

CALIFORNIA PAROLEE REENTRY COURTS

Executive Summary

The California Legislature allocated \$10 million in American Recovery and Reinvestment Act of 2009 State Justice Assistance Grant monies for a pilot project to establish or enhance six parolee reentry courts. The pilot project was created, in part, to address the high revocation rates of California's parolees. The reentry court programs provide an alternative to prison for parole violators with a history of substance abuse and/or mental illness. The Legislature has charged the Administrative Office of the Courts (AOC), in cooperation with the California Department of Corrections and Rehabilitation (CDCR), with evaluating California's reentry courts and assessing their impact on recidivism.

Reentry courts are based on the collaborative justice court model that combines treatment with on-going judicial monitoring and intensive supervision. Every reentry court consists of a team, led by a judge, that usually includes a defense attorney, a prosecutor, a parole agent, a probation officer, and treatment staff or case managers. Reentry court participants are assessed for both their risk to re-offend and their need for treatment services. Participants attend regularly scheduled court sessions to speak with the judge about their progress. Judges use graduated sanctions and incentives to encourage participant success. Programs are typically one year in length, and upon successful completion the participant is often recommended for early discharge from parole.

The reentry pilot courts began operation between October 2010 and January 2011. As of September 30, 2012, a total of 1100 parolees had entered one of the six reentry court pilot programs.¹ The reentry courts specifically target high-risk and high-need parolees. Reentry court participants enter the programs with many compounding challenges such as homelessness, substance abuse, and mental health problems, and most enter the program unemployed and with very low-incomes. According to the California Static Risk Assessment Tool, an actuarial tool used by CDCR to assess parolees' risk of felony reconviction, 77 percent of reentry court participants are at high risk for recidivating.

Although reentry courts focus on high-risk and high-need parolees, preliminary outcome analyses are promising. Forty-six percent of inmates released from prison return within the first year. By comparison, only thirty-one percent of reentry court participants were returned to prison within the first year following entry into a reentry court program.² Reentry court participants also made significant gains in attaining housing, education, and employment.

Project Background

In 2009, the California Legislature allocated \$10 million in American Recovery and Reinvestment Act State Justice Assistance Grant monies for a pilot project that established or enhanced parolee reentry courts in six counties: Alameda, Los Angeles, San Diego, San Francisco, San Joaquin, and Santa Clara.

Reentry court programs are designed to prevent parole violators with a history of substance abuse and/or mental illness from returning to prison by providing enhanced services and supervision. For reentry court participants, jurisdictional responsibility is shifted from the California Department of Corrections and Rehabilitation (CDCR) to the pilot courts. Although program models differ among the courts, all reentry courts are modeled after drug courts, which have been shown to reduce recidivism and are also associated with cost savings.³

This report provides information on how reentry courts work, and on California's parolee recidivism problem that was a factor in the creation of reentry courts. It includes a description of California's parolee population as well as the population served by reentry courts, and discusses findings regarding recidivism and access to housing and other important social support outcomes. The report concludes with a description of promising practices used in the reentry court programs, and lessons learned.

How Reentry Courts Work

Although there are many differences in the way each pilot reentry court program operates, the following program components are true for all programs:

- Reentry courts serve parolees who have committed a parole violation and have a history of substance abuse and/or mental illness. Many reentry courts now also accept offenders on Post Release Community Supervision; one court also accepts offenders on Mandatory Supervision.⁴
- Every reentry court consists of an interdisciplinary team led by a judge. Most teams include a defense attorney, a prosecutor, a parole officer, a probation officer, and treatment staff or case managers.
- Reentry court participants are assessed for their risk of reoffending and for their treatment needs. Treatment and community supervision plans are created based on the information obtained from these assessments.
- Participants attend regularly scheduled court sessions, usually one to four times a month, to discuss their adherence to their supervision/treatment plans and other program requirements.
- Graduated sanctions, such as admonishments, increased frequency of court sessions, and jail sanctions, are used to respond to noncompliant behaviors. Incentives, such as verbal praise, reduced frequency of court hearings, and transportation or food vouchers, are used to reward and encourage participants' progress.
- Participants remain in the program and receive case management, substance abuse and mental health treatment, and other services for approximately 12 months. Once parolees

successfully complete the program, reentry courts often recommend their early discharge from parole.

