Overcrowding in California Correctional Facilities: The Case of Non-Violent Recidivism

by

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Abstract

This study will investigate strategies to reduce overcrowding in California correctional facilities. Many of the facilities are operating at 200% capacity with a majority of offenders housed in gymnasiums, day rooms, and other public areas in the facility. The operation of correctional facilities at more than capacity increases fiscal costs, social costs, and security threats within the facility. In order to reduce the correctional population, California must address its high non-violent recidivism rate. To address this problem I investigate four U.S. state correctional departments and determine that they have successful program delivery approaches for both substance abuse and employment programs. Many of the programs have helped reduce recidivism rates to below the national average. After proposing and evaluating four policy alternatives, I recommend that California initiate an offender program auditing division to evaluate correctional programs for monetary efficiency and program effectiveness in reducing recidivism.

Keywords: California Department of Corrections and Rehabilitation, Correctional facilities, prisons, jails, substance abuse, non-violent, recidivism, overcrowding, employment, vocational programs, educational programs
Dedication

To my parents, who have endlessly supported me in all of my academic and personal endeavours, no matter how nonsensical they may seem. Your encouragement and support have been the catalyst to my present and future success. To Angelika Morris, for being the best editor I could ask for. Thank you for always being the one to stop the “spinning” and helping me realize “what colour the ball is”. To Carrie Flores and Matthew Missick, you are the best friends anyone could ask for; I can always count on the two of you.
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A great deal of thanks is due to the entire faculty and staff of the MPP program for the endless knowledge and experience they shared with me during my graduate education. I am eternally grateful for all I have gained while participating in such an amazing program and am thankful for the opportunity to participate in such an accomplished program.
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1: Background

Two correlating issues examined throughout this study are non-violent recidivism and correctional overcrowding. Non-violent recidivists represent a significant percentage of those offenders housed in California correctional facilities, resulting in overcrowded conditions within these facilities. Overcrowded conditions can often foster increased criminal activity as correctional facilities often provide low-level offenders the opportunity to increase their criminal skills. The problem I examine in this study is how to reduce non-violent recidivism to alleviate overcrowding in California correctional facilities. By examining four U.S. state correctional departments, I determine various characteristics that lead to lower recidivism rates and consequentially less crowded correctional facilities.

1.1 Non-Violent Recidivism

For the purpose of this study, a non-violent offense is a “drug, property or public-order offense”. Many of the non-violent offenders have substance abuse problems, mental health problems, and lack stable housing. Non-violent offenders also represent a large majority of California recidivists. Commonly, offenders will commit property crimes to support a substance abuse problem, and the narcotic abuse is a means to medicate their mental health problems. The cycle is both personally and socially harmful, as well as costly to the state of California.

Definitively, recidivism rates define a state’s success in the area of corrections. The public and policymakers routinely consider recidivism rates an important, if not paramount measure of the correctional system’s performance (Florida Department of Corrections Recidivism Report, 2001). Recidivism rates may dictate how safe the public feels in any given U.S. state. The term recidivism means a “return to criminal activity following release from incarceration”
This study defines recidivism as a return to adult correctional custody following release from incarceration, during a specified time period. Release from correctional custody may be a result of parole release, parole term discharge, or full custody and supervision discharge. Typical recidivism studies will follow offender cohorts for one, two and three year periods and report the rate of which an offender returns to correctional custody during those three time periods. This study will use reported data from the three-year recidivism periods.

When compared to other U.S. States, such as Texas, New York, or Florida, California has the highest percentage of recidivists. The California percentage is nearly double other States’ recidivism rates. The California Adult Institutions Outcome Evaluation Report (2010) estimated the three-year state recidivism rate at 67.5%, compared to a national average of 40%. The percentage of offenders incarcerated for crimes classified as non-violent is approximately 79.4%.

Numerous studies attempt to elucidate types of criminological phenomena, such as high non-violent recidivism rates. General strain theory (GST) offers an explanation as to why offenders commit crimes and identifies reasons why offenders may recidivate (Agnew, 2009). GST explains the motivation behind crime and recidivism as, “individuals who experience strains or stressors often become upset and sometimes cope by engaging in crime. Such individuals may engage in crime to end or escape from their strains” (Agnew, 2009). GST explains differences in crime and “offending over the life course, but does not suggest strategies for controlling crime” (Agnew, 2009).

General strain theory offers explanations as to why an offender may not succeed in programs within the correctional facility. As stated by the strain theory, environmental strains may negatively affect program participation. Stress imposed by the correctional environment, negative interactions with correctional staff, and other personal strains may decrease an offender’s probability of participating with in-prison programs. GST also attempts to explain why a once low-level offender, may become an increased threat to the community upon release from...
correctional custody. Farrell (2009) specifies that the “exposure to many stressors (strains) within a short time span increases an individual’s risk for criminal behaviour.”

A second theory that offers reasoning behind crime and recidivism is the labelling theory. The labelling theory offers explanations as to why an offender may continue to commit crime after incarceration. This theory “assumes that although deviant behaviour can initially stem from various causes and conditions, once individuals have been labelled or defined as deviants, they often face new problems that stem from the reactions of self and others to negative stereotypes (stigma) that are attached to the deviant label” (Bernburg, 2009).

Labelling theory explains why an offender may not be motivated to participate in educational, vocational and rehabilitative programs. Offenders labelled as deviants, may not believe that participating in programs will change the label that society has placed upon them. Many offenders lack the self-motivation to change their criminal behaviour, which may include substance abuse. Many offenders may see incarceration as a time to interact with others who share their behaviours and addictions. Incarceration may also provide opportunity for the offender to become more involved with the criminal lifestyle and increased attachment to the deviant label (Bernburg, 2009).

Research has shown that incarcerating an offender may not be an effective crime deterrent. There is growing evidence that imprisonment is related to higher levels of recidivism (Chen and Shapiro, 2007). This does not imply that correctional systems should not imprison offenders; rather that imprisonment alone cannot effectively deter crime and consequentially recidivism. GST determines that cognitive and social coping resources may ease and condition the strains. Resources such as self-esteem, mastery, and religiosity, enable an individual to deal with strains in a noncriminal manner (Farrell, 2009). GST maintains that educating offenders on the various coping resources will reduce criminal behaviour, and result in a reduce recidivism rate. Research conveys that a greater reliance on “evidence-based practices would allow the state
courts improve the effectiveness of state-sentencing outcomes, reduce recidivism, and reduce over-reliance on incarceration and promote the utilization of community-based alternatives for appropriate offenders” (Warren, 2007).

Correctional legislation enacted within the past 20 years has been driven by the theory of punishment. The punishment theory concludes that there is a “contingent relationship between the overall goal of crime reduction and the practice of punishment” (Ward and Salmon, 2009). The theory’s claim is that punishment functions to deter, incapacitate, or reform offenders and that these effects in turn reduce the overall crime rate (Ward and Salmon, 2009). Punishment theorists “assert that punishment is more likely than other types of crime reduction practices to produce an overall aggregate effect of crime reduction and that this is what justifies them.” (Ward and Salmon, 2009).

When the CDCR added rehabilitation to its name, it made a commitment to transition away from the punishment paradigm. A new commitment to increasing research, implementing best practices of corrections, and increasing rehabilitative programs was made. This recent focus on rehabilitation and treatment was actually a revival of a rehabilitation philosophy that prevailed in the 1950s and 1960s. California was a leader in the earlier period of correctional rehabilitation (Prendergast and Wexler, 2004).

California has not always been a proponent of employing the confinement model in corrections. In the 1950s, much of the early research on the effectiveness of rehabilitative programs originated in California. “Early state efforts to address the problem of “narcotics addiction,” as it was then called, began with the Civil Addict Program, established in 1961 at the California Rehabilitation Center” (Prendergast and Wexler, 2004). Like many other rehabilitative programs in the CDCR, “the Civil Addict Program, along with other prison-based programs, was greatly weakened, if not eliminated, during the “nothing works” backlash of the 1970s and 1980s” (Prendergast and Wexler, 2004). The nothing works ideology maintained that
rehabilitation would not alter the criminal behavior of offenders and punishment was the solution to reducing crime. The punishment paradigm influenced the CDCR to sever ties with professional and educational researchers to stop producing their own state research and data. The confinement model or punishment paradigm though initially thought of as effective, is a contributing factor of high recidivism rates among non-violent offenders and overcrowded correctional facilities.

1.2 Correctional Overcrowding

In 2008, the United States had over 2.3 million offenders in prisons (Grattet, Petersilia, and Lin, 2008). The Bureau of Justice Statistics (BJS, 2009) specified the U.S. incarceration rate as 748 per 100,000 residents. The same BJS report (2009) also asserts that 1 in 32 U.S. residents are under some branch of Correctional supervision such as probation, parole or incarceration. Reporting for the International Centre for Prison Studies, Walmsley (2008) found that the United States had the largest prison population in the world, with a rate of 756 prisoners per 100,000 residents. While the population of offenders under correctional supervision vary from year to year, these statistics give a picture of the level of incarceration in the US.

Overcrowding of correctional facilities has been a persistent issue, affecting both state and federal systems. Not only is this expensive, the health of offenders living in extremely overcrowded facilities may be affected. The violation of offender’s human rights was subject of a lawsuit brought against the state of California. A panel of three Federal judges ruled on the matter, finding that the state of California must reduce the state prison population by 40,000, over two years, or the Federal government would intervene. The current state plan will reduce the state prison population by 37,000, a reduction that is 3,000 below the Federal requirement. Commencing the correctional population reduction plan, California authorized the transfer of 8,000 offenders to out-of-state facilities. Offender relocation is a temporary and minor solution to the problem of overcrowded facilities, as funding for out-of-state offender housing will expire in July of 2011. Then California Governor Arnold Schwarzenegger proposed a solution in
2007/2008, stating that correctional facilities may release up to 22,000 non-violent offenders. Offenders considered for early release receive parole six months early.

California’s correctional facilities are vastly overburdened. Muradyan (2008) found that the capacity of California correctional facilities in total is 81,000 offenders, but the current correctional population approaches 200,000. Avenal State Prison serves as an example of overpopulation in California correctional facilities with capacity set at 2,920 offenders, it housed 7,525 in 2007 (Muradyan, 2008).

The degree of California’s problem is apparent when comparing other state correctional populations. In 2010, New York’s Department of Corrections (NYS: DOCS) reported 58,378 offenders housed within 68 facilities. New York correctional facilities have an 89% occupancy rate, with a housing capacity of 67,000 offenders. The state of Florida houses 102,138 offenders within 63 State prisons. Florida correctional facilities have a 95% occupancy rate, with a housing capacity of approximately 107,000. The New York and Florida correctional populations are exceedingly dissimilar from California’s correctional population. In contrast to California’s correctional population, New York and Florida have fewer offenders incarcerated in their state facilities, increased amount of facilities, and facilities are not overcrowded.

Studies and audits produced by outside agencies, evaluating the programs currently in use within California’s Correctional facilities, have consistently stated the need for further research and necessity for program reform. In response to the research reports and Federal judicial mandate, California has recently addressed the problem of high recidivism rates and correctional overcrowding. Articles of California legislation, with the main objective of relieving the overcrowded conditions of state Correctional facilities and reducing recidivism, been recently been enacted.

The Public Safety and Offender Rehabilitation Services Act (Assembly Bill 900) commenced on May 3rd, 2007. This article of legislation marked California’s revolutionized way
of thinking about corrections. It represents a shift away from correctional facilities being used as “human warehouses that breed crime”, to a more rehabilitative model. Assembly Bill 900 mandates funds necessary to increase the number of re-entry facilities designed to increase offender integration, increase public safety, and reduce recidivism. Re-entry facilities house offenders for two to twelve months before their release onto parole and offer intensive rehabilitation, job training, housing placement, mental health treatment, and other critical services.

California State Assembly Bill 900 offers $7.9 billion for the construction of 40,000 new prison beds and 13,000 new beds for county jails. Funding for new prison beds is contingent upon the California Department of Corrections and Rehabilitation (CDCR) meeting its rehabilitative benchmarks. Required benchmarks include such requirements as increasing the number of slots available for in-prison substance abuse programs, educational programs, and increased mental health care facilities.

Grattet, Petersilia, and Lin (2008) predicted that the California State Correction population would reach 191,000 by the year 2013. Prison population growth is probable despite promises made by Governor Schwarzenegger to reduce the population in order to comply with Federal ruling. There are 33 state correctional facilities operated by the CDCR and 13 correctional centers. Added to the CDC name in 2005, was rehabilitation, which represents the State’s commitment to creating a correctional environment dedicated to rehabilitation, rather than offender incarceration and punishment alone (Petersilia, 2008). Adding rehabilitation to the CDC name is the beginning of a commitment to recognizing the importance of the inclusion of rehabilitation within corrections, although it does not ensue that the CDCR has altered much more than its name.

It is clear that legislation aimed at relieving overcrowded correctional facilities have not yet produced notable results. The population in California facilities is growing annually by 7%.
The California State Inspector General report (2007) found that the state of California could no longer afford the ineffective correctional policies and programs it currently has in place. California correctional policies are often implemented without follow-up to determine effectiveness and if the program is being delivered correctly (Cate, 2007).

1.3 Policy Problem

The primary focus of this study is to determine the affect that non-violent recidivism has on the overcrowding of state correctional facilities. By establishing the causal factors of high non-violent recidivism rates, the goal of policy option designs are meant to reduce the non-violent recidivism rate and correctional overcrowding in California. The policy options will provide a spectrum of potential solutions to the policy problem and derived research question.

CDCR facilities are operating at nearly 200% capacity and the offender population is growing annually (Fischer, 2005). Offender program funding diverted to provide basic offender needs, such as food and housing, is a result of correctional overcrowding. Decreased funding for educational, vocational, and rehabilitation programs ensures that a large number of offenders in need of program services, will no longer be accommodated. Approximately 75% of all incoming offenders are in need of some type of rehabilitative treatment (Prendergast, 2004). The study shows that drug offenders have the highest recidivism rate, and are the group most in need of treatment. The CDCR population consists of approximately 77% non-violent offenders, most of who are in need of rehabilitative treatment. Of the 77% of non-violent offenders, “32% were incarcerated for property offenses, which in many cases are related to drug use” (Prendergast and Wexler, 2004). Approximately 50% of incoming offenders are re-incarcerated for parole violations, of which 33% return to custody for a drug related charge (Prendergast and Wexler, 2004).
2: Methodology

I use case studies and interviews to examine policy options that address recidivism.

2.1 Case Studies

The case study research method allows for a comparison and analysis of data from four state correctional systems. Each unit of analysis within the case study aims to ascertain a correlation between lower recidivism rates and proposed policy options. The units of analysis for each case study are the in-prison programs, community-based programs, three strikes law, and state parole regulations.

Each state has been chosen based on a “most similar” approach; using prison population, three strikes laws, state population, state size, and varied recidivism rates as determinate elements. A most similar approach is “conducted by choosing cases that are similar in as many variables as possible with the exception of the phenomenon to be examined” (Enli, 2010). By utilizing this approach, there is a certain amount of control for the variables that are similar and the ability to isolate other variables as potential causes of observed differences” (Denters and Mossberger, 2006). In this case, the observed differences or “phenomenon” would be the varied state recidivism rates.

I have utilized the case study research method, by identifying and analysing practices of state correctional departments. The three U.S. states selected to be case studies are, Texas, New York, and Florida. I chose each case based on its likeness to California, and diverse characteristics that warrant new correctional perspectives.

