Little Hoover Commission Hearing
on the Reorganization of the California Department of Corrections

Testimony of Jeanne Woodford

I want to thank the Little Hoover Commission for asking me to share my perspective on the effectiveness of the 2005 reorganization of the California Department of Corrections and Rehabilitation, CDCR. It is important to remain focused on the goal of reevaluating the reorganization. For me this requires a greater discussion about how much the structure of an organization can impact outcomes given the realities of the States policies and practices related to criminal justice. I will discuss this in greater detail later in this paper.

I wish to acknowledge the hard work of staff that went into the 2005 reorganization as well as the efforts of Secretary Tilton and Secretary Cate and their staff to implement the reorganization and the spirit of the strategic plan. I will tell you, that staff in the CDCR is some of the most dedicated, hard working employees in State service. My comments today are not meant to criticize individuals who have the responsibility to carry out the mission of the CDCR under the direction of the Executive Branch of Government but rather a discussion of the failures and successes of the 2005 reorganization that I was a part of.

In the letter inviting me to participate in this hearing it was stated that the Commission would like to gain a better understanding of six specific areas related to the reorganization and implementation of the strategic plan. The identified areas include; what has worked about the reorganization, what structural change recommendations I would make, as well as requesting that I identify the barriers to implementing reform. You also asked that I address the very important question of how can the CDCR foster leadership and the development of management expertise in the organization.

It is important to remember that the reorganization was driven by Governor Schwarzenegger's campaign promise to "blow up the boxes" coupled with his belief that the mission of the California Department of Corrections, to use his words, 'ought to correct'. Governor Schwarzenegger announced his intentions regarding the California Department of Corrections when he stated, " It is a priority of my administration to reform the California prison system .....It has been marred by too much political influence, too much union control and too little management courage and accountability.....California was once the national leader, a pioneer, in corrections. We can make it so once again.[1]

The Governor began the California Corrections reform process thoughtfully by convening the Independent Review Panel, chaired by former Governor Deukmejian. The Deukmejian report documented the three decades of legislative and voter mandates that transformed the Department of Corrections to the overcrowded and overburdened system it is today. The Deukmejian report also highlighted the lack of rehabilitative programs and the dangerous conditions in our prisons caused by idle time and severe overcrowding.

The Deukmejian Report made more than 230 recommendations to reform the California Department of Corrections. It is important to remember that reorganizing the CDC was just one of the recommendations.

A review of the 239 recommendations reveals that progress has been made. The CDCR has taken significant steps to address the Code of Silence and provides ethics training. The employee investigative process and employee discipline as well as use of force policies have

been addressed as recommended by the Report. It is my understanding that IT systems changes are moving forward to improve data collection and information regarding business practices. Risk and Needs tools are being administered and there is other progress as well.

There has however been too little progress made related to the recommendations listed under Inmate and Parolee population management. These recommendations relate to not only how the state should approach population reductions but also to the use of assessment tools to define risk and needs and develop the appropriate programs to address the needs of the inmates and parolees. The recommendations address the need for reentry planning and service as well the need to expand job training and employment preparation.

These recommendations are at the heart of adding Rehabilitation to the name of the California Department of Corrections. It is also these recommendations that were intended to address California's high recidivism rate and the increasing costs of corrections. These recommendations served to improve public safety and reduce victimization. To achieve performance on these recommendations will address growing litigation cost as well as ending Correctional reform by litigation.

The Deukmejian Report also recommended reorganization of the CDC to address lack of accountability, too much political influence and lack of transparency. I cannot say that the reorganization has successfully addressed these issues.

I also want to be clear that I do not believe that reorganizing the CDCR is all that is necessary to address the concerns detailed in the Deukmejian Report. The reorganization was intended to provide the CDCR the opportunity to be better positioned to plan, set goals, refine policy, achieve uniformity and implement and monitor change with clear lines of authority and accountability.

For the CDCR to be successful at achieving a mission that include Rehabilitation requires reforms and structural changes outside of this organization to include a sentencing commission and policies that reflect a clear understanding of who should be sentenced to state prison and who should be kept locally. It will also require a budget process that funds counties appropriately for probation, jails and the attributes of a robust comprehensive community corrections plan. Criminal Justice realignment is long overdue. We know the counties can achieve greater success and reduce, what we as a state spend in so many wasteful ways on ineffective correctional policies.

Berkeley Law Professor, Frank Zimring has referred to the existing system as a free lunch, where counties have no financial incentives to keep offenders locally because state government pays all the bills for prisoners[ii] I do not believe Professor Zimring is arguing that the State shouldn't pay. I think he is simply stating that the State should pay for the right policy to achieve public safety. The right policy is, of course to utilize state prison for individuals who need state prison and keep offenders locally that can be more efficiently and effectively managed at the local level. Changing the financial incentives has proven effective in reducing California's Juvenile Justice population and creating better public policy, much to Professor Zimrings' point.

