

Someone to Show the Way

***Community-Based Organizations as
Partners in Providing Evidence-Based
Practices Under California Criminal Justice
Realignment***

DRAFT FOR COMMENTS

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Summary

Community members and ex-offenders are given little formal role in California counties' implementation of criminal justice realignment, despite bearing the brunt of the new regime's effects. Utilizing the resources already available in the community in the form of Community-Based or Faith-Based Organizations may well make the difference between whether a county succeeds or fails at reducing recidivism and enhancing public safety while keeping costs manageable. These groups have a particular role to play in helping counties fulfill the mandate that they employ evidence-based practices during post-release supervision, as they already possess experience doing so.

To effectively use these groups, counties must first decide what they want out of evidence-based practices. California counties should use a "synthesis" approach to evidence-based practices, in which they evaluate every move they make in relation to ex-offenders (be it punishment, surveillance, or programming) as a practice, and draw on existing research in the same area to implement practices that are shown to work while avoiding those with a history of failure. The lack of a direct model for a program should not stop counties, but should spur them to maintain significant records of their own. CBOs are able to add their on-the-ground experience providing these services to counties' pools of knowledge, and have financial incentives to keep meticulous record in order to justify continued contracts.

There is a significant history of CBO involvement with two particular interventions nationwide that could be effectively utilized by California counties: employment training and ex-offender mentoring. While the historical research on both

of these concepts shows mixed results, historical findings can give counties a good idea of which practices in these fields have proven successful and unsuccessful. Moreover, new understandings of best practices in both interventions affords counties reason to believe they can be useful stars in a constellation of services. Counties should not forget that pro-social supports offer more than direct assistance to the ex-offender, but also enhance community efficacy in supporting ex-offenders during reentry. These programs thus fill society-level needs for informal social controls that evidence has shown lead to greater public safety.

Santa Clara County, California, is an example of a county that has put significant effort into finding suitable partnerships with community organizations. The County's experiences demonstrate three principles that other counties should consider emulating when partnering with their own CBOs: (1) limiting partnerships to match with CBOs competencies; (2) decentralizing the partnership process to allow county departments to draw on their own expertise when finding partners; and (3) holding resources in reserve to allow continuous reevaluation and changed resource allocation in response to new data about offender needs and program effectiveness. Santa Clara's process is not perfect: it could benefit from improved communication between its departments to ensure the County is making partnerships efficiently, and still needs to define the role of Faith-Based Organizations in realignment. Nevertheless, it remains noteworthy as a County that is taking community partnerships seriously and whose experience holds lessons for counties throughout California.

Introduction

The United States Supreme Court's ruling in *Brown v. Plata*, holding that California must reduce its prison population to 137.5 percent of design capacity within two years,¹ necessitated drastic changes to the state's prison system. The state responded by passing Assembly Bill 109, a sweeping overhaul of the state's correctional system. Approved by Governor Jerry Brown on April 4, 2011,² the bill's major changes include keeping non-violent, non-serious, non-sex offenders ("non-non-nons") in county jails rather than state prisons; placing non-violent, non-serious offenders under county-level supervision after release; limiting parole revocation time for these offenders to a maximum of 180 days and housing parole violators in county jail; and providing counties with funds to implement these changes based on the rates they previously sent inmates to be incarcerated in state prison. To implement these changes in each county, the legislation directs the formation of Community Corrections Partnerships (CCP), composed of various county officials and community members,³ and an executive committee of the CCP, composed entirely of county officials.⁴ The CCP is meant to advise each county's probation department, which is tasked with developing and implementing the county's community corrections program.⁵

In its formation of Community Corrections Partnerships, A.B. 109 appears self-consciously designed to create buy-in among the various actors responsible for

¹ See 131 S. Ct. 1910, 1928, 1947 (2011).

² See 2011 Cal. Legis. Serv. Ch. 15 (West) [hereinafter A.B. 109].

³ See CAL. PENAL CODE § 1230(b)(2)(A)-(M). For a complete list of required Partnership Members and Executive Committee Members, see Appendix A.

⁴ See *Local Planning Process*, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION (Jan. 28, 2012), <http://www.cdcr.ca.gov/realignment/Local-Planning-Process.html>.

⁵ CAL. PENAL CODE § 1230(b)(1).

implementing the new regime in each county. In addition to requiring the participation of various county officials, the Penal Code also mandates a representative of a successful community-based organization and a representative of victims to be part of the CCP.⁶ Ultimately, however, A.B. 109's success at reducing recidivism, driving down corrections costs, and enhancing public safety may depend on the investment of two key groups given little role in the CCP, and shut out of the CCP's executive committee: the community members that will receive the new influx of non-serious offenders, and the new class of community-supervised "non-non-non" offenders themselves. Looking at A.B. 109 as an opportunity to reshape the treatment of ex-offenders in order to reduce recidivism, rather than simply as a burden placed on counties by a state desperate to rein in the breadth and cost of its prison system, sheds light on the potential role of partnerships between California counties and the community-based organizations, faith-based organizations, and the ex-offenders that are situated in the community and poised to offer some of the evidence-based programs and services envisioned by A.B. 109.

This paper examines the role that community-based organizations (CBOs) and ex-offenders themselves can play in counties' A.B. 109 implementation efforts. In particular, it considers their ability to provide the "evidence-based practices" required of counties to reduce recidivism among those on post-release supervision. After considering the nature of an "evidence-based practice," this paper will examine how CBOs and ex-offenders have been utilized in successful reentry partnership efforts, and will then focus on partnerships with CBOs under realignment in Santa Clara County. Part I considers the nature of an evidence-based program and the particular

⁶ See *id.* § 1230(b)(2)(L)-(M).

competencies of CBOs to meet ex-offenders' needs. Part II looks at some examples of successful programs or partnerships involving community-based organizations, and considers their impacts on both the individuals and the community. Part III evaluates the nascent process of forming public-private partnerships and using ex-offenders in Santa Clara County as part of its public safety realignment, taking into account the County's plans, its progress thus far, and the opportunities and challenges that remain.

It is important to remember that realignment is an unprecedented process for California's counties, and that counties had little cause or opportunity to consider the challenges that would confront them in the face of such a massive shift to the State's criminal justice system. Accordingly, realignment in Santa Clara is a work in progress and its image is likely to evolve rapidly in the months and years ahead. This research can provide only a snapshot of the County's efforts at an early stage of the implementation of its realignment. Nevertheless, Santa Clara and other counties may find this snapshot useful as they consider how to best serve the needs of the community and of ex-offenders.

Chapter 1

What is an Evidence-Based Program?

The legislative findings in A.B. 109 declare that “California must reinvest its criminal justice resources to support community-based corrections programs and evidence-based practices that will achieve improved public safety returns. . .”⁷ and that “evidence-based practices . . . will improve public safety outcomes among adult felons and facilitate their reintegration back into society.”⁸ Moreover, the legislature envisioned that realignment would “generat[e] savings that can be re-invested in evidence-based strategies that increase public safety”⁹ Despite this repeated focus on evidence-based practices as an integral part of criminal justice realignment and recidivism reduction, and the almost explicit expectation that some funds saved by realignment would be placed into these practices, the legislature provides little guidance as to what these practices are, and stops well short of a mandate that they be employed. Rather, the Community Corrections Partnerships “*may* include recommendations [in their plans] to maximize the effective investment of criminal justice resources in evidence-based correctional sanctions and programs”¹⁰ However, as amended by A.B. 109, Section 3451 of the Penal Code now directs that non-serious, non-violent, non-sex offenders “shall, upon release from prison and for a period not exceeding three years immediately following release, be subject to community supervision provided by a county agency . . . which is consistent with evidence-based practices.”¹¹ Accordingly, the

⁷ A.B. 109, *supra* note 2, § 229(4).

⁸ *Id.* § 229(5).

⁹ *Id.* § 229(7).

¹⁰ *Id.* § 458 (emphasis added).

¹¹ CAL. PENAL CODE § 3451 (added by A.B. 109 § 479, effective Apr. 4, 2011).

law mandates that evidence-based practices be used in counties' post-release supervision of offenders subject to realignment, but at the same time does not *require* that counties write evidence-based practices into their realignment plans.