Table 1 displays the criteria used to select each case study. State correctional population is a pertinent component within each case study, as it determines the number of offenders housed
in each state correctional department. Correctional population is a key determinate of the number of people requiring services from each correctional department. The violent, property, and state crime rates of a case study determine that each state has a crime rate similar to California. State recidivism rates differ among each case study and illustrate successful state correctional systems. The state recidivism rates and percentage of non-violent offenders housed in each case study allow for a more accurate depiction of non-violent recidivism within each case study. The holistic recidivism rate and non-violent offender population are important criteria, as they provide an approximate non-violent recidivism rate and were not specifically available for each case study.
Table 1: Criteria for Case Selection

<table>
<thead>
<tr>
<th></th>
<th>California</th>
<th>Texas</th>
<th>New York</th>
<th>Florida</th>
<th>U.S. Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>State Population</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Percentage of U.S. persons residing in the state)</td>
<td>36,961,664 persons (12%)</td>
<td>24,782,302 persons (8%)</td>
<td>19,541,453 persons (6.5%)</td>
<td>18,537,969 persons (6%)</td>
<td>307,006,550 persons</td>
</tr>
<tr>
<td><strong>State Correctional Population</strong></td>
<td>173,000 offenders</td>
<td>154,795 offenders</td>
<td>58,378 offenders</td>
<td>102,232 offenders</td>
<td>2,293,157 offenders</td>
</tr>
<tr>
<td><strong>Crime Rate:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Violent (Per 1,000 residents)</td>
<td>190,178 (5.61)</td>
<td>121,091 (5.81)</td>
<td>85,839 (4.52)</td>
<td>125,957 (7.88)</td>
<td>1,318,398 (4.29)</td>
</tr>
<tr>
<td>Property (Per 1,000 residents)</td>
<td>1,200,531 (35.44)</td>
<td>990,293 (47.49)</td>
<td>405,990 (21.39)</td>
<td>712,998 (44.61)</td>
<td>9,320,971 (30.36)</td>
</tr>
<tr>
<td>State Total (Per 1,000 residents)</td>
<td>1,390,709 (41.05)</td>
<td>1,111,384 (53.30)</td>
<td>491,829 (25.91)</td>
<td>838,955 (52.49)</td>
<td>11,257,930 (36.67)</td>
</tr>
<tr>
<td><strong>Recidivism Rate</strong></td>
<td>67.5%</td>
<td>30.3%</td>
<td>41.4%</td>
<td>33.1%</td>
<td>40%</td>
</tr>
<tr>
<td><strong>Percentage of Non-Violent Offenders housed in Correctional Facilities</strong></td>
<td>71.7%</td>
<td>48.8%</td>
<td>29.6%</td>
<td>57.7%</td>
<td>29%</td>
</tr>
</tbody>
</table>
2.2 Interviews

Information essential to the formulation and analysis of policy options can be difficult to locate within reports and statistics alone. By conducting interviews with key stakeholders, the necessary information is attainable. Conducting interviews allowed for a variety of information and insight from two stakeholders operating on opposite sides of the California correctional department. Interviews of a parole officer and a former offender employed as a drug and alcohol counsellor provide an insight into correctional operations. By utilizing information obtained from interviews, policy options will be constructed and analysed with more precision and applicability.

In this study, interviews complement the case study research method. Information obtained through the interviews provided personal and professional insight into various areas of the subject of correctional overcrowding and non-violent recidivism. Conducting interviews is an important facet of the study due to the importance of the personal experiences of specific stakeholders relating to the subject matter (Robson, 2002). Semi-structured interviews are “suited for the exploration of the perceptions and opinions of respondents regarding complex and sometimes sensitive issues” (Barribel, 1993). Determining the non-violent offenders perception of three-strikes, in-prison programs, community-based programs, and non-violent recidivism was beneficial to policy option formation.

2.2.1 Sample and Recruitment

Information resulting from interviews assists in the formulation and evaluation the policy options. Each interview provides a unique insight into the problem of non-violent recidivism, and its effect on correctional overcrowding in California. The interview with the parole officer was 30 minutes in length. The interview with the former non-violent offender was less, at 25 minutes.

A written, email request for an interview was submitted to the California parole officer and former non-violent offender. A personal contact, employed by the Los Angeles Police
Department, referred me to the parole officer. Employed with the CDCR for over 25 years, the parole officer has ample experience with non-violent offenders. He was available for a telephone interview and was enthusiastic about the process. As with the parole officer, a personal contact referred me to the former non-violent offender. He also was available for a telephone interview and was experienced with the process. The former offender now works as a drug and alcohol counsellor in Los Angeles, CA and has participated in other non-related correctional studies.

The interview schedule for the parole officer was set to begin with a personal introduction and questions pertaining to his career with the CDCR. He spoke in length about his choice to become a parole officer and what events led him to the career. The next subject discussed was non-violent offenders and the associated recidivism rate. Then introduced was the topic of in-prison and community-based programs. The interviewee provided information such as offender motivation to participate in the programs and how they may affect recidivism rates.

Following a discussion on non-violent recidivism, I presented each policy option to the parole officer. I then provided the parole officer with the opportunity to contribute personal insight and opinions pertaining to each of the policy options. In order to analyse each of the policy options, the interviewee was asked to discuss how each of the evaluation criteria rated, when paired with the policy options. The last subject for discussion pertained to the study’s policy problem and research question. The officer was asked what his solution to the policy problem would be, he stated that reform parole and the expansion of community-based resources available to parolees would be most effective in reducing non-violent recidivism.

The interview schedule for the former non-violent offender was similar to that of the parole officer’s interview. Following a personal introduction, the interview proceeded with questions pertaining to past criminal history and influences. The former offender stated that his first conviction was for narcotic sales and distribution and that he did not abuse illegal substances until he was incarcerated.
A central focus of the interview was the personal experience the former offender had with in-prison and community-based programs and recidivism among non-violent offenders. The interviewee produced significant insight and opinions pertaining to the operations, and effectiveness of in-prison and community-based offender programs. Throughout the interview, the former offender emphasized the importance of parolee job and housing placement has on re-entry success for non-violent offenders. A discussion of both the policy options and evaluation criteria provided information that called upon throughout the analysis of each policy option. The interview was concluded by posing the question, how can the state of California reduce rates of non-violent recidivism to alleviate correctional overcrowding? The former non-violent offender stressed the importance of a continuum of care, housing, and employment for those recently released offenders convicted of non-violent offenses.

2.3 Correctional System Evaluation Framework

Correctional system characteristics included in the evaluation framework (Table 2) intend to define the aspects of each case study that are relevant to the policy problem. The framework contains characteristics that are both simple and complex. The simple characteristics are number of correctional facilities, correctional population, and parole population. The more complex characteristics are in-prison programs, community-based programs, and the three strikes law. Each characteristic has several inquiries attached as to probe beyond either qualitative or quantitative information.
### Table 2: Correctional System Evaluation Framework

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Facilities</td>
<td>How many correctional facilities do the state correctional systems administer?</td>
</tr>
<tr>
<td>Correctional Population</td>
<td>In state correctional facilities, how many housed offenders are there?</td>
</tr>
<tr>
<td>Parole Population</td>
<td>How many offenders does the state parole agency supervise?</td>
</tr>
<tr>
<td>Recidivism Rate</td>
<td>What is the state’s most recent 3-year (36 month) recidivism rate? If available, what is the non-violent recidivism rate?</td>
</tr>
<tr>
<td>Percentage of Non-Violent Offenders</td>
<td>What percent of non-violent offenders are there in state correctional custody?</td>
</tr>
<tr>
<td>In-Prison Programs</td>
<td>What are the types of programs available to offenders while in state correctional custody? Are there educational programs available? Are there vocational programs available? Are there substance abuse programs available? What is the program capacity for each type of program? What is the participation and completion rate for these programs?</td>
</tr>
<tr>
<td>Community-Based Programs</td>
<td>How are community based programs delivered? What types of programs are available to parolees?</td>
</tr>
<tr>
<td>Parole</td>
<td>What are the parole term lengths? What type of contact do the parole officers have with parolees?</td>
</tr>
<tr>
<td>Three Strikes Law</td>
<td>Does the state have an active” three strikes law” in place? If so, how many three strikes offenders are in prisons?</td>
</tr>
</tbody>
</table>
3: Case Study Analysis

Each of the four state correctional departments will be analysed by utilizing the components of the evaluation framework (Table 2). Components of the evaluation framework determine specific qualities and operations within the nine units of analysis of each state correctional department. Within each area of the framework are specified operations and characteristics that offer insight into the best and worst practices of a correctional department.

3.1 State of California

The California Department of Corrections and Rehabilitation (CDCR) operates 33 correctional facilities and 13 community correctional centers. The CDCR houses approximately 173,000 offenders, and supervises 123,597 offenders on parole (CDCR, 2008). The state of California has the largest correctional population in the nation. The average annual cost of housing an offender in California is $43,149, which is twice the national average of $24,500 (Petersilia, 2007).

State prisons, state jails, community correctional facilities, and out-of-state facilities house convicted offenders in California. Each facility houses specific types of offenders in response to sentence length, severity of the offense, and past criminal history. State prisons house offenders that have sentences of 2 years or more. Prison security levels are supermax, maximum, medium, and minimum. Assigning of offender to serve their sentence in specific state correctional facilities depends on the determined custody level. Offender characteristics, such as crime severity and possible threat to other offenders, determine the custody level. Third strike offenders are required to serve the 25 years to life sentence in a state prison. State jails house
offenders that have sentences of less than 2 years. They may house those who are that are awaiting arraignment, have an upcoming court date, are soon to be released from custody, and low-level offenders.

Overcrowding has been a constant concern for California corrections facilities since the 1980s. In 1987, Senate Bill 1591 should have assisted in relieving overcrowding (Dungan, 2010). Senate Bill 1591 authorized the CDCR to enter into 20-year agreements with counties to construct and operate 13 new community corrections facilities. These facilities house parole violators and offenders that require minimum to medium security. Housing offenders in community corrections facilities provides offenders with increased education, vocational, and rehabilitation opportunities, as well as alleviate some overcrowding in state jails and prisons. Facilities have since become overcrowded and increased program opportunities have ceased.

Currently, a majority of in-prison programs have a waitlist and too few beds are available to address the extensive needs of offenders. California offenders receive less treatment while incarcerated than do offenders nationally (Petersilia, 2006). The California Expert Panel (2007) reported that nearly half of all prisoners released in 2006 sat idle while they were in a correctional facility. They did not participate in any work assignment, treatment program, or education program for the entire length of their sentence.

During the 1990s, CDCR officials did not attend professional conferences. This exposure to new advances made in evidence-based practices and the vast literature on proven approaches in corrections would assist CDCR officials in bettering the correctional system (Petersilia, 2007). Officials severed ties with professional and educational researchers and stopped producing their research and data, because of the “nothing works” ideology. The California Corrections Department was uninformed and inefficient. California had implemented the “confinement model” (Petersilia, 2007). The Kohls report (2005) noted that other states that had similar budgets problems as California had actually increased their research units to help target scarce resources.
The lack of both CDCR research and education on best correctional practices led to ineffective CDCR program investment. The California Independent Review Panel (2004) reviewed CDCR programs and found that the state continued to invest billions of dollars into programs that proved to be ineffective in improving public safety or reducing recidivism (Petersilia, 2006). Many rehabilitation, educational, and work programs are in place with little regard to rigorous evidence. Evaluations for effectiveness do not occur once programs are in place, yet their funding continues (Petersilia, 2007).

In response to the ineffective and uninformed status of California corrections, Governor Arnold Schwarzenegger added the “R” to the CDC to represent California’s renewed commitment to rehabilitation. The CDCR developed the ABC’s of Adult Rehabilitation, outlined areas of priority for offender treatment, and stated their commitment to reducing recidivism and overcrowding by addressing offender rehabilitative needs. The CDCR expresses their commitment to the ABC’s, yet have reduced funding for education, vocational, and substance abuse programs. The CDCR neglects to implement any suggested changes noted by research concerning program efficiency and effectiveness.

*Figure 1: CDCR ABC's of Adult Rehabilitation Model*
Such ineffective operations led to the percentage of non-violent offenders versus violent offenders being quite disproportionate. Evaluations find that over 70% of California offenders are in correctional custody for non-violent crimes. Non-violent crimes often involve drugs and theft of property. A study found that rearrests, or reconvictions of property offenders, were more likely than other offenders with a reconviction rate of over 15% higher than that of violent offenders. (Fischer, 2005)

Figure 2: CDCR Correctional Population by Offense Type (CDCR, 2005/2006)

In 2007, Assembly Bill 900 (AB 900) became California state law and addressed the problem of correctional overcrowding in facilities. The AB 900 funding package authorized $7.7 billion for prison construction and rehabilitation initiative (Taylor and Paulus, 2009). The Bill allocated $2.4 billion for the construction of 16,000 infill beds. Infill beds replace the temporary beds that are in makeshift dormitories located in gymnasiums, day rooms, and various other public areas in correctional facilities (Taylor and Paulus, 2009). Secure re-entry facilities will also receive $2.6 billion in funding to construct 16,000 beds, about 500 beds at each facility. Secured
re-entry facilities house certain offenders that are within one year of their release from custody. Increasing the number of beds in re-entry facilities is especially important for those offenders involved in substance abuse and education programs. Re-entry facilities are less likely to be involved in lockdowns, which are disruptive to the therapeutic communities used in rehabilitation programs. The population of offenders in these facilities are usually a similar type of offender and they are generally involved in some type of therapeutic program (Wexler, 1999).

Nearly $1.1 billion distributed by the Bill addressed correctional Health Care facility deficiencies. The funding provided medical, dental, mental health treatment, and housing facilities for offenders. An important focus of AB 900 was the allocation of funding for the construction of additional local correctional facilities that would address overcrowding. In order to receive the AB 900 funding, a county must first identify a potential site for a re-entry facility (Taylor, 2009). Many counties found this requirement to be a deterrent from applying for AB 900 funding. AB 900 allotted a significant portion of funding for the construction of infill beds, re-entry beds, health care facilities, correctional of local jail facilities, and correction of infrastructure problems at existing correctional facilities.

With almost $7.6 billion of the AB 900 funding allocated for construction projects, only $50 million funded rehabilitation initiatives. The CDCR must meet certain rehabilitation prerequisites in order to release AB 900 construction funds. The CDCR must improve and expand substance abuse programs, educational programs, and other rehabilitative programs for offenders both pre and post release (Taylor, 2009). The improvements to the programs include increasing education participation rates, reduce teacher vacancies, and conduct risk assessments of offenders.

A progress analysis of AB 900 projects was conducted a year following implementation. Several changes to the infill and re-entry bed plans had changed, estimated project costs had increased, and very few counties had applied for local funding to construct local correctional
facilities. As of 2009, there was still funding available for correctional construction projects for health care facilities and infrastructure problems (Taylor, 2009). During the 2009/2010 fiscal year, the CDCR announced a $250 million dollar reduction in Correctional program funding. The reduction in funding is a result of difficult economic times and a holistic cut in State run programs and services.

3.1.1 In-Prison Offender Programs

The Adult Programs division of the CDCR manages all of the programs and services for offenders while incarcerated. The Adult Programs division manages programs and services but often the CDCR contracts outside agencies to deliver these programs and services. Programs and services offered to offenders are educational programs, trade or vocational programs, and substance abuse treatment. Self-help programs available for offenders are anger management, narcotics anonymous (NA), and alcoholics anonymous (AA) (CDCR, 2010).

