Little Hoover Commission Progress Hearing on the Re-Organization of the California Department of Corrections and Rehabilitation
November 18, 2010

I would like to thank the commission for the opportunity to provide my perspective on the current organizational structure of the California Department of Corrections and Rehabilitation (CDCR) and what it will take to implement the reforms necessary to reduce recidivism and improve public safety in California communities.

I deeply respect Matthew Cate, Secretary, and the many dedicated men and women of CDCR. I understand the difficulty and the enormity of the daily challenges they face and the sacrifices they make while performing their public safety mission related to the safety and security of institutions; however, institutional and the public safety is also directly impacted by the success, or failure, of the Department's efforts to provide rehabilitative programs to the offenders who are in their custody, and how effective or not CDCR provides reentry services to incarcerated felons who will return home to their communities. Crime begins and ends in the community and the solutions must too.

My comments are intended to constructively assist the Commission in gaining a better understanding from a Senior Staffer's, Prior Associate Director of Female Offender Programs and Services, Chief Financial Officer's and the Receiver's prior Director of Rehabilitation Services perspective related to six specific areas of CDCR 2005 re-organization and departmental operations including:

1. Barriers to implementing CDCR's strategic plan goals

2. Promising practices or successful management strategies

3. Achieving reforms in implementing gender responsive strategies

4. What obstacles prevented CDCR from fully implementing the reforms called for in the Master Plan for Female Offenders?

5. Recommended Changes to improve CDCR budget transparency and efficiency.

6. Promising Practices and community-based corrections solutions that are being implemented in San Francisco's partnership with CDCR.

Barriers to implementing CDCR's strategic plan goals including expanding the number of evidenced-based rehabilitation programs available to offenders

There are a number of significant barriers impacting CDCR's ability to reach its strategic plan goals and expand the number of evidenced-based rehabilitation programs available to offenders. These barriers include continuous leadership

changes, "Get tough on Crime" attitudes and beliefs, arduous contracting requirements, institutional facility physical plant designs that lacked adequate rehabilitative program space, regulation, policy and procedure conflicts, lack of training and succession planning, labor conflicts, overcrowding and litigation.

Continuous leadership changes has been the most significant and ongoing barrier to reform progress. Since 2004 CDCR has experienced four Secretaries: Hickman, Tilton, Cate, and one acting Woodford. Five Undersecretary changes occurred including Carruth, Woodford, Prunty, Runnels and Kernan. During this same time period, CDCR experienced six appointed and acting Directors including: Woodford, Runnels, Kernan, Chrones, Hubbard and Giurbino. Each Secretary, Undersecretary, and Director had a different management/communication style and focus which caused continuous shifts in priority setting and impeded the re-organization's progress. A newly elected Governor will bring additional leadership changes and continue the revolving door leadership trend which has had a destabilizing and negative impact on the organization. Continuous changes also make it difficult to create a team who works cohesively toward common strategic and rehabilitation goals. Ongoing issues between leadership team members created a silo effect between the operational, rehabilitation and administrative areas of the Department which also slowed progress. Inconsistency of policy direction in the Governor's office, such as implementing the initial parole reform and then reversing direction, also created reform delays and confusion for the field. It also seemed when a problem occurred the normal reaction was trying to find who was to blame as opposed to trying to improve the organization.

When the Legislature put the "R (Rehabilitation)" back into CDCR's core mission by changing the penal code, departmentally more focus and organizational culture training on changing attitudes and beliefs was needed. The Department had experienced almost three decades of "get tough on crime" culture and CDCR policies, procedures and attitudes reflected the prior mission and philosophy of "Punishment" and "Just Desserts." In other words the old policies significantly conflicted with the new mission. Those responsible for implementing rehabilitation reforms experienced resistance from custody operations staff and unions. At the core of the resistance was a clash of historical practices versus new culture and values. It has often been said it is hard to implement anything new in CDCR, but once something is implemented it is just as difficult to change how we do business.

Additionally, adequate resources were not provided to focus on policy development. There was significant program savings that occurred due to the lead time for program development work and start-up. These savings could have been utilized to fund the cost associated with training and policy work.

The lengthy State contracting process does not support implementing timely, efficient and effective reform. Expansion of existing and creation of new Offender Programs was delayed 12-24 months due to the amount of time it took to bid a

contract. The Department was also not adequately staffed with the necessary contract staff resources and expertise needed to complete the bidding and process the contracts documents. The lack of contract resources also created significant delays.

