

Breaking the Circle of Dependence

AB 109 From a Health and Human Services Perspective

Summary

Nearly two-thirds of all jail and prison inmates in the United States meet medical criteria for drug or alcohol abuse or dependence. Chemical dependency is often associated with criminal thinking, high risk behavior, and mental health disorders such as depression. Although the recidivism rate of chemically dependent offenders is high, only one in ten receives any type of professional treatment while serving time. While substance use and abuse may contribute to criminal behavior, it appears that imprisonment only perpetuates this circle of recidivism. Punishing this population for crimes without also addressing the problem of chemical dependency only serves as a temporary solution and does little to address what for many leads them back to imprisonment.^[1] As a result of AB 109 funding, Santa Cruz County offers many programs integrating substance abuse treatment with behavioral adjustment therapy. Unfortunately, the referral process for these programs is cumbersome, leading to underutilization of some programs.

Background

On April 5, 2011, California Governor Brown signed Assembly Bill 109 (AB 109), which was intended to reduce the number of low-level offenders serving in state prison.^[2] Under AB 109 guidelines, some convicted felons who would previously have been sentenced to state prison will now serve their time in the county jail system. These new county inmates are eligible to go to jail rather than prison only if they have been convicted of non-violent, non-sexual, and non-serious crimes. The majority are sentenced for drug offences or for crimes related to substance abuse. According to staff at the Probation Department, the average Santa Cruz County jail sentence prior to AB 109 was about six months; after implementation they project it to be closer to three years.

The Santa Cruz County Community Corrections Partnership (Partnership) was formed on August 23, 2011, in order to implement AB 109. The Partnership was comprised of representatives from the following county agencies: Public Defender's Office, District Attorney, Probation, Superior Court, Health Services, Police Chiefs, and the Sheriff's Office. The Partnership developed the Santa Cruz County Public Safety Realignment and Post Release Community Supervision 2011 Implementation Plan (Plan).^[3] This Plan outlines the initial implementation of AB 109 within the county. The Plan was approved by the Santa Cruz County Board of Supervisors on October 4, 2011. The State gave the County \$5.174 million to implement AB 109 in fiscal year 2012-2013. Out of this sum, the County chose to allocate one third to behavioral service programs.^[4] These programs, which are administered by local organizations, focus on

substance abuse treatment, mental health counseling, cognitive behavioral training, reentry planning, and assistance with employment, housing and legal issues. The reason for this funding is that inmates learning these and other life skills may be less likely to reoffend.^[5]

Since AB 109 was recently enacted, and there has been limited time for evaluation of best practices, we decided to look at the allocation of these funds from a Health and Human Services (HHS) perspective. For this report, HHS includes not only the county's Health Services Agency, but also other providers of mental health, drug and alcohol treatment, and counseling services.

Scope

AB 109 is not just another prison funding reform bill. Treatment, training, and assistance programs under the guidance of county health services can play a major role in how funds are used and implemented. The effectiveness of these programs is currently being reviewed and evaluated.

In the past, criminal justice agencies (Sheriff's Office, police, jails, and probation) and HHS have worked as separate entities. AB 109 presents Santa Cruz County with a new challenge: how can these entities best cooperate to achieve a common goal? This question led us to focus on the following areas of the HHS portion of AB 109:

- Helping former inmates succeed on the outside
- Preparing inmates to re-enter society after the completion of their sentence
- Availability and access to rehabilitation programs
- Overall reduction of recidivism
- Money spent versus results achieved

We were also interested in how HHS, Probation, and the Sheriff's Office were working together under the new AB 109 system.

Investigation

The Grand Jury investigated public departments responsible for implementing and overseeing AB 109. We interviewed staff of contracted local agencies, as well as graduates of some of the newly- formed and funded programs.

The Grand Jury pursued the following lines of investigation:

- Reviewed the Implementation Plan
- Reviewed the Partnership intervention service contracts
- Interviewed members of the Partnership steering committee
- Interviewed former and current staff of Santa Cruz County health services agencies

- Interviewed staff of Santa Cruz County Probation, Sheriff’s Office, and local city police departments
- Interviewed staff of private agencies providing services funded through AB 109
- Interviewed present and former inmates who have participated in AB 109 programs
- Toured local service providers’ facilities

Through interviews and published reports, we learned that clients who have participated in HHS programs tend to have lower rates of recidivism.^{[6][7]}

Approximately \$1,426,000 was awarded to HHS-related service providers for the 2012-2013 fiscal year. The following tables show fund allocation among different categories.^[8] The programs listed have the potential for integrating substance abuse treatment with behavioral adjustment therapy.

