

Chubb
City Attorney

OAKLAND CITY COUNCIL

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2004 MAY 26 AM 10:15

RESOLUTION No. _____ C.M.S.

RESOLUTION DECLARING THE CITY OF OAKLAND'S SUPPORT OF ASSEMBLY BILL-2815 WHICH WILL PROVIDE THREE PILOT COUNTIES WITH PRE-RELEASE PAROLE PLANS FOR EACH PAROLEE RELEASED INTO THOSE COUNTIES NINETY (90) DAYS PRIOR TO RELEASE

WHEREAS, it has been reported that there are an estimated 3,000 parolees and 7,000 probationers in Oakland at any one time; and

WHEREAS, there are approximately 50 probation officers assigned to the City of Oakland who are responsible for supervising these estimated 10,000 adult probationers and parolees; and

WHEREAS, Alameda County is to be considered as one of the pilot program counties; and

WHEREAS, enactment of this bill would build on the City of Oakland's ongoing efforts to strengthen the working partnership between the California Department of Corrections' (CDC) Parole Division; and

WHEREAS, the provisions of this bill are in keeping with the tenets of Phase III - "Enhancing the Effectiveness of Probation in Oakland," of the Police Department's Violence Reduction Plan; now, therefore, be it

RESOLVED, that the City of Oakland declares its support for AB-2815; and be it

FURTHER RESOLVED, that the City Council directs the City Administrator and the City's legislative lobbyist to advocate for the above position in the State Legislature.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

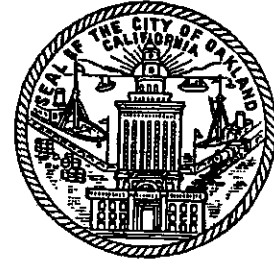
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RULES & LEGISLATION
CMTE JUN 10 2004

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2004 MAY 26 AM 10:15

CITY OF OAKLAND BILL ANALYSIS



Date:

Bill Number: AB 2815

Bill Author: L. Hancock, (D-East Bay area), District 14

DEPARTMENT INFORMATION

Contact: William Roy Uber

Department: Oakland Police Department, Admin & Tech Services Division

Telephone: 510.238.6792 **FAX #** 510.238.7490 **E-mail:** wuber@oaklandnet.com

RECOMMENDED POSITION: (SUPPORT, SUPPORT IF AMENDED, NEUTRAL, WATCH, OPPOSE, NOT RELEVANT)

Support.

Summary of the Bill

Directs the Department of Corrections (DOC) to establish three pilot programs, counties to be selected (Alameda County is specifically named as one to be considered), to assist parolees in their successful reintegration in the community upon their discharge from prison. The bill would also require the DOC to complete a report evaluating the usefulness of providing local law enforcement agencies with the parole plans. The report will cover such topics as the effectiveness of assistance received from local community-based organizations, local government, and other service providers for drug and alcohol abuse treatment, cognitive skills development, education, job skills, victim impact awareness, anger management, family counseling, vocational training, placement in affordable housing and employment opportunities. The report would be due to the Senate and Assembly Public Safety Committees no later than January 1, 2007.

Positive Factors for Oakland

The re-entry and eventual reintegration of parolees into the larger community is both a humane and cost-effective social policy goal. The City of Oakland confronts an extremely serious and, at times, seemingly intractable violent crime problem with static or diminishing law enforcement and social welfare resources, along with bleak prospects for expanding these resources significantly in the foreseeable future.

The proposed legislation by Assembly Member Hancock strengthens the working partnership between State Parole and local law enforcement. It would enhance the supervision of offenders generally, and when coupled with existing parole programs already underway in Oakland, enable

prompt intervention and promote regular participation in rehabilitation programs. The achievement of these objectives should also improve the effectiveness of the parole system overall, thereby reducing revocation rates in the long run.

Negative Factors for Oakland

None identified.

PLEASE RATE THE EFFECT OF THIS MEASURE ON THE CITY OF OAKLAND:

- Critical** (top priority for City lobbyist, city position required ASAP)
 Very Important (priority for City lobbyist, city position necessary)
 Somewhat Important (City position desirable if time and resources are available)
 Minimal or **None** (do not review with City Council, position not required)

Known support:

None on file.

Known Opposition:

None on file.

Is state/federal legislative committee analysis available? (If yes, see attached)

Yes.

AMENDED IN ASSEMBLY MARCH 24, 2004

CALIFORNIA LEGISLATURE—2003-04 REGULAR SESSION

ASSEMBLY BILL

No. 2815

Introduced by Assembly Member Hancock

February 20, 2004

An act to amend Section 3054 of add Section 3055 to the Penal Code, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

AB 2815, as amended, Hancock. Prisoners.