Nor does the law explicitly command that an evidence-based practice be designed to reduce recidivism through rehabilitative efforts directed at ex-offenders. Some counties seem to have read such a design into the law—for example, Alameda County's realignment plan explicitly draws its guidance from a set of six “fundamental principles” for evidence-based practices published by the Department of Justice as part of its grant application for Second Chance Act funding.¹² These principles include such specific measures as using motivational interviewing techniques and employing cognitive-behavioral interventions.¹³ Such a conclusion also follows from the very design of the Community Corrections Partnership in A.B. 109, which requires a representative from a CBO with success at providing rehabilitative services to have a seat at the table.¹⁴ Yet across California, counties list measures as diverse as arming probation officers,¹⁵ home detention and monitoring,¹⁶ risk assessment tools,¹⁷ and application of sanctions¹⁸ or sentencing,¹⁹ along with more purely rehabilitative services such as cognitive-behavioral

¹² See COMMUNITY CORRECTIONS PARTNERSHIP OF ALAMEDA COUNTY, PUBLIC SAFETY REALIGNMENT ACT OF 2011 IMPLEMENTATION PLAN 4, *available at* <http://www.cpoc.org/php/realign/coplans/alameda.pdf>.

¹³ See U.S. DEP'T OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, OMB No. 1121-0329, SECOND CHANCE ACT REENTRY PROGRAM FOR ADULT OFFENDERS WITH CO-OCCURRING SUBSTANCE ABUSE AND MENTAL HEALTH DISORDERS FY 2011 COMPETITIVE GRANT ANNOUNCEMENT App. 1 (2011).

¹⁴ See CAL. PENAL CODE § 1230(b)(2)(L).

¹⁵ See, e.g., MEMBERS OF THE EXECUTIVE COMMITTEE OF THE COMMUNITY CORRECTIONS PARTNERSHIP: COUNTY OF KERN: PUBLIC SAFETY REALIGNMENT ACT OF 2011 IMPLEMENTATION PLAN 6, *available at* <http://www.cpoc.org/php/realign/coplans/kern.pdf>.

¹⁶ See, e.g., *id.* at 11-12.

¹⁷ See, e.g., COMMUNITY CORRECTIONS PARTNERSHIP, BUTTE COUNTY PUBLIC SAFETY REALIGNMENT AND POSTRELEASE COMMUNITY SUPERVISION 2011 IMPLEMENTATION PLAN 13, *available at* <http://www.cpoc.org/php/realign/coplans/butte.pdf>.

¹⁸ See, e.g., EXECUTIVE COMMITTEE, CONTRA COSTA COUNTY 2011/12 PUBLIC SAFETY REALIGNMENT IMPLEMENTATION PLAN 12, *available at* <http://www.cpoc.org/php/realign/coplans/contracosta.pdf>.

¹⁹ See EXECUTIVE COMMITTEE OF THE COMMUNITY CORRECTIONS PARTNERSHIP, COUNTY OF SAN DIEGO PUBLIC SAFETY REALIGNMENT & POST-RELEASE COMMUNITY SUPERVISION: PRELIMINARY 2011 IMPLEMENTATION PLAN 10, *available at* <http://www.cpoc.org/php/realign/coplans/sandiego.pdf>.

treatment²⁰ and substance abuse treatment,²¹ as examples of evidence-based practices to be implemented in their plans. The legislation itself states that evidence-based practices “includ[e], but [are] not limited to, day reporting centers, drug courts, residential multiservice centers, mental health treatment programs, electronic and GPS monitoring programs, victim restitution programs, counseling programs, community service programs, educational programs, and work training programs.”²² Such findings are consistent with A.B. 109’s definition of evidence-based practices as “supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under probation, parole, or postrelease supervision.”²³

The legislation’s definition leaves unclear when a particular result has been “demonstrated by scientific research.” The ambiguity of the language forces counties to decide which approach to evidence based practices the legislature intended: an model-based approach or a “synthesis” approach. A traditional model-based evidence-based practice is defined in significant detail and easily repeatable, can be attempted independently and in multiple locations, can be tested using sound experimental strategies (control groups, randomized samples), and has produced similar, statistically significant results across various tests.²⁴ It can be difficult to find post-release supervision or reentry programs that have undergone this sort of significant testing, since methodologies vary widely and often fall short of rigorous experimental design,

²⁰ See, e.g., COUNTY OF NAPA PUBLIC SAFETY REALIGNMENT AND POST RELEASE COMMUNITY SUPERVISION 2011 IMPLEMENTATION Plan 5, available at <http://www.cpoc.org/php/realign/coplans/napa.pdf>.

²¹ See, e.g., 2011 SANTA BARBARA COUNTY COMMUNITY CORRECTIONS PARTNERSHIP, PUBLIC SAFETY REALIGNMENT ACT IMPLEMENTATION PLAN 8, available at <http://www.cpoc.org/php/realign/coplans/santabarbara.pdf>.

²² A.B. 109, *supra* note 2, § 458.

²³ *Id.* § 229(9).

²⁴ Howard N. Snyder, *Research’s Two Modes for Discovering Evidence-Based Programming*, CORRECTIONS TODAY, Apr. 2006, at 150, 150.

and experiments are rarely conducted independently at multiple sites.²⁵ Moreover, if the conditions in which the program is conducted are not identical to those in the initial experiment, or if the program's mandates cannot be followed faithfully (for example, because of a lack of resources or personnel), there are no longer grounds for expecting the same level of results as in the research.²⁶ But in the synthesis approach, programs consist of a set of specific common characteristics with acceptable modifications or variations, rather than a pre-packaged blueprint.²⁷ The definition of a "program" is broadened in this approach to encompass a variety of interventions; using GPS trackers to monitor ex-offenders' movements would be as much a "program" under this approach as would a formalized job training program.²⁸ While this can leave ideal program design unclear for counties, and opens questions about which sources or studies offer the most appropriate model for implementing a program, it has the clear advantage of giving county governments a larger body of research to draw from when considering post-release programs.²⁹ For while repeated testing of the same program may be limited in criminological research, the synthesis approach allows counties to cobble together best practices from a variety of studies, using the "considerable amount of knowledge [we already have] about criminal conduct and effective (and ineffective) ways to rehabilitate offenders."³⁰

The synthesis understanding of evidence-based practices gives counties more leeway to implement practices that are supported by serious research, even if they are

²⁵ Cf. Sharon Mihalic, Katherine Irwin, Delbert Elliott, Abigail Fagan & Diane Hansen, *Blueprints for Violence Prevention*, JUV. JUST. BULL., July 2001, at 2.

²⁶ See Mark W. Lipsey, *The Challenges of Interpreting Research for Use by Practitioners*, 28 AMER. J. OF PREV. MED. 2S1, at 1 (2005) (discussing evidence-based programs in the context of preventive medicine).

²⁷ See *id.*

²⁸ Cf. *id.* at 2 (analogizing that, under a synthesis approach, a peer-meditation program for preventing violence and a ban on firearms at school would both be considered school-based "programs" for reducing violence).

²⁹ See *id.* at 2.

³⁰ Edward J. Latessa, *The Challenge of Change: Correctional Programs and Evidence-Based Practices*, 3 CRIMINOLOGY & PUB. POL'Y 547, 554 (2004).

not direct applications of particular models. Similarly, it puts the impetus on counties to justify more than their rehabilitative practices by scientific evidence; when every policy decision by the county could coherently be labeled a “program,” the county must, under A.B. 109, justify that decision as evidence-based. This forces counties to shine the spotlight of evidence not only on their rehabilitative programs, but also on surveillance and punishment practices, and to consider the trade-offs involved in employing each approach.

Ultimately, counties can only meaningfully use evidence-based practices by taking the synthesis approach. Forcing counties to rigorously employ tested models would be something of a straightjacket, given the diverse sizes, needs, and funding situations of individual counties. Of course, this means taking a value-neutral approach to evidence-based practices (that is, weighing sanctions and surveillance techniques as equivalent to rehabilitation practices), which may be unsatisfying to the many A.B. 109 stakeholders dedicated to a rehabilitative model. While media accounts of the bill implicitly recognize that counties need not make treatment and rehabilitation part of their realignment plans,³¹ there seems to be an assumption that some of the change envisioned by A.B. 109 is a move from simple incarceration to rehabilitation, and that the role of local law enforcement will similarly change.³² And use of rehabilitative strategies seems to gel with the legislature’s own understanding of how realignment funds would be put to use when it found that prison savings could be “re-invested in evidence-based strategies that

³¹ See, e.g., Raj Jayadev, *CA’s Goal to Reduce Prison Overcrowding Hinges on Counties*, SILICON VALLEY DE-BUG, Sept. 6, 2011, available at <http://www.siliconvalleydebug.org/articles/2011/09/06/cas-goal-reduce-prison-overcrowding-hinges-counties> (hoping that the process will “be more than a bureaucratic ‘shift’ from prisons to jails . . .”).