The Office of Correctional Education (OCE) administers the CDCR educational programs and vocational education programs. The CDCR currently has 32 accredited schools offering classes at 33 of the correctional facilities. The 33rd facility is in the process of receiving its accreditation. During 2009/2010, education program capacity reduced from 47,900 to 42,000 (5,900 program slots removed). The 2009/2010 budget reductions caused the suspension of many education programs, only programs that the CDCR thought reduced recidivism remained. The budget reductions emphasized educational programs that assist offenders in earning their General Education Development (GED) certificates. Another change implemented due to the 2009/2010-budjet cut was the use of alternative delivery methods for education. An alternative method consisted of the hiring of more teacher aides, fewer teachers, and less in-class time. Homework requirements are fulfilled while the offender is outside of the classroom rather than during classroom hours where a teacher was available to assist and answer questions.
The classes offered through the OCE assist offenders in earning their high school diplomas or GED certificate. In conjunction with high school education courses, the OCE offers courses to improve analytical and critical thinking skills, life skills, computation, and the English language (CDCR, 2010). Educational programs are vital to an offender’s success upon release, as the average offender in the CDCR reads at an 8th grade level (CDCR, 2010). Increased education levels may lead to increased opportunities for employment upon release.

The CDCR offers courses for offenders to receive their high school diploma or GED certificate, but has only 2 programs in place to offer offenders a chance to participate in higher education courses. The higher education courses are located at Ironwood State Prison and Chuckawalla Valley State Prison. These higher education programs paired two prisons with Palo Verde Community College. In 2007, 91 offenders earned Associates of Arts and Associates of Science degrees and 35 earned vocational certificates (CDCR, 2007). The offenders did not only pass their higher education courses, 19 of the graduates passed with honours. The important and unique elements of these higher education programs were that they utilized offenders as recruiters, administrators, tutors and motivators. Utilizing offenders as educational tools has made better use of CDCR funding, as well as encouraging other offenders to participate in educational programs.

As of October 2010, the CDCR educational programs were operating at 59.6% capacity (CDCR, 2010). The educational program completion percentage was 25.4% in 2010. It is unclear why a waitlist is in place for program participation, while the program is not operating at full capacity. Educational programs available to offenders while in-prison are as follows: Adult Basic Education I, Adult Basic Education II, Adult Basic Education III, General Education Development (GED), Literacy Labs, and Computer Lab.

Vocational Education programs are also available to offenders while in CDCR custody. Vocational training is pertinent to community success upon re-entry, as it provides offenders with
job training and upon release, offenders have an increased chance of finding employment (CDCR, 2010). The OCE provides vocational programs for offenders that can lead them to receiving national certification for certain trades. The CDCR (2010) states that, “upon re-entering society, the offenders who have learned a trade are far less likely to return to a life of crime”. The CDCR decided to eliminate many vocational programs to accommodate the 2009/2010-budget reduction. The vocational programs that remain in place had to be industry certified, market driven, and completed within 12 months.

As of October 2010, vocational program enrolment was at 87.1% capacity and completion rate for all vocational programs was 42% (CDCR, 2010). During 2009/2010 the vocational program capacity went from 9,400 to 4,900 (4,500 program slots removed). The 15 different vocational programs offered to CDCR offenders are as follows: Auto Body, Auto Mechanics, Building Maintenance, Carpentry, Cosmetology (Manicure/Esthetician), Electronics (C-Tech), Electrical Works, Ventilation (HVAC), Machine Shop (Practical), Masonry, Office Services (OSRT), Plumbing, Sheet Metal, Small Engine Repair, and Welding.

The CDCR was required to improve and expand rehabilitation programs in order to receive any funding made available by Assembly Bill 900. The Expert Panel on Adult Offender and Recidivism Reduction Programming recommended the use of a new model that would integrate evidence-based principles into the rehabilitation programming. The CDCR’s answer to the Panel’s suggestions was the integration of the California Logic Model; a systematic and science-based approach that helps to diagnose an offender’s rehabilitation needs and then recommend evidence-based solutions. The Model helps to assign the offender to the proper program for maximum effectiveness and integrates follow-up and evaluation measures. There are 8 points of the Model that help to implement effective intervention.
The California Department of Corrections and Rehabilitation established the Office of Substance Abuse Programs (SAPs) in 1989 due to the dramatic increase in the number of offenders imprisoned for drug offenses, and the number of parolees returning to CDCR custody because of drug-related offenses (Cate, 2006). The Office of Substance Abuse Programs is responsible for designing, developing, and delivering effective drug and alcohol treatment programs for both offenders and parolees (Cate, 2006). The SAP’s office contracts various treatment organizations to deliver the treatment programs for both in-prison treatment programs and community-based services for those offenders placed on parole.

The Adult Programs division of the CDCR manages all programs and services for offenders while incarcerated. Outside agencies contracted by the CDCR, rather than the department itself, deliver the programs and services. The types of services available for offenders are substance abuse treatment and recovery services; social, cognitive, and behavioural counselling; life skills training; health-related education; and relapse prevention (CDCR, 2010). Participation in behavioural and cognitive treatment shows a reduction in recidivism rates among offenders with substance abuse problems. A meta-analysis of 69 studies examined the effectiveness of behavioral and cognitive-behavioral treatment in reducing recidivism for
offenders. Results from this heterogeneous set of studies indicated that these treatment approaches, considered together, are associated with reduced recidivism rates (Prendergast and Wexler, 2004). Participating in the treatment resulted in a 12% reduction in recidivism among drug offenders.

Seventy-five percent of offenders are in need of substance abuse treatment (Prendergast and Wexler, 2004). Attempting to meet this evident need for substance abuse programs in 2006 there were 38 treatment programs operating at 22 CDCR facilities. The SAPs provide an extended exposure to a variety of services during the time the offender is in correctional custody (CDCR, 2010). During 2006/2007, the in-prison programs had a treatment capacity of 9,200 and an annual cost of $37 million. The offenders participating in the in-prison treatment programs would do so for 6 to 36 months (Cate, 2006). The SAPs also assist in facilitating successful re-entries into the community (CDCR, 2010). The treatment programs should operate in a therapeutic community (TC). The TC treatment model requires that offenders in the program maintain separation from the general population in order for the programming to be most effective.

Due to budget cuts in the fiscal year 2009/2010, the CDCR found new ways to deliver programs and services while cutting costs. In response to the cuts, there was a reduced amount of research on program effectiveness in recidivism reduction rates, and resulted in only programs with already proven effectiveness given funding (CDCR Adult Programs: Rehabilitation, 2010). During 2009/2010 slots available for in-prison substance abuse treatment reduced from 12,200 to 8,500 (3,700 program slots removed).

There was no funding allocated for research on their effectiveness in reducing recidivism for recently implemented or proposed programs. Several proposed and newly eliminated programs are successful in reducing recidivism in other states and in studies produced by outside
agencies contracted by the CDCR. Rehabilitation and education programs that were previously 12-18 months in length were “streamlined” to 3 months (CDCR, 2010).

Due to a lack of program space and funding, an offender determined to be in need of drug or alcohol rehabilitative services is not automatically eligible for the services. There are several prerequisites that an offender must meet in order to be eligible for program participation. If the offender meets these prerequisites, they must wait until room is available in the program.

Due to overpopulated facilities, tensions often run high among offenders. Facility lockdowns are a significant reason why the therapeutic community treatment model is unsuccessful in a correctional setting. Lockdowns of correctional facilities can cause an interruption of programs and services offered to offenders. Interruption of drug, alcohol, or education programs is a catalyst to relapse in response to stress, and inability to attend meetings or education classes.

3.1.2 Community-Based Offender Programs

The Office of Substance Abuse Programs is responsible for both the contracting out of both in-prison services, and community-based services for those recently released offenders that are on parole. The department contracts substance abuse services coordination agencies in each of the four state parole regions. The substance abuse services coordination agencies place offenders that have completed in-prison programs into community-based programs. The agencies then track and report the parolee’s community-based treatment participation and progress to the Office of Substance Abuse Programs (Cate, 2006). The annual cost to contract the substance abuse services coordination agencies is approximately $60 million (Cate 2006).

Similar to the in-prison programs, various contracted organizations manage the delivery of the community-based programs and services (also referred to as “continuing care” or “aftercare”). Participation in community-based programs and services is voluntary unless
participation is required as a term of the offender’s parole. Participation in the community-based programs is highly encouraged by the CDCR, primarily for those offenders that were a part of the in-prison treatment programs (Cate, 2006). Participation in the community-based treatment programs is encouraged based on a resulting reduced recidivism rate. When an offender completes in-prison treatment and participates in at least 90 days of community-based treatment, the 12-month recidivism rate reduced to 21.2% (Prendergast, Farabee, Cartier, 2006). Parolees who have completed in-prison treatment have a 12-month recidivism rate of 48.1%, and parolees who have completed in-prison treatment and participate in less than 90 days of community-based treatment have a 12-month recidivism rate of 45.6% (Prendergast, Farabee, Cartier, 2006).

The Burdon et al. (2007) study found similar results relating in-prison therapeutic community treatment and community-based treatment. Offenders participating in both programs for up to 9 months had much lower recidivism rates than those offenders that did not participate in both in-prison treatment and community-based treatment. Burdon et al. (2007) found that the time spent in community-based treatment predicted 12-month recidivism rates and the type of community-based treatment did not have an effect. Prendergast, Farabee and Cartier (2006) found that 7 out of 10 parolees did not participate in community-based treatment once released onto parole, and less than 1 in 10 participated in community-based treatment for more than 90 days. The percentage of participants in each specific offense category (Table 3) is similar to the population distribution throughout the CDCR facilities. The participants of the study have the following offense characteristics:
Table 3: UCLA Substance Abuse Study: Participant Offenses by Violent, Property, Drug and Other
(Prendergast, Farabee, Cartier, 2006)

<table>
<thead>
<tr>
<th>Offense Category</th>
<th>Percentage (%) of Study Participants (N= 8,629)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violent</td>
<td>28.3 %</td>
</tr>
<tr>
<td>Property</td>
<td>24.8 %</td>
</tr>
<tr>
<td>Drug</td>
<td>35.6%</td>
</tr>
<tr>
<td>Other</td>
<td>11.3%</td>
</tr>
<tr>
<td>Non-Violent Total</td>
<td>71.7%</td>
</tr>
</tbody>
</table>

The community-based treatment programs offer several different methods of treatment. Parolees can participate in residential treatment, non-residential treatment, sober living environments, and self-help groups. The quality of care and treatment received by parolees can vary greatly. Community-based treatment facilities can vary in quality of treatment because of the large number of organizations that deliver the treatment. In California, residential treatment programs must be licenced, while outpatient programs are not required to have a licence (Burdon et al., 2007). Residential treatment programs and outpatient programs do not require state issued certification.

The transition from in-prison treatment to community-based treatment does not integrate a formal systematic assessment process for matching parolee’s needs with community-based treatment programs or services (Burdon et al., 2007). California community-based programs did not start where the in-prison therapeutic treatment ended. Parolees frequently become dissatisfied with the community-based programs and discontinue their attendance (Burdon et al., 2007). “Dropping out” of community-based treatment would trigger a sense of failure on the part of the
parolee, and would possibly lead them to return to criminal activity, drug use, and eventually back to correctional custody (Burdon et al., 2007).

The Office of the Inspector General is an independent state agency that is responsible for oversight of the CDCR. The California Inspector General, Matthew Cate, released a report in 2007 that stated both in prison and community-based substance abuse programs were inefficient in reducing recidivism rates. Cate states in the report that “effective treatment for substance abuse offers one of the state’s best hopes of reducing the number of offenders who repeatedly cycle in and out of prisons.” The CDCR has continuously funded studies to evaluate the problem of overcrowding, but has done nothing to implement the changes suggested by the studies (Cate, 2007). The CDCR funds substance abuse programs that have been shown by several UCLA studies, pertaining to the effectiveness of CDCR substance abuse programs in reducing recidivism rates, to be ineffective (Prendergast, Farabee, Cartier, 2006). Between 1997 and 2006, the Office of Substance Abuse Programs of the CDCR paid UCLA and San Diego State University more than $8.2 million to evaluate the programs. Many program weaknesses displayed in over 20 UCLA studies, yet the Office of Substance Abuse Programs has not taken any action to correct the reported program deficiencies. The Office of Substance Abuse Programs has instead continued to fund the ineffective programs and fund additional studies (Cate, 2007).

The Office of the Inspector General found that even though the contracts with the providers require them to utilize the “therapeutic community” treatment model, the providers are treating offenders in environments that make it difficult or impossible for the therapeutic community model to operate (Cate 2007). The difficulty arises in part, as previously mentioned, from the prison environment being apt to program disrupting lockdowns for long periods and the integration of program participating offenders with the general population of offenders. The Office of the Inspector General also found that the program providers contracted by the CDCR were not fulfilling the terms of their contracts. The terms were to provide at least 20 hours a week
of face-to-face group and individual activities and maintain an 18:1 ratio of participants to counsellors (Cate, 2007). In 13 of the programs, less than 25 percent of treatment hours consisted of in intensive group therapy and less than 10 percent of treatment time to encounter group sessions (Cate, 2007). A lack of oversight and contract accountability has contributed to the poor success rates of the substance abuse programs operated within the CDCR.

A majority of offenders are in need of rehabilitation services once released from correctional custody to community parole. Such services are substance abuse counselling, alcohol counselling, social reintegration services and anger management. Along with rehabilitative services, a majority of offenders are in need of job placement and housing information. The post-release program services in high crime or dense areas are neither adequately funded nor sufficiently staffed with trained service providers.

3.1.3 Parole

California’s parole system is different from any other state. Every offender released before the entirety of the completion of imposed sentence length, no matter what offense type, are on parole for a mandatory time period of three years. In 2010, the CDCR enacted new legislature that created a new variation of parole for low risk parolees. Non-revocable parole would remove low-level offenders from parole supervision, but allow parole officers to conduct warrantless searches of the person and their residence. The CDCR is predicting that by utilizing non-revocable parole, both recidivism and correctional populations will decrease.

California is the only state to combine both mandatory parole with determinate sentencing. With determinate sentences, offenders have often been limited in the amount of good-time they can earn from their sentences, as many truth-in sentencing laws have been passed, requiring completion of 85% of the sentence before prisoners are eligible for release (Seiter & Kadella, 2003). Offenders can earn “good-time credit” by completing programs and reaching a
personal milestone. Earning a GED certificate, completing substance abuse programs, and earning a vocational certificate all qualify the offender for a determined amount of good-time credit toward reducing their sentence.

Merging both mandatory parole and determinate sentencing generates a steady annual increase of offenders in need of supervision (Callanan, 2006). Overloaded parole caseloads and understaffed parole regions are a result of the influx of parolees in need of supervision. The average caseload for a parole officer is 70, but may vary between 30 and 200 cases (Callanan, 2006). The time each officer has available for each offender is dependent upon the supervision needs of all cases. Parole officers have little time to devote to the needs of parolees and often times they will not get the services they need. Parolees wishing to go straight are often frustrated with the lack of assistance given to them by their parole officers. Services such as housing, job placement, and rehabilitation are necessary for a parolee to successfully reintegrate into society.

A parolee is often unprepared for the hardships they will face once released back into the community. Lack of reintegration services, education, and job training when offenders are imprisoned can negatively contribute to their search for employment once released (Callanan, 2006). Many employers are reluctant to hire parolees, and have no incentive to do so. Parolees pose a much higher risk to the employer than another person that is not an ex-offender. Commonly an offender has little education, job experience, and work ethic to work hard for what is often little pay. Frustration associated with finding legitimate employment can lead parolees to reconnect with criminal associates they were involved with prior to imprisonment.

During the interview, the veteran parole officer stated that offenders often become frustrated with community-based programs. The frustration with rehabilitation can lead the offenders back to gangs where drug use and theft are a prominent part of the culture. He revealed that offenders with drug or alcohol addictions have the highest risk of recidivism. Lack of employment and housing increases the parolee’s frustration with community re-entry.
Incarcerated offenders have housing, education, work, health care, and meals provided for them, creating a group of unconditioned offenders unprepared for re-entry.

