> Some offenses, including serious, violent and sex-offenses, are excluded and sentences for such offenses will continue to be served in state prison.<sup>25</sup> The law also increases the amount of credits individuals earn while completing felony sentences whether in jail or in a county-level alternative to incarceration.<sup>26</sup>
- **Alternative Pre-Trial Custody.** Penal Code Section 1203.018 authorizes electronic monitoring for inmates being held in the county jail in lieu of bail.<sup>27</sup> Eligible inmates must first be held in custody for 60 days post-arraignment, or 30 days for those charged with misdemeanor offenses.<sup>28</sup> The new authorization will not apply to anyone with an outstanding warrant or hold.<sup>29</sup>
- **Parole Supervision.** The new law makes significant changes to state parole and creates a new local version of parole called local “post-release community supervision.”<sup>30</sup> Starting October 1, 2011 those released from prison or jail whose convictions were for non-serious, non-violent felonies and who are not deemed high risk sex offenders will be placed on local supervision.<sup>31</sup>

This population will be supervised by a county agency to be designated no later than August 1, 2011 by that county's Board of Supervisors.<sup>32</sup> The period of post-release supervision is limited to three years.<sup>33</sup> Anyone on parole before October 1, 2011 remains under state jurisdiction until they are discharged.<sup>34</sup> In addition, anyone serving a term for a current serious or violent offense, third strikers, high risk sex offenders, and mentally disordered offenders (MDO) will remain under the state's parole jurisdiction.<sup>35</sup>

All parole revocations for state parolees (except those with a life term) will be served in county jail, but the maximum sanction for revocation will be 180 days and parolees will receive day-for-day credits while in the custody of the sheriff.<sup>36</sup> After parolees have completed their revocation time, they will return to state jurisdiction to complete any remaining parole time.<sup>37</sup> Post-release community supervision violations will also be served in

the sheriff's custody, be subject to the same 180 day limit and will receive day-for-day credits.<sup>38</sup> Parole revocation hearings (for state parolees only) will continue to be handled by the Board of Parole Hearings until July 1, 2013 when that responsibility will be moved to the local courts.<sup>39</sup>

On and after July 1, 2013, the entire revocation process—including for state parolees—will become a local responsibility.<sup>40</sup> Parole violators will continue to be supervised locally unless they commit a new crime.<sup>41</sup> The courts will hear revocations of post-release community supervision while the Board of Parole Hearings will conduct parole violation hearings in jail.<sup>42</sup> Courts may appoint hearing officers for this workload.<sup>43</sup> The designated supervising entity must establish a review process for assessing and refining conditions consistent with the statutory authority to impose sanctions up to and including flash incarceration (up to 10 days).<sup>44</sup>

## **Counties Must Adopt Realignment Plans**

AB 109 goes into effect on October 1, 2011.<sup>45</sup> It establishes within each county's Local Community Corrections Partnership (LCCP) a new Executive Committee comprised of the Probation Chief (who chairs the Committee), the sheriff, the District Attorney, the Public Defender, the presiding judge, a police chief and a public health or social services department head appointed by the Board of Supervisors.<sup>46</sup> The LCCP is charged with developing a local plan to be voted on by its Executive Committee, which then will recommend the plan to the Board of Supervisors.<sup>47</sup> The plan will be deemed accepted by the Board of Supervisors unless rejected by a vote of 4/5ths, in which case the plan goes back to the LCCP for further consideration.<sup>48</sup> Each county must provide the state Corrections Standards Authority with a copy of its approved AB 109 implementation plan within 60 days of its approval by the Board of Supervisors.<sup>49</sup>

## GUIDELINES AND RECOMMENDATIONS FOR CREATING EFFECTIVE AB 109 IMPLEMENTATION PLANS

**W**e urge every county to incorporate the following 12 key elements as part of a successful realignment planning and implementation process to control costs and maximize the potential benefits of AB 109:

**1) Establish a planning and implementation process that is public, inclusive and transparent.**

The LCCP should engage with a wide spectrum of the community to educate the public about criminal justice realignment and seek community input into developing the plan. While the Executive Committee of the LCCP is ultimately responsible for developing the plan, AB 109 explicitly provides that the full LCCP should play a critical role in developing programs and ensuring appropriate outcomes for low-level offenders.<sup>50</sup>

Given the nature of expertise and experience required to develop the plan, the LCCP should seek and provide opportunity for input from a broad array of members of the public. Counties must also comply with the requirements of the Brown Act, California's open meeting law.<sup>51</sup> Meaningful, significant public input into the planning process will result in a better realignment plan.

Local reentry councils should play a significant role, as should mental health advocates and service providers, drug treatment providers, other social service providers, victims' groups, faith-based groups, and representatives of the local business, labor and workforce development community.

Town hall meetings open to the general public are a good first step, and can be followed with smaller meetings of working groups and task forces focused on more specific aspects of plan development. It is essential to identify key stakeholders and constituencies whose support of the plan is necessary for successful operation and funding.

**2) Assess the characteristics of the currently supervised population and the anticipated new realignment population.**

The Executive Committee should undertake a comprehensive assessment of current and anticipated needs and opportunities, existing programs, and gaps to be filled. Realignment plans should provide for the assessment of drug and alcohol addiction, mental and physical health, housing, education, and employment status, and ensure the availability of appropriate programs for individuals in all stages of the criminal justice system. Plans should also make sure to provide needed programs and services to victims of crimes ranging from child abuse to gang violence.

Before a plan can be developed, counties must collect and analyze data necessary to answer key questions, including the following:

- 1) Who is already in the county corrections system?
- 2) Who are the new people that will be coming in?
- 3) What are the various risk levels and how should incarceration and alternatives to incarceration be best utilized (e.g. expanding non-incarceration alternatives for non-violent drug possession and sales; reserving incarceration for those who truly pose public safety concerns while employing less costly intermediate sanctions for lower-risk populations)?
- 4) What special needs exist and are likely to exist and how can these best be addressed (e.g. women versus men; developmentally disabled or other mental health issues; substance abuse issues; medical care issues—especially among the elderly)?
- 5) What existing intermediate sanctions and rehabilitative programs are already utilized by the local courts, probation departments and sheriffs?
- 6) How well are these programs working? Are they more effective for certain populations? (see below)
- 7) How might existing programs be expanded to include additional populations (e.g. how might a successful re-entry program be expanded to serve as an alternative to—not just provide transitional assistance after—incarceration for some low-risk offenders)?
- 8) What new programs are available through collaborating with local non-profit service providers, faith-based groups, members of the business community and others in the community to fill the gaps?

The information gathered from this process should be used to provide a comprehensive picture of available services and gaps in existing programs.

**3) Determine whether programs have a valid scientific basis demonstrating success, set program targets, and engage in periodic program evaluation and adjustments.**

Each county must have a process for determining whether its programs meet minimal standards for evidence-based programs, defined in AB 109 as, “supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under probation, parole, or post release supervision.”<sup>52</sup>

At the outset each county should determine basic eligibility requirements for each program, what incentives and sanctions should accompany each program, and how each program will be assessed.

Program outcomes should be broadly defined and include not only whether recidivism rates are lowered but should also include measurements tied to indicators that are critical for societal success, including employment and housing stability.

Each county's realignment plan should include numerical targets for how many individuals will be placed in community corrections alternatives to incarceration, how many will show improved and successful reentry results, and by how much jail populations will be reduced over time.

Programs should be required to establish pre-determined, realistic and effective policy responses for addressing setbacks (e.g. failing a drug test shouldn't automatically lead to revocation of parole or probation), and should also include a process for periodic evaluations of programs to fine-tune them over time based upon outcomes.<sup>53</sup>

**4) Develop a comprehensive approach that includes each aspect of your local criminal justice system, from pre-entry to re-entry, addressing the underlying causes of criminal behavior and recidivism.**

Plans should provide a comprehensive strategy addressing each stage of the criminal justice system. Evidence-based alternatives to incarceration should be implemented at each stage of the system for both the incoming realignment population and current jail population. Jail beds should be reserved for those individuals who truly pose a high risk and cannot be managed through alternative sanctions.

- **Pre-Booking/Pre-Charging:** Place appropriate low-level offenders who agree to participate directly into supervised services similar to reentry programs instead of putting them through the courts and only then into jail or alternative community sanctions and programs.
- **Pre-Trial:** Expand non-incarceration alternatives for your pre-trial detention population who cannot afford bail but do not present a significant flight or public safety risk. AB 109 expands local authority to utilize alternatives like home detention with electronic monitoring for pre-trial detention. Counties should not discriminate on the basis of poverty, and should make these alternatives available equally to all eligible individuals without regard to their ability to pay for the required equipment.
- **Sentencing:** Adopt community corrections alternatives to incarceration for low-level offenders who are convicted and sentenced, or granted some form of probation or diversion, by a Superior Court for a misdemeanor or an AB 109-eligible felony offense.
- **Probation, Parole and Community Supervision:** Adopt evidence-based reentry programs that address the housing, education, employment and health status of individuals and that reduce recidivism.

It is critically important to design and assign programs to fit the circumstances and special needs of those assigned to them. There should be individualized supervision (i.e., case management plans for each person) and treatment plans that include long-term monitoring and, when appropriate, after-care.<sup>54</sup> Counties should employ a validated risk and needs assessment and individualized treatment and rehabilitation plan. Factors such as steady employment and stable housing are obviously important to successful reentry, and pre-placement assessments must take factors like this into account. Different levels and types of supervision and services should be available as people move through the system—positive behavior should be rewarded with increasing levels of responsibility and decreasing levels of sanctions. Community sanctions to be imposed in lieu of jail incarceration should also correspond to the underlying factors which contributed to the criminal behavior (e.g. drug and/or mental health treatment, family counseling, job training and placement), and should be proportional to the severity of the criminal behavior. For example, if a drunk driving offense—which poses a serious risk to public safety including death—results in a 2-day jail sentence, then a 30-day, 100-day, or 1000-day jail sentence for possession of a small amount of drugs seems disproportionate.

There are a number of computerized assessment tools available that help assign individuals to programs based on individualized need and risk of recidivism. It is important to consider all available assessment tools when determining what will work best for each county. One such tool, the Correctional Assessment and Intervention System (CAIS), which is currently being used in several counties, has yielded very positive results in evaluations.<sup>55</sup>

Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) is another well-known assessment tool. A 2007 analysis of COMPAS, however, cast doubt on the program's ability to predict recidivism and ultimately recommended against using it for offender placement.<sup>56</sup> The report cited several specific concerns regarding the tool's problematic structure;<sup>57</sup> limited predictive utility;<sup>58</sup> subjective assessment of professional judgment;<sup>59</sup> and offender self-reporting.<sup>60</sup>

## **5) Establish a system of pre-booking or pre-charging diversion for your lowest-risk population.**

Many of those arrested for simple drug possession and low-level drug sales, prostitution or minor property crimes can safely, effectively and immediately be diverted out of the criminal justice and court systems into treatment and services programs. Innovative programs are being developed that place appropriate individuals directly into supervised treatment and other programs similar to some current probation and reentry programs. Pre-booking or pre-charging diversion can get people into evidence-based programs and services that have been demonstrated to reduce recidivism while eliminating costly court proceedings and reducing the caseload of already over-burdened judges, prosecutors, public defenders and staff.