³² See, e.g., Tracey Kaplan, *California Prison Realignment to Put More Low-Level Offenders on Streets*, THE MERCURY NEWS, Sept. 26, 2011, available at http://www.mercurynews.com/crime-courts/ci_18974489?IADID=Search-www.mercurynews.com-www.mercurynews.com.

increase public safety”³³ and that evidence-based practices would “facilitate [adult offenders’] reintegration back into society.”³⁴ However, a broad understanding of evidence-based practices may be exactly what empowers county-CBO partnerships, since CBOs need not present pre-packaged programs, but can use an amalgam of research concerning their particular area of competence to justify a contract with the county. CBOs are also likely to keep regular documentation of their program because they will be accountable to the county for their results in a partnership, which will encourage evidence-based revision of practices and partnerships going forward. This, in turn, might open the door for counties to try *experimental* strategies, and then continue them as they are verified by evidence, rather than relying only on previously-conducted research.

Accordingly, a prudent definition for counties to understand “evidence-based programs” is a practice with a body of serious scientific research supporting its effectiveness at reducing recidivism among ex-offenders in multiple studies, applied faithfully to the core principles of pre-existing research and continuously re-evaluated to ensure effectiveness.

Which Ex-Offender Needs Can CBOs Address with Evidence-Based Practices?

Counties that are serious about offender rehabilitation as a means of reducing recidivism face a number of difficult choices: How much of their resources will they allocate to these programs? What programs will they “buy” with these resources? And who will provide these programs to ex-offenders? The situation is complicated by counties’ need to prepare for an influx of new offenders, and particularly offenders of a type the county has not traditionally been responsible for overseeing—the low-level

³³ A.B. 109, *supra* note 2, at § 229(7).

³⁴ *Id.* at § 229(5).

felons targeted by A.B. 109. On any given day, Santa Clara County expects to have 1,067 ex-offenders under post-release supervision.³⁵ Counties can therefore expect little success treating and supporting ex-offenders in the community if they cannot accurately identify and respond to ex-offenders' needs. And if counties are serious about reducing recidivism, those needs can be considerable. Using data from the Bureau of Justice Statistics, Allen J. Beck found in 2000 that among reentering state prisoners nationwide, 73.6 percent were drug or alcohol involved, 14.4 percent could be classified as mentally ill, and that in 11.4 percent of ex-offenders these disorders were co-occurring.³⁶ Ex-offenders usually do not have jobs when reentering, and have been away from their families and social support networks. Many lack basic housing.

CBOs can be well-positioned to meet some of these needs because they draw on community resources that county officials cannot directly provide themselves, and they provide support without the stigma of correctional control, which ex-offenders are often (understandably) eager to escape.³⁷ Indeed, intervention conducted in the community is largely more effective than institution-based intervention.³⁸ Furthermore, relying solely on the County's programs could stretch their resources thin; ex-offenders generally need three to twelve months of services occupying forty to seventy percent of their time for successful intervention (with higher-risk offenders needing more services),³⁹ and counties using some of their resources to support CBO-based programs are essentially supplementing their investment with the resources already extant at the CBO. Of the

³⁵ SANTA CLARA COUNTY, CALIFORNIA 2011 PUBLIC SAFETY REALIGNMENT DRAFT IMPLEMENTATION PLAN 5 [hereinafter SANTA CLARA PLAN], available at [http://www.sccgov.org/keyboard/ attachments/Committee%20Agenda/2011/September%207,%202011/203366193/TMPKeyboard203672378.pdf](http://www.sccgov.org/keyboard/attachments/Committee%20Agenda/2011/September%207,%202011/203366193/TMPKeyboard203672378.pdf).

³⁶ ALLEN J. BECK, STATE AND FEDERAL PRISONERS RETURNING TO THE COMMUNITY: FINDINGS FROM THE BUREAU OF JUSTICE STATISTICS 4 (2000), available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/sfprc.pdf>.

³⁷ Telephone Interview with Rose Amador, President and Chief Executive Officer, Center for Training & Careers (Nov. 30, 2011).

³⁸ See Joan Petersilia, *What Works in Prisoner Reentry? Reviewing and Questioning the Evidence*, 68 FED. PROBATION 4, 5 (2004).

³⁹ *Id.*

four primary needs of the reentry population that Santa Clara County has prioritized (housing, drug and alcohol treatment, mental health, and employment training),⁴⁰ at least one (employment training) has a serious history of CBO involvement nationwide. CBOs are further able to provide a series of pro-social support services for ex-offenders, which is also on Santa Clara's radar, although perhaps further down its priority list.⁴¹ The evidentiary backing that makes these suitable evidence-based practices for Santa Clara County is considered in the next section.

⁴⁰ Interview with Gary Graves, Chief Operating Officer, Santa Clara County, in San Jose, Cal. (Nov. 17, 2011).

⁴¹ *Id.*

Chapter 2

CBOs and Effective Reentry Programs

The notion that rehabilitation has a substantial role to play in the criminal justice system is only recently returning after a roughly three-decade decline nationwide.⁴² Rehabilitation, in this context, refers to efforts to reduce offender recidivism and improve community safety “by focusing on such factors and conditions as the offender’s adjustment techniques, interests, skills, personal limitations, and/or life circumstances.”⁴³ Effective rehabilitation services for ex-offenders necessarily involve some ordering of priorities, due to counties’ limited resources and ex-offenders’ limited time. Santa Clara County has prioritized housing, mental health services, drug and alcohol treatment, and employment training as rehabilitative goals, based on the immediacy of ex-offenders’ needs and ex-offenders’ own rehabilitative priorities.⁴⁴ Also on Santa Clara’s radar, as evidenced both by its Implementation Plan and in discussions with County COO Gary Graves, is a mentoring program to provide social support and advice to ex-offenders navigating life in the community—what Robert Garner, Administrator of the County’s Department of Alcohol and Drug Services, calls “someone to help them negotiate the real world.”⁴⁵ Among these prioritized needs, employment training and mentoring stand out as candidates with either a history of CBO involvement in Santa Clara or a community capacity for providing it in the future.

⁴² Cf. Francis T. Cullen & Cheryl Lero Jonson, *Rehabilitation and Treatment Programs*, in CRIME AND PUBLIC POLICY 295 (James Q. Wilson & Joan Petersilia, eds., 2011).

⁴³ *Id.* at 296 (quoting TED PALMER, THE RE-EMERGENCE OF CORRECTIONAL INTERVENTION (1992)).

⁴⁴ The notable exception is drug and alcohol treatment, which statistically reflects the needs of returning ex-offenders, but is often not viewed as a priority by the reentering population. The efficacy of drug and alcohol treatment for ex-offenders unable or unwilling to admit a problem would be a worthwhile topic for further study.

⁴⁵ Interview with Bob Garner, Director, Santa Clara Department of Alcohol and Drug Services, in Stanford, Cal. (Nov. 15, 2011).

Employment Training and Education

Finding and holding a job is often the primary concern of ex-offenders upon release.⁴⁶ This outlook reflects the hard road to stable employment that reentering prisoners face upon release. In fact, criminal behavior is fairly strongly related to changes in employment status, so ex-prisoners are unlikely to have had strong employment histories before their initial offense.⁴⁷ Ex-offenders are further inhibited from finding employment by the social stigma of their criminal records; employers are generally reluctant to hire ex-felons, and they may be barred from certain professions or from holding certain licenses.⁴⁸ In a survey of employers in several large metropolitan areas administered throughout the 1990s, sixty-two percent of employers said they “probably” or “definitely” would not hire an applicant with a criminal record.⁴⁹ While programs to find employment for former prisoners are somewhat common nationwide, ones that specifically target the reentry population are rare,⁵⁰ possibly because of the less-than-stellar results of studies conducted in the 1970s: one by the U.S. Department of Labor, and another of a program specifically targeting prisoners in Texas and Georgia.⁵¹ However, these programs were limited to providing jobs or referrals and income support, ignoring the realities of ex-offenders’ needs when returning from prison⁵² and raising hope that employment programs can work in the future.⁵³ In an

⁴⁶ See MARTA NELSON, PERRY DEESS, & CHARLOTTE ALLEN, *THE FIRST MONTH OUT: POST-INCARCERATION EXPERIENCES IN NEW YORK CITY* 13 (1999) (finding that ex-prisoners listed finding a job as their top concern).

⁴⁷ See JOAN PETERSILIA, *WHEN PRISONERS COME HOME* 40 (2011).

⁴⁸ See *id.* at 105. California bars parolees from working in law, real estate, medicine, nursing, physical therapy, and education. *Id.* at 113.

⁴⁹ See HARRY J. HOLZER, STEVEN RAPHAEL & MICHAEL A. STOLL, *CAN EMPLOYERS PLAY A MORE POSITIVE ROLE IN PRISONER REENTRY?* 14 (The Urban Institute, 2002).