Institutions that were built during the major prison expansion that occurred from 1985 through the 1990's did not include sufficient rehabilitative program space and were overcrowded to 190% of capacity. The rehabilitative programming space that was included when these new prisons were built was for a very limited number of inmates at design capacity. Limited programming space impacted which programs could be offered at which institutions. Some space relief was eventually provided through PIA built modular buildings, but these buildings took 24-36 months to get due to funding identification and the actual construction timeline. When the buildings finally were built the Rehabilitation budget was reduced by $250 million.

The $250 million budget reduction represents a loss of approximately one-third of CDCR's total rehabilitation budget. National research has found that for every $1 invested in criminal justice rehabilitative programming, a $2.50 return on investment is realized. One has to ask "When the national criminal justice trend is to provide more rehabilitative programming and expand community alternatives, why is CDCR pursuing a multi-billion dollar prison construction program? We can not build our way out of the decades of failed criminal justice policies and "get tough on crime" sentencing changes. Courage is needed now more than ever to implement innovative solutions at the State and local level to reduce the inmate population coming to CDCR.

Promising practices or successful management strategies implemented as a result of the 2005 Reorganization

The creation of a mission based model to manage the 33 prisons was a cornerstone of the departmental re-organization. Five Associate Director positions were created to provide oversight of like prison missions which included Reception Centers; Level I/II, Community Correctional Facilities and Camps; Level III/IV prisons; High Security; Female Offenders. The intent of the mission based organizational model was to increase the efficiency and effectiveness of the prisons and develop a strategy for improving policies, practices and rehabilitation programs tailored for specific types of inmates. The Female Offender Program successfully implemented the mission model by developing the Female Offender Master Plan with assistance from national experts. The other missions never fully developed a mission model and did not experience the level of success that the Female Offender mission realized. The leadership changed in the missions several times. The other four missions did not follow the same reform development strategy as the Female Offender mission.

Raising Rehabilitation equal to the status of Prison and Parole Operations within CDCR emphasized the addition of the "R" to the CDC mission. This was an important step forward. Unfortunately, as previously discussed there was a divide between

programs and operations which impeded reform progress. The Expert Panel Report that was commissioned by the State Legislature *"A Roadmap for Effective Offender Programming in California."* provided realistic and evidenced based recommendations for improving the state's rehabilitation logic model and identified the strategies needed to significantly reduce recidivism and overcrowding. Unfortunately, due to the State's dire fiscal condition many of the programs developed in response to the recommendations were cut or severely reduced when CDCR's rehabilitation budget was reduced by $250 million.

The Department adopted a successful standardized project management approach, trained staff and required regular reporting on all reform efforts. This was an important skill building investment in CDCR staff. Many CDCR staff had not managed large scale projects. The training and progress monitoring tools provided a consistent structure within CDCR to develop a realistic implementation plan and leadership the tools needed to monitor the progress of the reform efforts.

Prior to the re-organization, CDCR also lacked adequate organizational performance measurements and a system to monitor overall departmental performance. Developing performance goals by mission and program was a promising practice; however, set goals must be specific in terms of outcomes and then mission/prisons/programs measured against the goals and the leadership held accountable. COMPSTAT, started by then Undersecretary Woodford, began the departmental shift toward data driven decision making and the efforts should be continued and expanded. The existing split management structure does support accountability. Bifurcating the rehabilitation programs from the operational structure split responsibility, and continue to raise the question of who and how do you hold separate entities accountable for outcomes?

Another important partially successful effort was parole reform. CDCR began to implement critical changes needed to improve parole outcomes. With recidivism rates at over 70 percent, changes to parole policies and practices were desperately needed. Use of evidenced based practices including the COMPAS risk and needs assessment was expanded from parole to use in prisons. Identification of offenders' criminogenic risks and needs and incorporating "responsivity" factors into individualized programming is a very promising practice that has yet to be fully implemented. Individualized case management planning for both parolees and inmates will improve outcomes. Full implementation and use of case management should be a top departmental priority, but success can only be realized if the rehabilitation programs identified by the case plan are available and if staff comes to understand the public safety benefit of utilizing this tool.

Community Based Programs hold the most promise for improving outcomes, increasing efficiency and expanding programs available to offenders. Senate Bill 1266, recently enacted in October 2010, authorizes the Secretary of the Department of Corrections and Rehabilitation to contract for community programs under which female inmates and inmates who were primary caregivers of dependent children

immediately prior to incarceration who generally are non-serious; non-violent may be allowed to participate in a voluntary alternative custody program in the community. The Department may enter into contracts with county agencies, not-for-profit organizations, for-profit organizations and others in order to promote alternative custody placements. Research supports these alternative sanction programs provide important re-entry linkages to the community and deliver improved outcomes when the programs are evidenced based and individualized wrap a round services are provided based on a validated risk and needs assessment, supported by case planning and management. Secure Community Re-entry Facilities also provide a promising evidenced based strategy to improve local offender re-entry efforts.