Even prior to the enactment of AB 109, counties had the discretion to institute pre-booking and pre-charging diversion programs for the lowest-risk offenders. Now that realignment will significantly increase the workloads of local jails and court systems, pre-booking and pre-charging diversion

programs make more sense than ever before. Counties can implement an intake process outside of the usual booking and arraignment process for determining whether those arrested for specified low-level offenses meet eligibility criteria; if so, consenting individuals can be directly diverted toward treatment and resources—rather than processing them through the expensive and over-burdened court system only to later deposit them in the very same treatment programs as part of probation or reentry requirements. Just such a program is being implemented in Seattle, Washington this year.

The Law Enforcement Assisted Diversion (“LEAD”) Project in the greater Seattle area is a community-based, pre-booking diversion program<sup>61</sup> targeting people arrested for petty drug and prostitution crimes in two pilot neighborhoods with documented drug problems.<sup>62</sup> A soft launch of the program is scheduled for late August or early September, 2011 followed by a full launch in October.<sup>63</sup>

Law enforcement officers<sup>64</sup> will be able to divert low-level offenders to intensive case management programs, rather than booking them into jail.<sup>65</sup> The model was motivated by consensus among elected officials, criminal justice stakeholders and key community public safety leaders in Seattle and King County that responses to street-level drug activity should be more effective and less harmful than existing law enforcement strategies.<sup>66</sup> This collective frustration along with the hypothesis that improvements in the health and life conditions of participants result in fewer incidents of criminal behavior, criminal justice system related cost savings, reductions in recidivism, and improved public safety were the driving forces behind the LEAD strategy.<sup>67</sup>

## **6) Reduce immigration-based detention and booking costs.**

Counties need not bear the costs of enforcing federal immigration laws and have discretion over whether they choose to honor ICE detainer requests.<sup>68</sup> In addition to adopting alternatives to incarceration like those set out in this report, counties can free up jail beds by taking simple steps to reduce the number of inmates in county jails who are held at the request of the federal government.

While the federal government provides some reimbursement to counties who honor ICE detainer requests, the amounts reimbursed fall far short of the actual costs borne by local jurisdictions for transport, bed space, and other custody overhead expenses.<sup>69</sup>

Counties can reduce the number of holds they are issued by minimizing the number of hold-eligible inmates they book into jail. Counties can also reduce the number of holds they are issued by decreasing ICE’s access to the county. Because ICE detainees are not mandatory, jails have discretion to tailor their detainer enforcement policies in order to minimize costs.

San Francisco recently adopted a policy that significantly curtails enforcement of ICE detainees<sup>70</sup> and increases the likelihood of reimbursement through the federal State Criminal Alien Assistance Program (SCAAP).<sup>71</sup> When holds are issued to a county, the county can reduce costs by carefully

considering which detainer requests it will honor. Counties can pursue these goals by following these five recommendations:

- Review policies and practices regarding stops and arrests to minimize arrests related to lack of state-issued identification.<sup>72</sup>
- Adopt policies that minimize ICE access to inmates and jail booking sheets and limit communication with ICE regarding particular inmates' citizenship and/or immigration status.<sup>73</sup>
- Adopt policies limiting enforcement of immigration detainers.
- Review data on duration of pretrial detention for similar offenses depending on whether an immigration detainer exists.
- Review policies that impact bond, bail, eligibility for Prop 36 and other diversion programs based on whether an immigration detainer has been issued.

**7) Expand current, and adopt new, alternatives to incarceration utilizing home detention and work furlough to replace pre-trial jail detention.**

Many defendants who cannot afford bail can and should be released on home detention and allowed to keep their jobs and pay their rent with no significant public safety or flight risk. AB 109 increases local authority to craft safe and effective pre-trial detention alternatives. To the extent counties utilize electronic monitoring (by phone, GPS, or other means), such programs should be made available equally to all eligible individuals without regard to their ability to pay for the required equipment. It violates fundamental notions of fairness, and may violate constitutional equal protection rights as well, to incarcerate someone simply because they cannot afford to pay for alternative programs available to other, wealthier defendants.

**8) Utilize appropriate community corrections alternatives to incarceration for individuals who have been sentenced.**

AB 109 gives counties new, broad discretion to deal with the realignment population convicted of low-level non-violent felonies, as well as individuals convicted of misdemeanors (the county's current pre-AB 109 jail population). The local bench should work closely with probation departments and others to ensure that counties make good use of this expanded discretion to utilize home detention, day reporting, work furlough and other intermediate sanctions in lieu of jail time for individuals who have been sentenced. While county probation departments and sheriffs are accustomed to handling people on the back end, in the reentry process, the new realignment legislation grants counties broad discretion in developing innovative evidenced-based correctional sanctions and programming at the *front end* of the process, not just post-release.<sup>74</sup>

For instance, an appropriate non-violent, low-risk offender convicted of an AB 109-eligible felony who would traditionally have been sent to state prison for three years need not—and indeed, should not—merely be sent to jail for three years. That person should instead be subjected to intermediate sanctions such as home detention with or without GPS monitoring (e.g. telephone check-ins in lieu of GPS), accompanied by intensive community supervision, mandatory community service, mandatory victim restitution and victim-offender reconciliation. This will enable the individual to keep his or her employment, avoid eviction for failure to pay rent and provide for his or her family while serving out the terms of community punishment. The very same types of evidence-based programs that have been demonstrated to reduce recidivism when applied in a reentry context can be applied *instead of*, rather than following, incarceration.<sup>75</sup> Utilizing alternatives to incarceration will help prevent overcrowding in county jails and will make it easier to provide constitutionally-required mental and physical health care to those who are incarcerated. Manageable jail populations will enable counties to reduce recidivism and improve public safety by providing those in their jails with drug treatment, education, job training and similar programming opportunities to best prepare people for successful reentry and enable them to earn good-time credits as they do currently in state prison.

**9) Establish effective evidence-based post-release community supervision programs.**

AB 109 creates a new county-level program called “Post-Release Community Supervision.”<sup>76</sup> Each county is required to designate an agency to oversee this program; in most counties this will likely be the adult probation department.<sup>77</sup> Those to be supervised will include AB 109-eligible inmates released from state prison who would have otherwise been placed on state parole as well as those who have served their felony sentences locally in jail. Whether or not offenders re-integrate successfully into the community or reoffend depends heavily on the programs, services, and resources available to them when they are released. Thus, it is essential that county implementation plans utilize evidence-based practices demonstrated to reduce recidivism and that address the employment, education, housing, and health status of those supervised to maximize their chance of successful reentry. Plans should include a full range of options for community supervision, and an individualized pre-release assessment process for each person to be supervised in order to determine the appropriate level of monitoring and the specific programs most likely to lead to successful reintegration into the community. Monitoring and program options should include things like routine home visits, home detention with electronic monitoring, day reporting, residential substance abuse treatment, outpatient behavioral health treatment (e.g., substance abuse, mental health, sex offender, batterer’s intervention), cognitive behavioral interventions, restorative justice programs, community service, family strengthening strategies and referral to education, vocational training, employment services and housing resources.

**10) Ensure that jail conditions and alternative sanctions meet constitutional standards and are subjected to legal review before implementation.**

All community sanctions to be imposed in lieu of incarceration should be carefully reviewed by the public defender, district attorney, county counsel or other legal counsel to be sure the terms and conditions comport with constitutional and other legal requirements. For instance, AB 109 provides that “flash incarceration” of up to 10 days can be among the intermediate sanctions employed by realignment implementation plans.<sup>78</sup> Even shorter-term deprivations of liberty such as this, however, must be accompanied by sufficient due process protections to ensure the fairness and accuracy of underlying fact-finding determinations.

**11) Develop a financing model that prioritizes funding programs and services necessary for successful reentry.**

Develop a financing model that prioritizes funding the mental health, drug treatment, employment, housing and education programs necessary for successful reentry based on the profile and status of each individual. Incarceration does not reduce the likelihood of recidivism; in fact, those who are incarcerated, especially for lengthy periods of time without meaningful rehabilitative programming, are more likely to commit new crimes once released.<sup>79</sup> Instead of adding more jail space, counties must focus upon evidence-based alternatives that have been proven to reduce recidivism. Lower rates of recidivism mean fewer new crimes and fewer new victims.

**12) Do not get into the prisoner exchange business.**

If county realignment implementation plans adopt the recommendations set out in this report, county jails will not be overwhelmed. At the same time, public safety will be increased. As the state legislature acknowledged in enacting the realignment legislation, “Realigning low-level felony offenders ... to locally run community-based corrections programs, which are strengthened through community-based punishment, evidence-based practices, improved supervision strategies, and enhanced secured capacity, will improve public safety outcomes among adult felons and facilitate their reintegration back into society.”<sup>80</sup> Utilizing alternatives to incarceration wherever appropriate will enhance public safety by reducing recidivism and conserve county jail space for only the highest-risk members of the realigned population. Counties that find themselves below capacity should maintain that cushion rather than “renting out” jail space to other counties. Counties should not send inmates to other jurisdictions in lieu of developing and implementing evidence-based alternatives to incarceration. Attempting to shift over-incarceration to sister counties, CDCR, private or out-of-state prisons is not a sustainable or fiscally prudent strategy over the long term. Most successful reentry will happen in individuals’ own communities, close to families for visitation, integrated with services each county is uniquely positioned to provide to its own residents.

## EXAMPLES OF COST-EFFECTIVE PROVEN ALTERNATIVES TO INCARCERATION

**A**B 109 provides several specific guidelines for county implementation plans, set out in the newly-added Penal Code section 17.5.<sup>81</sup> Counties are to employ “correctional sanctions and programming encompassing a range of custodial and noncustodial responses to criminal or noncompliant offender activity.”<sup>82</sup>

As the Supreme Court recognized in the *Plata* case, incarceration does not reduce the likelihood of recidivism; in fact, those who are incarcerated, especially for lengthy periods of time without meaningful rehabilitative programming, are *more likely* to commit new crimes once released.<sup>83</sup> Evidence-based alternatives to incarceration will not only save scarce jail beds, but will enhance public safety by reducing recidivism and helping to ensure successful reentry once individuals are released from criminal justice supervision.

AB 109 provides numerous specific examples of intermediate sanctions that may be provided by local public safety entities directly or through community-based public or private correctional service providers, including:

- intensive community supervision
- home detention with or without GPS monitoring
- community service
- restorative justice programs such as mandatory victim restitution and victim-offender reconciliation
- work, training, or education in a furlough program, or work in lieu of confinement
- day reporting
- residential or nonresidential substance abuse treatment programs
- random drug testing
- mother-infant care programs
- community-based residential programs offering structure, supervision, drug treatment, alcohol treatment, literacy programming, employment counseling, psychological counseling, mental health treatment, or any combination of these and other interventions.<sup>84</sup>

Counties looking to establish new alternatives to incarceration or to build upon existing programs have numerous examples of innovative models to draw upon. See Appendix A: *Sample of Evidence Based Alternatives to Incarceration Sanctions*, for examples of programs that have been implemented in California and across the country. These programs not only serve as alternatives to incarceration but can offer improved recidivism rates and significant cost savings over traditional incarceration.

## CONCLUSION

California counties are at a fork in the criminal justice road. It makes no sense to stay on the current path, cycling and recycling people through overcrowded and broken jail and prison systems that fail to address the underlying problems. This approach hasn't made our communities safer and it simply is not financially sustainable. It's time to take a new approach. AB 109 is an opportunity for innovative policy-making at the local level, to usher in a new era of smart-on-crime cooperation and coordination among government, private and non-profit health and social services organizations, businesses, and others that can make our communities safer, reduce recidivism rates and more effectively allocate scarce criminal justice resources.