It is, of course, our hope that Senate Bill 678 will prove to be the right incentive to lead to a comprehensive community corrections model that will eventually define in law who remains at the local level and who requires the more costly option, State Prison.

The reorganization was meant to solve people's perception of the failings of prison and parole managers to appropriately manage their prisons and parole regions within budget and with any success. I call this the great myth. The states high recidivism numbers and out of control budgets defined the problem but the blame was too quickly placed on Wardens and Parolee Administrators. The great myth lead to a top down reorganization. It is true that the department needed reorganization but the reorganization needed to be based on the realization that corrections across the country was changing. We had experienced nearly three decades of punishment as the sole mission of corrections and our policies, practices and lack of programs reflected the states commitment to this ideal.

In addition the influence of special interest groups on dismantling management authority and budget control had taken its toll on CDC headquarters leaving the field little support or solutions to the growing problems of prison overcrowding and eroding operational budgets as salary, wage and increased unfunded employee benefits depleted our budgets and created unavoidable deficits.

Add to this the growing impact of litigation and court orders happening so quickly that policy and procedures could not keep pace with the mandated changes. We became an organization that managed by memo. It is easy to understand how difficult it was to train staff, secure budget authority to achieve court compliance and continue to manage your prison and parole region effectively. The work in the field was changing yet our organization was not.

The reorganization failed to recognize the complexity of the problems and issues faced by those in the field. As I stated, it was a top down reorganization. In many ways the reorganization was completed with a very deliberate mission of destroying the old organization in somewhat of a hostile take over approach. I will say up front that I am not a fan of this approach but we were charged with blowing up the boxes. The thoughtful approach to achieving this was abandoned to meet deadlines put in place by a political agenda requiring the appearance of action, action, action.

The new organization was designed to lead people toward a shared vision and a mission to improve public safety through evidence based crime prevention and recidivism reduction strategies.

I agree with this mission. But to simply state a mission doesn't make it so. To accomplish this mission requires a greater understanding of the work we do as well as a better explanation of what we mean by evidence based crime prevention and recidivism reduction strategies. This understanding should result in a plan by prison and parole mission to identify policy, procedures and evidence based practice in response to specific goals such as reduction of violence in our prisons, decrease of idleness, increase in education through the use of modern technology, improved case management, and attention to operational mission specific training, hiring and promotion.

The reorganization allowed for the management of prisons by operational missions with a deputy director responsible for a specific type of prison. Prisons with Reception Centers were grouped together as were high security prisons and female prisons and so on. I still believe this is the right structure. I just do not think these missions have evolved, as they should to achieve evidence-based practices and policies designed for the type of inmate that is within the specific operational mission. The work of the CDCR should be mission and data driven.

There is one example of success and it is the model for other missions to follow. The exception is the mission of Female Prisons. Under the leadership of Wendy Still this mission accomplished exactly what the reorganization and the CDCR's strategic plan established as goals.

Chief Still will be presenting at this hearing as well and will go into greater detail. As a principle, prisons should not be a one size fits all.

Under Chief Still's leadership a gender responsive plan, a roadmap, for the management of women within our criminal justice system with defined outcomes and measurements of success was created. This mission was not developed in a silo. Chief Still did a bottom up reorganization of her mission. She brought together experts and researchers in the field of gender responsive strategies and matched them with staff in the field to develop the plan. Chief Still also reached outside of the organization to other states to identify best practices. The gender responsive plan is a complete plan for not only operating the mission of female prisons but also for developing evidence based criminal justice policy as it relates to women.

Chief Stills' efforts brought the science of corrections and the practice of corrections together to develop a plan appropriate for women and when fully implemented will keep the right people in state prison and the right people at the community level while improving public safety and reducing recidivism.

Chief Still is now a National expert in gender responsive strategies. You asked, how do you foster leadership and the development of management expertise in the organization? The answer is to set expectations for staff that require they be more engaged in understanding their operational mission with the goal that an evidence based plan will be developed with great detail of how implementation will be achieved. The trick here is to require that experts and the science of corrections be utilized in the development of the plan. There has been far too much, 'shooting from the hip' in developing responses to the management of difficult problems in the CDCR. Each Operational mission should have a strategic plan utilizing Chief Still's gender responsive plan as a guide for process and planning.

Sadly the remaining missions have not used this approach to move forward with operational mission specific planning and practice to arrive at policies to further their goals. By now each of the identified missions should know more detailed information about the individuals who fall within their mission. The operational missions should be well on their way to developing evidence based policies and procedures for the management and programming of the specific classification of inmate or parolee to achieve stated goals. Each operational mission should have identified outcomes and measurements of success. In other words, allow me to repeat myself, there should be the equivalent of the gender responsive plan for each of the missions.

Mission specific design and planning provides staff with an understanding of the differences that exist within our inmate population. This was the idea behind the Right Prison, Right Mission project that was begun, when I became the Undersecretary of the CDCR. The idea behind this project was to train staff to understand who the inmates are and then think about the operational plan for assigning inmates to prisons beyond level I through level IV. This understanding provides the opportunity to develop appropriate policies, staffing, training and programs specific to the needs of inmates within that mission. Mission specific

planning assist staff in refining the classification and program development to meet the needs of our inmate population and improve the safety for staff and inmates. It is these details that change the culture of a prison. It is these details that allow the science to meet the practice.