California's Recidivism Crisis

The California Department of Corrections and Rehabilitation (CDCR) supervises a large number of parolees. As of November 30, 2012, the active parole population statewide was 67,415.⁵ A 2012 CDCR report found that almost two-thirds of released offenders are returned to prison within three years of their release.⁶ Of those who recidivate, 47 percent do so within the first six months of release from prison, and 75% do so within the first year. Such high recidivism rates are costly; in 2010–2011, the average annual imprisonment cost per California inmate was \$45,006.⁷

**64% of released prisoners return to prison within three years—
47% of those who return are reincarcerated within the first six months.**

California's Parole Population⁸

Many parolees in California struggle with substance abuse and mental health issues. Seventy-two percent of offenders released from prison have substance abuse problems and 32 percent were originally committed to prison for drug-related offenses.⁹ Approximately 16 percent of released prisoners had significant mental health issues.¹⁰ Parolees with mental health issues are more likely than other parolees to face revocation, with a 70 percent higher risk of committing technical violations and a 36 percent higher risk of committing all types of parole violations.¹¹ Seventy-seven percent of those classified as having the highest level of mental health needs while in prison return within 3 years after release.¹²

**Released offenders:
72% have substance abuse needs
16% have mental health issues
10-50% are homeless (depending on city)**

Parolees often lack basic resources, such as stable housing and employment, which aid in successful community reentry. CDCR reports that at any given time, 10 percent of the state's parolees are homeless. In major urban areas such as San Francisco and Los Angeles, the percentage of parolees who are homeless ranges from 30 to 50 percent.¹³ Many parolees also lack the basic skills necessary for getting a job, and many employers are reluctant to hire an applicant with a serious criminal history, which makes finding work all the more difficult for parolees.¹⁴

Participants in California Reentry Courts¹⁵

The reentry pilot courts began operation between October 2010 and January 2011. As of September 30, 2012, a total of 1,100 parolees had entered one of the six reentry court pilot programs. Since the second quarter of 2011, the active combined caseload of all programs has

remained at slightly more than 400, with an average of 129 newly enrolled participants each quarter.

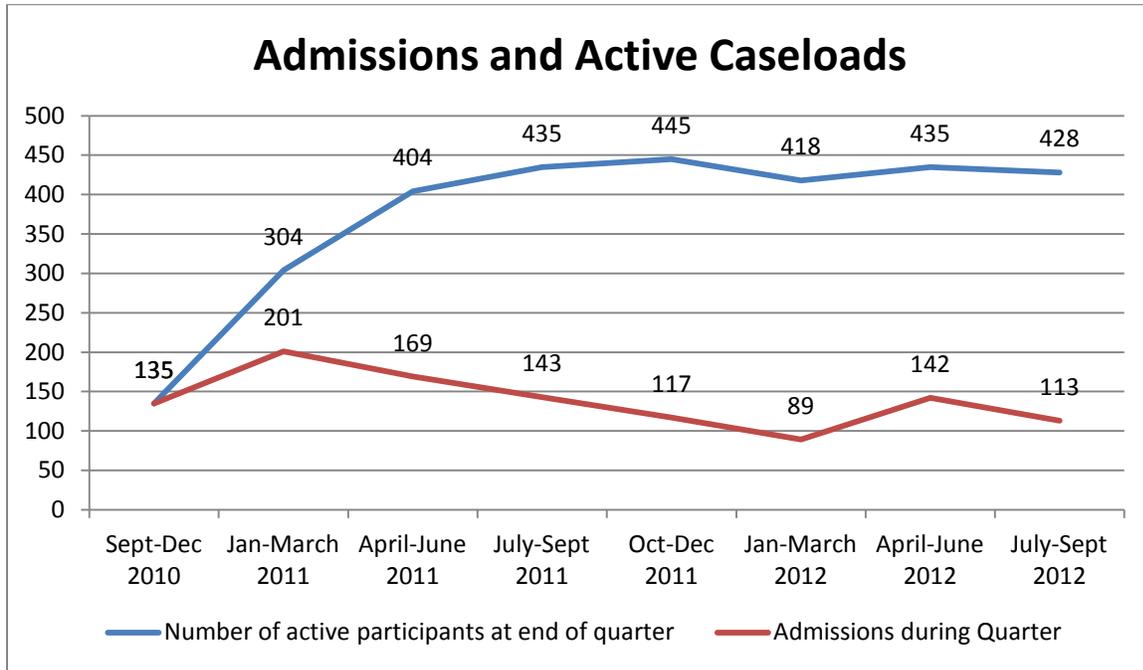


Figure 1. Source: Pilot court data collected by AOC.