## ENDNOTES

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- 1 The realignment legislation defines evidence-based practices as “supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under probation, parole, or post release supervision.” AB 117 § 5, 2011 Cal. Stat. Ch. 39, at 12 (to be codified at CAL. PENAL CODE § 17.5) at § 17.5(a)(9).
- 2 *Brown v. Plata*, 131 S.Ct. 1910 (2011).
- 3 California State Legislative Analyst’s Office, *Governor’s Realignment Plan—Criminal Justice* (Jan. 25, 2011), p.8, available at [http://www.lao.ca.gov/handouts/crimjust/2011/CJ\\_Realignment\\_Plan\\_01\\_25\\_11.pdf](http://www.lao.ca.gov/handouts/crimjust/2011/CJ_Realignment_Plan_01_25_11.pdf) (last visited July 22, 2011).
- 4 See California Department of Corrections And Rehabilitation, *2010 Adult Institutions Outcome Evaluation Report*, p. 11, available at [http://www.cdcr.ca.gov/Adult\\_Research\\_Branch/Research\\_Documents/ARB\\_FY0506\\_Outcome\\_Evaluation\\_Report.pdf](http://www.cdcr.ca.gov/Adult_Research_Branch/Research_Documents/ARB_FY0506_Outcome_Evaluation_Report.pdf) (last visited August 1, 2011). See also table comparing state recidivism rates in: The Pew Center on the States, *State of Recidivism April 2011: The Revolving Door of America’s Prisons*, pp. 10-11 , available at [http://www.pewcenteronthestates.org/uploadedFiles/Pew\\_State\\_of\\_Recidivism.pdf](http://www.pewcenteronthestates.org/uploadedFiles/Pew_State_of_Recidivism.pdf) (last visited August 1, 2011).
- 5 *Plata*, 131 S.Ct. at 1942-1944. See also, e.g., Lin Song & Roxanne Lieb, Washington State Institute for Public Policy, *Recidivism: The Effect of Incarceration and Length of Time Served*, (September 1993) (reviewing literature on effect of incarceration on recidivism rates), available at <http://www.wsipp.wa.gov/rptfiles/IncarcRecid.pdf> (last visited August 1, 2011).
- 6 African-Americans are incarcerated at a rate of approximately 2,121 per 100,000 in California prisons; these figures do not include those incarcerated in county jails or federal prisons located in California. California Department Of Corrections and Rehabilitation, Offender Information Services Branch Estimates and Statistical Analysis Section, Data Analysis Unit, California Prisoners and Parolees, p. 19 (2009) [hereinafter CDCR Estimates and Statistical Analysis], available at [http://www.cdcr.ca.gov/Reports\\_Research/Offender\\_Information\\_Services\\_Branch/Annual/CalPris/CALPRI\\_Sd2009.pdf](http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Annual/CalPris/CALPRI_Sd2009.pdf) (last visited August 8, 2011) (48,990 blacks were incarcerated in CDCR institutions at year-end 2009); U.S. Census Bureau, CenStats Databases, USA Counties, General Profile California (2010) , available at <http://censtats.census.gov/usa/usa.shtml> (last visited August 8, 2011) (there were approximately 2,309,745 African-Americans in California in 2010). Under apartheid South Africa blacks were incarcerated at a rate of approximately 851 per 100,000. Prison Policy Initiative, Section IV: Global Comparisons, Crime and incarceration around the world: U.S. vs. South Africa, available at [http://www.prisonpolicy.org/prisonindex/us\\_southafrica.html](http://www.prisonpolicy.org/prisonindex/us_southafrica.html) (last visited August 8, 2011); see also Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* pp. 6-7 (2010).
- 7 See *supra* note 6 (Hispanics make up 39.3% of the CDCR institution population, while whites, blacks and others represent 25.6%, 29.0%, and 6.1% respectively).
- 8 California state prisons were designed to hold 79,858 prisoners. However, they housed approximately 143,000 prisoners at the time of the *Plata* decision, which ordered California to reduce its prison population by approximately 33,000 prisoners to 137.5% of design capacity, or approximately 109,800 prisoners. CDCR Today, *State Responds to Three-Judge Court’s Order Requiring a Reduction in Prison Crowding* (June 7, 2011), available at <http://cdcrtoday.blogspot.com/2011/06/state-responds-to-three-judge-courts.html> (last visited August 1, 2011); *Plata*, 131 S.Ct. at 1943-47.
- 9 See, e.g., AB 117 § 5 (to be codified at CAL. PENAL CODE § 17.5) at § 17.5(a) (“(3) Criminal justice policies that rely on building and operating more prisons to address community safety concerns are not sustainable, and will not result in improved public safety. (4) California must reinvest its criminal justice resources to support community-based corrections programs and evidence-based practices that will achieve improved public safety returns on this state’s substantial investment in its criminal justice system. (5) Realigning low-level felony offenders who do not have prior convictions for serious, violent, or sex offenses to locally run community-based corrections programs, which are strengthened through community-based punishment,

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- evidence-based practices, improved supervision strategies, and enhanced secured capacity, will improve public safety outcomes among adult felons and facilitate their reintegration back into society. (6) Community-based corrections programs require a partnership between local public safety entities and the county to provide and expand the use of community-based punishment for low-level offender populations. Each county's Local Community Corrections Partnership, as established in paragraph (2) of subdivision (b) of Section 1230, should play a critical role in developing programs and ensuring appropriate outcomes for low-level offenders. (7) Fiscal policy and correctional practices should align to promote a justice reinvestment strategy that fits each county. "Justice reinvestment" is a data-driven approach to reduce corrections and related criminal justice spending and reinvest savings in strategies designed to increase public safety. The purpose of justice reinvestment is to manage and allocate criminal justice populations more cost-effectively, generating savings that can be reinvested in evidence based strategies that increase public safety while holding offenders accountable. (8) "Community-based punishment" means correctional sanctions and programming encompassing a range of custodial and noncustodial responses to criminal or noncompliant offender activity..."
- 10 See California Department of Finance, Office of the Director, *Realignment Proposal Changes Since January 10 Budget* (2011), available at [http://www.dof.ca.gov/budget/historical/2011-12/documents/Restructure\\_and\\_Realignment\\_new.pdf](http://www.dof.ca.gov/budget/historical/2011-12/documents/Restructure_and_Realignment_new.pdf) (last visited July 22, 2011) (providing funding for community programs and alternative sanctions).
- 11 DoF has indicated that counties can expect to be funded for only \$25,000 per "realigned" person incarcerated for felony sentences; this reimbursement is calculated to cover only a six-month period of incarceration, regardless of the length of sentences actually meted out, which may be three years or more. The number of six-month jail sentences to be reimbursed in each county will be based on a calculus incorporating, among other factors, past average daily populations. *See ibid.*
- 12 AB 109 § 461 (to be codified at CAL. PENAL CODE § 2057).
- 13 The cost to incarcerate an inmate in state prison for one year was \$47,102 in 2008-2009. Legislative Analyst's Office, "California's Annual Cost to Incarcerate an Inmate in Prison," [http://www.lao.ca.gov/laoapp/laomenus/sections/crim\\_justice/6\\_cj\\_inmatecost.aspx?catid=3](http://www.lao.ca.gov/laoapp/laomenus/sections/crim_justice/6_cj_inmatecost.aspx?catid=3) (last visited August 1, 2011). The cost to incarcerate an inmate in county jails averaged \$28,000 in 2005-2006. Legislative Analyst's Office, "Estimated Costs of Local Corrections," [http://www.lao.ca.gov/laoapp/LAOMenus/Sections/crim\\_justice/2\\_cj\\_county\\_spending.aspx?catid=3](http://www.lao.ca.gov/laoapp/LAOMenus/Sections/crim_justice/2_cj_county_spending.aspx?catid=3) (last visited August 1, 2011).
- 14 *See Plata*, 131 S.Ct. at 1944-46.
- 15 131 S.Ct. 1910.
- 16 *Coleman v. Schwarzenegger*, Nos. CIV S-90-0520 LKK JFM P & C01-1351 TEH, 2009 WL 2430820, at \*115 (E.D. Cal. & N.D. Cal. Aug. 24, 2009) (unpublished opinion), *superseded by* 2010 WL 99000 (E.D. Cal. & N.D. Cal. Jan. 12, 2010), *aff'd*, *Plata*, 131 S.Ct. 1910.
- 17 Brief for Corrections and Law Enforcement Personnel as Amici Curiae Supporting Appellees at 5, *Brown v. Plata*, 131 S.Ct. 1910 (No. 09-1233).
- 18 *Plata*, 131 S.Ct. at 1943-47.
- 19 AB 117 § 5 (to be codified at CAL. PENAL CODE § 17.5) *at* § 17.5(a)(2)).
- 20 *See supra* note 4.
- 21 *See, e.g.*, AB 117 § 5 (to be codified at CAL. PENAL CODE § 17.5)
- 22 AB 117 § 28 at 42-46 (to be codified as amended at CAL. PENAL CODE § 1170).
- 23 *See, e.g.*, AB 109 § 455 at 284-88 (to be codified at CAL. PENAL CODE § 1203.018) (authorizing counties to offer electronic monitoring for inmates being held in lieu of bail in county jail); § 479 at 308-15 (to be codified at CAL. PENAL CODE § 3450) (authorizing a range of incarceration alternatives).
- 24 *Ibid.* § 450 at 268 (to be codified at Cal. Penal Code § 1170).