⁵⁰ JEREMY TRAVIS, *BUT THEY ALL COME BACK: FACING THE CHALLENGES OF PRISONER REENTRY* 172 (2005).

⁵¹ *Id.* at 174.

⁵² Jeremy Travis identifies “three realities” that undercut the validity of these studies: an ex-prisoners need for employment does not arise upon leaving prison, but rather the path to employment starts while still in prison; the need for work is an *immediate* challenge for most prisoners returning from prison in order for them succeed; and reentry is more complicated than simply finding employment—it also requires coordinate services for drug and alcohol problems, health needs, family reintegration, etc. See *id.* at 175.

experiment of offenders randomly assigned to job training or a control group, Uggen found that “[w]ork appears to be a turning point in the life course of criminal offenders over 26 years old,” and that even marginal employment opportunities reduced the chance of recidivism.⁵⁴ The positive effect of holding a job increased with the age of the offender.⁵⁵

Generally, ex-offender employment support takes six forms: job development and placement, residential services, supported work experiences, skill training, job readiness, and financial assistance.⁵⁶ CBOs are able to provide services related to at least three of these (job placement, skill training, and job readiness). Community-based employment interventions were relatively prevalent in the 1970s, but government funding for these community-government partnerships largely dried up after 1982.⁵⁷ While the studies of employment programs during this period generally indicate no statistically-significant effect on the likelihood of re-arrest,⁵⁸ modern (post-1990) programs with more intensive support, a broader-based set of services, and a greater attention to matching the needs of ex-offenders offer hope for different results.⁵⁹ These differ from the older model of government-funded program, which largely offered income assistance and direct job placement or assistance therewith, along with an occasional smattering of job readiness services.⁶⁰

⁵³ *Id.* at 174-75.

⁵⁴ Christopher Uggen, “Work as a Turning Point in the Life Course of Criminals: A Duration Model of Age, Employment, and Recidivism,” 65 AMER. SOCIOLOGICAL REV. 529, 542 (2000).

⁵⁵ *Id.*

⁵⁶ BELINDA RODGERS MCCARTHY & BERNARD J. MCCARTHY, COMMUNITY-BASED CORRECTIONS 267 (1984).

⁵⁷ See Christy A. Visher, Laura Winterfield & Mark B. Coggeshall, *Ex-Offender Employment Programs and Recidivism: A Meta-Analysis*, 1 J. EXPERIMENTAL CRIMINOLOGY 295, 296 (2005).

⁵⁸ *Id.* at 308-09.

⁵⁹ *Id.*

⁶⁰ *See generally id.* at 300-04. Although some programs, like Job Corps, focused on “vocational preparation,” few made this a cornerstone of their programs. *Id.*

More recent research notes that even when employment programs do not a statistically significant effect on recidivism, they can have a clinically significant effect on outcomes beyond a simple recidivism measure.⁶¹ In a recent study of Texas parolees, those who were employed upon release went twice as long without offending as those who did not have jobs.⁶² This suggests that employment is an important factor on the path off of criminality; rather than a simple choice to offend or not, ex-offenders face a process of change which their employment situation can support.⁶³ While a dearth of research on the current trends in employment training leaves little in the way of models, California counties would do well to remain watchful for the effects of the programs. Moreover, if CBOs in local communities can demonstrate success at job training historically, they are worth including in the realignment picture, especially since the importance placed on employment by returning prisoners suggests it may hold a key to maintaining their overall motivation not to recidivate.

The lesson is that employment training, while not a risky use of county funds, is one that would have to be carefully monitored. The studies mentioned above demonstrate that such programs test the limit of what California is willing to consider an evidence-based practices. The historical data on these programs does not give evidence to support their effectiveness, but the usefulness of these studies is undermined by the limited approach they took to job training programs. Meanwhile, the new era of employment training programs offers reason to believe such programs can be successful (especially given the more nuanced and evidence-based understanding of offenders' needs in contemporary research), but lacks the rigorous evidentiary support

⁶¹ See Stephen J. Tripodi, Johnny S. Kim & Kimberly Bender, *Is Employment Associated with Reduced Recidivism?*, 54 INT'L J. OFFENDER THERAPY & COMP. CRIMINOLOGY 706, 714 (2010).

⁶² *Id.* at 715.

⁶³ *Id.* at 714.

one would want to label employment training an “evidence-based practice” under the model-based theory. Using the synthesis approach to evidence-based practices, however, employment training stands as an almost perfect example of a program that counties can use according to the newer practices currently being employed, and continue to test for effectiveness.

As a potential model, Travis advocates the development of a “justice intermediary” to be held accountable based on its effectiveness at “improving the employment profile of returning prisoners.”⁶⁴ Beginning a few months before a prisoner’s release date, an employment specialist would work with a client on employment readiness, and could even set up interviews with private employers in prison to enable a smooth transition on a job to release.⁶⁵ This would require significant outreach to the business community to encourage them to hire soon-to-be released prisoners, given the general reluctance to hire formerly incarcerated individuals. However, research suggests potential employers react positively to the notion of another agency screening job candidates for them, and providing job support and counseling along with secondary support needs (child care, housing, transportation, health care) that enable stable employment.⁶⁶ Although asking CBOs in California counties to provide services such as housing could stretch them beyond their competencies if they are unfamiliar with doing so, this research suggests that they could at least make it a priority of case managers to coordinate these services with other CBOs and the county.

⁶⁴ TRAVIS, *supra* note 50, at 180.

⁶⁵ *Id.*

⁶⁶ HOLZER ET AL., *supra* note 49, at 7-8 (cited in TRAVIS, *supra* note 50, at 181).

Finally, the program could work with the county to provide temporary public jobs (for example, community service jobs) until private jobs become available.⁶⁷

Pro-Social Supports

Offenders returning from the community after a period of incarceration often lack the support networks and stable ties to others in the community that enable them to succeed on the outside.⁶⁸ The continuation or desistance in criminal behavior is, in adults, at least partially a function of social bonds.⁶⁹ Some researchers characterize the process of forming adult social bonds as an “investment process,” as these bonds do not come at the offender fully-formed, but rather grow gradually to push the offender away from recidivism.⁷⁰ As Laub, Nagin, and Sampson demonstrate, the same factors that predict adult criminality in childhood do not predict eventual desistance from criminal behavior in adults, leading to the conclusion that the formation of social bonds is important to understanding what leads ex-offenders not to recidivate.⁷¹

Both CBOs and Faith-Based Organizations (FBOs) are uniquely positioned to foster pro-social supports for ex-offenders. Not only do these groups put ex-offenders directly in touch with positive influences in the community with whom they might otherwise not interact, but they do so without the sting of correctional or punitive stigma present when criminal justice officials offer the same programs.⁷² While CBOs use the resources of the community to employ more structured programming, FBOs are

⁶⁷ TRAVIS, *supra* note 50 at 141.

⁶⁸ See RENATA COBBS FLETCHER, MENTORING EX-PRISONERS: A GUIDE FOR PRISONER REENTRY PROGRAMS 1 (2007), available at http://www.doleta.gov/pri/pdf/mentoring_ex_prisoners_a_guide.pdf.

⁶⁹ See John H. Laub & Robert J. Sampson, *Understanding Desistance from Crime*, 28 CRIME & JUST. 1, 20 (2001).

⁷⁰ See John H. Laub, Daniel S. Nagin, & Robert J. Sampson, *Trajectories of Change in Criminal Offending: Good Marriages and the Desistance Process*, 68 AM. SOC. REV. 225, 225 (1998) (creating and using the investment metaphor to describe desistance from criminal behavior as a gradual process dependent on a variety of factors that prominently includes adult social ties).

⁷¹ See *id.* at 237.

⁷² See, e.g., Telephone Interview with Rose Amador, *supra* note 37 (discussing how ex-offenders want to disassociate with the formal controls of probation and parole).

able to offer a ready-made, supportive community to welcome ex-offenders into a pro-social environment, as well as to encourage and mobilize the rest of the congregation to be involved in reentry and accepting of those returning to the community.⁷³ These groups are also able to utilize the expertise of former prisoners who have succeeded in reentering the community as resources for newly released prisoners, who may be more likely to trust someone who they believe understands the challenges they face—“someone who’s been there but isn’t too far away.”⁷⁴

Perhaps the most common formal program designed to provide pro-social support to ex-offenders is a mentoring program, in which a probationer or recently-released prisoner is paired with a more experienced community member who provides direct assistance or indirect support for the mentee’s reentry efforts.⁷⁵ At best, the two build a trusting relationship in which the mentor can offer “consistent, nonjudgmental support and guidance.”⁷⁶ The relationship can be particularly effective when it allows mentors to meet people in whom they recognize their own struggles (former involvement with the criminal justice system, former substance abuse problems, etc.), fostering a more significant connection and providing mentees with a role model and a living message that recovery is possible.⁷⁷

The case for using mentoring programs in A.B. 109 implementation is significantly bolstered by the synthetic approach to understanding evidence-based programs, as they have been applied in a variety of contexts with differing results. With

⁷³ See Interview with Gary Graves, *supra* note 40.