Seventeen percent of participants were referred to the program for having committed new felonies and 83 percent were referred by a parole agent in response to a parole violation. Reentry court participants were predominantly male (81 percent), and slightly less than half (43 percent) were African American. Participants had a mean age of 38.

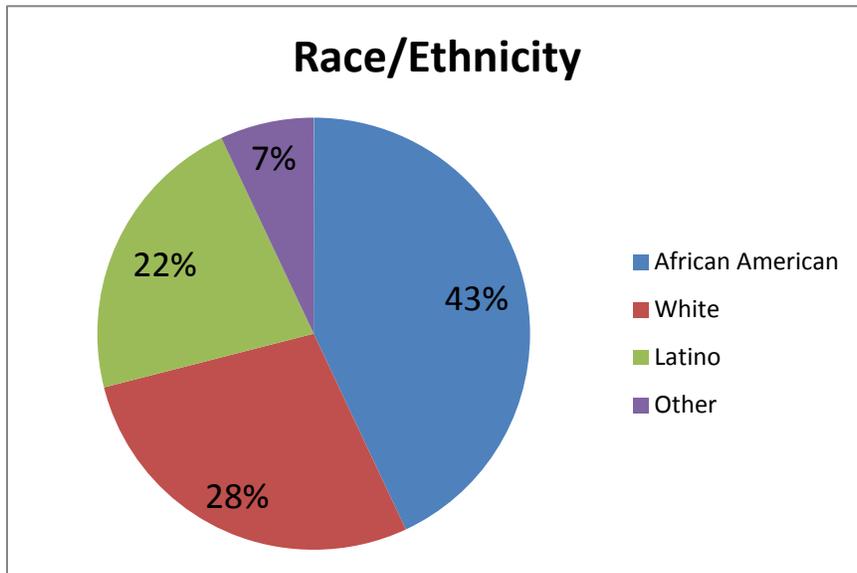


Figure 2. Source: Pilot court data collected by AOC.

According to mental health assessments and participants' self-reports, approximately 38 percent have a mental health disorder.¹⁶ Twenty percent of participants had been given a mental health classification while in prison, which is determined by the level of mental health services accessed while incarcerated.¹⁷ Virtually all reentry court participants

(99 percent) had substance abuse needs and over half (54 percent) had used drugs for 20 or more years. The highest percentage of reentry court participants (43%) used methamphetamines as their primary drug.

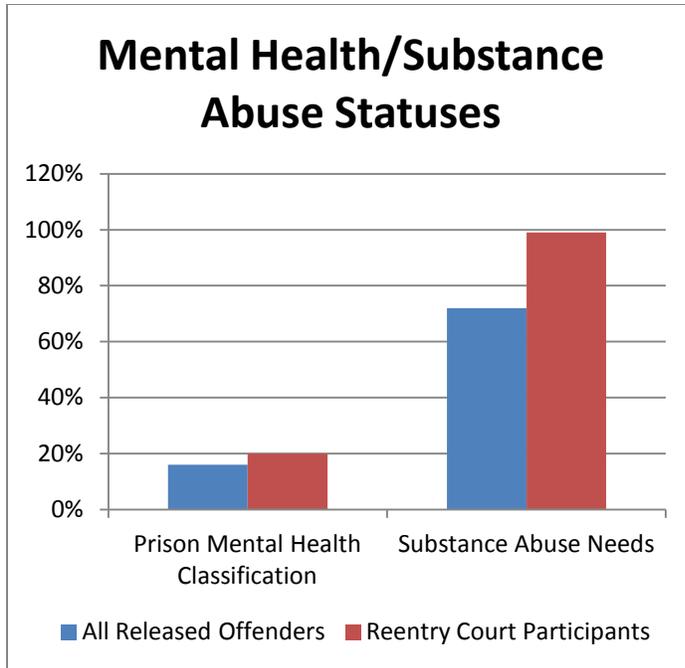


Figure 3. Source: Reentry court participant data collected by AOC. All released offender data taken from Cal. Dept. of Corrections & Rehab., 2012 Outcome Evaluation Report (Oct. 2011).