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- 25 *Ibid.*
- 26 *See* AB 117 § 53 at 80 (to be codified at CAL. PENAL CODE § 4019(f) (“It is the intent of the Legislature that if all days are earned under this section, a term of four days will be deemed to have been served for every two days spent in actual custody.”)).
- 27 *Ibid.* § 455 at 284 (to be codified as amended at CAL. PENAL CODE § 1203.018).
- 28 *Ibid.*
- 29 *Ibid.*
- 30 *See ibid.* § 479 at 309-15 (to be codified at CAL. PENAL CODE §§ 3450-58).
- 31 AB 117 § 47 (to be codified as amended at CAL. PENAL CODE § 3451).
- 32 *Ibid.*; § 42 at 69; § 69 at 96.
- 33 *Ibid.* § 47 at 102 (to be codified at CAL. PENAL CODE § 3451(a)).
- 34 *See ibid.* § 39 at 64-65 (to be codified as amended at CAL. PENAL CODE § 3000.09).
- 35 *See ibid.* §§ 37-38 at 62-64 (to be codified as amended at CAL. PENAL CODE § 3000.08); CAL. PENAL CODE § 2962 (mental health treatment as a condition of parole); CAL. PENAL CODE § 667 (sentencing enhancements for habitual criminals); CAL. PENAL CODE § 1170.12 (sentencing enhancements for prior felony convictions).
- 36 *See ibid.* § 44 at 72 (to be codified as amended at CAL. PENAL CODE § 3056); AB 109 §§ 475-476, 2011 Cal. Stat. Ch. 15 at 307-09 (to be codified as amended at CAL. PENAL CODE § 3057); CAL. PENAL CODE § 2933.
- 37 *See* AB 117 § 38, 2011 Cal. Stat. Ch. 39 at 63-64 (to be codified as amended at CAL. PENAL CODE § 3000.8).
- 38 *See* AB 109 § 479, 2011 Cal. Stat. Ch. 15 at 309-14 (to be codified as amended at CAL. PENAL CODE § 3450-55); AB 117 § 50, 2011 Cal. Stat. Ch. 39 at 76-77 (to be codified as amended at CAL. PENAL CODE § 3455); AB 117 § 53, 2011 Cal. Stat. Ch. 39 at 79-81 (to be codified as amended at CAL. PENAL CODE § 4019).
- 39 *See* AB 117 §§ 37-38, 2011 Cal. Stat. Ch. 39 at 62-64 (to be codified at CAL. PENAL CODE § 3000.08).
- 40 *See ibid.* § 38 at 63 (to be codified at CAL. PENAL CODE § 3000.08).
- 41 *See ibid.* at 64 (codified as amended at CAL. PENAL CODE § 3000.08 (h)).
- 42 *See* AB 109 § 479, 2011 Cal. Stat. Ch. 15 (AB 109), at 309-15 (to be codified at CAL. PENAL CODE §§ 3450-58); AB 117 §§ 37-38, 2011 Cal. Stat. Ch. 39 (AB 117), at 62-64 (codified as amended at CAL. PENAL CODE § 3000.08) (providing for postrelease supervision of parolees by the Department of Correction until July 1, 2013 and postrelease supervision of certain parolees by counties thereafter).
- 43 *See ibid.* § 1, 2011 Cal. Stat. Ch. 39 at 5-6 (to be codified at CAL. GOV’T CODE § 71622.5).
- 44 *See ibid.* § 49 at 75-76 (to be codified at CAL. PENAL CODE § 3454).
- 45 *See, e.g.,* AB 117 § 27, 2011 Cal. Stat. Ch. 39 at 38-42 (to be codified as amended at CAL. PENAL CODE § 1170).
- 46 *See* AB 117 § 5 (to be codified at CAL. PENAL CODE § 17.5) *at* § 17.5(a)(6). The Local Community Corrections Partnerships (LCCPs) were previously established in Penal Code Section 1230(b)(2). AB 109 and 117 added Penal Code section 1230.1 to create an Executive Committee for each LCCP, responsible for developing the implementation plan and presenting it to the county Board of Supervisors for vote and adoption. AB 117 § 33 at 55 (to be codified as amended at CAL. PENAL CODE § 1230.1). The remaining members of the LCCP are the county’s chief administrative officer; the head of the county department of mental health; the head of the county department of employment; the head of the county alcohol and substance abuse programs; the head of the county office of education; a representative from a community-based organization with experience in successfully providing rehabilitative services to persons who have been convicted of a criminal offense; and an individual who represents the interests of victims. Penal Code Section 1230(b)(2).

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- 47 *Ibid.* § 33 at 55 (to be codified as amended at CAL. PENAL CODE § 1230.1) (providing that the plan shall initially be voted on by an “executive committee of each county’s Community Corrections Partnership...” After this stage, the plan “shall be deemed accepted by the county board of supervisors unless the board rejects it by a 4/5ths vote, at which point the plan returns to the Community Corrections Partnership for further consideration.”).
- 48 *Ibid.*
- 49 California State Association of Counties et al., *2011 Public Safety Realignment Key Provisions in AB 109/AB 117: Adult Offender Population Transfers to Counties*, p. 5 n.3 (2011), available at [http://www.cpoc.org/php/realign/CSAC-CSSA-CPOC%20\(22%20July%202011\)%20update%20on%20AB%20109-AB%20117.pdf](http://www.cpoc.org/php/realign/CSAC-CSSA-CPOC%20(22%20July%202011)%20update%20on%20AB%20109-AB%20117.pdf) (last visited August 1, 2011).
- 50 AB 117 § 5 (to be codified at CAL. PENAL CODE § 17.5) at § 17.5(a)(6).
- 51 Cal. Gov’t Code § 54950.
- 52 AB 117 § 5 (to be codified at CAL. PENAL CODE § 17.5) at § 17.5(a)(9)
- 53 *See, e.g.*, The National Center for Justice Planning, *BJA Center for Program Evaluation and Performance Measurement*, <http://ncjp.org/BJA%20Center%20for%20Program%20Evaluation%20and%20Performance%20Measurement> (last visited July 22, 2011) (providing an online evaluation and performance measurement tool that aids local criminal justice practitioners in evaluating their projects); Amy L. Solomon et al., The Urban Institute Justice Policy Center, *Putting Public Safety First: 13 Parole Supervision Strategies to Enhance Reentry Outcomes* (2008), available at [http://www.urban.org/UploadedPDF/411791\\_public\\_safety\\_first.pdf](http://www.urban.org/UploadedPDF/411791_public_safety_first.pdf) (last visited August 1, 2011) (outlining strategies for promoting effective community supervision programs).
- 54 As San Francisco’s draft implementation plan notes, “At the heart of evidence-based practices are concepts of risk, need and responsivity (the practice of assessing and identifying criminogenic risk factors contributing to ongoing criminal behavior, which can be changed through application of culturally, developmentally and gender appropriate interventions, teaching new skills and building on offender strengths to mitigate criminality). These principles are applied in the recently implemented Evidence-Based Presentence Investigation Assessment report. Risk and need factors are assessed prior to sentencing using the COMPAS assessment tool; this information guides sentencing recommendations and identification of the most appropriate supervision conditions to reduce the likelihood of re-offense.” City & County of San Francisco, *Public Safety Realignment & Post Release Community Supervision 2011 Implementation Plan*, p. 15, available at <http://sfreentry.com/wp-content/uploads/2011/07/Public-Safety-Realignment-Plan-7.19.2011.pdf> (last visited July 22, 2011).
- 55 Unlike COMPAS (discussed below), CAIS has consistently received positive evaluations. Six studies have independently found that CAIS reduces recidivism. For a discussion of these studies, see the website of The National Council on Crime and Delinquency, <http://www.nccd-crc.org/nccd/initiatives/cais-jais.html>.
- 56 Jennifer L. Skeem & Jennifer Eno Loudon, The Center for Public Policy Research University of California, Davis for The California Department of Corrections and Rehabilitation (CDCR), *Assessment of Evidence on the Quality of the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS)*, p. 6 (December 26, 2007).
- 57 In order for this attribute to be evaluable, the program should yield a standard score that can be assessed by different studies. COMPAS makes assessments based on five scales containing numerous items. Agencies can choose to use or omit some of these scales. Because of this flexibility COMPAS lacks a standard structure and does not yield scores that can easily be assessed for predictive utility by independent investigations. Moreover, there is no theory that supports the validity of the scale as a whole. *Ibid.* at 12, 19.
- 58 The majority of the program’s risk scales have not been proven to predict recidivism. *Ibid.* Few of COMPAS’s scales use actuarial tools, and those that are have not been cross validated. *Ibid.* Actuarial tools make predictions mechanically. To insure accuracy, they should be based on a large sample size, often of several thousand persons. *Ibid.* at 18, 23. This information is then analyzed using regression-based actuarial

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- risk assessment models and weighted in a formula designed to maximize prediction. *Ibid.* Actuarial tools are based on one sample and can “overfit,” that data, or match the data too closely. *Ibid.* at 12. For this reason, an actuarial tool should be cross-validated against other data sets to ensure that it does not lose predictive power. *Ibid.*
- 59 COMPAS also includes a professional judgment scale, which consists of a professional’s subjective assessment of an offender’s likelihood of committing future crimes. However, there is no evidence to indicate interrater reliability or whether criminal justice professionals are even trained on how to use the program. *Ibid.* at 8, 28. “Interrater reliability indicates that one criminal justice professional will score an offender on the COMPAS similarly to another criminal justice professional.” *Ibid.* at 15. Interrater reliability is crucial to ensuring that an offender’s score is an accurate measure of the likelihood of reoffending, rather than an arbitrary number chosen by a criminal justice professional. *Ibid.* at 15.
- 60 *Ibid.* at 28. A 2010 report by the University of California also looked at the predictive efficacy of COMPAS’s scales. This evaluation concluded that there was a correlation between COMPAS evaluation and recidivism. However, the correlation is at a level considered only minimally statistically acceptable. David Farabee et al., Semel Institute for Neuroscience and Human Behavior, University of Los Angeles, *COMPAS Validation Study, Final Report*, p. 24 (August 15, 2010) available at [http://www.cdcr.ca.gov/Adult\\_Research\\_Branch/Research\\_Documents/COMPAS\\_Final\\_Report\\_08-11-10.pdf](http://www.cdcr.ca.gov/Adult_Research_Branch/Research_Documents/COMPAS_Final_Report_08-11-10.pdf) (last visited August 1, 2011).
- 61 “A pre-booking diversion program is one that identifies low-level drug offenders for whom probable cause exists for an arrest, and redirects them from jail and prosecution by providing linkages to community-based treatment and support services. Pre-booking diversion programs consist of both a law enforcement and social services component. The integrity of both components is critical to any successful pre-booking diversion initiative. Pre-booking programs involve specialized training for police officers, and a crisis drop-off center with a no-refusal policy for persons brought in by the police.” The Defender Association-Racial Disparity Project, *Law Enforcement Assisted Diversion (LEAD): A Pre-Booking Diversion Model for Low-Level Drug Offenses*, (2010), available at <http://www.law.seattleu.edu/Documents/cle/archive/2010/032610%20Restorative%20Justice/215pm%20LEAD%20concept%20paper.pdf> (last visited August 1, 2011).
- 62 See King County Mental Illness and Drug Dependency Action Plan, “Community-Based Intervention Targeting Low-Level Drug Offenders (Belltown)” (2009); King County Mental Illness and Drug Dependency Action Plan, “Community-Based Intervention Targeting Low-Level Drug Offenders (Skyway)” (2009).
- 63 See Law Enforcement Assisted Diversion, “Request for Proposal for Primary Service Provider,” p. 3 (2011) [hereinafter “Law Enforcement Assisted Diversion RFP”].
- 64 Seattle Police Officers in Belltown and King County Sheriff’s Deputies in Skyway.
- 65 See Law Enforcement Assisted Diversion RFP, *supra* note 63, p. 2 (law enforcement officers will use prescribed determinations for referring people to the LEAD Project); County Mental Illness and Drug Dependency Action Plan, “Community-Based Intervention Targeting Low-Level Drug Offenders (Belltown)” (2009); King County Mental Illness and Drug Dependency Action Plan, “Community-Based Intervention Targeting Low-Level Drug Offenders (Skyway)” (2009).
- 66 Law Enforcement Assisted Diversion RFP, *supra* note 63, p. 2.
- 67 *Ibid.*
- 68 Melissa Keaney et al., Nat’l Immigration Law Ctr. et al., *Issue Brief: Immigration Detainers and Local Discretion*, p. 2 n.4 (2011) (citing letter from David Venturella, Assistant Director, U.S. Immigration and Customs Enforcement, to Miguel Márquez, County Counsel, County of Santa Clara).
- 69 The only reimbursement program for costs associated with ICE detainees is the federal State Criminal Alien Assistance Program (SCAAP). SCAAP is a DOJ-funded grant program that provides money to states for the costs of incarcerating certain undocumented immigrants. Nat’l Immigration Forum, *Immigrants Behind Bars: How, Why, and How Much?*, p. 9 (2011) (citing Bureau of Justice Assistance, “SCAAP 2010 Guidelines”