⁷⁴ EMILY NAPIER & ELAINE WOLF, “SOMEONE WHO’S BEEN THERE BUT ISN’T TOO FAR AWAY”: FINDINGS FROM A STUDY OF THE MENTORING COMPONENT OF A YOUNG ADULT REENTRY PROGRAM 4 (2008), available at <http://www.communityalternatives.org/pdf/mentoring.pdf>.

⁷⁵ See Darrick Jolliffe & David P. Farrington, *A Rapid Evidence Assessment of the Impact of Mentoring on Re-Offending: A Summary*, HOME OFFICE ONLINE REPORT 2-3 (2007).

⁷⁶ RENATA COBBS FLETCHER, *MENTORING EX-PRISONERS: A GUIDE FOR PRISONER REENTRY PROGRAMS 2* (2007), available at http://www.doleta.gov/pri/pdf/mentoring_ex_prisoners_a_guide.pdf.

⁷⁷ *Cf.* NAPIER & WOLF, *supra* note 74, at 4.

such a community-specific intervention, it would be difficult to apply a top-down model, but a set of core principles can be gleaned from the research conducted on various mentoring programs. In fact, some studies of the effects of mentoring programs have not been particularly sanguine. A rapid-evidence assessment conducted in 2007 of eighteen mentoring-program studies found that only seven showed a statistically-significant impact on reducing recidivism, and that some of the largest decreases in re-offending rates were shown in the studies that were least methodologically rigorous.⁷⁸ Although the authors conclude that mentoring “seems to be a promising intervention,”⁷⁹ the significant variations in features of the mentoring programs they studied made it difficult to claim with any certainty what the blanket effect of offering a mentoring program was.⁸⁰ Through this study, however, the authors were able to distill three features of successful mentoring programs that distinguished them from those not showing a statistically significant effect on recidivism rates: mentors and mentees spent more time together per meeting; mentors and mentees met at least once each week; and perhaps most importantly, mentoring was one feature of a multi-modal treatment that included education, training, and other services.⁸¹ This final point is echoed throughout almost all of the literature on ex-offender mentoring: it is successful only when conducted as one part of a more holistic treatment program.⁸²

The lack of methodological rigor in previous studies might leave counties looking for a guide that can be adapted to their needs. Accordingly, one program meriting particularly detailed attention is a joint venture of the U.S. Department of Labor and

⁷⁸ See Jolliffe & Farrington, *supra* note 75, at 3.

⁷⁹ *Id.*

⁸⁰ *Id.* at 5.

⁸¹ *Id.* at 8.

⁸² See RENATA COBBS FLETCHER & JERRY SHERK, MENTORING FORMER PRISONERS: A GUIDE FOR REENTRY PROGRAMS 5 (2009) (updating the Ready4Work findings from 2007); FLETCHER, *supra* note 68.

Public/Private Ventures called the Ready4Work program. This decentralized program offered in eleven different cities was explicitly designed to allow community and faith-based organizations to meet ex-offenders' needs.⁸³ Along with employment training, job placement, and referrals to other services (for example housing and drug treatment), each of the sites offered a mentoring component, with five sites offering one-on-one mentoring, and six sites focusing on group mentoring.⁸⁴ It targeted precisely the population most affected by realignment under A.B. 109 (non-violent, non-sexual offenders),⁸⁵ and focused on offenders between ages eighteen and thirty-four—those statistically in the prime of their criminal careers.⁸⁶ While about half of the program's participants took part in mentoring programs, those who did were more than twice as likely to find jobs as participants who never met with a mentor, and were thirty-nine percent less likely to recidivate.⁸⁷ Mentees also used, on average, an extra three months of their year-long eligibility for the program.⁸⁸ Participation in the mentoring program was voluntary, so the possibility remains that these results are at least partially the product of selection bias among participants.⁸⁹

The Ready4Work program screened mentors using criminal background checks, questionnaires, and in-person interviews to ensure mentors were suitable for the program and to match mentors with mentees.⁹⁰ After an average of six hours of training, including training on the appropriate role of faith (able to attend services together at

⁸³ See FLETCHER, *supra* note 68, at 1.

⁸⁴ See SHAWN BAULDRY ET AL., MENTORING FORMERLY INCARCERATED ADULTS: INSIGHTS FROM THE READY4WORK INITIATIVE 6 (2009).

⁸⁵ See *id.*

⁸⁶ See Patrick A. Langan & David J. Levin, *Recidivism of Prisoners Released in 1994*, BUREAU OF JUSTICE STATISTICS SPECIAL REPORT 7 (2002), available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/rpr94.pdf>. According to this study of state prisoners released nationwide in 1994, offenders released between ages 18 and 24 were rearrested at a rate of 75.4 percent, a rate that continually decreases as prisoners age. *Id.*

⁸⁷ See FLETCHER, *supra* note 68, at 2.

⁸⁸ *Id.*

⁸⁹ See *id.*

⁹⁰ See BAULDRY ET AL., *supra* note 84, at 8.

mentees' request, but no proselytizing),⁹¹ mentors were matched with mentees based on similar interests, hobbies, and personal traits, as well as on availability and geographic proximity.⁹² Mentors at one-on-one sites held meetings at the convenience of the participants, and varied in frequency and length; pairs could engage in social activities and also stay in touch by phone.⁹³ At group mentoring sites, meetings typically took place weekly or every other week for two hours, and at sites with both structured and unstructured meetings, the conversation usually revolved around "goal setting, stress management, budgeting, persistence, and responsibility."⁹⁴ Mentor coordinators on staff would ensure the matches were progressing, be available to answer questions from mentors, and collect data on the interactions between mentors and mentees.⁹⁵

Ready4Work studies routinely note some of the common pitfalls of mentoring programs, one of which is a lack of qualified mentors and a too-high mentor attrition rate as mentors become discouraged.⁹⁶ The program addressed the need for quality mentors particularly by looking to church congregations, and almost one-third of its mentors were formerly incarcerated even though the program did not specifically target this population.⁹⁷ Given the levels of enthusiasm and engagement among Santa Clara County's faith-based community, drawing a significant number of mentors may be a realistic goal. Utilizing this population, and instituting the more informal structures of the one-on-one programs, may also counteract the problem some sites experience of

⁹¹ See *id.* at 8-9.

⁹² *Id.* at 9. These procedures were somewhat less formal at group mentoring sites, although informal pairs of mentors and mentees often formed within the group context. *Id.*

⁹³ *Id.* at 8.

⁹⁴ *Id.* at 7.

⁹⁵ *Id.* at 9.

⁹⁶ See, e.g., FLETCHER & SHERK, *supra* note 82, at 5-6.

⁹⁷ See BAULDRY ET AL., *supra* note 84, at 11-12.

participants worrying that the mentor relationship was just another form of reporting.⁹⁸ Ready4Work also had difficulty attracting mentees who felt that mentoring was more appropriate for juveniles, a problem some sites addressed by using terms like “life coach” or “transition coach” rather than “mentor.”⁹⁹ Independent qualitative research suggests mentors appreciate readiness training involving practical conversation tips and strategies for dealing with skeptical mentees.¹⁰⁰ And for mentors who are ex-offenders themselves and may only be a “few steps ahead” of their mentees, financial support and program-sponsored activities that alleviate the financial strain on program volunteers can be helpful.¹⁰¹

The full sweep of the Ready4Work program cost 4500 dollars per participant per year.¹⁰² Although this does not disentangle the cost of the mentoring component, research suggests successful programs should expect to spend a minimum of 1000 dollars per mentoring pair per year.¹⁰³ The studies of the program undoubtedly leave something to be desired; since each Ready4Work site was given leeway in implementing its program, it can be hard to distill exactly what among its various practices was most effective. Writ large, mentoring also suffers from a difficulty in being quantified, as organic relationships between mentor and mentee will look different if truly adapted to individual offenders’ needs. This makes it difficult to aggregate exactly what a solid mentoring relationship looks like. Nevertheless, the synthesis approach again allows counties choose among the menu of previously-tested mentoring programs and at least attempt this promising approach, as long as they are sure to keep rigorous data that will

⁹⁸ See FLETCHER & SHERK, *supra* note 82, at 6.