Substance Abuse Treatment and Relapse Prevention

<i>Agency</i>	<i>Funding</i>	<i>Services</i>
Sobriety Works Inc.	\$212,500	Matrix Model intensive outpatient substance abuse treatment, sober living environment housing
New Life Community Services	\$38,500	Residential and outpatient substance abuse treatment
Janus of Santa Cruz	\$195,000	Residential, intensive outpatient, and perinatal substance abuse treatment; drug/alcohol detoxification; medication assisted treatment (methadone maintenance); and sober living environment housing
Santa Cruz Community Counseling Center	\$135,000	Residential and intensive outpatient, and outpatient substance abuse treatment, sober living environment housing

Workforce and Employment Services

Community Action Board of Santa Cruz County	\$90,000	Group and individual employment readiness services and job development
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Reentry Planning, Aftercare, and Mentoring

<i>Agency</i>	<i>Funding</i>	<i>Services</i>
Volunteer Center of Santa Cruz County	\$90,000	In-custody reentry planning, structured aftercare including drop-in support, community mentors, and support for reentry

Gang Desistance Mentoring

Santa Cruz Barrios Unidos	\$60,000	Culturally based mentoring, advocacy, and cognitive behavioral curriculum
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Cognitive Behavioral Treatment Curricula

Volunteer Center of Santa Cruz County	\$25,028	Co-facilitation for the Thinking For a Change curriculum
Walnut Avenue Women’s Center	\$5,000	Training and implementation of Seeking Safety trauma-informed care curriculum

Benefits Assistance and Enrollment

Volunteer Center of Santa Cruz County	\$59,496	Individualized support for assessing eligibility and benefits enrollment
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Mental Health Care

Santa Cruz County Health Services Agency	\$35,000	Nursing staff for the multi-disciplinary Maintaining Ongoing Stability through Treatment (MOST) team, medications management and physical health assessment and referral
Santa Cruz Community Counseling Center	\$55,000	Mental health care including assessment, individual and group counseling, and mental health system navigation support

Family Involvement and Conflict Resolution

<i>Agency</i>	<i>Funding</i>	<i>Services</i>
Conflict Resolution Center of Santa Cruz	\$10,000	Conflict resolution for families to enhance reentry support and success
Volunteer Center of Santa Cruz County	\$5,000	Family-based reentry planning
Janus of Santa Cruz and Pajaro Valley Prevention and Student Assistance	\$44,000	Development of a culturally-based family reentry planning program
Santa Cruz Community Counseling Center	\$5,000	Evidence-based parent involvement program for fathers

Educational Programming

Watsonville/Aptos Adult Education and the County Office of Education	\$80,000	In-custody English as a Second Language (ESL), General Education Degree (GED), and vocational education
Volunteer Center of Santa Cruz County	\$18,000	Individualized basic literacy instruction both in custody and in the community

Housing Support

Homeless Service Center	\$90,000	Emergency and transitional housing and support
Santa Cruz Community Counseling Center	\$38,000	Emergency housing and support services
Pajaro Valley Shelter Services	\$15,000	Emergency and medium-term housing for female offenders

Victim Services/Restorative Justice Programs

United Way of Santa Cruz County	\$10,000	Develop and coordinate Community Accountability Board and community speakers panel
Conflict Resolution Center of Santa Cruz County	\$30,000	Facilitate victim/offender dialogue

Gender-Specific Reentry Support for Female Offenders

<i>Agency</i>	<i>Funding</i>	<i>Services</i>
Community Action Board of Santa Cruz County	\$50,000	Gemma transitional housing program for women offenders

Other Reentry Services

The Watsonville Law Center and the Santa Cruz County Superior Court	\$44,000	Develop and implement a pilot program to have traffic fines waived and driving privileges reinstated
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During the course of our investigation, the Grand Jury found limited data to assess the effectiveness of services. This is due to the newness of the program. We are eager to see the data analysis and program evaluation called for in Phase 2 of the County's Implementation Plan.

The Grand Jury learned that the Probation Department is the "gatekeeper" of access to assistance programs for inmates. We also learned that no set policy or written guidelines for program requirements or referrals exist. Under the current system, inmates must obtain a separate referral from the Probation Department to access any program. Referral requests may come from staff members of probation, the sheriff's office, program agencies, or the inmate. Obtaining such referrals can be arbitrary, with probation staff choosing who can participate. It appears that the only selection criterion presently employed is how a program fits within the inmate's sentence length and release date. Lack of guidelines could deprive some inmates from receiving services. The Grand Jury learned that some program-providing agencies have not received enough referrals so far during this fiscal year to fully utilize funding under their contract awards. Funding for future HHS-related programs may decline if current contractors do not receive enough referrals to match AB 109 contract awards.