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- [hereinafter SCAAP Guidelines], *available at* [http://www.ojp.usdoj.gov/BJA/grant/2010\\_SCAAP\\_Guidelines.pdf](http://www.ojp.usdoj.gov/BJA/grant/2010_SCAAP_Guidelines.pdf)). Reimbursement is limited to costs associated with non-juvenile immigrant prisoners, convicted of felonies or a second misdemeanor, incarcerated for more than four days, with no claim of citizenship, and who are identified as undocumented or out of status. SCAAP Guidelines at 4. The average SCAAP per diem reimbursement was only \$30.30 per inmate in 2007. *Ibid.* The average nationwide cost to incarcerate a person for one day was \$79 in 2009. Jennifer Warren, The Pew Center on the States, *One in 31: The Long Reach of American Corrections*, p. 13 (2009). In Ventura County, for instance, it is estimated that only twelve percent of costs associated with incarcerating non-citizens was reimbursed by SCAAP. Keaney, *supra* note 68, p. 4 n.13 (2011) (citing Kevin Clerici, *Jail Funds Fall Short of County Expenses*, *Ventura County Star*, June 4, 2010). These costs totaled \$9,875,376 in 2009. *Ibid.*
- 70 See Sheriff Michael Hennessey, “Inter-Office Correspondence: Immigration & Custom Enforcement Procedures” (May 3, 2011), *available at* [http://www.wbez.org/sites/default/files/San\\_Francisco\\_policy\\_on\\_ICE\\_detainers.pdf](http://www.wbez.org/sites/default/files/San_Francisco_policy_on_ICE_detainers.pdf) (last visited August 1, 2011).
- 71 See *supra* note 69.
- 72 See ACLU of Northern California, *Costs and Consequences: The High Price of Policing Immigrant Communities*, p. 11-14 (2011).
- 73 See *ibid.* at 23.
- 74 See, e.g., AB 117 § 5 (to be codified at CAL. PENAL CODE § 17.5(a)(8)).
- 75 For instance, San Francisco’s draft implementation plan specifies that, “AB 109 provides legal mechanisms to use alternatives to incarceration for sentenced populations. In San Francisco, these alternatives will include electronic monitoring, home detention, residential treatment beds, restorative justice classes, substance abuse services, parenting classes, the 5 Keys Charter High School, employment counseling and services, and transitional housing. An inmate under the supervision of Community Programs may be provided multiple services as determined by their individual needs.” City & County of San Francisco, *Public Safety Realignment & Post Release Community Supervision 2011 Implementation Plan*, p. 10, *available at* <http://sfreentry.com/wp-content/uploads/2011/07/Public-Safety-Realignment-Plan-7.19.2011.pdf> (last visited July 22, 2011). All jail programming and alternatives to incarceration managed by the Sheriff will be made available to AB109 offenders providing they meet eligibility criteria and space is available. *Ibid.*
- 76 See *supra* note 30.
- 77 See *supra* note 32.
- 78 AB 117 § 5 (to be codified at CAL. PENAL CODE § 17.5) at § 17.5 (a)(8)).
- 79 See *supra* note 5.
- 80 AB 117 § 5 (to be codified at CAL. PENAL CODE § 17.5) at § 17.5 (a)(5)).
- 81 *Ibid.* (to be codified as amended at CAL. PENAL CODE § 17.5).
- 82 AB 117 § 5 (to be codified at CAL. PENAL CODE § 17.5) at § 17.5 (a)(8)).
- 83 *Plata*, 131 S.Ct. 1910 at 1942-44; see also *supra* note 5.
- 84 AB 117 § 5 (to be codified at CAL. PENAL CODE § 17.5) at § 17.5 (a)(8)).

# APPENDIX A: SAMPLE EVIDENCE-BASED ALTERNATIVES TO INCARCERATION SANCTIONS\*

## Alcohol and Drug Treatment Programs

- **1811 Eastlake (“Wet” Housing)**

1811 Eastlake is a wet housing program in Seattle, Washington that houses 75 homeless men and women living with chronic alcoholism. It is a harm reduction program that allows participants to consume alcohol, so long as they work toward reducing the harm they cause themselves and others. The program utilizes the Housing First model of addressing housing and subsistence needs prior to and separate from chemical dependency issues.

<http://www.desc.org/1811.html>.

**Assessment:** This program has been recognized by the Journal of the American Medical Association as effective in saving lives and lowering costs. The journal specifically recognized 1811 Eastlake for saving taxpayers \$4 million within its first year of operation and reducing the amount of alcohol consumed by program participants by one third.

Larimer et al., *Health Care and Public Service Use and Costs Before and After Provision of Housing for Chronically Homeless Persons With Severe Alcohol Problems*, The Journal of the American Medical Association 301:1349, p. 1355 (2009).

- **Amity In-Prison Therapeutic Community**

The Amity In-Prison Therapeutic Community (TC) provides intensive treatment to male inmates in California state prisons with substance abuse problems. Participants volunteer to participate in the program and must reside in the dedicated housing unit during the last 9 to 12 months of their prison term. The facility is located in a 200-man housing unit at the R.J. Donovan Correctional Facility, a medium-security prison in San Diego. Residents are provided with a variety of treatment and reentry services. Program graduates are offered the opportunity to participate in community-based, residential aftercare for up to 1 year. Vista, the community TC program, can accommodate up to 40 residents at a time.

<http://www.amityfoundation.com/>

**Assessment:** The study assessed 36-month recidivism outcomes for a prison therapeutic community (TC) program with aftercare using an intent-to-treat design with random assignment. Outcomes for 478 felons at 36 months replicated findings of an earlier report on 12- and 24-month outcomes, showing the best outcomes for those who completed both in-prison and

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\* While the ACLU of California does not formally endorse any of these specific programs, they provide useful examples of the many evidence-based programs available for counties.

aftercare TC programs. At 36 months, 27% of persons who completed both types of programs recidivated, versus 75% for other groups. In addition, a significant positive relationship was found between the amount of time spent in treatment and the time until return for the parolees who recidivated. However, the reduced recidivism rates for in-prison treatment found only at 12 and 24 months was not maintained at 36 months. Furthermore, treatment participants had 36% less incarceration time (51.48 fewer incarceration days) than the average control group member, producing cost savings of approximately \$80 per avoided incarceration day.

Wexler et al., *Three-Year Reincarceration Outcomes for Amity In-Prison Therapeutic Community and Aftercare in California*, *The Prison Journal* 79:321 (1999).

- **Behavioral Couples Therapy for Substance Abuse**

Behavioral Couples Therapy for Substance Abuse (BCT) is a treatment approach for substance- and alcohol-abusing couples and their families. This approach recognizes that the involvement of family and significant others plays a role in bringing about a successful treatment outcome. Patients are required to verbally agree to a sobriety contract, and the patient's significant other helps insure adherence. Patients are taught communication skills as well as Cognitive Behavioral Therapy skills. These skills help patients to cope with drug exposure, cravings, and thoughts of use, and to identify high-risk situations. This approach encourages couples to identify positive behavior and mutually enjoyable activities in order to increase relationship satisfaction.

**Assessment:** A 1986 study comparing minimal spouse involvement (MSI), alcohol-focused spouse intervention (AFSI), and BCT in a sample of 37 alcohol-abusing patients and their partners found that BCT was superior to both alternatives in reducing alcohol use and increasing relationship satisfaction at posttreatment and during the 18-month follow-up phase of the study (McCrary et al.). A 2004 study of problem drinkers comparing individual, cognitive behavioral therapy (CBT), AFSI, and BCT found that while participants in both BCT and AFSI outperformed those assigned to CBT in terms of drinking outcomes, BCT did not produce significantly better relationship satisfaction than AFSI (Walitzer & Derman).

McCrary et al., *Comparative Effectiveness of Three Types of Spouse Involvement in Outpatient Behavioral Alcoholism Treatment*, *Journal of Studies on Alcohol* 47:459, pp. 459-67 (1986).

Walitzer, K.S. & Dermen, K.H., *Alcohol-Focused Spouse Involvement and Behavioral Couples Therapy in Alcohol Use Disorder: Evolution of Enhancements to Drinking Reduction Treatment for Male Problem Drinkers*, *Journal of Consulting and Clinical Psychology* 72:944, pp. 944-55 (2004).

- **Breath Analyze Ignition Interlock Devices**

These devices are installed in the vehicles of persons convicted of alcohol-related traffic violations. The device connects the vehicle's ignition system to a breath analyzer, requiring the individual to breathe into the device in order to start the car. The device is calibrated to prevent

ignition if the breath alcohol level exceeds a specific level. The devices can also be programmed to require retests at intervals after the car is started. If the driver fails one of these tests, the device triggers the horn and flashing lights, which will continue to attract notice until the car is turned off.

**Assessment:** Research studies have demonstrated that the devices produce significant reductions in recidivism, ranging from 50% to 90% (Voas & Marques 2003). Among repeat offenders, ignition interlock devices are an extremely effective tool in reducing drunk driving (Robertson, et al., 2006). A study in Maryland of repeat offenders demonstrated a 64% reduction in recidivism when the device was in place (Beck, et al., 1999). Participants with an interlock device also had significantly lower arrest rates for alcohol-related traffic violations one year after completing the program. However, studies have also shown increases in recidivism rates after the device is removed from the offender's vehicle (Robertson, et al., 2006).

Beck et al., *Effects of Ignition Interlock License Restrictions on Drivers with Multiple Alcohol Offenses: A Random Trial in Maryland*, American Journal of Public Health 89:1696, pp. 1696-1700 (1999).

Robertson et al., Traffic Injury Research Foundation, *Ignition Interlocks from Research to Practice: A Primer for Judges*, (2006).

Voas & Marques, *Commentary: Barriers to Interlock Implementation*, Traffic Injury Prevention 4:3 (2003).

- **Drug Court Model**

A drug court is “[a] specially designed court calendar or docket, the purposes of which are to achieve a reduction in recidivism and substance abuse among nonviolent substance abusing offenders and to increase the offender’s likelihood of successful habilitation through early, continuous, and intense judicially supervised treatment, mandatory periodic drug testing, community supervision, and use of appropriate sanctions and other habilitation services” (NIJ 2006). Drug courts vary widely between communities, particularly with regard to the stage at which offenders enter the program. Some employ a pre-plea diversionary model, while others require participants to plead guilty prior to entering the program. Successful completion of the program typically results in a shorter sentence or lesser conviction, while failure typically results in long sentences.

**Assessment:** A study of nine drug courts in California found that both drug court graduates and participants as a whole had lower recidivism rates than a non-participant comparison group (Carey et al. 2006). Over the course of four years, 17% of drug court graduates and 29% of all drug court participants were arrested, compared to 41% in the comparison group. Overall, participants had a recidivism rate that was 12% lower than non-participants.

National Institute of Justice, *Drug Courts: The Second Decade*, p. 1 (June 2006).

Carey et al., *California Drug Courts: Outcomes, Costs and Promising Practices: An Overview of Phase II in a Statewide Study*, SARC Supplement 3 (November 2006).