More than 50% of recidivists are reincarcerated for parole violations (Lin, 2009). This rate is considerably higher than other states (Fischer, 2005). Research has concluded that this high percentage of parole violations is due in part to California’s mandatory three-year parole term (Lin, 2010, Callanan, 2006). Parole violations are generally technical and new offenses are primarily non-violent, such as drug possession or minor theft of property. The average sentence length for a minor parole violation ranges from 2 to 6 months. If a new crime is committed, the sentence is contingent upon various factors, such as crime severity.

Many other states do not assign recently released offenders to parole unless they are determined to have a high risk of re-offense. Offenders commissioned to parole for three years have a high probability of violating a minor term of their parole, even though many parole violations are not new crimes (Grattet, R., Petersilia, J., & Lin, J., 2008). Most parole violations occur when a parolee misses a meeting with their parole officer, neglects to notify their parole officer of a residence change, or tests positive for a controlled substance. Although a violation may be technical, the parolee returns to correctional custody for a minimum sentence and released back onto parole. The constant “catch and release” operations of parole are costly to both the state and the offender. Costs associated with court time, incarceration, and parole consumes an unnecessary portion of state correctional funding. Offender costs may be loss of employment, housing, and missed treatment. Reducing the strain parole violations place on the state, would result in increased funding for other areas of corrections.

### 3.1.4 Three Strikes Law

California’s Proposition 184, also known as the “Three Strikes and You’re Out” law, was passed in 1994. Three Strikes Laws are intended to act as a deterrent for serial or habitual
offenders. The rationale behind three strikes laws are that longer correctional sentences will act as a deterrent to future crimes and in more extreme cases, will incarcerate serious serial offenders for the “life” third strike sentence. The idea is that a small proportion of serial offenders commit a large percentage of crimes and that incarcerating these offenders will improve public safety (Chen, 2008).

In many states these laws are only applicable to crimes such as murder, rape, kidnapping, aggravated robbery, aggravated assault, and sexual abuse. A few states like California, commonly include crimes such as firearm violations, burglary of occupied dwellings, and simple robbery (Marvell and Moody, 2001). Many state laws allow for a judge to use their discretion as to when to apply a strike.

California’s law is considered to be the most stringent and most utilized in the nation. The three strikes law assigns a strike to an offender that commits a petty offense, when they have a serious prior conviction. The state also has the least amount of homicide increase, which is associated with it having the most severe three strikes law. A popular example detailing the strict nature of California’s law occurred in 1994. Jerry Dewayne Williams had a two prior strikes for robbery and attempted robbery (Palmer, 2005). Mr. Williams stole a piece of pepperoni pizza, was then apprehended and given his third strike. He was subsequently sentenced to life in prison as mandated by the California three strikes law. The mandatory third strike sentence is 25 years to life, as opposed to the second strike sentence, which is double the length of the standard offense sentence.

The CDCR facilities saw an increase in populations due to legislation passed during the 1990’s. A series of “tough on crime” bills were passed, as well as the three strikes law (Zimring, Hawkins, and Kamin, 2003). Between the years 1994 and 2005, more than 87,500 offenders were sentenced based on a 2nd or 3rd strike, and more than 7,500 were sentenced to 25 years to life sentences for their 3rd strike offenses (Legislative Analyst’s Office, 2005). Due to the extended reach of California’s Three Strikes Law, it has been associated with increased fiscal and social
costs (Chen, 2008). Several studies found unanticipated costs were a strain on law enforcement, correctional facilities, courts, prison overcrowding, and increased costs for caring for an aging correctional population (Chen, 2008; King and Mauer, 2005; Kovandzie et. al., 2004).

There are many arguments against the effectiveness of three strikes laws to deter future crime. Marvel and Moody (2001) describe a common argument against three strikes laws as being the time it takes for punishment to be delivered. Without an immediate sentence a serial offender may not receive the full effect of a deterrent driven sentence. Another argument relates to the increase in homicides for offenders taking additional measures to avoid apprehension and conviction (Marvell and Moody, 2001). The “two-strikers” may murder a victim rather than leave them after an attack in order to prevent being identified and receiving their third strike. Marvell and Moody (2001) found that three strikes laws are associated with a 10-12 % short-term increase in homicides and a 23-29 % long-term increase. The long-term impact of three strikes laws is an additional 3300 homicides. The social cost of the three strikes laws is $11 billion per year, given the value of life estimated at $3.2 million (Marvell and Moody, 2001).
### 3.1.5 Key Findings

Table 4: Key Findings in California Case Study

<table>
<thead>
<tr>
<th>Key Finding</th>
<th>Details</th>
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<tbody>
<tr>
<td>The annual cost per offender in California is approximately double that of</td>
<td>California often implements offender programs without regular audits to</td>
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<tr>
<td>the national average.</td>
<td>determine effectiveness in reducing recidivism.</td>
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<td></td>
<td>The ABC’s of Adult Rehabilitation and California Logic model are CDCR</td>
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<td>priorities, yet the goals of each are unfulfilled by the offender</td>
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<td>programs.</td>
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<td></td>
<td>In-prison offender programs lack a program delivery guideline and do</td>
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<td>not effectively implement the therapeutic community treatment model.</td>
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<td>A gap in treatment exists between in-prison and community-based</td>
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<td>programming.</td>
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<td>California is the only state to require a mandatory three-year parole</td>
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<td>term for all offenders released before serving the entirety of their</td>
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<td>imposed sentence.</td>
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<td>The California Three Strikes Law is the harshest habitual offender law</td>
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<td>the nation and gives no sentencing discretion to the courts.</td>
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3.2 State of Texas

The State of Texas has the lowest national average recidivism rate of 30.3%. The Texas Department of Criminal Justice (TDCJ) operates the Correctional Institutional Division (CID), which oversees the operations of state prisons, state jails, and private correctional facilities. The CID is also responsible for the supervision of offenders released from correctional facilities. The Private Facility Contract Monitoring/Oversight Division supervises privately operated correctional facilities and substance abuse treatment services. This division ensures facilities and services are being maintained and delivered according to their design.

The State of Texas operates 114 correctional facilities. These facilities are defined as: fifty-one state prison facilities, three pre-release facilities, three psychiatric facilities, one Mentally Retarded Offender Program (MROP) facility, two medical facilities, thirteen transfer facilities, sixteen state jail facilities, and five substance abuse facilities (SAFP) (TDCJ: Correctional Institution Division, 2010). In 2010, Texas housed 154,795 offenders in state correctional facilities. During that time, there were 106,667 offenders under TDCJ parole supervision (TDCJ, 2010). Texas releases approximately 25% of all offenders without any type of parole supervision (Fischer, 2005). About 16% of annual correctional intakes were for parole violators. The offender population of TDCJ correctional facilities are 51.2% violent offenders, 16.6% property offenders, 17.8% drug offenders, and 14.4% other offenders (TDCJ, 2010). The State of Texas releases 21.4% of property offenders, 33.7% of drug offenders, and 21.7% of other offenders from TDCJ custody to parole (TDCJ, 2010).

The fiscal crisis has affected most U.S. states, and Texas is no exception. The TDCJ has announced a $40 million reduction in funding for the 2011 fiscal year. The TDCJ has eliminated the Re-integration of Offenders (Project RIO) in response to budget reductions. Project RIO
provides offenders with skills for successful employment opportunities once released from custody. Project staff assists offenders with acquiring the documentation necessary for obtaining state identification, certification of education accomplishments, and military records. The Project RIO staff also assists offenders in completing the Work in Texas Application (Livingston, 2011). During the 2010 fiscal year, Project RIO had 15,026 offenders participating, with approximately 12,152 (80%) participants obtaining employment.

In 2007, Texas passed a Justice Reinvestment Initiative. The initiative addressed a growing correctional population, and concerns that building more correctional facilities would not address the problem. An analysis conducted by the CSG Justice Center concluded that failures related to community supervision and insufficient treatment capacity were causes of the growing population. Rather than allocate the budgeted $523 million to build more correctional facilities, the state reinvested in expanding the capacity of substance abuse programs, reviewing rehabilitative programs for effectiveness, increasing available mental health community-based treatment programs, and enhancing the use of parole for low-risk offenders (Re-entry Policy Council, 2009). Due to the lower cost of increasing program capacities versus high cost construction, the state had an immediate savings of $210.5 million. Since the enactment of the Initiative, the correctional population has stabilized and the number of revocations to prison has declined. Prior to Initiative implementation, it was projected that between January 2007 and December 2008 the correctional population would grow by 5,141. The Initiative has a positive impact on the correctional populations, as it grew by only 529 offenders (Re-entry Policy Council, 2009).

Pre-release programs use various approaches to reduce recidivism. InnerChange is a faith-based pre-release program that is 18 months long and includes a transitional aftercare component. This program utilizes education, work values, care for persons and property, faith
based living principles and personal responsibility to ready offenders for release back into their community (TDCJ, 2010).

District Resource Centers (DRCs) target newly released offenders with high needs by using a comprehensive approach to supervision that promotes personal responsibility and growth, victim empathy, and accountability. Volunteers and community agencies address needs in anger management, cognitive restructuring, substance abuse, victim impact, and pre-employment preparation. The Super-Intensive Supervision Program (SISP) imposes the highest level of supervision and offender accountability, including 24-hour electronic monitoring. The Global Positioning Satellite (GPS) program tracks an offender 24 hours a day and is reserved for the highest-risk offenders. This year a monthly average of 1,342 SISP offenders were on electronic monitoring.

The Texas Department of Criminal Justice offers several different programs for offenders released back into the community. The tier of rehabilitation programs, which is accountable for reducing recidivism, guides program delivery. The tier integrates treatment services that have proved to reduce recidivism (Eisenberg, 2001). Prior to the tier of programs implementation, the TDCJ’s programs had not been delivered through an integrated delivery system designed to treat the entirety of the offender’s rehabilitative needs (Eisenberg, 2001).

The Criminal Justice Policy Council recommended to the TDCJ that rehabilitative programs be evaluated based on their effectiveness in reducing recidivism and if the programs did so in cost-effective manner. The TDCJ determined that any future funding provided to the rehabilitative programs must meet the goals of cost effective recidivism reduction (Eisenberg, 2001). The programs determined to be effective were: In-Prison Therapeutic Community (TC) Program, Substance Abuse Felony Punishment (SAFP) Program, Pre-Release Substance Abuse Program (PRSAP), Pre-Release Therapeutic Community (PRTC) Program, and InnerChange Freedom Initiative (IFI).
Eisenberg (2001) determined that the execution of the TDCJ must ensure that each of the programs was executed according to a set of rigorous guidelines. The initial action is to identify offenders that are motivated and capable of receiving treatment. Subsequently, the TDCJ would provide a sufficient number of qualified staff in each program and ensure the length and intensity of each program was sufficient to achieve the goals of the program. The next step is to design programs that research supports and indicate their effectiveness in reducing recidivism. Following effective program design and implementation, is making available post-release treatment services in order to maintain a continuity of treatment. Post-release services must be consistent with in-prison treatment programs to ensure that services are not duplicated or contradictory.

Many of the community-based programs focus on the substance abuse counselling needs of recently released offenders. Substance abuse program goals extend beyond in-prison treatment and aim to provide a continuum of care. When gaps in treatment occur between in-prison treatment and community-based treatment, recidivism rates rise (Legislative Budget Board, 2011).

The Therapeutic Community (TC) Program offers continuity of care to offenders recently released from correctional custody with substance abuse problems. This three-phase aftercare program targets offenders who have participated in an in-prison therapeutic community or substance abuse felony punishment facility. A monthly average of 2,354 offenders in the TC program received services from contracted vendors and specialized parole officers (TDCJ, 2010).

Substance Abuse Counseling Program (SACP) is another community-based treatment program. This program provides counseling and referral services to offenders with substance abuse problems. Substance abuse counseling services are available to paroled offenders at parole offices and are provided by specifically assigned Parole Division counselors. A monthly average of 1,206 offenders participated in the SACP (TDCJ, 2010).
Substance abuse offenders may be sentenced to serve their time in Substance Abuse Felony Punishment Facilities (SAFPF). Being assigned to an SAFPF consists of an offender participating in a six-month in-prison treatment program, followed by three months of residential aftercare in a Transitional Treatment Center (TTC), six to nine months of outpatient aftercare, and up to twelve months of support groups and follow-up supervision (TDCJ, 2010). A judge places offenders in a SAFPF in lieu of being sentenced to a state prison or jail (TDCJ, 2010). The program has an offender capacity of 4,500. Offenders may also be placed in an SAFPF as a condition of their parole. The 2007 cohort of offenders released from SAFPF custody had a total 3-year recidivism rate of 40.3 (Legislative Budget Board, 2011). The majority of 2007 cohort would recidivate within the first 2 years of release. Of the 2007 offender cohort, 65.9% originally committed property or drug crimes (Legislative Budget Board, 2011).

A program similar to SAFPF is the In-Prison Therapeutic Community (IPTC). The IPTC has similar program lengths and treatment components as the SAFPF. This program is available to incarcerated offenders within 12 to 14 months (Eisenberg, 2001) of parole release and offenders that have been identified as needing substance abuse treatment (TDCJ, 2010). The offender capacity of the program is 800. The Board of Pardons and Paroles (BPP) must approve participation in the program. The 2007 cohort of offenders released from IPTC custody had a total 3-year recidivism rate of 24.7% (Legislative Budget Board, 2011). The average time out of custody before recidivism was 22 months. Of the 2007 IPTC cohort, 51.4% originally committed either a drug or a property crime (Legislative Budget Board, 2011).

The 2007 cohort of offenders released from prison had a recidivism rate of 24.3% (Legislative Budget Board, 2011). Of the 2007 prison cohort, 78.3% of the offenders were on parole. The 2007 cohort of offenders released from state jails had a recidivism rate of 31.9% (Legislative Budget Board, 2011). Of the 2007 state jail cohort, 87.2% originally committed a property or drug crime. One explanation for lower recidivism rates among offenders released...
from prison compared to offenders released from state jail is the length of time served. Offenders convicted of a serious felony serve two years or more in prison. Offenders sentenced to state jails have sentences of 2 years or less and often less serious offenses. With more time spent in prison, an offender has more time to participate in rehabilitative programs. Offenders sentenced to state jail and who participate in rehabilitative programs do not receive good behaviour time credit and must serve their entire sentence. Discharged offenders are released from state jails no parole.

The Windham School District provides education and vocation programs to offenders. These programs focus on areas such as literacy, life skills, career and technical education, and post-secondary education. The literacy program focuses on educating offenders with reading levels below the 6th grade and those offenders working toward earning their GED certificate. In 2009, the literacy program had 37,790 participants and 4,893 offenders earned their GED. Post-secondary education programs are available to those offenders with high school diplomas or GED certificates. During 2009/2010, 8,976 offenders participated in post-secondary programs.

The “Life Skills” program works with the “Cognitive Intervention Program”. This program improves offender behaviour while incarcerated and after release. During 2009/2010, 49,733 offenders participated in the programs (TDCJ, 2010). There are four areas of the “Cognitive Intervention Program”. The first is a 15-day program termed “Prospectives and Solutions”. This program aims to improve tolerance among offenders and aims to reduce hate crimes. The second area of the program is a reintegration program called, “Changing Habits and Achieving New Goals to Empower Success” (CHANGES). This program focuses on developing the offender’s life skills to improve their re-entry success once released from correctional custody. The third program is a communication-based program called the Parenting Program. This program focuses on improving communication between family members and supports the development of healthy family relationships. The last program is, “Life Matters”. This program
concentrates on developing life skills and social values for those offenders with more than 24 months of their sentence left to serve (TDCJ, 2010).