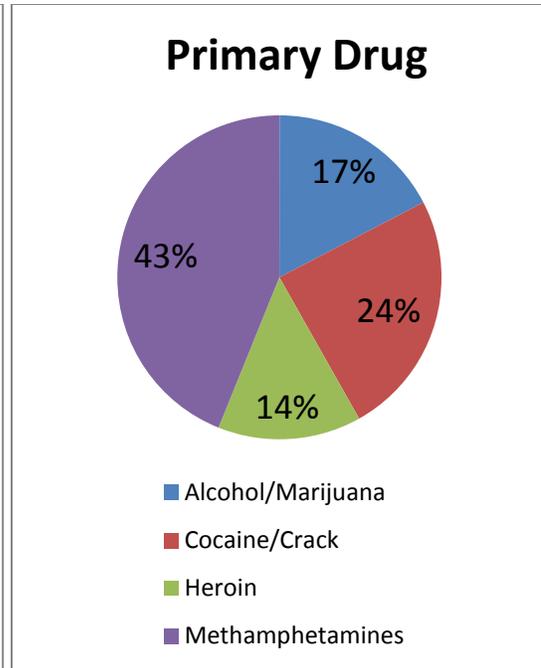


Figure 4. Source: Pilot court data collected by AOC.

The majority of reentry court participants lacked stable housing when they entered the program, with 20 percent residing in homeless shelters. Thirty-nine percent entered the program without having graduated high school. Most (86 percent) reentry court participants were unemployed or otherwise impoverished when they entered the program, with 43 percent of participants relying on public aid as their primary source of income and 67 percent having monthly incomes of less than \$500.

Reentry courts serve parolees with high-needs

At program entry:

- 20% were homeless
- 39% did not have a GED or high school diploma
- 86% were unemployed
- 67% had a monthly income of less than \$500

Reentry court participants often have serious criminal records and a high risk for recidivating. Approximately 43 percent of current reentry court participants had previously committed a violent or serious felony offense.¹⁸ According to the California Static Risk Assessment Tool, an actuarial tool used by CDCR to assess parolees' risk of felony reconviction, 77 percent of reentry

court participants were at high risk for recidivating when they entered the reentry court program. In 2012, CDCR reported that 54 percent of offenders released from prison were at high risk for felony reconviction.¹⁹ As indicated in Figures 5 and 6, the reentry court participant population consists of a far greater proportion of high risk offenders (77 percent) than the population of all offenders released from prison (54 percent).²⁰ Ninety percent of reentry court participants are assessed as high or medium risk.

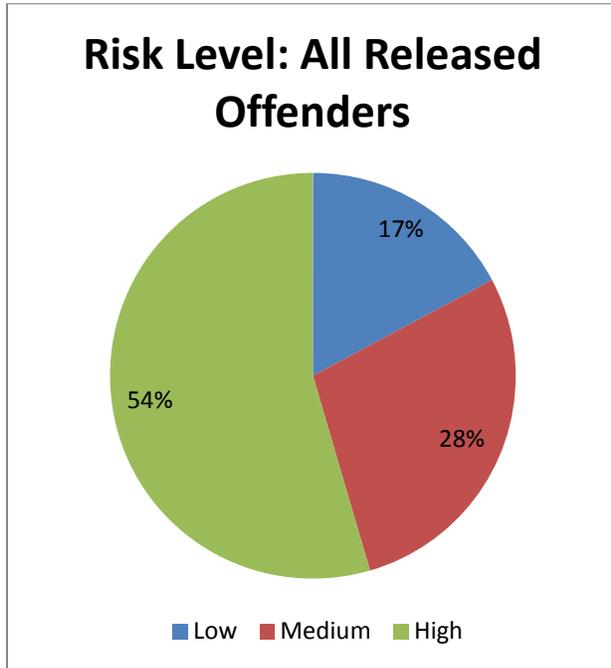


Figure 5. Source: Cal. Dept. of Corrections & Rehab., 2012 Outcome Evaluation Report (Oct. 2011)