- **DUII Intensive Supervision Program (DISP)**

The DUII (Driving Under the Influence of Intoxicants) Intensive Supervision Program (DISP) is a comprehensive 3-year program in Multnomah County, Oregon. The program uses sanctions, probation, and close monitoring, and mandates treatment for repeat impaired-driving offenders. The primary goals of the program are to alter offenders' thinking about alcohol and drug use, and to make behavioral changes in order to reduce recidivism, improve public safety, and increase offenders' quality of life. Most repeat DUI offenders who come before the Multnomah County Circuit Court are afforded the opportunity to enroll voluntarily, though once an offender enrolls he or she is required to complete the program. Those who complete the program receive decreased jail time. Offenders spend only 1 to 3 days in jail at the beginning of the program, while those who refuse to participate can receive 60 days or longer in jail. DISP participants only receive additional jail time if they violate their probation terms.

**Assessment:** A study found that those enrolled in DISP had a 54.1% lower recidivism rate than two comparison groups. The study further found that DISP treatment of 446 offenders prevented an estimated 67 re-arrests. DISP saved an estimated \$70 per day for 320,000 days in jail.

Wiliszowski et al., National Highway Traffic Safety Administration, *An Evaluation of Intensive Supervision Programs for Serious DWI Offenders*, (March 2011).

- **DWI First Offenders Program**

The San Juan County (NM) DWI First Offender Program works with first-time offenders convicted of driving while intoxicated (DWI) in order to reduce rearrest rates. Eligible offenders are incarcerated in a minimum-security facility for 28 days. While incarcerated, participants are given a multicomponent treatment that is culturally appropriate. For instance, Native Americans have access to a sweat lodge and talking circles. Participants receive individual counseling, group programs, and post-discharge monitoring for 3 months to 1 year. A work-release program is available to clients who are employed.

**Assessment:** A 2007 study found that for three measures of alcohol use (total standard ethyl-alcohol consumption, drinking days, and average blood-alcohol content) the treatment group showed small to moderate improvements over the control group.

Woodall et al., *A Randomized Trial of a DWI Intervention Program for First Offenders: Intervention Outcomes and Interactions with Antisocial Personality Disorder Among a Primarily American Indian Sample*, *Alcoholism: Clinical and Experimental Research* 31:974, pp. 974–87 (June 2007).

- **Engaging Moms Program**

The Engaging Moms Program (EMP) is a family-based program designed to help substance-abusing mothers enrolled in drug court maintain parental rights. The program provides mothers with the tools and services they need to comply with court orders, appear in court, abstain from drugs, and demonstrate that they are capable of parenting their children. EMP was adapted to family drug courts from the theory and method of multidimensional family therapy.

<http://www.miamidrugcourt.com/>.

**Assessment:** Participants in EMP showed equal or better improvement than those who received Intensive Case Management Services (ICMS). EMP participants were more likely than ICMS participants to have positive child welfare outcomes. They were also more likely to decrease their use of alcohol, experience mental health improvements, improve overall family functioning, and decrease their risk for child abuse. Mothers from both groups showed significant improvements in measures of drug use.

Dakof et al., *A Randomized Pilot of the Engaging Moms Program for Family Drug Court*, *Journal of Substance Abuse Treatment* 38:263, pp. 263–74 (2010).

- **Forever Free**

Forever Free is a treatment program for incarcerated women who abuse drugs. The goal of the program is to reduce drug use and improve the behavior of women both while they are confined and while they are on parole. While incarcerated, women are offered individual substance abuse counseling, 12-step programs, parole planning, and urine testing. The women are also offered workshops and seminars on self-esteem, anger management, assertiveness training, information about healthy versus dysfunctional relationships, abuse, posttraumatic stress disorder, codependency, parenting, and sex and health. The program lasts 4-6 months, during which women participate in 4 hours of program activities 5 days per week. During parole, women may voluntarily enter community residential treatment, the services of which include individual and group counseling. Family counseling, vocational training, and recreational activities are also offered. <http://nrepp.samhsa.gov/ViewIntervention.aspx?id=118>.

**Assessment:** A 2004 study found that significantly fewer Forever Free participants reported having been arrested or convicted during parole than members of the comparison group. About half of the Forever Free group was arrested after being released and half was convicted. By comparison 75% of the comparison group reported being arrested and 71% reported post-release convictions. One year after release, 44% of the comparison group had been convicted, compared to approximately 33% of the Forever Free group. 65.3% of Forever Free women were employed at the time of the follow-up interview, while only 44.7% percent of the comparison group was employed.

Hall et al., *Treating Drug-Abusing Women Prisoners: An Outcome Evaluation of the Forever Free Program*, *The Prison Journal* 84, pp. 81–105 (2004).

- **Interim Methadone Maintenance (IM)**

Interim Methadone Maintenance (IM) is a substance abuse treatment approach for patients waiting to be placed in a comprehensive methadone treatment program (MTP). IM provides a safe way to engage clients, curb cravings, and prevent withdrawal symptoms. These programs provide physical examinations and education about HIV prevention, but do not provide the full range of counseling and social services of MTPs. For this reason, they are less expensive than MTPs. The goals of IM programs are to encourage patient enrollment in MTPs, reduce drug use, and reduce crimes associated with addiction.

**Assessment:** A 2007 study found that 75.9% of IM participants entered into a comprehensive methadone MTP, compared to only 20.8% of those who did not participate in IM. Both treatment and control groups showed the same high rate of heroin use in urine analysis at baseline. However, at the 4-month follow up, the treatment group reported using heroin a mean of about 4 days, while the waitlist control group reported using heroin on 26 days. Moreover, 56.6% of the treatment group tested positive for heroin, compared to 79.2% of the control group. At baseline, there was no difference in crime rate between the treatment and control groups. However, there were significant differences between the two groups in self-reported money spent on drugs and illegal income obtained. After four months, the treatment group reported spending a mean of \$76 on drugs and receiving \$36 in illegal income, compared to the control group's mean spending of \$560 on drugs and illegal income of \$412.

Schwartz et al., *A Randomized Controlled Trial of Interim Methadone Maintenance: 10-Month Follow-Up*, *Drug and Alcohol Dependence* 86:30, pp. 30-36 (January 2007).

- **KEY/Crest Substance Abuse Programs**

KEY/Crest is a substance abuse treatment program for drug-involved offenders. It is both corrections- and community-based and involves multiple stages. The Delaware Department of Correction (DOC) provides therapeutic community treatment in prison and during work release, and also provides aftercare. Each stage reflects the individual's changing correctional status: incarceration, work release, and parole or community supervision.

<http://www.doc.delaware.gov/Programs/treatmentprograms.shtml>.

**Assessment:** A study of the drug treatment continuum found that, for those completing the program, 76% remained drug free and 71% were not rearrested after 18 months. For those not receiving treatment, only 19% remained drug free and 30 percent arrest-free after 18 months.

Inciardi, National Institute of Justice, *A Corrections-Based Continuum of Effective Drug Abuse Treatment* (June 1996).

- **Naltrexone for Federal Probationers**

Naltrexone hydrochloride is a medication used to treat opioid addiction. The FDA-approved drug works by blocking the effects of opiates (typically heroin) consumed by addicts. It can help prevent relapse in the early stages of detoxification without increasing the severity of withdrawal symptoms. It is usually prescribed as part of a drug treatment program that includes counseling and other support services. Despite its potential positive effects, naltrexone treatment is not always readily accepted by individuals with addiction.

**Assessment:** In one study, federal probationers or parolees with a history of opioid addiction were referred for naltrexone treatment and randomly assigned to either a 6-month program of probation plus naltrexone and brief drug counseling, or probation and counseling alone. Fifty-two percent of subjects in the naltrexone group remained in treatment for 6 months and 33% remained in the control group. The overall mean percent of opioid-positive urine tests among the naltrexone subjects was 8%, compared with 30% in the control group. Fifty-six percent of the control group had their probation status revoked within the six-month study period, compared with 26% of the naltrexone group.

Cornish et al., *Naltrexone Pharmacotherapy for Opioid Dependent Federal Probationers*, *Journal of Substance Abuse Treatment* 14:529, pp. 529-34 (November 1997).

- **Node-Link Mapping Enhanced Counseling for Substance Users**

Node-Link Mapping Enhanced Counseling is a form of counseling used in drug treatment. The approach seeks to aid clients in developing clarity and reasoning by using visual representations of substance-use issues and solutions. The counselor and client work together to produce a node-link map, a visual display of important issues and possible solutions in the treatment process. The map helps the counselor and client avoid communication gaps during treatment.

**Assessment:** In a 1997 study, 15% of the mapping group reported engaging in illegal activity in the month before the follow-up interview, compared to 30% in the comparison group. Three percent of the mapping group reported being arrested in the previous month, compared to 22% of the comparison group. Six percent of the mapping group reported being incarcerated in the previous month, compared to 23% of the comparison group.

Joe et al., *Effectiveness of Node-Link Mapping Enhanced Counseling for Opiate Addicts: A 12-Month Posttreatment Follow-up*, *The Journal of Nervous & Mental Disease* 185:306, pp. 306–13 (1997).

- **Therapeutic Community Model**

The “Therapeutic Community” (TC) model is a three-stage treatment model used in corrections facilities. It begins with creating a treatment environment separated from the general inmate population. During the second stage, clients participate in treatment as they transition from prison to work release. The last stage consists of an aftercare component that provides support and

treatment after release from prison. The model involve a continuum of services, works from a perspective of rehabilitation, provides a gradual structured transition, and emphasizes prolonged treatment, support, and follow up.

**Assessment:** In a study of a California TC-based prison program, the model was shown to be effective in reducing re-incarceration and increasing successful re-integration across diverse populations at 1-, 2-, and 3-year intervals after treatment completion. The study analyzed re-incarceration rates for those who: 1) received no treatment, 2) began treatment and then dropped out, 3) completed in-prison treatment but not aftercare, and 4) successfully completed treatment and aftercare. Those who underwent the entire treatment process fared best in avoiding re-incarceration and passed the longest periods of time in the community before being re-incarcerated.

Wexler et al., *Three-Year Reincarceration Outcomes for Amity In-Prison Therapeutic Community and Aftercare in California*, *The Prison Journal* 79:321, 321-36 (1999).

## Community Courts

- **Victim Impact Panels**

Victim Impact Panels are restorative justice panels operated through the courts in Clarke County, Georgia. The goal of these panels is to prevent persons who were convicted of drunk driving from committing similar offenses in the future. Participating offenders are required to attend panels where they listen to DUI victims share their stories. In these panels, four or five victims each give a 10-to-15-minute presentation about how their lives were affected by a drunk driving incident. Failure to attend a sessions is equal to a probation violation and can result in a new court appearance and possible jail time.

<http://www.athensclarkecounty.com/index.aspx?nid=921>.

**Assessment:** After 5 years, 15.8% of the offenders who participated in Victim Impact Panels were rearrested, as compared to 33.5% of the nonparticipating offenders. Victim Impact Panels had a particularly powerful effect on lowering recidivism during the first two years.

Rojek, Coverdill & Fors, *The Effect Of Victim Impact Panels on DUI Rearrest Rates: A Five-Year follow-Up*, *Criminology* 14:1319, 1319-1340 (2003).

- **Midtown Community Court**

The Midtown Community Court targets quality-of-life offenses like prostitution, vandalism, and illegal vending. In traditional courts, judges typically either sentence offenders who commit this type of crime to a few days of jail time or to no incarceration. The minimal sentences are often seen as inadequate by victims or the community and do not convince defendants that these offenses are being taken seriously. By contrast, the Midtown Community Court sentences low-

level offenders to community service while helping them address the problems underlying their criminal behavior. The Court partners with local residents and agencies to provide social services and organize community service projects such as drug treatment, mental health counseling, and job training. <http://www.courtinnovation.org/project/midtown-community-court>.