The Career and Technical Education Program delivers the vocational programs to offenders. The program provides 600-hour vocational training classes in 34 different trades. Apprenticeship and on the job training are available in some of the offered vocations. During 2009/2010, 11,290 offenders participated in the program (TDCJ, 2010)

3.2.1 Key Findings

Table 5: Key Findings in Texas Case Study

<table>
<thead>
<tr>
<th>Texas has the lowest recidivism rate in the study, and one of the lowest in the nation.</th>
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<tbody>
<tr>
<td>Correctional facilities in Texas are operating at approximately 95% capacity.</td>
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<tr>
<td>The tier of rehabilitative programs maintains a continuum of treatment from in-prison to community-based programming.</td>
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<tr>
<td>Correctional programs follow a strict delivery guideline and implement programs that research suggest are effective in reducing recidivism.</td>
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<tr>
<td>The majority of offenders within the Texas correctional population have committed violent offenses</td>
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<tr>
<td>Approximately 20% of offenders exit correctional custody without any type of community supervision.</td>
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<tr>
<td>Only the third offense warrants an increased sentence under the Habitual Offender Law and courts have sentencing discretion.</td>
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<tr>
<td>The Justice Reinvestment Initiative is an innovative and cost-effective approach to reducing recidivism through the incorporation of rehabilitative programs for offenders.</td>
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3.3 State of New York

The New York State Department of Correctional Services (NYS: DOCS) operates 68 correctional facilities and has approximately 58,378 offenders in custody. The three-year recidivism rate for New York was 41.4%, of which 48% percent of the recidivists were parolees (State of New York: Department of Correctional Services, 2006). Offenders released after the maximum expiration of their sentence had the lowest group recidivism rate.

In New York, not all released offenders receive a mandatory parole term. In 2010, only 38.2% of offenders received a parole term (NYS: DOCS, 2010). Parole terms are generally strict and recidivism among parolees is a result of technical violation of parole terms. In New York, 30% of parolees return to custody for parole violations with 9% returned for new crimes (NYS: Department of Correctional Services, 2006). Parole violations are included in recidivism calculation as the offender returns to correctional custody.

Parole officers encourage parolees to utilize services provided by the Parole Re-Entry Services Unit (RESU). By utilizing RESU services, a parolee can have a seamless transition from custody to community re-entry. This is particularly useful for those offenders participating in substance abuse treatment programs. The RESU has developed referral services for housing, substance abuse prevention services, anger management, domestic violence counselling, mental health counselling, medical services, mentoring, and employment (NYS: Division of Parole, 2010). Beyond supervising recently released offenders, New York parole officers prepare offenders for release.

Non-violent offenders in New York had an average recidivism rate of approximately 43.6% (NYS: Department of Correctional Services, 2006). Property offenders have a 46.3%
recidivism rate combined with a 40.9% recidivism rate among drug offenders. Of the offenders returning to custody, 45% committed drug offenses. In New York, the number of times an offender was in correctional custody affects the rate of recidivism significantly. With every correctional release an offender had, their rate of recidivism rose by nearly 5% (NYS: Department of Correctional Services, 2006).

The State of New York Department of Corrections targets recidivism through enhanced addiction services within correctional facilities. Addiction services are available at 60 or the 68 state run correctional facilities. There are 119 different programs targeting those offenders determined to be in need of substance abuse treatment (NYS: DOCS, 2007).

The DOCS uses five different assessment tools to identify offenders in need of treatment (NYS: DOCS, 2007). The first step of offender assessments are administered upon admission and these assessments are self-reporting, Michigan Alcohol Screening Test (MAST), and the Simple Screening Instrument (SSI). The second step is the Offender Payroll System (KIPY) that determines if an offender is already participating in a treatment program. Following the KIPY is the Guidance System (KGNC) that determines if the offender is in need of rehabilitative treatment. Interviews and evaluations conducted by facility program counsellors help determine the outcome of the KIPY and KGNC assessment.

In 2010, The New York State Office of Alcoholism and Substance Abuse Services (OASAS) identified that 83% of the criminal justice population has drug or alcohol addiction issues. The OASAS (2010) stated that substance abuse is often at the root of the criminal acts that send offenders to prison, so treating and managing these addictions both during incarceration and afterwards is critical to helping offenders successfully reintegrate into the community.

The State of New York implemented the Comprehensive Alcohol and Substance Abuse Treatment (CASAT) Program in 1990. The CASAT model is an intensive residential treatment model where eligible offenders are in community-based programs as part of a work-release
program. CASAT determines the needs of offenders by analysing their history or alcohol and substance abuse history. The program goals are to reduce the drug and alcohol relapse rates, reduce recidivism rates, prepare program participants to return to their families and communities, ensure appropriate aftercare services in the community, and increase coordination between state agencies and service providers (NYS: CASAT Program, 2010).

The Alcoholism and Substance Abuse Treatment (ASAT) program provides 6 months of half-day treatment sessions, while integrating educational and vocational programming for the rest of the day (NYS: OASAS, 2010). The half-day treatment sessions include individual and group counselling, drug and alcohol education, and relapse prevention. A program directed toward DWI (Driving While Intoxicated) offenders operates in the same manner as the ASAT program. The DWI treatment program utilizes an evidence-based and alcohol-specific curriculum.

Working in conjunction with ASAT is the newly established Willard Drug Treatment Campus. This treatment campus provides a 90-day drug-free residential alcohol and substance abuse treatment readiness program to offenders as an alternative to confinement in a conventional correctional facility. Following the 90-day treatment program is a six-month intensive parole supervision program in the community that includes either residential, day or outpatient treatment (NYS: DOCS, 2010). After completing the six-month intensive parole the offender enters community supervision where effective, community re-entry practices are established (NYS: DOCS, 2010). The program capacity for the Willard Drug Treatment campus is 900 offenders.

The OASAS programs employ offenders to help each other address the various issues pertaining to their criminal and addiction related activities. The program counselling staff assesses the offender’s needs and work together with the offender to develop a plan for treatment. Once correctional facilities release the offender, community addiction programs continue their rehabilitation treatment and address the relapse triggers (NYS: OASAS, 2010).
The Office of Alcoholism and Substance Abuse Services worked collectively with the State’s Department of Correctional Services (DOCS) to develop a set of Special Operating Guidelines. The OASAS and DOCS visited and assessed the substance abuse programs operated in New York correctional facilities in order to outline an effective set of guidelines by which programs should follow for effective delivery. The Special Operating Guidelines specify addiction service procedures such as assessment, documentation, treatment planning, and service delivery (NYS: OASAS, 2010). The Guidelines also determine staffing qualifications.

Each year approximately 34,000 offenders participate in alcohol and/or substance abuse treatment. Approximately 10,000 program slots are available in order to serve the substance abuse needs of offenders. In 2009, 92% of released offenders entered treatment and approximately 75% successfully completed a treatment program.

Rockefeller drug law reforms established substance abuse program accountability. These reforms require OASAS to monitor, guide, and report on DOCS substance abuse treatment programs (Correctional Association of New York, 2011). OASAS produces annual reports on newly established best practices for substance abuse treatment delivery. DOCS are currently working with OASAS to certify every substance abuse program operating in a correctional facility in order to provide uniform treatment to offenders.

Various education programs are available to offenders while they are in correctional custody. Adult Basic Education (ABE) educates offenders that have reading and math levels below 6th grade (NYS: DOCS, 2010). Bilingual programs educate those offenders that are learning English as a second language (ESL). The goal of the ABE and ESL program is to provide the offender with skills necessary to successfully function in the community. General Education Development (GED) programs assist offenders with reading and math levels above 6th grade and those who do not possess a high school diploma. The GED program is divided into Pre-
GED level (6th – 9th grade) and GED level (9th grade and above). GED programs are located at all general confinement facilities (NYS: DOCS, 2010).

The Title I Vocational and Career Counselling Program provide individual and small group exploration into various career choices. Various skill assessments are necessary to help determine offender vocation interests and develop a career plan. Transition plans help prepare the offender for re-entry. The program is available to offenders 21 years old and younger.

Vocational education opportunities are available to offenders while housed in correctional facilities. Offenders have the opportunity to participate in any of the 35 vocational programs offered with New York correctional facilities. Participating in a vocational program may better prepare the offender for re-entry by extending career opportunities.

There are several post-secondary education opportunities available for offenders while in correctional custody. A certificate in ministry and human services program is a vocational option for offenders at seven New York correctional facilities. The one-year program requires that the offender have a high school diploma or GED. Other college programs offer offenders the opportunity to earn Associate and Bachelor degrees. These post-secondary programs are offered at 7 various correctional facilities and require a high school diploma or GED. Offenders can also earn a Master of Professional Studies degree through a two-year program offered through the New York Theological Seminary at Sing Sing correctional facility (NYS: DOCS, 2010).

The state of New York has in place a type of three strikes law called the Persistent Felony Offender (PFO) law. The PFO law mandates harsher sentences for habitual offenders than first time offenders. The courts have the discretion to incarcerate an offender with a longer sentence if they shown to be a habitual offender. New York does not require lengthy PFO sentences.
### 3.3.1 Key Findings

*Table 6: Key Findings in New York Case Study*

<table>
<thead>
<tr>
<th>New York incarcerates the least amount of non-violent offenders in the study.</th>
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<tr>
<td>The Rockefeller drug law reforms established substance abuse program accountability.</td>
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<td>Special Operating Guidelines are in place to insure uniform program delivery.</td>
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<td>The Persistent Felony Offender Law provides courts with sentencing discretion and lengthy sentences are not required.</td>
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<td>Less than half of released New York offenders receive a parole term</td>
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<tr>
<td>New York correctional facilities have an 89% occupancy rate.</td>
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3.4 State of Florida

The State of Florida Department of Corrections manages the third largest prison system in the nation with 62 correctional facilities and 102,232 offenders (Florida Department of Corrections, 2010). The correctional population in Florida facilities is comprised of 57.7% non-violent offenders. The facilities housing offenders are correctional institutions, work/forestry camps, work release centers, and road prisons.

Figure 4: Non-Violent Recidivism Rate. Source: 2009 State of Florida Recidivism Study (McNeil, 2010).

The Florida recidivism study provided recidivism rates for all offenders released from 2001 to 2008. The average three-year recidivism rate for offenders in Florida is 33.1%. There was a consistent one percent drop in the recidivism rate resulting in 400 fewer offenders being admitted to correctional facilities annually. With the recidivism rate reducing over the study period, the Florida Department of Corrections saved approximately $8,000,000 or $20,000 per
year per offender (McNeil, 2010). The study also found that offenders that commit burglaries recidivate at a higher rate than other offenses.

The Bureau of Substance Abuse Services is responsible for coordination and delivery of all substance abuse programs. The Department of Children and Families is responsible for licensing all in-prison substance abuse programs. Screening of all offenders occurs at reception to determine if they are in need of rehabilitative treatment. An offender found to be in need of treatment becomes a Mandated Program Participant (MPP). The State Automated Priority List organizes MPP’s and assigns them to appropriate rehabilitative programs.

Various types of programs are available for offenders while in correctional custody. The Intensive Outpatient treatment model is the primary substance abuse treatment program, and consists of three steps. The typical program length for the initial step depends on the offender’s progress, but averages 4 to 6 months. The initial step of the Intensive Outpatient Treatment has a 78.6% success rate for all participants after three years. The program treated 740 offenders participating in the first step in 2008.

Residential Therapeutic Community (TC) is the second step of the Intensive Outpatient Treatment program and houses participating offenders together, allowing separation from the general correctional population. Housing offenders separately from the general population creates an environment conducive to rehabilitation and limits typical correctional facility distractions. Program length for this step averages 9 to 12 months. Offenders with similar addictions are grouped together, encouraged to utilize peer-to-peer interaction, and employ peer accountability. Three-year success rates of step two program participants are 64.8%. Offenders who have completed step one or step two are part of the Alumni Group and participate by leading support groups.

The last step of the Intensive Outpatient Treatment program consists of comprehensive outpatient, relapse prevention, and transitional services. This step consists of three separate tracks
of treatment. The first track is relapse prevention and lasts up to four months. The second track of treatment is a four month long program for offenders with no prior history of participation in substance abuse services. The third step is a weekly continuing care program for offenders who have completed track one and/or track two.

The substance abuse program offers a continuum of substance abuse services including prevention, outpatient, intensive outpatient, aftercare services, and education/vocational services (Florida Department of Corrections, 2010). The program centre focuses on teaching, developing and practicing re-entry/ transitional skills necessary for a successful drug-free re-entry into the community upon correctional release (Florida Department of Corrections, 2010). Other focuses of the program centre are criminal thinking, family development, anger management, domestic violence, and victim awareness. The Intensive Outpatient program has an average completion rate of 47%.

Not all offenders will qualify to participate in the Intensive Outpatient Treatment program, but other less intensive substance abuse programs are available in every Florida correctional facility. Substance abuse program participants and other offenders designated by treatment staff may participate in Alcohohics Anonymous and/or Narcotics Anonymous Recovery and Support Groups. These programs follow the traditional twelve-step system of addiction recovery and work in conjunction with other substance abuse programs (Florida Department of Corrections, 2010).

The Faith-Based Substance Abuse Transitional Housing Programs (FBTH) work with offenders by providing them substance abuse, relapse prevention services, and transitional housing. Program participants receive housing, access to local phone service, three meals a day, and job placement assistance (Florida Department of Corrections, 2010). Offenders participate in this program given that they commit to spending one year post-release working with the program.
The required year long commitment helps create a seamless transition from custody to re-entry into the community.

Educating offenders while in correctional custody is a high priority for the state of Florida. A Florida study found that offenders who complete education programs while in custody have lower recidivism rates than offenders who do not complete programs (McNeil, 2010). This recidivism reduction also applies to those offenders that complete substance abuse programs. During 2010, 14,123 offenders participated in an educational program and 5,257 offenders participated in a vocational program while in correctional custody (Florida Department of Corrections, 2010). The need for education and vocational programs is high with 71.7% of offenders testing at below the 9th grade level in math and reading.

The Bureau of Academic and Special Education provides academic programs at 43 state correctional facilities. In 2010, approximately 14,000 offenders participated in educational programs. Programs include Adult Basic Education (ABE), General Education Development (GED) courses, and volunteer literacy programs. Educational programs focus on preparing offenders for community re-entry by utilizing a specific Transition Skills curriculum (Florida Department of Corrections, 2010). Combined program completion rates for Florida correctional education programs are approximately 25%.

Research shows that providing offenders who lack prior vocational training or a prior employment history with vocational training reduces recidivism (Florida Department of Corrections, 2010). A Florida Department of Corrections study found that offender are 14.6% less likely to recidivate if they have earned a vocational certificate. Offenders have the opportunity to participate in 37 different vocational opportunities within 20 state correctional facilities. Vocational programs have the capacity to serve 1,760 offenders. A program completion rate estimated at 30% shows little promise for vocational programs to influence recidivism reduction.
Data pertaining to vocational programs with Florida correctional facilities was out-dated and new information may show a change in completion rates and program capacity.

Offenders in Florida return to the community by utilizing various release mechanisms. The most rudimentary of the release mechanisms is sentence expiration. An offender released on sentence expiration occurs when they have served their entire sentence, and return to the community without supervision. The second type of release mechanism is controlled release from custody. Controlled release of offenders addresses the problem of overcrowding in Florida correctional facilities. There is currently no need for this type of release as the correctional population is under capacity (Pate, 2010). Generally reserved for habitual offenders who have been under correctional custody, the conditional release mechanism places the offender into the community to serve the rest of their maximum sentence.

“Addiction Recovery Supervision Release” is a mandatory post-release program for offenders that have a history of substance abuse and/or have participated in a substance abuse treatment program while in correctional custody. Conditional release and addiction recovery supervision have a combined population of 7,958 (Pate, 2010). The last type of release mechanism for Florida offenders is parole. Very few offenders receive parole in Florida, as it is limited to those offenders that have committed a serious violent felony. In 2009/2010, there were only 448 offenders on parole in Florida (Pate, 2010).