Achieving reforms in implementing gender responsive strategies

The gender responsive reforms for female offenders were successful based on the model that was created to deliver the reforms. As the Associate Director of Female Offender Programs and Services, I authored the *2008 Master Plan for Female Offenders - A Blueprint for Gender Responsive Rehabilitation* with a significant amount of valuable input from female offender experts, including nationally renowned researchers, Drs. Bloom, Owen, and Covington, Wardens, practitioners, educators, substance abuse treatment specialists, healthcare experts, Little Hoover Commission and legislative representatives, the Chair of the Commission on the Status for Women, numerous Community Based Organizations, the National Institute of Corrections, previously incarcerated individuals and various interested stakeholders.

An important difference between this reform effort and past efforts is I had the full support of the Director, then Undersecretary, Jeanne Woodford who removed road blocks and also insisted that all reform efforts included stakeholders and were transparent. I took this direction to heart and created a Gender Responsive Strategies Commission and began a nine month planning process. At the same time I was developing the master plan, I returned to school and obtained a Masters in Criminology from UC Irvine. I combined my operational and organizational expertise with research and expert input to develop the plan.

The work of the Female Offenders Programs and Services and the GRSC culminated in the development of a gender responsive, culturally sensitive approach to program and policy development for CDCR that is grounded in evidenced based practices and designed to improve outcomes for female offenders. We followed our plan and partnered with Assemblywoman Sally Lieber to make the legislative changes needed to implement the plan. A budget request was developed and the legislature approved the funding necessary to implement the evidenced based plan. We developed a well thought out plan that was based specifically on the demographics of female offenders. Reform changes included developing specialized in prison and in community programs, researching the effectiveness of the programs being

delivered and making the necessary adjustments. Operational policies were also changed to support the master plan.

What obstacles prevented CDCR from fully implementing the reforms called for in the Master Plan for Female Offenders?

CDCR is a large organization and to implement gender responsive reforms I had to partner with other departmental areas that were not expert or knowledgeable about gender responsive programming. Too much time was spent on having to convince others to change gender neutral (male biased) policies to ones that were grounded in evidence. One example is a plan that was submitted to the Coleman Compliance Team to add walk alone exercise yards that were needed to ensure male inmates were provided opportunities for out of cell exercise time. These yards were expensive and with planning and construction cost totaled over $1.5 million dollars each. The women inmates were, and continue to be, provided the necessary out of cell time without any additional yards. Facilities submitted the plan to the court and the Department built these walk alone yards designed for male inmates at the CIW women's prison that were not necessary.

The female mission was created to address the deficiencies in female inmate programming, but constant interference from others outside the mission, including unions, impacted the reform progress. Some areas completely supported our efforts while others tried to undermine the gender responsive reform. We made the most progress when the top leadership focused and supported the reforms. Jeanne Woodford was the most ardent supporter of our gender responsive reform efforts. Her personal and positional support was critical to the progress that we made.

Our reforms included creating a continuum of care that began with inmate intake into the prison and extended into new community based programs that we created that were trauma informed and provided wrap around treatment services. We experienced major delays in the expansion of the community programs due to contracting timeframes.

After 3 years I left the Female Offender Program. The progress has slowed, the GRSC advisory meetings have not occurred since 2009, and compliance with Penal Code 3430 is far from being achieved.

Recommended Changes to improve CDCR budget transparency and efficiency

CDCR should rebuild the Department's budget based on a zero based budget process. The Department should establish headquarters' and field budgets based on strategic priorities that are clearly defined with specific performance measures, such as a reduction in a set recidivism rate by program or prison. Each prison's budget should be zero based to reflect the actual labor, operational and program costs. The geographic, demographic and program differences for each prison call for a unique budget formula developed by prison. Prisons should be required to

participate in quarterly fiscal reviews and held accountable to stay within authorized funding levels once realistic budgets are created for each prison.

Parole Units should be held accountable for parolee recidivism rates. The variance in parole revocation rates across the State needs to be addressed and held accountable for improving results. A headquarters operational review should be conducted to determine the return on investment for each unit and programs. Base budgets should be declared and CDCR's ability to move money from one line item to another restricted. Several years ago CDCR had declared base budgets, but in 2005 when the re-organization occurred many restrictions were removed and consistent fiscal review processes were eliminated. CDCR has historically been deficit funded. Creating realistic base budgets for the Department to operate and perform their mandated mission is critical to producing results. Prioritization of dollars and re-investment in strategies that are producing results should occur.