⁹⁹ See BAULDRY ET AL., *supra* note 84, at 11.

¹⁰⁰ NAPIER & WOLF, *supra* note 74, at 4.

¹⁰¹ *Id.*

¹⁰² FLETCHER, *supra* note 68, at 1.

¹⁰³ See NAPIER & WOLF, *supra* note 74, at 1.

allow them to evaluate the program going forward. Besides measuring typical indicators of success such as recidivism rates and job retention, counties may also want to attempt to disentangle the effect of mentoring from other interventions. This could be done both by comparing outcome data for participants and non-participants in mentoring programs, and through qualitative studies of the affective attitudes in mentees.

The Community Benefits of Pro-Social Supports

Pro-social supports have an effect not only for ex-offenders at the individual level, but also at the community level. Taking a community-level approach to thinking about crime suggests that a focus on “changing places not people” can have a profound impact on reducing criminality and recidivism rates, as it addresses the structural causes of crime in a given area (rather than the reasons a particular individual offends).¹⁰⁴ Looking at communities through this lens, one would consider the ways that community structures maintain effective social control over a community’s residents, and the way social organization or disorganization fosters or prevents this social control.¹⁰⁵ Fostering social ties between residents of a community increases social control by making residents more likely to intervene to prevent criminal behavior, and more prone to “defend” their neighborhoods against crime.¹⁰⁶ And increasing social control allows communities to “regulate themselves” without the involvement of the criminal justice system.¹⁰⁷

Community groups have a significant role to play in social organization. In one regard, they serve as catalysts for residents of low-efficacy areas and communities to

¹⁰⁴ See Robert J. Sampson, *The Community*, in CRIME AND PUBLIC POLICY 210-11 (James Q. Wilson & Joan Petersilia, eds., 2011).

¹⁰⁵ *Id.* at 214.

¹⁰⁶ See Ralph B. Taylor, Stephen D. Gottfredson & Sidney Brower, *Block Crime and Fear: Defensible Space, Local Social Ties, and Territorial Functioning*, J. RESEARCH IN CRIME & DELINQUENCY 303, 307 (1984).

¹⁰⁷ Cf. ROBERT J. BURSİK & HAROLD G. GRASMICK, NEIGHBORHOODS AND CRIME: THE DIMENSIONS OF EFFECTIVE COMMUNITY CONTROL 4 (1993).

access resources they need, thereby increasing social stability.¹⁰⁸ Similarly, community-based programs and groups enable the existing resources in the community to be appropriately channeled to enhance the community's overall level of social control.¹⁰⁹ Viewed differently, they also have the capacity to simply enhance the ties among community members and between ex-offenders and non-offending community members, thereby strengthening the social cohesion and social controls in a community. Participation in community organizations and the informal social controls that result have the power, therefore, to "depress criminal violence."¹¹⁰ The effect of these programs can be especially effective in the reentry context, since ex-offenders usually end up concentrated within the community, leading to overall lower social capital in those areas and fewer resources for those returning from incarceration to engage for their support.¹¹¹ While providing this support to ex-offenders may be more of a "long-range strategy" as it does not necessarily pay immediate, substantial dividends in crime reduction, it raises the "floor" of the quality of life for ex-offenders in the community, thereby combatting the root causes of crime.¹¹² Perhaps most importantly for A.B. 109 purposes, the evidence supports taking a community-level look at reentry. Neighborhood context plays an important role in successful reentry outcome, and the presence of nearby social service providers is a primary factor.¹¹³ Meanwhile, returning to areas of concentrated disadvantage negatively affected successful reentry, suggesting

¹⁰⁸ Sampson, *supra* note 104, at 216.

¹⁰⁹ See BURSİK & GRASMICK, *supra* note 107, at 157.

¹¹⁰ Sampson, *supra* note 104, at 216.

¹¹¹ *Id.* at 231.

¹¹² See TODD R. CLEAR & DAVID R. KARP, *THE COMMUNITY JUSTICE IDEAL: PREVENTING CRIME AND ACHIEVING JUSTICE* 137 (1999).

¹¹³ See John R. Hipp, Joan Petersilia & Susan Turner, *Parolee Recidivism in California: The Effect of Neighborhood Context and Social Service Agency Characteristics*, 48 *CRIMINOLOGY* 947, 969-70 (2010).

that pro-social supports are all the more important when ex-offenders cluster in the community.¹¹⁴

Counties should consider the pro-social aspect of CBO intervention another set of evidence when considering evidence-based approaches. Harder to quantify approaches, such as outreach to the faith-based community to engage holistic support for returning offenders and modify community attitudes toward welcoming offenders, can be justified based on this community-level data. While imperfect from a scientific point of view for failing to tightly link certain practice or programs with desired outcomes, this understanding allows counties to engage more of the resources already in the community that can be accessed with comparatively minimal cost.

¹¹⁴ *Id.* at 971.

Chapter 3

Santa Clara

Santa Clara County's implementation plan recognizes the potential for CBO involvement in the A.B. 109 reentry process. Among the broad recommendations for realignment listed at the beginning of the plan is, "Continue to explore options to leverage *community* and treatment resources to provide effective evidence based programs to adult offenders."¹¹⁵ The goal fits with Santa Clara's broader embrace of rehabilitation as a key part of its mission to reduce recidivism. The plan directs almost twenty-four percent of its realignment implementation funds into programs and services generally,¹¹⁶ and was one of only four plans statewide to receive a "passing" grade from Californians United for a Responsible Budget, a coalition of over forty community organizations evaluating counties' use of community-based alternatives to incarceration and jail construction.¹¹⁷ The County also approved the formation of a Re-Entry Network to coordinate the efforts of various agencies working in the area of prisoner reentry,¹¹⁸ which held its first meeting on August 3, 2011.¹¹⁹

¹¹⁵ SANTA CLARA PLAN, *supra* note 35, at 7 (emphasis added).

¹¹⁶ See Memorandum from Gary Graves to Santa Clara County Board of Supervisors, Recommended Spending Plan in Support of the Implementation Plan (Sept. 27, 2011) [hereinafter Graves Memorandum], Attachment A at 2, available at

[http://www.sccgov.org/SCC/docs%2FPublic%20Defender,%20Office%20of%20the%20\(DEP\)%2Fattachments%2FRalignment%2FSpending%20Plan%209-27-11.pdf](http://www.sccgov.org/SCC/docs%2FPublic%20Defender,%20Office%20of%20the%20(DEP)%2Fattachments%2FRalignment%2FSpending%20Plan%209-27-11.pdf) COMMUNITY CORRECTIONS PARTNERSHIP SPENDING PLAN.

¹¹⁷ See *CURB Realignment Report Card*, CALIFORNIANS URGING A RESPONSIBLE BUDGET (Jan. 28, 2011), <http://curbprisonspending.org/wp-content/uploads/2011/09/CURB-Realignment-Report-Card-Final.pdf>.

¹¹⁸ See Press Release, Santa Clara County, County of Santa Clara Approves Creation of Reentry Network for Returning Offenders (May 5, 2011), available at

http://www.sccgov.org/portal/site/scc/aspecial?path=%252Fv7%252FSCC%2520Public%2520Portal&contentId=2d71bffcbb320310VgnVCM10000048dc4a92_____.

¹¹⁹ Santa Clara Re-Entry Network Minutes (Aug. 3, 2011), available at <http://www.sccgov.org/keyboard/attachments/Commission%20Agenda/2011/December%207,%202011/203705017/TMPKeyboard203768858.pdf>.

Santa Clara’s plan identifies two specific places where the County intends to seek partnerships with CBOs: peer, family, and community support; and employment and education support.¹²⁰ The plan specifically envisions two separate programs for community support: one for “Self Help & Peer Support,” as well as a “Faith, Family, and Community Support Service Partnership.”¹²¹ These services are budgeted through the Office of Mental Health, which proposes to use an additional \$ 187,500 in realignment funds to supplement \$ 320,315 that was already budgeted for the program.¹²² For employment training and education, meanwhile, the County budgeted \$ 300,000 with the goal of contracting for community-based treatment to make ex-offenders more employable.¹²³ The plan mentions that employment support “will require a new approach that . . . breaks down silos between County departments . . . [and] creates a synergistic and innovative way to provide these services.”¹²⁴ In conjunction with this goal, the plan mentions the concept of a multi-departmental re-entry center as a gathering place for ex-offenders and CBOs, which could also serve as a meeting place for a multi-agency program run by the County.¹²⁵

The implementation of these plans is still in progress. Although the plan states that Santa Clara County would continue with its “existing contract providers” for the community support partnerships, County COO Gary Graves said these services would be something the County would look to contract for in the future, suggesting a mentoring plan is not, in fact, in place yet.¹²⁶ Related progress has been made by Probation, which has been working to initiate a support group for female ex-offenders under mandatory

¹²⁰ See Graves Memorandum, *supra* note 116, at 8.