Offenders convicted of serious violent felonies comprise of a majority of those offenders released onto parole. Parole consists of a more intense type of supervision, due in part to the risk violent felony offenders pose to the community. Offenders that have very little risk to public safety serve the remainder of their sentence in the community under supervision. The state of Florida paroles very few offenders, and less than 1/3 of offenders released are on any type of community supervision (McNeil, 2010). Offenders assigned to parole or community supervision
had a recidivism rate of 44.2% compared to a rate of 27.4% for those offenders without supervision.

Results of the Florida recidivism study found that recidivism rates were higher for those offenders that had prior commitments to correctional custody, had a number of burglary offenses, were supervised after release, had a number of theft or fraud offenses, a substance abuse problem, or had a number of drug offenses. Results from the Florida recidivism study are similar to those results found in the Washington State Institute for Public Policy’s study of evidence-based practices in corrections (McNeil, 2010).

Florida enacted a state-wide habitual offender law in 1999. The Florida statute is the “10-20-Life” law and it address Florida’s growing violent firearm crime rate. The law states that an offender that uses a firearm to commit a crime, such as armed robbery, would face at a minimum of 10 years in a Florida state correctional facility. When a firearm is discharged during the occurrence of a crime, the law mandates the offender serve a minimum of 20 years in correctional custody. When a firearm is discharged and someone is injured or killed, the law mandates a minimum sentence of 25 years to life in correctional custody. The Florida Department of Corrections states that the 10-20-Life law has helped reduce violent firearm crime by 30% (State of Florida Department of Corrections, 2010).
3.4.1 Key Findings

Table 7: Key Findings in Florida Case Study

<table>
<thead>
<tr>
<th>Addicition Recovery Release mechanism requires offenders with previous substance abuse to participate in programming after released from correctional custody, to ensure a continuum of treatment.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida correctional facilities have a 95% occupancy rate and the second lowest recidivism rate in the study at 33.1%.</td>
</tr>
<tr>
<td>Intensive Outpatient Treatment program insures a continuum of care and integrates relapse prevention into the program.</td>
</tr>
<tr>
<td>The Florida correctional population consists of approximately 57.7% non-violent offenders.</td>
</tr>
<tr>
<td>Approximately 30% of offenders released from correctional custody receive a parole term.</td>
</tr>
<tr>
<td>Florida’s habitual offender law applies only to crimes involving a firearm.</td>
</tr>
</tbody>
</table>
4: Case Study Comparison

A comparison of all information associated with the four case studies and interviews will allow for an amalgamation of information pertinent to the formulation of effective policy options. Nine units of analysis compare each state, followed by a table displaying the information.

4.1 Number of Facilities

The state of Texas operates 114 correctional facilities making it the largest network of correctional facilities in this study. Following far behind Texas is New York with 68 facilities and closely accompanied by Florida operating 62 correctional facilities. The state of California operates 33 correctional facilities, the least amount of any state-run facilities in the study.

4.2 Correctional Population

With approximately 173,000 incarcerated offenders, California has by far the largest correctional population of the study. Overcrowding of California facilities is apparent while it operates the smallest correctional facility network and houses the largest correctional population. Close in population size is the state of Texas with 154,795 offenders incarcerated in state correctional facilities. New York correctional facilities have an 89% occupancy rate, while Florida facilities operate at 95% capacity.

4.3 Parole Population and Determination of Parole

The state of California mandates that all released offenders be on a three-year parole term, which contributes to the largest parole population of the study of 123,595 parolees. California parolees have a 50% recidivism rate, making it the largest percentage of parolees of the study returning to correctional custody. California underutilizes the state parole board, as other
states in the study employ the parole board for all parole related decisions. The state of Texas supervises approximately 106,667 parolees producing the second largest parole population of the study. The state of Florida assigns very few offenders to parole as they more frequently utilize the community supervision release mechanism. Only 38.2% of New York offenders are on parole. Every state in the study, except California, utilizes the state parole department to determine an offenders release mechanism and supervision level.

4.4 Recidivism Rate

California has the highest recidivism rate in the country at 67.5%. Many of the offenders returning to correctional custody are parole violators. The average sentence length for a minor parole violation ranges from 2 to 6 months, followed by another a parole term. Each U.S. state has a similar method and criteria for parole violation determination. Parole violations are commonly due to the parolee committing a non-violent offense, such as drug possession. Texas has one of the lowest recidivism rates in the country at 30.3%. Given that Texas has the second largest correctional population of the study, the low recidivism rate dictates it as the most successful correctional system of the study. New York State has a relatively high recidivism rate of 41.4% taking into account the correctional and parole populations. Given that offenders with mandated parole supervision more often recidivate than those offenders without supervision, it is important to note that Florida’s 33.1% recidivism rate may be lower compared to other state’s due to this difference in release mechanisms (State of Florida Department of Corrections, 2010).

4.5 Percentage of Non-Violent Offenders

Contributing to California’s extensive correctional population is 71.7% of the population incarcerated for non-violent offenses. Texas’ incarcerates 20% fewer non-violent offenders than California with its correctional population consisting of 48.8% non-violent offenders. New York
State holds the fewest number of non-violent offenders with its population consisting of 29.8% offenders convicted of non-violent offenses.

Table 8: State Correctional Department Evaluation Framework

<table>
<thead>
<tr>
<th>Variable</th>
<th>Details</th>
<th>Case Studies</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>California</td>
</tr>
<tr>
<td>Number of Facilities</td>
<td>Total number of correctional facilities</td>
<td>46</td>
</tr>
<tr>
<td>Correctional Population</td>
<td>Number of offenders housed in State correctional facilities</td>
<td>173,000</td>
</tr>
<tr>
<td>Parole Population</td>
<td>Number of parolees under State correctional supervision</td>
<td>123,597</td>
</tr>
<tr>
<td>Recidivism Rate</td>
<td>Three-year (36 month) recidivism rate</td>
<td>67.5%</td>
</tr>
<tr>
<td>Percentage of Non-Violent Offenders</td>
<td>The percentage of the correctional population convicted of a non-violent offense</td>
<td>71.7%</td>
</tr>
<tr>
<td>Determination of Parole</td>
<td>State parole standards: What determines if an offender is placed on parole?</td>
<td>All offenders released from correctional custody are placed on a three year parole term</td>
</tr>
<tr>
<td></td>
<td>Percent of offenders reincarcerated for parole violations</td>
<td>50%</td>
</tr>
</tbody>
</table>
4.6 In-Prison Programs

Every state within the study offered educational courses, vocational programs, and substance abuse treatment to those offenders determined to be in need of the services. California educates the fewest number of offenders relative to the state’s correctional population. Education programs in California correctional facilities have a 25.4% completion rate, making it one of the lowest accomplishing education programs of the study. The Texas correctional education program serves the largest population of offenders with over 78,000 annual program participants. Texas also assists the largest number of offenders with post-secondary education. Approximately 8,976 offenders graduated with undergraduate and graduate degrees. One-fourth of Florida offenders complete an education program during incarceration, making it the lowest percentage of the study.

The state of Texas has the most extensive and successful vocational program with 11,290 available program slots and a 90% completion rate. California recently eliminated thousands of vocational program slots and currently has a 4,900-offender program capacity. The completion rate of California vocational program stands at approximately 42%. New York State has 5,257 offenders participating in vocational programs resulting in a 30% completion rate.

The Texas substance-abuse programs have a 12,000-slot program capacity and the programs yield a high-ranking 90% completion rate. Texas contracts outside agencies to administer the Texas substance abuse programs. In order to receive funding, program providers must meet the goal of providing cost-effective program delivery resulting in reduced recidivism. California recently decreased funding for substance abuse program and reduced the number of available treatment slots to 8,500. Accompanying decreased program slots for substance abuse treatment is the requirement that treatment models be streamlined. Substance abuse programs, now provided for only 3 months compared to the average 6 to 12 month model. California programs have a treatment guideline in place for outside providers to follow, but the state lacks a
program oversight agency ensuring that program goals are met and required treatment models are followed. The Florida correctional substance abuse program has a 47% completion rate. The state correctional department mandates that all providers follow a specific three-tier treatment model and the Department of Children and Families must license all treatment providers. New York State has an extensive substance abuse program with 10,000 available program slots and a 75% completion rate. New York requires all treatment providers licensing to be by OASAS.
<table>
<thead>
<tr>
<th>Variable</th>
<th>Details</th>
<th>Case Studies</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>California</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Educational Programs</td>
<td>42,000 available program slots 59.6% capacity 25.4% completion rate Post-Secondary Education: (at two state prisons)</td>
<td></td>
</tr>
<tr>
<td>Vocational Programs</td>
<td>4,900 available program slots 87.1% capacity 42% completion rate 14 different trades</td>
<td></td>
</tr>
<tr>
<td>In-Prison Programs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Substance Abuse Programs</td>
<td>3 month duration for all programs 8,500 available program slots Operating at full capacity (wait-list) Contracted out to outside service providers</td>
<td></td>
</tr>
<tr>
<td>Are there set guidelines in place to ensure all programs are following the same regiment of treatment?</td>
<td>Guidelines are in place, but are not followed by outside contractors providing services. Program effectiveness is not measured.</td>
<td></td>
</tr>
<tr>
<td>Is program effectiveness measured?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are there set guidelines in place to ensure all programs are following the same regiment of treatment?</td>
<td>Guidelines are in place, but are not followed by outside contractors providing services. Program effectiveness is not measured.</td>
<td></td>
</tr>
<tr>
<td>Is program effectiveness measured?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are there set guidelines in place to ensure all programs are following the same regiment of treatment?</td>
<td>Guidelines are in place, but are not followed by outside contractors providing services. Program effectiveness is not measured.</td>
<td></td>
</tr>
<tr>
<td>Is program effectiveness measured?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 9: State Correctional Department Evaluation Framework
4.7 Community-Based Programs

All states within the study offer similar programs for those offenders recently released from correctional custody. The difference lies in the state’s commitment to providing a seamless transition from in-prison programs to community-based programs. California does not require a state certification to provide community-based care for parolees. California is the only state in the study that does not measure the effectiveness of the community-based program in reducing recidivism.

Many Texas community-based programs utilize a three-phase aftercare treatment regiment. Specifically assigned Parole Division counsellors provide the community-based treatment. Although there is no mention of a community-based program delivery guideline for Florida offenders, the state does measure the effectiveness of the current aftercare programs.

New York State’s community-based programs are the most dedicated to creating a seamless offender transition from in-prison treatment to community-based treatment. The New York Parole Re-entry Services Unit (RESU) offers services and referrals pertaining to housing, employment, and substance abuse treatment. New York Department of Corrections requires community-based treatment providers to follow a special operating guideline. The guideline specifies addiction service procedures such as assessment, documentation, treatment planning, and service delivery.
<table>
<thead>
<tr>
<th>Variable</th>
<th>Details</th>
<th>Case Studies</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>California</td>
</tr>
<tr>
<td><strong>Community-Based Programs</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>What are the various types of community-based programs available to offenders?</td>
<td>Residential and Non-residential treatment Sober Living environments</td>
</tr>
<tr>
<td></td>
<td>Are there set guidelines in place to ensure all programs are following the same regiment of treatment?</td>
<td>Residential treatment programs are licensed, but do not provide service abiding by the mandated treatment model No type of state certification is required for community-care treatment providers</td>
</tr>
<tr>
<td></td>
<td>Is program effectiveness measured?</td>
<td>No, program effectiveness is not measured.</td>
</tr>
</tbody>
</table>

Table 10: State Correctional Department Evaluation Framework
4.8 Three Strikes Law

Each state in the study has a type of habitual or repeat offender statute in place. The California Three Strikes Law is the most stringent habitual offender law in the study. Three Strikes legislation does not provide the courts with any situational discretion pertaining to strike allocation. The New York persistent felony offender law allows courts very little sentencing discretion. The Texas repeat and habitual offender law allows the courts to exercise case discretion when determining if an offense qualifies for habitual offender sentence enhancement. Sentence enhancements in Texas only occur on the third felony offense. The Florida 10-20-Life law pertains to felony offenses where a firearm is used and courts determine if an offender qualifies for the sentence enhancement.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Details</th>
<th>Case Studies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Three Strikes Law</td>
<td>Does the state have an active “Three Strikes Law”?</td>
<td>Case Studies</td>
</tr>
<tr>
<td></td>
<td>If so, how does the state administer it?</td>
<td>California</td>
</tr>
<tr>
<td></td>
<td>Most utilized habitual offender law in the nation.</td>
<td>Repeat and Habitual Offender Law Third offense permits a longer sentence.</td>
</tr>
</tbody>
</table>
5: Summary of Findings

Finding 1: California’s programs receive funding, even if they have no proven effect on reducing recidivism.

The CDCR has stated its recommitment to rehabilitation within state corrections, but has failed to reinforce the idea. Program reform within the CDCR is necessary to address flawed design, delivery, staffing of educational, vocational, and substance abuse programs. Successful state correctional programs provide funding to educational, vocational, and substance abuse programs that have met the goal of providing cost-effective treatment that reduces recidivism. Program providers need to be accountable for providing results driven treatment and services to offenders, both in-prison and community based. The CDCR lacks a program-auditing agency that maintains the integrity of offender programs and confirms program guideline compliance. Successful offender education and treatment programs follow a uniform delivery approach and maintain a continuum of care from in-prison to community.

Finding 2: California incarcerates twice the number of non-violent offenders than any other state in the study.

California has the highest recidivism rate in the country and evidently the highest rate within this study. While Texas, New York and Florida state correctional departments incarcerated a majority of violent offenders; the state of California incarcerates a majority of non-violent offenders. Incarcerated non-violent offenders are at a higher rate in California, due in part, to
strict parole requirements and lack of effective treatment for offenders with substance abuse addictions. The CDCR addresses non-violent offenders by utilizing incarceration and punishment rather than effective needs assessments and delivery of programs with proven success.

**Finding 3: Programs operated within California correctional facilities have poor completion and participation rates.**

When comparing California’s correctional department to the Texas correctional department it is apparent that California has poor completion and participation rates in educational, vocational, and substance abuse programs. Compared to states with successful correctional operations, such as Texas, California has a poor completion and participation rates in educational, vocational, and substance abuse programs. Decreased state funding for corrections has led to a drastic decrease in program availability throughout the CDCR. Waitlists were in place for program participation prior to the decreased funding.

**Finding 4: Offenders released onto parole have limited substance abuse treatment, housing, and employment resources available.**

New York State provides services necessary for successful offender re-entry through the Parole Re-Entry Services Unit (RESU). Community-based programs such as the RESU are an important resource for recently released offenders. By providing housing, employment, and treatment referrals, the RESU reduces parole officer workloads, and decreases offender re-entry frustration. California parole officers have limited time to direct and refer offenders to services and treatment they may be in need of. Reduction of offender frustration and parole violation may decrease by providing a RESU type program to California parolees.
Finding 5: Texas parolees are 40% less likely than California parolees to return to correctional custody on a parole violation.

The Texas Board of Pardons and Paroles determines the type of release mechanism and supervision level used for each offender. The state of California automatically releases offenders from custody to parole for three years. California parole offers very little differentiation between non-violent and violent offender supervision levels. With less supervision and fewer restrictions, an offender is less likely to violate terms of their parole.

Finding 6: California’s Three Strikes Law places stress on an already overburdened correctional system.

No other state in the study restricts judicial sentence discretion when addressing a possible three strikes violation. The sentence length increases with the second strike and if assigned a third strike it requires a sentence of 25 years to life. Other states in the study issue a sentence enhancement only upon the third serious felony offense, as petty offenses do not register as “strikes”.