I want to discuss the mission of reception centers to further explain my point. Reception Centers treat every inmate as if they are spending a lengthy term inside our prisons despite the fact that in 2009 for example, 40,000 inmates spent less than 90 days in state prison. The approach is costly and ineffective. Reception Centers are not designed to parole inmates or prepare inmates for parole despite the fact that we parole hundreds of inmates each week from the 11 reception centers in the state. What we do for an inmate in a reception center serving a few weeks should be different than what we do for inmates serving a few years or for those serving life. In addition, Reception Centers is where one of the most critical decisions is made, the decision of where to send an inmate to serve their sentence. This is the beginning of selecting the right prison to achieve the right program to realize the right result. Clearly the Reception Center mission must be defined and refined to meet reality. Public safety demands a different approach.

What I have said about operational missions within the prison system also applies to parole. I would agree that there has been greater success in changing policies to reflect the risk and needs of individuals on parole. Non- revocable parole is an example of this.

Yet the basic mission and definition of parole success remains unclear. Some policies have changed but evidence based practices must be instilled throughout parole policy, procedures, hiring, promotion and training. What skills should a parole agent possess in an evidenced based world? How are risk and needs assessment instruments being utilized by parole agents? Do performance reports reflect our new expectations?

The CDCR has come a long way in utilizing risk and need assessment tools. This is very good progress however these tools can only be effective if the information that is provided by the tool is incorporated into the practice of corrections. The reorganization has created silos that do not promote the utilization of this science in the practice of corrections. This is a problem that must be solved.

I know my comments may seem too detail oriented. I would argue that changing a culture requires attention to the details. Defining the business to be accomplished must be that detailed. The detail also must be identified before you can achieve accountability.

As a general comment, I think other divisions in the reorganization were not improved by the reorganization. If anything the reorganization made them, if not less efficient more difficult to operate. This would include the Correctional Standards Authority, The Board of Parole Hearings and Juvenile Justice. The good news for Juvenile Justice is that the population has dropped significantly and their mission, if any will become even smaller in time. If the CDCR is to retain a Juvenile Justice, more thought should be given as to where this Division should sit in the structure to not be lost.

It is also my opinion that the reorganization has created a headquarters structure that is too top heavy, too large and lacks clear lines of accountability and in many ways is too segmented to be effective. Who do you hold accountable for recidivism reduction in this organization? Directors have little or no authority and too many layers above them. The reorganization is now vertically and horizontally challenged.

For me the structure of the organization should reflect the mission and the plans to achieve that mission. To state this differently, defining the work that must be done to achieve success must come before developing the organization structure. It is said: form follows function.

The Departments mission also must be clear. Reducing recidivism isn't a tangible goal. A tangible goal would be to establish a recidivism reduction number to be achieved within a specified period of time. For the short time I was the acting secretary I established the goal of reducing recidivism 10 percent by 2010. The idea behind establishing this goal was so everyone knew what the objective was. All planning, all practice; all efforts would be in line with achieving a very achievable goal. That was five years ago. We would be having a very different discussion today if that goal had remained and the entire organization was committed to this one objective.

I have talked briefly about some of the successes and some of the challenges that are part of the reorganization. I have also attempted to offer suggestions for improving the work of the CDCR by delving more deeply into the detail of the mission to understand the steps necessary to achieve reform. I have also shared with you my point of view regarding the need for criminal justice reform to allow the CDCR and improved public safety to be successful. What I have not done is provide specifics regarding what the organizational structure should look like nor do I intend to.

I will suggest the approach and offer suggestions as to what I think should change about CDCR headquarters. I believe strongly in accountability, efficiency and effectiveness. I also believe in transparency. I have already stated the organization is top heavy. There are not clear lines of authority and there is duplication. Matrix organizations are difficult to operate and when the matrix services are not administered there is a tendency to build silos of staff to get the job done in spite of the obstacles. This is not healthy or efficient, nor does it lead to uniformity or transparency and it is way too costly.

Any reorganization should be in response to solving the identified problem(s). Facts should drive decisions. The problem must be understood. The problem to be solved is: How does headquarters need to be organized to support the work of the field and how does the field achieve the goals of the CDCR as established by the legislature and the Administration? When these questions are answered then and only then can you achieve clear lines of authority, uniformity and accountability.

As they say the devil is in the details. The CDCR's strategic plan is unfinished. It has not been developed far enough into the layers of the organization to define the operational missions purpose, goals and measurements of success. Once this is completed then and only then can we begin to understand the importance of boxes on an organizational chart.

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[i] Federal Sentencing Reporter Vol. 22. No. 3 February 2010 – A Retrospective View of Corrections Reform in the Schwarzenegger Administration by Joan Petersilia

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