¹²¹ *Id.*

¹²² *Id.*

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ Interview with Gary Graves, *supra* note 40.

supervision, to be hosted at the Probation Department and run by a female ex-offender.¹²⁷ Probation is also finalizing a contract for employment education and training programs run by the Center for Training & Careers located in San Jose,¹²⁸ and on December 13, 2011, the County Board of Supervisors granted authority to the Probation Department to enter into a contract with Catholic Charities for vocational, educational, employment, and support services for up to \$ 100,000.¹²⁹ The County is further working with a graduate student at San Jose State University who is facilitating a weekly GED preparation course for ex-offenders under mandatory supervision.¹³⁰ This order of procedure aligns with what County officials see as the top priorities in ex-offender reentry; housing, mental health treatment, employment training, and drug and alcohol treatment rank highest on the county's priority list for services for ex-offenders, while mentoring and other "social supports" are viewed as less immediate needs.¹³¹ This list of priorities generally maps onto what the County hears from offenders are their greatest reentry needs, with the exception that ex-offenders place much less emphasis on drug and alcohol abuse treatment.¹³²

Although it is not mentioned in the plan, the faith community has also been active around reentry in Santa Clara. Two Faith Community Forums were held in the latter months of 2011, with extensive participation from local faith groups and County offices such as Mental Health and Probation, as well as political leaders such as County

¹²⁷ See COUNTY OF SANTA CLARA PUBLIC SAFETY REALIGNMENT PROGRAM MONTHLY STATUS REPORT, OCTOBER 1, 2011-NOVEMBER 1, 2011 [hereinafter OCTOBER STATUS REPORT], *available at* <http://www.sccgov.org/keyboard/attachments/Committee%20Agenda/2011/November%2030,%202011/203707702/TMPKeyboard203752860.pdf>.

¹²⁸ *Id.*; Telephone Interview with Rose Amador, *supra* note 37.

¹²⁹ See BOARD OF SUPERVISORS SUMMARY OF PROCEEDINGS, Dec. 13, 2011, at 16, *available at* http://www.sccgov.org/SCC/docs%2FSCC%20Public%20Portal%2Fattachments%2FBOS%20Summary%2F2011%2FSummary_121311.pdf.

¹³⁰ See October Status Report, *supra* note 127.

¹³¹ Interview with Gary Graves, *supra* note 40.

¹³² *Id.*

Supervisor George Shirakawa.¹³³ A Faith Collaborative Kick-Off Event on January 18, 2011, further extended these efforts by providing a facilitated discussion of how faith groups can support reentry. While many faith groups are smaller and provide less formally-organized reentry efforts than Santa Clara’s CBOs, these groups have the benefit of often being able to provide ex-offenders with more individualized attention and a ready-made community pro-social community for them to join.¹³⁴ Conversely, since these groups reach such a large portion of the population, they are able to have significant sway over their communities to be welcoming to reentering prisoners and assist in reentry efforts.¹³⁵

The Silicon Valley Council of Nonprofits (SVCN) offered its own position paper on realignment and reentry to the County on November 26, 2011.¹³⁶ The group advocates for an expansive use of CBOs and FBOs in the reentry process, and its first recommendation is to “[u]tilize . . . peer mentor and social support programs to act as guides and support systems,”¹³⁷ including “a peer mentor program that includes formerly incarcerated.”¹³⁸ SVCN further urges peer support organizations that involve families, giving the example of Friends Outside¹³⁹—a Stockton-based CBO directing services to families and children of incarcerated individuals, as well as the offenders themselves.¹⁴⁰ The group envisions CBOs as providing employment assessments to help

¹³³ See Faith Community Forum Invitation, *available at* [http://www.sccvote.org/SCC/docs/Supervisor%20George%20Shirakawa%20-%20District%202%20\(BOS\)/attachments/Newsletter%20Links/Faith%20Re-Entry%20Invite.pdf](http://www.sccvote.org/SCC/docs/Supervisor%20George%20Shirakawa%20-%20District%202%20(BOS)/attachments/Newsletter%20Links/Faith%20Re-Entry%20Invite.pdf).

¹³⁴ See Remarks of Pastor Tony Williams, Maranatha Christian Center, Faith Community Forum (Nov. 17, 2011) in San Jose, Cal.

¹³⁵ See Interview with Gary Graves, *supra* note 40.

¹³⁶ See SILICON VALLEY COUNCIL OF NONPROFITS, COMMUNITY REALIGNMENT AND REENTRY POSITION PAPER (Nov. 26, 2011) [hereinafter SVCN POSITION PAPER], *available at* <http://www.sccgov.org/keyboard/attachments/Commission%20Agenda/2011/December%207,%202011/203705017/TMPKeyboard203769067.pdf>.

¹³⁷ *Id.* at 3.

¹³⁸ *Id.* at 7.

¹³⁹ *Id.*

¹⁴⁰ See *About Friends Outside*, FRIENDS OUTSIDE, <http://www.friendsoutside.org/about-friends-outside.htm>.

identify barriers to employment, as well as assisting clients with record expungement and tattoo removal to increase employability.¹⁴¹ In addition to skills training and employment readiness, SVCN offers a broader-based notion of employment services that relate to substance abuse, domestic violence, conflict resolution, and other pro-social skills that support ex-offenders in finding and maintaining jobs.¹⁴² The position paper further calls for community-based case managers for ex-offenders to transition them from County supervision and assessment to the services they need, and for sharing assessments with all who are providing support for reentering clients, such as CBOs and family members.¹⁴³ In regard to the faith-based community, SVCN sees the County providing training and support to these groups to aid their efforts to target recently released prisoners, and to seek out groups that offer “holistic” services.¹⁴⁴ Much of the position paper aligns with steps the County has taken or plans on taking in the future, for instance partnering with CTC for employment training and seeking out mentorship programs, but in general the position paper expands on the services the County is already offering. The disparity is almost assuredly partially due to funding; while the SVCN paper gives no guidance on an appropriate level of funding other than that it should “reflect out commitment to support the continuum of community-based . . . EBP services to address employment, housing, and health services needed for this population,” it does call on the County to review use of its reserve funds immediately.¹⁴⁵ Although the County has dedicated almost one-fourth of its realignment funding to

¹⁴¹ SVCN POSITION PAPER, *supra* note 136, at 3.

¹⁴² *See id.* at 9.

¹⁴³ *Id.* at 7.

¹⁴⁴ *Id.* at 9.

¹⁴⁵ *Id.* at 10.

programs and services,¹⁴⁶ this amount is short of funding all of the programs mentioned in the position paper, and adequate funds to do so could be impossible to come by.

Evaluation of Santa Clara's Efforts

Santa Clara's realignment plan and its implementation efforts through the first four months of the realignment regime demonstrate that the county is taking its rehabilitative mission seriously. The sheer allocation to programs and services—nearly a quarter of its budget—means the county is relying on these measures as an effective way to reduce criminal justice costs and improve safety in the county, and underscores the importance of continuing to evaluate these programs for evidence of effectiveness. The County's approach thus far has shown a seriousness commensurate with its investment, and can be understood through three main features of the plan's use of CBOs and other programs: limited targeting to ensure the competency of contracted groups, decentralized procedures for partnering with CBOs and services, and a wait-and-see approach to full resource allocation designed to maximize the benefit of County funds.