While there appears to be funding for the above programs, several program providers reported that some individuals returned seeking even more assistance.

Findings

F1. At the time of our investigation, there did not appear to be an independent third party analysis of data to determine the effectiveness of programs using AB 109 funding.

F2. The process for obtaining referrals to these programs is cumbersome.

F3. There are no written guidelines for inmate program eligibility.

F4. Further post-release services for ex-inmates are needed.

Recommendations

R1. Although the treatment program contracts may not be fully utilized yet, Santa Cruz County should continue to give one-third of the AB 109 funding to treatment programs.

R2. The Probation Department should contract with an independent data analyst to help determine which programs are the most effective.

R3. The Probation Department should simplify the process of inmate referrals so that services can be administered fairly and expeditiously, and implement a system to track referrals to each program.

R4. The Probation Department should institute a policy outlining qualifying criteria, time requirements, and referral conduits for obtaining services.

R5. The Partnership should allocate additional funding for post-release programs.

Commendations

C1. The Grand Jury commends the Sheriff’s Office and Probation Department for creating a partnership that includes health and human service program providers in addition to law enforcement agencies.

C2. The Grand Jury commends Santa Cruz County for being recognized for its emphasis on health and human services in its AB 109 implementation.^[9]

Responses Required

Respondent	Findings	Recommendations	Respond Within/ Respond By
Probation Chief, Santa Cruz County Probation Department	F1 - F4	R1 - R5	90 Days October 1, 2013
Santa Cruz County Board of Supervisors	F1 - F4	R1 - R5	90 Days October 1, 2013
Director, Santa Cruz County Health Services Agency	F1 - F4	R1 - R5	90 Days October 1, 2013

Definitions

- **AB 109:** *Assembly Bill 109, the Public Safety Realignment Act* - A California state assembly bill aimed at decreasing the state prison population.
- **ACLU of CA:** *American Civil Liberties Union of California* - A human rights advocacy organization.
- **Community Corrections Partnership:** *Santa Cruz County Community Correction Partnership* - The body responsible for implementing AB 109 in Santa Cruz County.
- **CURB:** *Californians United for a Responsible Budget* - A watchdog organization concerned with California State Government spending.
- **Gemma:** A transitional program for female offenders. Gemma is a botanical term meaning a bud ready to grow independently. The name was chosen by imprisoned women who identify with the image of blossoming into a new life path.
- **HHS:** *Health and Human Services* - HHS includes not only the county's Health and Human Services Agency, but also the other providers of mental health, drug and alcohol treatment, and counseling services.
- **Implementation Plan:** *Santa Cruz County Public Safety Realignment and Post Release Community Supervision Implementation Plan* - The Santa Cruz Board of Supervisors approved the Plan on October 4, 2011, in order to have the Partnership administer the AB 109 realignment.
- **PSR:** *Public Safety Realignment* - A term used to describe changes brought about by AB 109.
- **Recidivism:** The act of a person repeating an undesirable behavior after they have either experienced negative consequences of that behavior, or have been treated or trained to extinguish that behavior. In this report, it refers to individuals who have been rearrested.

Sources

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2. California Department of Corrections and Rehabilitation. 2010. "The Cornerstone of California's Solution to Reduce Overcrowding, Costs, and Recidivism." *Public Safety Realignment*. Accessed April 30, 2013. <http://www.cdcr.ca.gov/realignment/>
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4. Santa Cruz County Community Corrections Partnership. 2013. Powerpoint Slides. "Summary of AB 109 Implementation." Dated March 14.
5. National Employment Law Project. "Education and Job Training Programs are Key to a Successful Realignment Initiative." In Hopper, Allen et al. 2012. ACLU of California. "Public Safety Realignment: California at a Crossroads." *ACLU of California*. Accessed May 11, 2013.
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Resources

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- Baxter, Stephen et al. 2012. "State prison overhaul yields mixed results in Santa Cruz County." *Santa Cruz Sentinel*. October 27. Accessed May 14, 2013. http://www.santacruzsentinel.com/santacruz/ci_21870548/first-year-state-prison-overhaul-yields-mixed-results
- McCord, Shanna. 2012. "Residents get insight on how prison overhaul impacts county: Sheriff and other law enforcement explain AB 109." *Santa Cruz Sentinel*. October 24. Accessed May 14, 2013. http://www.santacruzsentinel.com/santacruz/ci_21849704/residents-get-insight-how-prison-overhaul-impacts-county

Site Visits

- SC County Volunteer Center
- Friends Outside Graduation Ceremony
- Santa Cruz County Community Counseling Center
- Community Action Board of SC County