The California Three Strikes Law may be incarcerating various offenders that may benefit from rehabilitative treatment. Habitual offenders with substance abuse problems are in CDCR facilities, where they do not receive effective treatment, and reintegrate back into the community. The likelihood of incarceration increases after the first felony offense due to untreated offender addiction. Three strikes legislation qualifies petty offenses as strikes, given the offender had a previous serious felony conviction. Incarcerating untreated habitual offenders for 25 years to life contributes to correctional overcrowding and increases recidivism.
6: Criteria and Measures

Each policy option will be analysed based on a set of five specific criteria and their corresponding measures (Table 12). Each of the criteria derived from the case studies. By employing criteria as an evaluative tool, this allows for a standardization of policy analysis. The criteria utilized are cost-effectiveness, implementation, acceptability, and public safety. Several of the criteria have subcategories that integrate more specificity required for a holistic analysis. The measurements and values are from case studies and interviews.

Cost-effectiveness examines net costs and program effectiveness in reducing recidivism. Each policy option is analysed by determining the potential unit of recidivism reduction paired with the net cost savings associated with the reduction. Cost analyses the net costs of the each individual policy option and refers to the monetary expenses of implementing and maintaining each policy option. Net costs are the incremental costs of each policy compared to the status quo. The cost savings may come from fewer incarcerations at $43,500 annual cost per offender.

Effectiveness analyses the level of program effectiveness resulting from each policy option. The level of effectiveness is how well the policy option reduces the recidivism rate among non-violent offenders. Cost-effectiveness represents reduced recidivism rates, which result in reduced correctional expenditures for state facilities. By employing a policy option that is cost-effective, the state correctional facility can reduce recidivism and expenditures simultaneously.

Specific net costs for each option may not be available, and is inferred based on previous research and current policy. The cost-effectiveness is evaluated by utilizing the following measures and values and are relative to the status quo: increased and high cost-effectiveness is of a high value, unchanged cost-effectiveness are of medium value, and decreased cost-effectiveness are of low value.
Implementation analyses the various constituents of implementation complexity associated with each policy option. Incorporating complexities associated with policy implementation and related legislation necessary for enactment, holistically accounts for primary components of the criteria. Applying the following measures and values evaluates the policy options by employing implementation complexity as a criteria. The measures and values are: difficult to implement is of low value, moderately complex is of medium value, and limited complexity is of high value.

Acceptability integrates subcategories of political and public acceptability to fully analyse each policy option. Political acceptability is the acceptance rate of a policy option among state government officials. Maintaining a high level of politically acceptability allows for consideration of a policy options implementation. Public acceptability is the acceptance rate of the policy option among the public. Political officials often base implementation decisions on the rate of public acceptance of a given policy. Policies that incorporate significantly unconventional concepts or those that have an associated high cost may not receive a high rate of public acceptance. Employing the following measures and values allows for the evaluation of political and public acceptability: accepted highly is of high value, marginally accepted is of medium value, and unacceptable is of low value.

Public safety analyses the affect at which the rate safety of the general public will change. An aggregate analysis of a correctional policy options consists of public safety as a criteria, as it is a priority of both state political officials and the CDCR. Public safety is analysed by utilizing the following measures and values: raises level of public safety is of high value, maintains the level of public safety is of medium value, and lowers the level of public safety is of low value.
### Table 12: Criteria and Measures

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Definition</th>
<th>Measurement</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cost-Effectiveness</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cost-Effectiveness</td>
<td>What is the potential cost-effectiveness of each policy option in reducing recidivism?</td>
<td>High cost-effectiveness</td>
<td>3. High</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Moderate cost-effectiveness</td>
<td>2. Medium</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Minimal cost-effectiveness</td>
<td>1. Low</td>
</tr>
<tr>
<td><strong>Implementation</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Implementation Complexity</td>
<td>What is the level of complexity for implementing the policy option?</td>
<td>Difficult to implement</td>
<td>1. Low</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Moderately Complex</td>
<td>2. Medium</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Can be implemented with limited complexity</td>
<td>3. High</td>
</tr>
<tr>
<td><strong>Acceptability</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Political Acceptability</td>
<td>What is the acceptance rate of the policy option among state governments?</td>
<td>Accepted Highly</td>
<td>3. High</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Marginally Accepted</td>
<td>2. Medium</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Unacceptable</td>
<td>1. Low</td>
</tr>
<tr>
<td>Public Acceptability</td>
<td>What is the acceptance rate of the policy option among the public?</td>
<td>Accepted Highly</td>
<td>3. High</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Marginally Accepted</td>
<td>2. Medium</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Unacceptable</td>
<td>1. Low</td>
</tr>
<tr>
<td><strong>Safety</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Safety</td>
<td>What effect does the policy option have on the level of public safety?</td>
<td>Raises level of public safety</td>
<td>3. High</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Maintains level of public safety</td>
<td>2. Medium</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lowers level of public safety</td>
<td>1. Low</td>
</tr>
</tbody>
</table>
7: Policy Options

Drawing from the case studies and interviews, I offer the following four policy options to reduce non-violent recidivism and relieve correctional overcrowding. Following the discussion are the evaluations of each policy option based on the criteria (Table 13).

7.1 Policy Option 1: Status Quo

Currently the CDCR is operating on a reduced budget and is making changes to accommodate the diminished correctional funding. California has maintained its commitment to rehabilitation, and is in a state of transition away from the punishment paradigm, or containment model. The implementation of transitions in paradigms, as called for by the CDCR, has yet to occur. The lack of implementation may be due in part to the decreased CDCR funding.

In order to relieve overcrowding of California correctional facilities, offenders leave correctional facilities without serving the entirety of their sentence. Such offenders re-enter back into the community without proper treatment, education, or re-entry preparation. The California state recidivism rate is the highest in the nation at 67.5%. The CDCR is unsuccessful in carrying out the costly correctional legislation, such as three strikes law and mandatory three-year parole for all released offenders. California correctional facilities are overburdened and operating at nearly 200% capacity. The unstable and deteriorating condition of the CDCR becomes clear by examining the condition of other state correctional facility operations and outcomes.

Correctional programming received decreased funding and in response, the availability of in-prison program slots experiences reductions. Reduced program funding, gave offenders 3 months to participate and complete educational, vocational, and substance abuse program goals.
The average time, prior to funding reductions, for an offender to complete programs is from 6 to 12 months.

7.2 Policy Option 2: Parole Reform

The number of offenders released onto parole varies across each state. Texas, New York, and Florida utilize a Board to determine which release mechanism to utilize. The decision to place an offender on parole is contingent upon their risk to reoffend and the threat they pose to the public. California is the only state that requires every offender be assigned to parole for three years. Mandatory parole overburdens the state parole system and fosters increased opportunity for parolees to violate the terms of their parole. Correctional intake population consists of 50% parole violators, which contributes to the overcrowding of California facilities.

California recently implemented a non-revocable parole option for offenders determined to be low-risk for re-offense. Non-revocable parole is an innovative approach to parole, but does not confront the issue of lengthy parole terms. Positive or negative impacts of assigning recently released offenders to this variation of parole are unknown. During an interview with a veteran parole officer, he stated, “non-revocable parole is not allotted on a regular basis”. He made it clear that the California parole system is in desperate need of reform. Parole caseload management is difficult and facilitates minimal time to provide parolees with service referrals or assistance locating housing and job openings. These elements are essential for an offender to successfully re-enter the community. Their chances of successful re-entry diminish without the services.

The California parole system would benefit from a program that assesses the community needs of the offender and determines the supervision levels needed to ensure a successful re-entry. Reduced parole officer caseloads would increase time available to supervise high-risk offenders and refer low-risk offenders to proper programs and services. Reducing the number of
parolees violating the terms of their parole, and returning to correctional custody would likely result in a decreased state recidivism rate. This option proposes the elimination of mandatory 3-year parole terms for all offenders. Accompanying the elimination of mandatory parole would be the development of a system that determines an offender’s risk to reoffend and assign supervision accordingly.

**7.3 Policy Option 3: Disarming Three Strikes**

Disarming California’s three strikes law consists of delegating the sentencing power to the courts. Each case, involving a possible habitual offender, would be determined on a case-by-case basis. The courts would determine the appropriate sentence enhancement, if any were applicable to the crime committed. Courts would have the discretion to rule if a petty crime would qualify as a strike and accompanying sentence enhancement. Implementing this policy may require an amendment to the three strikes legislation. The Texas, New York, and Florida state legislation entrust the courts with the sentencing authority concerning a possible habitual offender. The three state correctional and sentencing operations are considered successful on account of each of the three states has a lower recidivism rate, correctional population, and percentage of parole violators. Accompanying this option would be the inclusion of public education on the effects of three strikes legislation on public safety.

**7.4 Policy Option 4: Offender Program Audit Division**

California offender programs incorporate a perpetual gap in service delivery. Referral and treatment opportunities given to those in states such as Texas, New York, and Florida are not available for California offenders. A continuum of treatment is essential to avoid participant frustration, and to ensure all facets of the treatment program are covered and not repeated. The CDCR has stated its commitment to operating in accordance to the California Logic Model (Figure 3), but has neglected several key components of the model. An offender program audit
division would operate with the goal of following the California Logic Model. Division funding would result from the cost-savings derived from reduced a recidivism rate, and subsequently fewer incarcerated non-violent offenders.

An interview with a former non-violent repeat offender determined that re-entry frustration could catapult an offender back into a criminal lifestyle. Frustration results from a myriad of obstacles to successful re-entry such as a lack of job opportunities, insufficient housing, family pressure, and lack of information pertaining to available programs and services available to the parolee. During the interview, the former offender expressed frustration with program repetitiveness. It was a primary cause program for participants to terminate their treatment.

There are various problems with the services and programs provided to CDCR offenders. A principal CDCR deficiency is the insufficient utilization of research findings and recommendations. Research that has established the best practices in program design, delivery, and staffing qualification of offender programs to the CDCR, but receives little consideration. Programs that are shown to be most effective are not being implemented in addition to current offender programs proven to be ineffective, are provided funding. There is lack of uniform treatment by outside program contractors, as they are not held responsible for following the required therapeutic treatment model. Offenders participating in both in-prison and community-based programs are not receiving the quality of treatment they require.

A solution to the problem of non-violent offenders overcrowding CDCR facilities is the creation of a specialized Offender Program Audit Division. The division would be responsible for ensuring the fulfilment of offender program and treatment designs, delivery methods, and staffing requirements. The division would oversee both in-prison and community-based programs, and ensure that all treatment providers were acting in accordance to a predetermined set of operating guidelines. “To fulfill their promise of reducing recidivism, promoting public safety and health, and saving criminal justice costs, criminal justice agencies and programs need to undertake
ongoing monitoring and evaluation designed to ensure that the objectives for the programs are being met and that the quality of the programs is maintained and improved” (Prendergast and Wexler, 2004). If funding does not allow for a new department to be created, personnel within the Adult Programs Division of the CDCR may be commissioned to carry out the described duties.

The development of the program audit division would be effective in maintaining standard program delivery, such as the Special Operating Guidelines utilized by New York Department of Corrections. New York has a high program completion rate at 75%, and provides a continuum of treatment to offenders based upon the Guidelines. The division would better target rehabilitative programs such as drug and alcohol addiction, mental health, and criminal thinking both in-prison and community-based. Implementing this policy option creates a solid foundation for cost-effective correctional programs to deliver treatment to offenders. By evaluating program effectiveness, the division would define where to expand services and where to contract them. Efficient disbursement of program resources would ensure that programs that reduce recidivism remain active and standardized.
8: Evaluation of Policy Options

Analysing the associated values of the specified criteria, with the option provides an evaluation of each policy option. Evaluation of each of the four policy options utilizes defined criteria and measures (Table 12). Application of each criteria value is necessary for each policy option. The policy option with the highest total value was the recommendation for implementation by this study (Table 13).

8.1 Policy Option 1: Status Quo

The state of California and Texas have a comparable number of offenders housed within each of their correctional facilities, with 173,000 and 154,795 respectively. The CDCR operates on the largest budget in the study at $9.5 billion, which is 300% that of the Texas Department of Criminal Justice’s budget of $3.1 billion (CDCR Annual Report, 2010; TDCJ Annual Report, 2010). The California Inspector General, Matthew Cate stated in a 2007 report that the CDCR wastes program funding on programs that are inefficient in reducing recidivism rates. Funding allocated to inefficient CDCR programs, such as substance abuse programs and education programs with low completion rates, may have served the public more efficiently if utilized by other state departments/agencies such as, education and law enforcement.

California policies currently in place are not reducing the rate of recidivism in California and are not decreasing populations in correctional facilities. The current California correctional policies have a low cost-effectiveness, resulting in a low policy value. This is exemplary through statistics showing that California offenders cost twice the national average at $43,149 and have the highest recidivism rate in the country. Given that the status quo is currently in place, the
policy option has a low implementation complexity. California offenders cost twice the national average at $43,149 and the highest recidivism rate in the country.

The current policies have a medium level of both political and public acceptability. Political acceptability is moderate due to the limitations of the current budget. Without a reallocation of funds, political figures may determine that policy reform is too costly. Public acceptability is moderate, as a result of legislation aimed at reducing the correctional population not approved by voters. California voters commonly approve legislation classified as “tough on crime”. Tough on crime legislation promotes the idea that these types of laws promote a safer community (Cameron, Kramer, McKenzie, and Williams, 2011). By increasing exposure and reception of recommendations made by researchers, such as those working with the UCLA Integrated Substance Abuse Program, the political and public acceptability of current policies may decrease.

The current policies in place produce a low level of public safety. The CDCR recently released more than 1,500 offenders in order to ease overcrowding in correctional facilities. The offenders released were non-violent, but may still pose an increased threat to public safety. In accordance to the California recidivism rate, over 1,000 of the released offenders will return to correctional custody. Maintaining the status quo would not improve public safety, as the state has a crime rate of 5.61 compared to the national average, which is at 4.29 (Table 1). California also has the highest recidivism rate in U.S, at 67.5% (Table 4).

8.2 Policy Option 2: Parole Reform

The cost-effectiveness of parole reform would be moderate which in turn results in a medium policy value. A medium policy value is due to cost-effectiveness that Texas policies have in reducing parole violations. Texas has only 8.2% parolees violating parole, with correctional funding of $6 billion less than California, in which 50% of parolees violate terms of
their parole. Implementing the policy option would result in a slight increased cost by utilizing the parole board more often, but may reduce the net costs associated with parole. The net cost reduction would be a result of supervision diverted from low-risk offenders to the offenders more apt to reoffend, leading to fewer offenders returning to correctional custody on minor parole violations. The reductions are apparent from state parole departments such as Texas and New York, which have less parole costs than the California status quo. Reforming parole would reduce the number of offenders required to be under supervision, and would reduce the amount of funding required to operate the parole division of the CDCR. The option would reduce the number of offenders assigned to parole, resulting in fewer offenders returned to correctional custody for minor parole violations. The probable outcome from implementing the policy option warrants a moderately effective effectiveness rating.

Implementation complexity for parole reform would be moderately complex. The complexity is a result of the reorganization of the various areas of the parole system. Legislation modification may be necessary in order to execute a complete reform of the California parole system. Parole reform may also require the California Board of Parole to expand its resources to accommodate the increased number of parole hearings, resulting from the elimination of mandatory parole.

Political acceptance of the policy is moderate, while public acceptance is determined to be low. In response to a reduced correctional budget, political representatives are embracing the effect reform would have on recidivism rates and correctional overcrowding. The passing of Senate Bill X3 18, produced a minor parole amendment that required only certain offenders be returned to custody for parole violations (Grattet, Petersilia, and Lin, 2008). The public may see parole reform as a threat to public safety, resulting in a moderate public acceptance designation. Other costs associated with parole reform are public education. Campaigns outlining the effect of mandatory 3-year parole terms versus more offender focused parole supervision may increase
public acceptance. Contradicting popular public opinion, parole reform would result in increased public safety. Assigning only high-risk offenders to parole supervision offenders would produce increased quality of supervision for those offenders. Parole officers would have increased resources as a result of reduced caseloads and quality of supervision would likely improve.