The first tenet of Santa Clara's implementation, limited targeting, refers to the County's efforts to find CBO partners who have demonstrated success at providing the services they are offering as part of the County's realignment efforts. Part of this means limiting what is expected in a partnership to a CBO's proven capacity. It does not mean limiting the services provided to offenders, but it does involve prioritizing services and finding partners capable of providing them. While a number of CBOs will look to obtain realignment contracts by offering a broad base of services, the County remains skeptical of partnering with organizations that are trying to expand out of the core competencies

¹⁴⁶ See Graves Memorandum, *supra* note 116, at Attachment A at 2.

they have demonstrated in the past.¹⁴⁷ In other words, realignment funds are not “opportunity funds” for an outpatient drug treatment center to expand to residential treatment as well. The County has prioritized housing, drug and alcohol treatment, and employment training as primary rehabilitative needs, and has begun contracting accordingly; for example, the County Board of Supervisors ratified three contracts between the Department of Alcohol and Drug Services and treatment providers on November 22, 2011, all set to run through the end of June, 2012.¹⁴⁸ Part of this process involved identifying the County’s own competencies and making use of its resources internally when appropriate; housing is an example of an aspect in which the County is still considering its options.¹⁴⁹

The second feature of Santa Clara’s plan, decentralized partnerships, enables various County agencies to seek out partnerships related to their practice areas. A primary example is the collaboration between the Mental Health Department and the Faith-Based Community, for which six thousand dollars have been allocated to allow the Department to support faith communities’ efforts to help ex-offenders deal with mental health issues.¹⁵⁰ The probation department has also been active in allocating funds for ex-offender needs, such as educational-vocational training and cognitive-behavioral therapy,¹⁵¹ although their efforts are naturally less “targeted” as they are more of a plenary agency for the needs of those returning from a period of incarceration. Allowing

¹⁴⁷ See Interview with Gary Graves, *supra* note 40.

¹⁴⁸ See BOARD OF SUPERVISORS SUMMARY OF PROCEEDINGS, Nov. 22, 2011, at 9, *available at* <http://www.sccgov.org/SCC/docs%2FSCC%20Public%20Portal%2Fattachments%2FBOS%20Summary%2F2011%2FSummary112211.pdf>. The contracts were with Crossroads for treatment in transitional housing (\$40,845), Family and Children Services for outpatient treatment (\$60,000), and Pathway Society, Inc. for residential and transitional housing services (\$368,739). *Id.*

¹⁴⁹ See Interview with Gary Graves, *supra* note 40.

¹⁵⁰ See Remarks of Nancy Pena, Director, Santa Clara County Department of Mental Health, to Santa Clara Faith Community Forum (Nov. 17, 2011), in San Jose, Cal.

¹⁵¹ Interview with Karen Fletcher, Deputy Chief Probation Officer, Santa Clara County, in Stanford, Cal. (Nov. 15, 2011).

these more nuanced partnerships may increase the overall efficacy of partnership with community organizations, as it taps the resources of County officials who are knowledgeable in certain areas to lend their experience and oversight to forging partnerships.

The final distinctive aspect of Santa Clara's partnership efforts has been its strategic decision to hold back some its funds for ongoing evaluation of their best use. Some key aspects of Santa Clara's plan, such as the reception center and its partnership to provide mentoring/pro-social support, are yet to be put into practice. The County is open about coming from a place of limited information and wanting to see how the results of its initial efforts before allocating the full allotment of its AB 109 resources.¹⁵² The County also says it is willing to pull back unused portions of any allocation it makes and re-deploy the funds.¹⁵³ Flexibility underlies all of the County's moves.¹⁵⁴

While these implementation tenets are advantageous in several ways, one clear need is to ensure interdepartmental communication and coordination in realignment efforts. Certain services seem to be repeated through more than one county-community partnership, even as the County is still attempting to launch its full array of services as designed in the realignment plan. The County's monthly status report for October notes that at the same time the Probation Department has contracted with CTC for educational and vocational programs, it is running its own GED preparation course.¹⁵⁵ CTC's leadership notes that they are able to provide the same service as part of their contract with the County.¹⁵⁶ Similarly, County departments must remember not to call

¹⁵² Interview with Gary Graves, *supra* note 40.

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ See OCTOBER STATUS REPORT, *supra* note 127, at 9.

¹⁵⁶ Telephone Interview with Rose Amador, *supra* note 37.

on CBOs for more than they are capable of providing; CTC states that part of their original contract negotiations with the County involved services like tattoo removal, which the organization pushed back on because it knew it was unable to provide them.¹⁵⁷ Ultimately, the County might consider appointing a point person for CBO relationships who can consider all potential partnerships to ensure there is no unnecessary duplication of services, evaluating whether each community organization at issue is well-matched for its task. Such a person could also be responsible for seeking out services that are not available as part of existing contracts, and suggesting reallocation of services that may be more successful under another guise—for example, the Probation Department’s women’s support group, which is a worthy idea but may benefit from being hosted somewhere less formal than the Parole Department. The formation of the Re-Entry Network may be a step toward this goal, but it will need to be observed over the coming months to evaluate if it is filling this role effectively.

The County may also want to focus on defining the role of the Faith-Based Community in the reentry process. While departments like Mental Health clearly envision a concrete role for FBOs and faith communities,¹⁵⁸ other County officials have admittedly a less clear picture of what the role of the faith community will be.¹⁵⁹ The substantial attendance of county officials at the Faith Community Forums represents a solid first step toward ensuring a role, but the County should decide whether it wants to partner with the faith community on an ad hoc basis, or find some formal role that lends itself to a more stable and definite partnership. Given the volume of pressures on the County at the moment, it might be better served through informal partnerships via its

¹⁵⁷ *Id.*

¹⁵⁸ *See* Remarks of Nancy Pena, *supra* note 150.

¹⁵⁹ *See* Interview with Gary Graves, *supra* note 40.

various departments rather than formal partnerships for provision of specific services. For example, Probation or the Department of Alcohol and Drug Services could refer interested clients to FBOs, and the FBOs could in turn work with these ex-offenders to ensure County agencies are providing for these individuals' needs. This approach maintains the County's level of collaboration with the active FBO community while maintaining resource flexibility.

Conclusion

Realignment is in its infancy. This research provides a snapshot of the CBO partnership process in one county, four months into its implementation. Further studies will be a necessity as realignment comes to its full fruition, and as counties adapt to the new reality that confronts them. In Santa Clara, this process will surely take the entire year and likely more, and a view of CBO involvement in October 2012, as well as the County's partnership plans for the second year, will likely look significantly different than they do today. Future research could also consider this process from various perspectives, especially ex-offenders themselves, as well as members of the various CBOs and FBOs in the County, and the on-the-ground employees of County departments involved in the process, such as Probation or Mental Health. Of course, a study that encompasses the comparative use of CBOs in various counties and learns from this aggregate experience would surely be of great value as well.

Despite this limited perspective, the current landscape offers hope for the role of CBOs in providing evidence-based practices under realignment. Viewing A.B. 109's invocation of evidence-based practices as an opportunity to offer promising rehabilitation models rather than a prescriptive command to use certain programs, counties have ample opportunity and incentive to partner with CBOs to provide services underwritten by research but not necessarily based on any one model. Employment training and mentoring programs are examples of programs where CBOs may have particular competency, and the research done on each allows counties to identify promising practices that can translate to decreased recidivism. These programs should

by no means be viewed as the only potential uses of CBOs, but may rank as higher-priority for many counties.

Santa Clara County has proven committed to tapping the Bay Area's ample community-based resources as part of its realignment implementation. The basic principles the county employs—ensuring groups are within their competencies, decentralizing partnerships with various County agencies, and holding a reserve fund—could serve as a model for any county in the state. If the County continues to improve coordination among its various agencies and remains committed to continuously reexamining its community partnerships, CBOs could play a significant and fruitful role in the County's reentry efforts for the foreseeable future.

Appendix A

Community Corrections Partnership Members Per California Penal Code § 1230(b)(2)

(* Denotes Executive Committee Member Required by Statute)
(** Denotes Executive Committee Member in Santa Clara County)

Statute-Mandated Position	Santa Clara Official
Chief Probation Officer* (Deputy Chief Probation Officer)	Sheila Mitchell (Chair)** Karen Fletcher**
Presiding Judge of the Superior Court, or His/Her Designee*	Richard Loftus, Jr.**
County Supervisor, Chief Administrative Officer for the County, or a Designee of the County Board of Supervisors	Gary Graves (Chief Operating Officer)
District Attorney*	Jeff Rosen**
Public Defender*	Mary Greenwood**
Sheriff*	Laurie Smith**
Chief of Police*	Kevin Kyle**
Head of County Department of Social Services(*)	Gina Sessions**
Head of County Department of Mental Health(*)	Nancy Pena**
Head of County Department of Employment	n/a
Head of County Alcohol and Substance Abuse Programs(*)	Bob Garner**
Head of County Office of Education	Charles Weis
Representative of Community-Based Organization with Experience in Successfully Providing Rehabilitative Services to Persons Convicted of a Criminal Offense	Rose Amador (President and CEO, Center for Training and Careers) Erin O'Brien (CEO/Director, Community Solutions)
Representative of the Interests of Victims	David Tran (Director, Victim Witness Assistance Program)

The Executive Committee must contain a representative of the Department of Mental Health, the Department of Social Services, or the Department of Alcohol and Substance Abuse Programs, as appointed by the County Board of Supervisors. Santa Clara County has included representatives from all three committees.