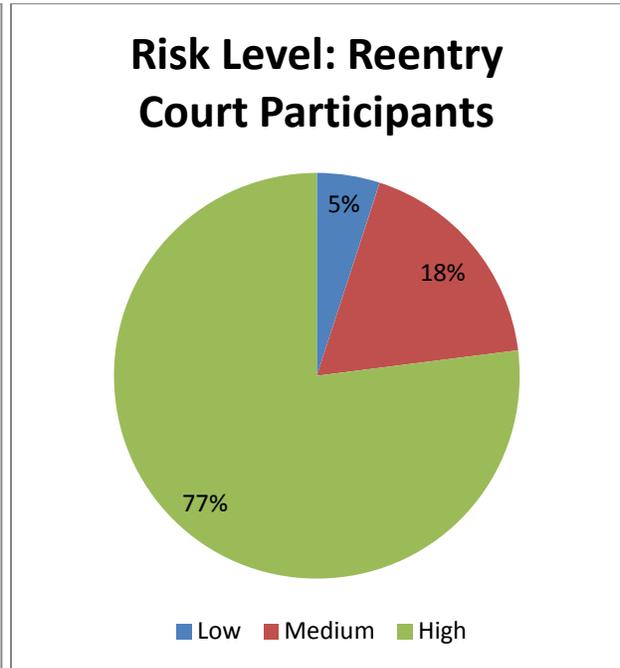


Figure 6. Source: Pilot court data collected by AOC.

Encouraging Outcomes

Thirty-one percent of reentry court participants were returned to prison within the first year from program entry (24 percent were returned on a violation and 7 percent on a new charge).²¹ By comparison, 46 percent of all offenders released from prison were returned within the first year.^{22 23} (Recidivism rates for the general released population are calculated for the year after the individual was released from prison; the rates for reentry court participants are for the year following entry into the reentry court program.)

Because the cohort of released offenders is not a matched comparison group, further study is necessary before drawing any final conclusions regarding the reentry court program. It is encouraging to note, however, that despite the fact that reentry court participants were in violation status when they entered the reentry court program and had higher risks and needs overall than the general population released from prison, there is evidence to suggest that their return to prison rate may be significantly lower.²⁴

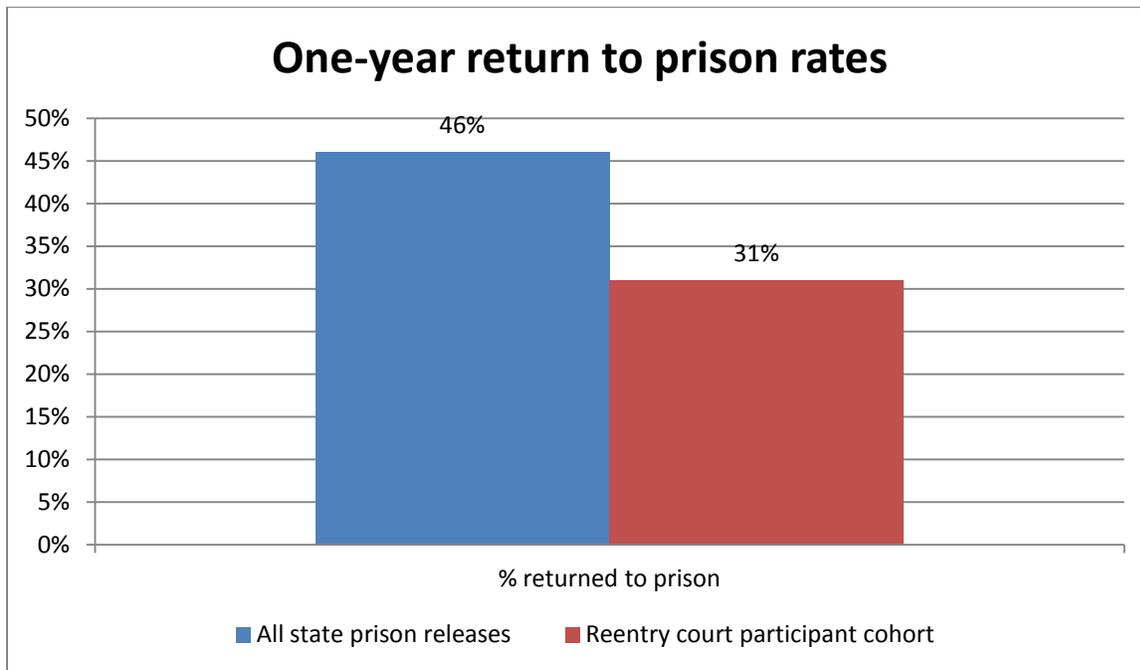


Figure 7. Source: Reentry court participant data collected from pilot courts by the AOC. Revocation data for all state prison releases taken from Cal. Dept. of Corrections & Rehab., 2012 Outcome Evaluation Report (Oct. 2011).

Reentry Court Graduates

Analyses on a cohort of reentry court participants reveal that the graduation rate is approximately 33 percent and of those who had not yet graduated, 14 percent are still successfully active in the program. Results for graduates are encouraging. Only 12% of graduates were returned to prison within the first year after entering the reentry court.