**Assessment:** Eighty seven percent of defendants at Midtown completed their community service mandates in 2009, compared to around 50% of the defendants processed at the criminal court. That year, Midtown defendants put in over 18,000 hours of community service, the equivalent of over \$140,000 of labor. Additionally, in 2009, Times Square Ink, Midtown's on-site job training program, enrolled 248 participants and placed 57 persons in jobs.

Center for Court Innovation, *Midtown Community Court: Documented Results*.

## Dual Diagnosis Treatment Programs

- **Modified Therapeutic Community for Offenders with Mental Illness and Chemical Abuse (MICA) Disorders**

Modified Therapeutic Communities (MTC) are dual diagnosis treatment programs for offenders with mental illness and chemical abuse (MICA) disorders. These programs adapt existing models of therapeutic community programs for treating chemical dependency to meet the needs of the growing population of offenders who present co-occurring disorders. The individual they target have one or more mental health disorders combined with one or more disorders pertaining to alcohol or substance use. MTC utilizes a community method of treatment along with peer self-help. The program is flexible, personalized, and focused on acknowledging achievements and special developmental needs. MTC establishes individualized treatment plans with program participants and rewards the participants with greater freedoms and responsibilities when they make progress toward their goals. <http://www.ind-house.com/locations.html>

**Assessment:** Of MTC participants, 69% refrained from using any substance after 12 months. In contrast, only 44% of the control group remained substance free after a year. More specifically, 75% of MTC participants had not used an illegal drug and 81% had not used alcohol, compared to 56% and 61% of the control group.

Sullivan et al., *Modified Therapeutic Community Treatment for Offenders with MICA Disorders: Substance Use Outcomes*, *The American Journal of Drug and Alcohol Abuse* 33:823, 823, 832 (2007).

## Employment/Job Training

- **Center for Employment Opportunities**

The Center for Employment Opportunities (CEO) provides ex-offenders with placement at transitional employment sites where clients work four days a week while also receiving job coaching. During the transitional employment period, clients meet weekly with staff to work on rebuilding family relationships and addressing child support issues. CEO provides a structured, gradual transition in an employment setting, individualizes each plan according to client need, and involves the participant in the entire planning and implementation process. [www.ceoworks.org](http://www.ceoworks.org)

**Assessment:** A 2010 study of CEO analyzed the recidivism rates of participants with different risks of reoffending. The study concluded that those participants who were at the greatest risk of reoffending benefited the most from the CEO program. “The high-risk offenders who participated in the CEO program were less likely to be rearrested, had fewer rearrests, and were less likely to be reconvicted of crimes than high-risk offenders who did not have a chance to participate in the program. Furthermore, those in the low-risk category who participated in CEO had outcomes that were similar to that of the control group.”

Sweig et al., The Urban Institute, *Recidivism Effects of the Center for Employment Opportunities (CEO) Program Vary by Former Prisoners’ Risk of Reoffending*, p. 13 (October 2010).

- **Safer Foundation**

The mission of Safer Foundation is to reduce recidivism by helping people with criminal records to become employed, law-abiding members of the community. Safer Foundation provides a full spectrum of services, including job preparedness training, job placement —both transitional and long-term—and retention services. <http://www.saferfoundation.org>.

**Assessment:** A 2006 study demonstrated that three-year recidivism rates for participants in Safer Foundation programs were lower than those for other inmates. The overall recidivism rate for all inmates released from the Illinois Department of Corrections in 2003 was 51.8%. By comparison, participants in Safer Foundation programs who received employment services and found jobs had a recidivism rate of just 24%. Safer clients who kept their jobs for at least 30 days had a recidivism rate of 22%, which was 58% lower than the statewide recidivism rate in the same period. Safer Foundation clients who kept their jobs for at least a year had a three-year recidivism rate of only 13%.

Ahmed, *The Safer Foundation Successfully Reduces Recidivism*, National Crime Prevention Counsel, Catalyst Newsletter 29:6 (2008).

- **Project Re-Integration of Offenders (Project RIO)**

Project RIO offers pre- and post-release services to offenders. An individualized treatment plan is crafted to identify a career path and guide decisions about where the offender should be placed. Before the individual is released, a comprehensive evaluation is conducted to assess his or her needs. The evaluation process involves a multi-step approach including information gathering, goal-setting, program placement and offender self-assessment. Project RIO's staff encourages participants to take advantage of educational and vocational services and help them to obtain necessary documents. Staff provide placement services to give offenders practical work experience in their areas of training. <http://www.twc.state.tx.us/svcs/rio/rio.html>.

**Assessment:** A study found that offenders who participated in Project RIO had higher rates of employment and lower rates of recidivism than nonparticipants. "40.3 percent of adult offenders who participated in Project RIO during and after incarceration were employed five years after release as compared to 24 percent of offenders who did not participate in Project RIO. Similarly, only 6 percent of adult offenders who participated in both pre- and post-release Project RIO services recidivated three years after release compared to 25.4 percent of non-RIO participants."

Texas Department of Justice et al., *Project Rio Strategic Plan: Fiscal Years 2010-2011* (2010).

## Mental Health

- **Iowa Mental Health Reentry Program**

The Iowa Mental Health Reentry is open to individuals identified as chronically mentally ill who agree to close community supervision for at least six months, participate in treatment, and meet with a community accountability board once every six weeks. The program offers services, such as assistance in connecting with mental health service providers, applying for food stamps, Medicaid, and Social Security, finding housing and paying rent, paying for therapy, transportation to appointments or bus passes, enrolling in education or job training programs and providing emotional support and guidance.

<http://www.medicine.uiowa.edu/icmh/criminal/>

**Assessment:**

Individuals who participated in this program were more likely to complete its requirements and remain in the community (as opposed to returning to incarceration) than the control group. A 2007 evaluation found that twenty-four percent of participants were unsuccessfully discharged from the program, whereas 39% of the comparison group had their supervision revoked. Additionally, 40% of participants returned to prison within three years, as compared to 51% of other Iowa offenders with mental illness diagnoses.

Hein, Institute for Social and Economic Development *An Evaluation of Three Transitional Mental Health Re-entry Programs in Iowa: Fourth Annual Evaluation Report Executive Summary*, pp. ix-x (2007).

- **San Francisco Behavioral Health Court**

The Behavioral Health Court (BHC) provides participants with a continuum of care, including in-jail services, pre-release transitional care, and early release into the community. Offenders can qualify to participate if they have been diagnosed as having an Axis I mental disorder according to the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM–IV) or, in some circumstances, with developmental disabilities. Participation is voluntary and defendants can often take part in the program without having to admit guilt. BHC is one of the only mental health courts in the country providing gender specific treatment. The BHC adopted the Women’s Integrated Skills and Health (WISH) Project, which diverts female offenders with mental health disorders to appropriate community mental health treatment services. <http://www.sfsuperiorcourt.org/index.aspx?page=88>.

**Assessment:** A 2007 study indicates that even individuals who fail to graduate from the program experience positive results from participating (McNeil et al., 2007). Additionally, a 2009 cost-benefit analysis of the program demonstrated that in the third year after individuals began participating in the program, savings in criminal justice procedures and treatment costs offset BHC costs and yielded a net savings of \$277,000 (Lindberg 2009).

McNiel & Binder, *Effectiveness of a Mental Health Court in Reducing Criminal Recidivism and Violence*, *The American Journal of Psychiatry* 164:1395 (2007).

Lindberg, Superior Court of San Francisco, *Costs and Benefits of Behavioral Health Court: Findings from “Examining Program Costs and Outcomes of San Francisco’s Behavioral Health Court”* (2009).

## Probation/Parole Programs

- **Community and Law Enforcement Resources Together (ComALERT)**

District Attorney Charles J. Hynes created the ComALERT program in 1999 to help parolees returning to Brooklyn transition back into the community. The program provides formerly incarcerated individuals with drug and mental health treatment, as well as educational, housing and employment assistance. ComALERT also provides parolees who have existing marketable employment skills with permanent job placement assistance. The program begins providing services to participants very soon after their release from prison, which increases their long-term success rate. <http://www.brooklynnda.org/ca/comalert.htm>.

**Assessment:** A 2007 evaluation found that ComALERT clients are 15% less likely to be rearrested within two years of their release from prison than a comparison group with a similar background. Participants who complete the program are 30% less likely than the comparison group to be rearrested. Additionally, the study shows that ComALERT clients have employment rates that are more than double that of the control group. Participants also showed a decreased rate of drug and alcohol use.

Jacobs & Western, *Report on the Evaluation of the ComALERT Prisoner Reentry Program*, p. 1 (2007).

- **Hawaii's Opportunity Probation with Enforcement (H.O.P.E. Probation)**

At the beginning of their probation, HOPE Probationers are clearly warned by a judge that any violation of their probation terms will lead to swift and immediate sanctions. Program participants are tested regularly for drug use. They are required to call the HOPE Hotline each weekday morning to find out if they have been randomly selected to be tested. Participants are tested at least once a week for their first two months of probation. If their test comes back positive, they are arrested immediately. Probationers are also arrested if they fail to appear a mandated test or violate other terms of probation. Warrants for their arrest are immediately issued if a violation has occurred. Once a participant has been arrested, a probation modification hearing is generally held within the next two days. Violators are sentenced to a short jail term of a few days. Probationers who work traditional 9 to 5 hours can elect to serve their allotted time on the weekends. <http://www.hopeprobation.org/>.

**Assessment:** Researchers funded by the National Institute of Justice to evaluate HOPE found it to be very effective in reducing drug use and recidivism. Three months prior to starting the program, HOPE Probationers actually tested positive for drug use more frequently than the control group (53% versus 22%). However, three months after beginning the program, HOPE probationers tested positive only 9% of the time, while their counterparts had a dirty test 33% of the time. After 6 months, only 4 percent of HOPE probationers continued to fail drug tests as compared to 19% of other probationers.

Hawken & Kleiman, National Institute of Justice, Office of Justice Programs, U.S. Department of Justice, *Managing Drug Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii's HOPE*, pp. 17-18 (December 2009).

- **Michigan Prisoner Reentry Initiative**

The Michigan Prisoner Reentry Initiative (MPRI) strives to reduce crime and improve public safety by providing an individualized program of services to offenders from the time they enter prison through their reintegration into the community. After release and prior to parole, offenders are sent to a reentry facility where a transition plan addressing housing, employment, transportation, counseling and mental health treatment is developed through collaboration with community service providers. After an inmate has been released from prison, officers use

graduated sanctions, such as short stays in a reentry center, to prevent noncompliant behavior from escalating to the point where parole revocation seems necessary.

[http://www.michigan.gov/corrections/0,1607,7-119-9741\\_33218---,00.html](http://www.michigan.gov/corrections/0,1607,7-119-9741_33218---,00.html).

**Assessment:** Parolees who participate in MPRI are 33% less likely to return to prison than non-participating offenders.

Urahn et al., *The Pew Center on the States, State of Recidivism: The Revolving Door of America's Prisons*, p. 21 (April 2011).

- **Missouri Division of Probation & Parole: Field Risk Reduction Instrument**

Field Probation and Parole Officers strive to assist offenders reintegrate into society and establish productive lives through community-based supervision. Officers provide structured supervision, refer offenders to helpful resources, and impose sanctions when necessary to control offender behavior. The level of supervision given each offender corresponds to his or her individual needs and risk of reoffending. The supervision process involves the ongoing assessment of offenders' need and risk levels, the development of individualized supervision and treatment plans, Restorative Justice practices, and, the use of sanctions to control offender behavior.