Promising Practices and community-based corrections programs being implemented in San Francisco's partnership with CDCR

San Francisco is partnering with CDCR and working on several innovative programs that will improve offender outcomes at the State and Local level and increase system efficiency. These innovations include electronically linking the City/County completed COMPAS risk and needs instrument to CDCR's completed COMPAS data. This will improve programming and safety for staff, inmates and the public by having a better understanding of the Offender's risk and needs and creating an individualized treatment plan based on the completed assessment. Individualized strategies can begin at the pre-trial stage, continue through jail, probation, court and CDCR incarceration. The offender can be monitored and case planning adjusted for both positive and negative progress.

Another promising practice is an extensive collaborative Court System. San Francisco currently operates numerous collaborative courts including Behavioral Health (Mental Health) Court, Proposition 36 Court, Drug Court, Community Justice Court, Domestic Violence Courts which have been extremely successful in reducing the number of felons sentenced to prison. San Francisco is currently in the process of opening in partnership with CDCR a Parolee Reentry Court to reduce parolee violators returning to prison and improve felon re-entry. San Francisco will also open in December a Probation Alternative Court which is designed to reduce the number of probation violators sent to State Prison.

The Legislature has created a golden opportunity in the form of Senate Bill 1266, an Alternative Custody Program for women and parents who were the primary caregivers of minor children at the time of incarceration for non-serious non-violent offenders. CDCR has demonstrated its success to operate community based programs with successful outcomes resulting in significant recidivism reductions. CDCR research reports that women offenders who complete the Family Foundation Program have an average 14% recidivism rate. Program completers of the

Community Mother Prisoner Program have an average recidivism rate of 21%. The average recidivism rate at the time for female offenders was 46%. These are impressive results when compared to the overall recidivism rate for female offenders.

CDCR should be required to publish annually recidivism rates by gender, mission and program. Successful programs should be expanded, and unsuccessful programs disbanded with the funding reinvested in evidenced based programs that meet established performance measures.

The Community Based programs are very cost effective based on their reduced recidivism results and also improve public safety. San Francisco intends to pursue with CDCR a SB 1266 program and re-start efforts on a secured re-entry facility. San Francisco is replicating the approach taken when the Female Offender Master Plan was created and creating a Master Plan for our community which incorporates Evidenced Based Probation Supervision, Evidenced Based Sentencing, Collaborative and Specialty Courts coupled with State and Local Criminal Justice Partnerships. These strategies will frame our San Francisco Criminal Justice Master Plan.

CDCR currently faces many challenges and priorities. It is critical that adequate resources be re-invested into offender rehabilitation programs and the communities be encouraged to program non-serious, non violent offenders at the local level. State Prison costs currently are $140 per day. Re-investing 70% of this funding into programs at the local level will significantly increase the return on the investment in terms of reduced recidivism and also reduce overall costs to the State. Adequate funding must be provided to the locals to create the alternative sanction capacity necessary to safely house, program and treat this population.

CDCR's current approach to working with each county to develop a criminal justice re-investment strategy that is based on each local community's capacity and needs is a promising best practice that with funding support can change people's lives, reduce victimization and yield significant economic benefits to the taxpayers.

Secretary Cate has shown great leadership in his stanch support of the legislation to create these community alternative custody programs and customized Local/State agreements, but Secretary Cate and CDCR staff cannot implement these programs on their own. As I stated in the beginning of my talk, crime begins and ends in the community, and the solutions must too. Communities and counties must engage and partner with CDCR to make these worthwhile programs and partnerships become a reality. Recidivism and Victimization will be reduced and public safety will be enhanced if these programs are successfully implemented. Community support of these efforts is essential for the programs to become operational. CDCR must also have the legislature's support to create the infrastructure needed to aggressively pursue these worthwhile and cost saving programs. These efforts should also be closely coordinated with local SB 678 Evidenced Based Probation Supervision efforts.

An important decision must also be made within the organizational structure of CDCR in relationship to which Division of the Department will have the responsibility to implement Community Based Alternative Sanction Programs. As historically demonstrated, the success or failure of the reform effort depends greatly on where in the organization the program development occurs and how much direct leadership exists to remove barriers.

The Supreme Court will render its decision in Spring 2011 related to CDCR's overcrowding. Implementation of prison and parole Evidenced Based Rehabilitation and Community Based Programs provides a viable, cost effective, safe alternative to assist with addressing the overcrowding concerns that have been raised by the Court.

In closing CDCR has many hard working dedicated staff that is continually faced with multiple "hair on fire" priorities. The new Governor and the Legislature should set clear priorities for the Department adequately fund the priorities, including the program development activities, monitor the Department's progress based on clearly articulated, achievable goals, and hold leadership accountable for delivering results.

Thank you for the opportunity to provide testimony on the important topic of CDCR's organizational structure and rehabilitation reform efforts.