Ninety-seven percent of graduates who were homeless at program entry had obtained housing by the time they exited the reentry court program and thirty percent obtained permanent housing. Thirty eight percent of all graduates who were unemployed at program entry had obtained employment by the time they exited the reentry court program. Twenty percent of graduates obtained a higher level of education.

Graduates secured critical resources upon program exit

- Of those homeless at program entry, 97% secured housing
- 30% obtained permanent housing
- Of those unemployed at program entry, 38% secured employment
- 20% obtained a higher level of education

Promising Practices

In addition to collecting quantitative data from the courts, AOC staff also conducted informational interviews with team members from each of the reentry courts. Interviews were conducted to obtain contextual information detailing the ways each program operates and the practices they believe to be essential for successful outcomes. The reentry court programs identified the following as promising practices that contribute to desired outcomes:

- Emphasizing direct interaction between the judge and the participant. Verbal praise and encouragement from the reentry court judge are important positive reinforcements that help motivate participants to engage in treatment and other services and to comply with court orders.
- Reaffirming judicial supervision and involvement in participant's treatment by having the judge routinely visit treatment facilities (both residential and outpatient), sit in on group and interact with participants outside of the courtroom.
- Maintaining consistent communication among the reentry court team so that all members stay apprised of participants' recent activity.
- Ensuring a smooth transition from jail to the appropriate treatment provider, particularly for participants with mental health needs, by transporting participants directly to the treatment provider on release, and gathering participants' medical records, prescriptions, and a small supply of any prescribed psychiatric medications to take along. Coordinating with parole outpatient clinics (POCs) and other treatment providers helps avoid the disruption of participants' medication schedules.
- Providing cognitive behavioral therapy and addressing participants' criminogenic risk factors.
- Providing evidence-based trauma-informed treatment because many offenders have histories of trauma.
- Involving program graduates as mentors for current participants.

Lessons Learned/Recommendations

At the time of this report the reentry courts have been operating for approximately two years. During interviews with reentry court team members, AOC staff gathered information about lessons learned thus far and recommendations for other courts interested in implementing reentry court programs. These lessons learned and recommendations appear below.

- Provide substantial time for program planning and fully develop the program before accepting participants. The following areas should be addressed during program planning and implementation:
 - Establishment of the reentry court team with documented roles and responsibilities
 - Agreement among team members on program mission, goals, and objectives

- Identification of target population and clearly defined eligibility criteria and referral processes
 - Determination of program policies, including program phases, graduated sanctions and incentives, and requirements for program graduation
 - Finalizing memorandums of understanding (MOUs) or other agreements with service providers
 - Development of systems for tracking program data
- Include multidisciplinary cross-training for all team members in order to develop a consistent approach to working with participants.
 - Establish a target population for the program and clearly communicate eligibility requirements to all possible referral sources.
 - Target high-risk offenders for participation in reentry court programming.
 - Assess participants' criminogenic risks and treatment needs and tailor program requirements and services to participants' risks and needs.
 - Identify a mental health liaison to facilitate communication between the court and mental health providers regarding participants' mental health needs and participation in services.
 - Provide evidence-based services, or contract out to agencies that provide such services.
 - Track program data to measure if the program is meeting its goals. Share data with team members and use data to inform decisions and modify program practices.

CONCLUSION

The pilot reentry court programs have been operating for approximately two years and appear to have encouraging outcomes. Reentry court participants, the majority of whom are at high risk of reoffending, enter the programs with many compounding challenges such as homelessness, substance abuse, and mental health problems, as well as being unemployed and having very low-incomes.

Although reentry courts focus on these high-risk/high-need parolees, preliminary outcome analyses show that only thirty-one percent of reentry court participants were returned to prison within the first year following entry into a reentry court program. Reentry court participants also made significant gains in attaining housing, education, and employment. Reentry court programs have developed a number of promising practices that can be adapted by future parolee reentry courts.