8.3 Policy Option 3: Disarming Three Strikes

Cost-effectiveness of the policy would be moderate as court time would increase, but with slight recidivism reduction. Texas, New York, and Florida utilize a varied form of habitual offender laws, only imposing sentence enhancements when an offender meets very specific criteria, such as discharging a firearm during the commission of a crime. The national trend is to only impose habitual offender sentences for serious offenses such as: murder, rape, kidnapping, aggravated robbery, aggravated assault, and sexual abuse (Marvell and Moody, 2001). Without severe and mandatory application of the law, the states have a lower recidivism rate and operate on budgets far less than California. Cost associated with public education of the effects that the three strikes law has on public safety would also be necessary for the policy option to receive public support. It is more cost-effective to allocate funds to other state departments and programs that have proven recidivism reduction, rather than to maintaining the three strikes law.

Disarming the three strikes law would be moderately effective in reducing the correctional population. Implementation of the policy would result in decreased correctional costs, as extended three strikes mandated incarceration would not be required for every habitual offender that commits a minor offense. The legislation requires a sentence enhancement for 2nd and 3rd strike offenses. Sentence enhancements produce correctional populations that consist of repeat, low-level offenders. The low-level offenders have minimal exposure to resources and treatment while incarcerated, of which may encourage decreased criminal activity upon release.
Implementing the third policy option would be moderately complex. The general public views the three strikes law as a positive influence on public safety. Disarming the law would prove to be challenging and there is a great opposition toward correctional reform, as it portrayed as “soft” on crime. Complexities may arise from the necessary legislation reform and modifications in judicial procedure.

Acceptance of the policy option among both political representatives and the general public is low. The low rating is based on the general public’s positive view of the three strikes law. The public rate of acceptance influences political acceptance, as the representatives may not implement a policy that the public viewed as detrimental to public safety. (Legislative Analyst’s Office, 2005). The public views three strikes as incarcerating the small group of habitual offenders that commit a majority of the crimes (Chen, 2008) and may be uninformed of the real social and fiscal consequences the law has.

Implementing correctional policy that would disarm the three strikes law would increase public safety. Rather than imposing extended sentences on habitual offenders, a more effective use of resources would be exposing the offenders to the available treatment programs. Fifty-eight percent of three strike offenders have non-violent offenses, many of which stem from narcotic addiction (Legislative Analyst’s Office, 2005). Incarcerating three strike offenders may increase an offender’s criminal abilities. Upon release from an extended sentence due to three strikes legislation, an offender may re-enter the community without rehabilitation and increased criminal abilities.

8.4 Policy Option 4: Offender Program Audit Division

Cost-effectiveness of an offender program audit division would be high, and of high policy value. Savings from fewer incarcerated offenders and reduced recidivism would yield high cost-effectiveness. TDCJ is an example of a correctional department with standardized operating
procedures for offender programs, as well as monitoring of programs to ensure providers are following protocol. New York utilizes Special Operating Guidelines to administer both in-prison and community-based treatment, has a 41.4% recidivism rate, and has an 89% correctional facility occupancy rate. Both Texas and New York have correctional systems operating at or below capacity, and have an operating budget far less than California. The standardization of programs has had a positive effect on program completion and reduced recidivism rates, which reduce correctional populations.

Implementing the policy would require extensive training, the development of a standardized operating manual for offender programs, and the initial employment of experienced auditors. Implementation of the policy option would likely result in a more efficiently run offender program department, such as those seen in Texas and New York. With an auditing division in place, offenders would receive standardized treatment and a continuum of care from in-prison programs to community-based programs.

Implementing the policy consists of a moderate amount of complexity. The development of a new division requires extensive case research and program planning. The audit division would follow the moderately complex recommendations that the Criminal Justice Policy Council made to the TDCJ while they were developing a system of standardized program delivery. Determining training modules for personnel and program guidelines would be complex, as well as require support from the CDCR adult programs personnel. The CDCR’s reduced budget may increase the difficulty of implementation.

Political and public acceptability of the policy would be moderate, resulting in a medium policy value. The cost and implementation complexity may influence the political acceptance rate. California political representatives rarely diverge from annual funding of the standard programs, despite the research exhibiting the low effectiveness of current offender programs. California representatives may review the positive effects had by the Justice Reinvestment
Initiative in Texas and the recidivism reduction that resulted from the Initiative. The Initiative required more rehabilitative programming, but mandated program review and standardized delivery. Public acceptability of the policy would be moderate. The development of a program audit division within the CDCR would improve public safety, by ensuring that released offenders were receiving standardized treatment. Public safety can improve by providing a continuum of care for offenders. By providing the continuum of care, recently released offenders are less likely to become frustrated with the program and return to criminal activities. Implementing the policy would increase public safety, resulting in a high policy value.
### Table 13: Policy Option Evaluation

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Policy Option 1</th>
<th>Policy Option 2</th>
<th>Policy Option 3</th>
<th>Policy Option 4</th>
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<td>Status Quo</td>
<td>Parole Reform</td>
<td>Disarming Three Strikes</td>
<td>Offender Program Audit Division</td>
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<td>Low Cost-Effective: Low Value</td>
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<td>3</td>
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<tr>
<td>High Cost-Effective: High Value</td>
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<td>2</td>
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<tr>
<td><strong>Implementation Complexity</strong></td>
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<td>Moderate Complexity: Medium Value</td>
<td>Moderate Complexity: Medium Value</td>
<td>Moderate Complexity: Medium Value</td>
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<tr>
<td>Low Complexity: High Value</td>
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<tr>
<td>Moderate Complexity: Medium Value</td>
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</tr>
<tr>
<td>Moderate Complexity: Medium Value</td>
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</tr>
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<td><strong>Acceptability</strong></td>
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<td>Public Acceptability</td>
<td>Safety</td>
<td>Public Safety</td>
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<td>Lowers Public Safety: Low Value</td>
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<tr>
<td>Moderately Accepted: Medium Value</td>
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<td><strong>Public Safety</strong></td>
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<td>Increases Public Safety: High Value</td>
<td>Maintains Level of Public Safety: Medium Value</td>
<td>Increases Public Safety: High Value</td>
</tr>
<tr>
<td>Lowers Public Safety: Low Value</td>
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<td>2</td>
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<tr>
<td>Increases Public Safety: High Value</td>
<td>(3) 3</td>
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<td>2</td>
</tr>
<tr>
<td>Maintains Level of Public Safety: Medium Value</td>
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<td>2</td>
<td>2</td>
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</tr>
<tr>
<td>Increases Public Safety: High Value</td>
<td>(3) 3</td>
<td>2</td>
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<tr>
<td><strong>Total Score</strong></td>
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9: Recommendations

It is clear from the operation of other state correctional departments that the solution to the study’s policy problem is to stop correctional housing facilities, rather correctly and efficiently treat the needs of the offenders. The recommendation of this study is the implementation of policy option 4, developing an Offender Program Audit Division dedicated to certifying that there is compliance in every program design. The development of such a division would deliver offender programs in a standardized fashion and ensure that programs were integrating the best practices of rehabilitative treatment. The division would also establish a framework for providing a continuum of care. Implementing policy option 3 would provide a foundation for non-violent recidivism reduction to begin. As a result, of non-violent recidivism reduction, correctional overcrowding in California would be alleviated.

By focusing on the design, delivery and program compliance, rehabilitation of the non-violent offender will result in a successful re-entry into the community. Investing in the standardization of education, vocational, re-entry preparation, and substance abuse programs may be costly at first, but will produce positive outcomes. Implementing policy option 4 will produce a solid foundation for the creation and delivery of effective programs. This option is the first step in a CDCR recommitment to rehabilitation, as a move away from the confinement model of corrections.

Following a successful integration of uniform offender programs, the second step to reduce non-violent recidivism and correctional overcrowding, is implementing policy option 2: parole reform. By refocusing parole officer supervision requirements onto offender that pose the highest risk of re-offense, public safety increases and parole violation recidivism reduces. With
50% of correctional intakes consisting of offenders who have violated their parole, correctional populations would reduce as a result of parole reform.
10: Discussion

A primary challenged faced throughout the study was the lack of recent case study data. Data for both New York and Florida were challenging to locate, as the two states do not publish consistent annual correctional reports. Areas of inquiry such as vocational programs and parole were vague and various areas offered information that had not experienced updates since 1995. Locating recent data figures may increase the accuracy of information pertaining to vocational program operations and state parole figures. Program completion rates were scattered and lacked specificity.

A challenge presented in the research was determining the specific definition of recidivism to use throughout the study, as there are a variety of definitions throughout recidivism and correctional research. Focusing in on which definition was most accurate was difficult due to very detailed differences, such as the inclusion of only arrests, returns to correctional custody or parole violations alone. The final definition was chosen based on its relevance to this study and aggregate definition of recidivism, other research may find it useful to utilize other definitions if they prove more accurate to their specified needs.

Along with recent data being difficult to find, locating holistic data proved exceedingly complex due to the CDCR research department being inactive for several years, and continues to be lack funding and prioritization for the CDCR. This problem proved to be not only relevant for California, but Florida and New York as well. In addition, research rarely discussed non-violent recidivism specifically, but often recidivism as a whole. Studies would frequently focus on the effects gender had on recidivism, but few discussed recidivism in terms of the holistic correctional population. Many studies would separate research by gender, race, or age, while
others would not mention if all or some of these characteristics were included in the calculation of the recidivism rate.

Another problem I encountered was the lack of interviewees. The original framework for the study was to interview several members of the CDCR that worked closely with program implementation. The potential interviewees contacted were unresponsive. Future studies may benefit from the inclusion of interviews of personnel involved with correctional policy implementation. The two interviews conducted for this study produced much insight into the various operations of correctional departments. I also recommend administering additional interviews of non-violent offenders, in-prison program personnel, and community-based program personnel.

In order to gain a better understanding of the issue of non-violent recidivism an in-depth look into other offender characteristics such as of gang involvement, race, age, and family income level would provide a more holistic understanding. The effect of non-revocable parole should also be discussed in future research, as it may prove to be an effective intervention to reduce recidivism rates among offenders with a low-risk to reoffend. Including these recommendations, further research would provide additional insight into the problem of non-violent recidivism, and the effect it has on California correctional overcrowding.
11: References


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California DOCR. (2010). *2010 Adult Institutions Outcome Evaluation Report*


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Appendices
Appendix A: Documents Consulted, Categorized by U.S. State

California

CDCR: Reform & Inform. Prison Reform: A Path Toward Rehabilitation 2007/08
CDCR: Prison Reforms, Achieving Results 2008
CDCR: Annual Report 2009
CDCR: Adult Research Branch: Recidivism Rates 2009
CDCR: Adult Institutions Outcome Evaluation Report 2010
CDCR: Adult Programs Key Performance Indicators October 2010
CDCR: Corrections Moving Forward. Fall 2009
CDCR Fact Sheet: Priorities in Program Models Due to 2009/10 Budget Reductions
University of California, Los Angeles (UCLA). COMPAS Validation Study: Final Report 2010
University of California, Irvine. California Department of Corrections and Rehabilitation Recidivism Reduction Program Inventory. April 2007
Texas

TDCJ: Board of Pardons and Paroles Correctional Managed Health Care Committee. Staff Report 2006
TDCJ: Annual Review 2008
TDCJ: Annual Review 2009
TDCJ: Fiscal Year Agency Operating Budget 2010
TDCJ: Statistical Report Fiscal Year 2010
TDCJ: Texas Board of Pardons and Paroles: Annual Report Fiscal Year 2009
TDCJ: Parole Guidelines Annual Report Fiscal Year 2010
TDCJ: Rehabilitation Programs Division Quarterly Newsletter Vol. 1 Issue 3. December 2010

Texas Criminal Justice Coalition: Criminal Justice Solutions That Save Taxpayers Money and Increase Public Safety 2009

New York

State of New York: Department of Corrections Identified Substance Abuse 2007
State of New York: Releases Three Year Post Release Follow-up 2006
State of New York: Targeted Programs September 2007
State of New York: The Comprehensive Alcohol and Substance Abuse Treatment Program 2009 – 2010
State of New York: Admissions and Releases 2009
State of New York: Statistical Overview Year Discharges 2009
State of New York: OASAS Report on NYS DOCS Addiction Services December 2010
Florida

Florida Department of Corrections Annual Report 2010


Florida Department of Corrections: A Report to the Florida Legislature Detailing Florida's Criminal Punishment Code 2009

Florida Department of Corrections: Budget Summary 2009/10

Florida Department of Corrections: Facility Report 2009

Florida Department of Corrections: Annual Statistics for fiscal year 2009/10

Florida Department of Corrections: Substance Abuse Report 2009

Florida Department of Corrections: Trends in Prison Admissions and Populations 2011

Florida Prison Recidivism Study Releases From 2001 to 2008, May 2010

Other

World Prison Population List (Eight Edition) King’s College London

The Sentencing Project: State Recidivism Studies 2010
Appendix B: California Systems in Use to Assess Offender Needs

The CDCR currently employs a research-based system known as the Correctional Offender Management Profiling for Alternative Sanctions program (COMPAS). This program assesses the needs of offenders and assigns them to appropriate programs. The CDCR states that COMPAS gives standardized measures, rather than qualitative opinions. It assists in the placement, supervision, and case management of offenders in secure settings (CDCR Adult Rehabilitation, 2009). COMPAS allows the CDCR to utilize evidence-based principles and determine which offenders to focus on, what to treat, and uses questions to determine overall risk and criminogenic needs. COMPAS collects data on offender history and places the offender in the appropriate program to address that criminal history. Correct utilization of COMPAS can assist program administrators in assigning which offenders to appropriate programs, and when to do so. A COMPAS centered publication by the CDCR in 2009 stated that moderate to high risk offenders generally have education and vocational needs, financial needs, antisocial beliefs, weak self control, dysfunctional families, and alcohol/drug disorders.

A system that would address the problem of recidivism and predict the likelihood that an offender would recidivate was required. Assessing an offender’s likelihood to reoffend is important to effective programing. COMPAS administrators and parole officers are also utilizing a pilot program called the Parole Violation Decision Making Instrument (PVDMI).

Three separate review boards recommended that the PVDMI program be implemented when there was found to be a need for a program to effectively set conditions of parole, determine the level of supervision needed, and to guide responses to violations of parole. The PVDMI provides the appropriate response to each parole violation based on the offender’s recidivism risk level and the severity of the parole violation. This tool helps parole officers deliver a consistent and appropriate response to parole violations. The PVDMI determines the type of sanction the parole violator will receive based their risk level. Low risk parole violators will receive the least
intensive sanction, while moderate risk, violators will receive moderately intensive sanctions. Finally, high-risk violators, who have severe violate, will receive referral for parole revocation and be returned to custody (CDCR, 2009).

The CDCR employed the California Static Risk Assessment (CSRA) to address the immediate need for a risk assessment tool, as the Correctional Offender Management Profiling for Alternative Sanctions program (COMPAS) was not yet ready for implementation. The CSRA uses static risk indicators or characteristics of an offender that do not change. These indicators are gender, age, and criminal offense history. The three types of outcomes for the CSRA are low risk, moderate risk, and three categories of high risk. The high-risk category consists of violent, property, and substance abuse re-offenders in order to address the various characteristics and needs of offenders (Chapman, 2008). The CDCR encourages the CSRA because it promotes efficiency, consistency, and objectivity in decision-making.