[http://doc.mo.gov/division\\_prob.php](http://doc.mo.gov/division_prob.php).

**Assessment:** The rate at which offenders were returning to prison within two years of release dropped from 46% in 2004 to 36.4% in 2009.

Urahn et al., *The Pew Center on the States, State of Recidivism: The Revolving Door of America's Prisons*, p. 22 (April 2011).

- **Philadelphia Low-Intensity Community Supervision Experiment**

The Philadelphia Low-Intensity Community Supervision Experiment examined the effects of reducing the level of community supervision for low-risk offenders living in an urban environment. The experiment was designed to test a potential alternative to the high supervision model used by the Philadelphia Adult Probation and Parole Department (APPD). The program's goal was to test whether low-risk offenders could be supervised in large caseloads without increasing recidivism.

**Assessment:** A 2010 evaluation found no evidence that reducing the intensity of supervision led to an increase in criminal behavior for low-risk offenders. There were no significant differences in either quantity of the category of offenses committed by participants in the experiment or the control group.

The Coalition for Evidence-Based Policy, *Philadelphia Community Supervision Experiment*, pp. 1-2 (March 2011).

- **Preventing Parolee Crime Program**

The Preventing Parolee Crime Program (PPCP) connects participants with a network of service providers who assist parolees on an “outpatient” basis. Providers offer training and programming in housing, employment, substance abuse education and treatment, as well as math and literacy improvement. <http://www.cdcr.ca.gov/Parole/index.html>

**Assessment:** One 2006 study found that individuals who participated in PPCP had lower recidivism rates than offenders who did not participate. PPCP has a recidivism rate that was 8% lower than the control group. Additionally, participants who met one of the program’s treatment goals had a recidivism rate that was 20.1% lower than the control group and PPCP participants who succeeded in meeting more than one of the program’s goals had a recidivism rate that was 47.1% lower than the comparison group.

Zhang, et al., *Preventing Parolees from Returning to Prison through Community-Based Reintegration*, *Crime & Delinquency* 52:551, p. 562 (2006).

- **Texas Criminal Justice Reforms**

In 2007, Texas implemented extensive criminal justice reforms, including the application of flash incarceration periods to parolees who violate the terms of their release. The state also initiated diversion programs for offenders suffering from substance abuse problems or mental illness, expanded drug court and parole programs and increased the budget for adult probation programs. [http://www.tdcj.state.tx.us/rid/ridtexas\\_reentry\\_meetings.htm](http://www.tdcj.state.tx.us/rid/ridtexas_reentry_meetings.htm)

**Assessment:** 24.3% of Texas prisoners released in 2007, the year the criminal justice reforms were implemented, returned to prison within three years of being released. By comparison, 31.9% of offenders released in 2004 were incarcerated again within three years. The number of parolees returned to prison for new crimes and for parole violations also declined from 11,311 in 2004 to 6,678 in 2010 (Levin & Reddy, 2011). Additionally, between 2008 to 2009, the Texas prison population decreased by 1,257 prisoners (Pew 2010).

Levin & Reddy, Texas Public Policy Foundation Center for Effective Justice, *The Role of Parole in Texas, Achieving Public Safety and Efficiency* (2011).

The Pew Center on the States, *Prison Count 2010: State Population Declines for the First Time in 38 Years*, p. 2 (2010).

## Reentry Programs

- **Auglaize County Transition (ACT) Program**

The Auglaize County Transition (ACT) Program of Ohio, one of the Nation's first jail reentry programs, addresses the numerous problems faced by recently released offenders, such as medical and mental health issues, job placement, or drug and alcohol addiction. Case managers link inmates to resources that can appropriately address these issues both in the community and in jail. As soon as an inmate enters jail, correctional staff members perform an intake assessment, in which the inmate reports any problems he or she is experiencing that might require treatment or services. Case managers design a Reentry Accountability Plan based on inmates' individual needs and assist them during their time in jail and after release. On top of reducing recidivism, the ACT Program screens participants for drugs, monitors program attendance, and conducts compliance reports.

**Assessment:** A 2010 study reported that the Auglaize County Transition (ACT) Program successfully reduced recidivism rates among program participants. The study's findings showed that only 12.3% of program participants were rearrested during the one year follow-up period versus 82% of the control group.

Miller & Miller, *Community In-Reach through Jail Reentry: Findings from a Quasi-Experimental Design*, Justice Quarterly 27:893, 893-910 (May 2010).

- **Reentry Initiative**

The Boston Reentry Initiative (BRI) helps adult offenders at risk of committing violent crime upon their released from jail to transition back to their neighborhoods. While in custody, program participants attend a panel that includes representatives from criminal justice agencies, social service providers, and faith-based organizations. After attending the informative panel, interested inmates are assigned a case manager who they begin working and meeting with immediately. The inmate and case manager create a customized transition accountability plan that helps address a range of participants' individual needs, including help obtaining identification, access to health and mental healthcare, shelter, transportation, employment, education, substance abuse treatment, and permanent housing.

<http://www.scsdma.org/programs/reentry/BRI.shtml>.

**Assessment:** One year after release 36.1% of BRI participants were arrested for a new crime, as compared to 51.1% of the control group. The difference between the groups narrowed over time. Two years after release, 67.6% of BRI participants were arrested for a new crime, compared to 78% of the control group. And three years postrelease, 77.8% of BRI participants were arrested for a new crime, compared to 87.7% of the control group.

Braga, Piehl & Hureau, *Controlling Violent Offenders Released to the Community: An Evaluation of the Boston Reentry Initiative*, *Journal of Research in Crime and Delinquency* 46:411, p. 426 (September 2008).

- **Community Education Centers, Inc.**

Community Education Centers, Inc. (CEC) is a highly structured, individualized and gender-responsive treatment program with the capacity to house up to 80 women for approximately 60 to 90 days after their release from prison in New Jersey. The program includes parent-child reunification; housing and employment assistance; domestic violence, substance abuse, and trauma treatment; and mental and physical health services. It was developed to respond to the unique challenges faced by women offenders—such as the impact of trauma—by providing individual, group, and family counseling sessions. CEC involves participants in the development and implementation of their individualized treatment and re-entry plans. [www.cecintl.com](http://www.cecintl.com).

**Assessment:** A quasi-experimental study of 176 women who participated in the CEC and 241 women released from prison with no specialized transitional programming revealed that the proportion of women rearrested during the six month follow-up period was lower for the CEC group (11 arrests) than the comparison group (30 arrests).

Heilbrun et al., Community Education Centers, Inc. & New Jersey Department of Corrections, *Criminal Recidivism of Female Offenders: The Importance of Structured, Community-Based Aftercare* (2008).

- **Reentry Partnership Initiative**

The Reentry Partnership Initiative (REP) serves seven high-risk neighborhoods of Baltimore, Maryland. It is a coalition of community-based service providers and state corrections agencies that provide individualized assistance as well as a continuum of services for up to two years after release. Services begin with at least one pre-release meeting with a case manager and include housing assistance, substance abuse treatment, mental health counseling, educational services, and vocational training. A case manager and community advocate works with each participant for up to two years or until services are no longer necessary.

<http://www.baltimorecity.gov/OfficeoftheMayor/MayoralOffices/CriminalJustice/MarylandReEntryPartnershipInitiative.aspx>.

**Assessment:** A quasi-experimental study of REP compared two groups of 599 individuals (REP clients, N=229; non-REP, N=370) released between 2001 and 2005 and indicated that REP participants were less likely to be arrested for a new crime and remained arrest-free for longer periods of time than the comparison group. Overall, they committed 68 fewer crimes during the study period than ex-prisoners in the comparison group. The REP program was cost-beneficial, returning about \$3 in benefits for every dollar in new costs. The total net benefit, total benefits minus total costs, to the citizens of Baltimore from the REP program is about \$7.2 million, or

about \$21,500 per REP participant. While there was a small and non-significant benefit to public agencies from REP, most of the program's benefit accrued to the citizens of Baltimore, whose risk of victimization was reduced. Much of the difference in cost-effectiveness is due to a difference in the incidence of serious crimes.

Roman et al., The Urban Institute, *Impact and Cost-Benefit Analysis of the Maryland Reentry Partnership Initiative*, p. i (2007).

- **Motivational Boot Camp Aftercare**

This Pennsylvania-based aftercare program includes a structured gradual transition from prison to the community. In Phase One, graduates live for six months in a group home and receive intensive drug counseling, education and job training and placement. In Phase Two, graduates return to the community but continue to receive individual counseling on a weekly basis for three months. In Phase Three, graduates receive group-counseling sessions once a week for three months.

<http://pcs.la.psu.edu/publications/research-and-evaluation-reports/state-motivational-boot-camp-program>.

**Assessment:** Those who participated in the 90 day aftercare program had significantly lower re-arrest rates at the six-month, one-year, and two-year follow-up points compared to those who did not participate in aftercare. The two-year arrest rate for the aftercare group was approximately equal to the one-year arrest rate of the control group, indicating that participation in aftercare appeared to lengthen the time of success.

Kurlychek & Kempinen, *Beyond Boot Camp: The Impact of Aftercare on Offender Reentry*, *Criminology & Public Policy* 5:363 p. 363 (2006).

- **Project Return**

Project Return provides substance abuse treatment, family counseling, vocational skills training, job placement, academic instruction, and conflict resolution training. Clients receive a stipend of \$2.50 per hour for the duration of their participation, which averages 33 hours per week over three months. The program includes individualized plans to meet participants' needs and provides a structured gradual transition for re-integrating back into the community. Project Return is staffed primarily by ex-offenders. <http://www.projectreturn.com/>.

**Assessment:** Those who participated in and completed the program experienced lower recidivism rates during each of the five years under review than those in the other groups. The findings also suggested that younger persons with prior convictions were most likely to experience recidivism.

The Metropolitan Crime Commission, *The Project Return Program Measuring Recidivism in the Reintegration Program for Ex-Offenders* (May 2000).

- **Southside Day Reporting Center**

The Southside Day Reporting Center Provides a central location for supervision, reporting, and intensive treatment for high-risk offenders in Chicago. Each program participant is matched with a case manager to assess the participant's immediate needs—such as transportation and housing—and to develop an individualized plan that includes treatment and skill development, such as GED preparation, substance abuse treatment, and cognitive therapy.

[http://www.cookcountysheriff.org/departments/departments\\_dcsi\\_dayreporting.html](http://www.cookcountysheriff.org/departments/departments_dcsi_dayreporting.html)

**Assessment:** A 2002 evaluation of the SDRC reentry program followed 1503 offenders assigned to SDRC and a comparison group consisting of 871 parolees from Chicago's West Side from April 1998 to April 2001. The evaluation looked at recidivism rates (defined as incarceration for a new arrest), substance use, and job placement at one-year, two-year and three-year time periods. SDRC participants reported better outcomes, with an estimated 84% of SDRC parolees abstaining from substance use each month and 24, 49 and 47.5% of SDRC parolees employed at the one, two, and three-year follow ups.

Illinois Department of Corrections & Partnership with BI Incorporated, *Overview of the Illinois DOC High-Risk Parolee Reentry Program and 3-Year Recidivism Outcomes of Program Participants*, p. 3 (May 2002).