NOTES

1. The reentry court participant data in this section were collected by the AOC from the pilot court programs between October 2010 and September 2012.
2. Revocation analyses were conducted on a cohort of reentry court participants who entered the program during the first year of operation.
3. U.S. Govt. Accountability Office, *Adult Drug Courts: Studies Show Courts Reduce Recidivism, but DOJ Could Enhance Future Performance Measure Revision Efforts*, Publication No. GAO-12-53 (Dec. 2011), <http://www.gao.gov/products/GAO-12-53> (as of March 8, 2012).
4. In 2011, the California Legislature enacted a number of bills that shifted responsibility for managing certain categories of offenders from the state to the county. Prison inmates with nonserious and nonviolent commitment offenses who are released from prison are now the responsibility of county probation departments, as opposed to state parole, with a supervision status known as postrelease community supervision (PRCS). In addition, fewer felony offenses are now punishable by commitment to state prison. Offenders who commit felonies that are not eligible for commitment to prison may be sentenced to a mandatory period of supervision by county probation, called Mandatory Supervision.
5. Cal. Dept. of Corrections & Rehab., *Parole Counts for Parole Statuses (Parolee, PAL, PRTC, PENDREV) by Parole Region and Units for November 30, 2012* (Dec. 5, 2012), http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Monthly/PAROLE/PAROLEd1211.pdf (as of December 6, 2012).
6. Cal. Dept. of Corrections & Rehab., *2012 Outcome Evaluation Report* (Oct. 2011), http://www.cdcr.ca.gov/Adult_Research_Branch/Research_Documents/ARB_FY_0708_Recidivism_Report_10.23.12.pdf (as of December 5, 2012).
7. Cal. Dept. of Corrections & Rehab., *Corrections: Year at a Glance (Annual Rpt.—Fall 2011)*, www.cdcr.ca.gov/News/docs/2011_Annual_Report_FINAL.pdf (as of March 8, 2012).
8. Demographics listed in this section were taken from a CDCR outcome report, which reports data on those released to parole as well as those directly discharged. However, discharges make up a small percentage of this cohort – approximately 2%. (Percent estimated from 2011 Cal. Dept. of Corrections & Rehab Annual Report). Cal. Dept. of Corrections & Rehab., *supra* note 7.
9. Cal. Dept. of Corrections & Rehab., *supra* note 6.
10. Cal. Dept. of Corrections & Rehab., *supra* note 6.
11. R. Grattet, J. Petersilia & Lin, *Parole Violations and Revocations in California* (Oct. 2008) Natl. Inst. of Justice, Washington, DC, www.ncjrs.gov/pdffiles1/nij/grants/224521.pdf (as of January 8, 2013).
12. Cal. Dept. of Corrections & Rehab., *supra* note 6.
13. Cal. Dept. of Corrections & Rehab., *Prevention Parolee Failure Program: An Evaluation* (Rpt. to the Cal. Legislature—Apr. 1997).
14. H. Holtzer, S. Raphael, & M. Stoll, “How willing are employers to hire ex-offenders?” (2004) 23(2) *Focus*, <http://www.irp.wisc.edu/publications/focus/pdfs/foc232h.pdf> (as of January 8, 2013).
15. All reentry court participant statistics in this section reflect data collected by the AOC from the pilot programs between October 2010 and September 2012.
16. Some reentry courts used mental health assessments whereas others gathered this information from client self reports. This number is likely an underestimate because of a lag between mental health assessment and data collection.
17. CDCR mental health classifications are not based on mental health diagnoses, but rather on the level of mental health services accessed while in prison.
18. Serious and violent felony convictions as defined by Penal Code sections 1192.7(c) and 667.5(c); prior conviction data were received from CDCR.
19. Cal. Dept. of Corrections & Rehab., *supra* note 6.

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20. For more on how risk levels are calculated, see Development of the California Static Risk Assessment Instrument (CSRA), a report from the Center for Evidence-Based Corrections, University of California, Irvine, at http://ucicorrections.seweb.uci.edu/sites/ucicorrections.seweb.uci.edu/files/CSRA%20Working%20Paper_0.pdf.
 21. Individual-level prison return data provided by CDCR and analyzed by AOC research analysts. Revocation analyses were conducted on a cohort of reentry court participants who entered the program during the first year of operation.
 22. Cal. Dept. of Corrections & Rehab., supra note 6. This percent is an average of revocation rates from fiscal years 2005/2006 to 2009/2010.
 23. The one-year recidivism rates for parolees released after serving a prison term for a parole violation was much higher – 60 percent (Cal. Dept. of Corrections & Rehab., supra note 6). At the time of this report the AOC did not have data on the recidivism rates for reentry court participants who were re-releases.
 24. The AOC secured additional grant funding in order to expand the scope of the evaluation and to be able to perform more robust analyses using a comparison group.