Existing law establishes various programs for parolees.

This bill would direct the Department of Corrections to establish 3 pilot programs in counties to be selected for parolees to assist in the successful reintegration of those parolees into the community upon release or discharge from prison. The bill would also require the department to complete a report evaluating the usefulness of providing local law enforcement agencies with the parole plans, as specified, and would be due to the Senate and Assembly Public Safety Committees no later than January 1, 2007.

Existing law requires the Department of Corrections to establish 3 pilot programs that provide intensive training and counseling programs for female parolees to assist in the successful reintegration of those parolees into the community upon release or discharge from prison and after completion of in-prison therapeutic community substance abuse treatment programs.

This bill would remove restriction that the programs apply only to female parolees, and the requirement for completion of a substance abuse treatment program. The bill would require the department to

AB 2815

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~~complete a report evaluating the cost-effectiveness of the pilot programs in regard to the effect of the programs on the recidivism of participating offenders compared with a comparable nonparticipating group of offenders and on the employment of offenders and the welfare dependency of an offender's family. The bill would require that the report would be provided to the Governor and the Chairperson of the Joint Legislative Budget Committee and the chairpersons of the fiscal committees of both houses of the Legislature by January 1, 2006.~~

~~The bill would declare the intent of the Legislature.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1.~~ It is the intent of the Legislature to reduce
- 2 ~~SECTION 1.~~ Section 3055 is added to the Penal Code, to
- 3 read:
- 4 3055. (a) (1) The Department of Corrections shall establish
- 5 three pilot programs for parolees to assist in the successful
- 6 reintegration of those parolees into the community upon release or
- 7 discharge from prison.
- 8 (2) The Director of Corrections shall determine the counties in
- 9 which the pilot programs are established, and shall consider
- 10 Alameda County as one of those counties.
- 11 (b) (1) The services offered in the pilot programs shall include
- 12 providing copies of the prerelease parole plan for each parolee to
- 13 be released into the three counties selected by the director.
- 14 (2) Each plan shall be provided to the respective county 90 days
- 15 prior to a parolee's release into that county.
- 16 (3) Each plan shall be provided to the respective county sheriff.
- 17 The county sheriff may provide the plans to the appropriate local
- 18 law enforcement agencies.
- 19 (4) The department, with the assistance of an independent
- 20 consultant with expertise in criminal justice programs, shall
- 21 complete a report evaluating the usefulness of providing local law
- 22 enforcement agencies with the parole plans. The report shall
- 23 evaluate the pilot programs in regard to the effectiveness of
- 24 parolees receiving assistance from community based
- 25 organizations, local government or other service providers for
- 26 drug and alcohol abuse treatment, cognitive skills development,

1 education, job skills, victim impact awareness, anger
 2 management, family reunification, counseling, vocational
 3 training and support, residential care and placement in affordable
 4 housing and employment opportunities. The report shall be
 5 provided to the Senate and Assembly Public Safety Committees no
 6 later than January 1, 2007.

7 violent crime rates and recidivism by helping localities navigate
 8 the complex field of existing state and federal resources and to
 9 assist them in accessing, redeploying, and leveraging these
 10 resources to support all components of a comprehensive reentry
 11 program.

12 It is also the intent of the Legislature to assist localities in
 13 developing effective and appropriate assessment instruments,
 14 infrastructures, and resources to develop model reentry programs
 15 that begin in the Department of Corrections and the Department
 16 of the Youth Authority institutions, and continue throughout the
 17 offender's transition to and stabilization in the community. The
 18 state and local collaboration established by this section may be
 19 used to assist localities in the development and implementation of
 20 reentry plans that address the issues that will impact an offender's
 21 opportunity to make a successful transition to the community.
 22 These include, but are not limited to, employment, substance
 23 abuse and mental health counseling services, housing, education,
 24 life skills, mentoring, and natural support systems in the
 25 community.

26 The priority of this section is to assist localities in developing
 27 resources to provide services to parolees that support their reentry
 28 into their communities. Specifically, this section focuses on the
 29 population most likely to reoffend and thereby pose a risk to
 30 community safety. This population faces barriers to becoming
 31 productive, responsible, and law-abiding citizens; obtaining and
 32 retaining long-term employment; maintaining stable residences;
 33 successfully addressing substance abuse issues and mental health
 34 needs; achieving educational success; and maintaining family and
 35 support relationships.

36 SEC. 2.—Section 3054 of the Penal Code is amended to read:

37 3054. (a) (1) The Department of Corrections shall establish
 38 three pilot programs that provide intensive training and counseling
 39 programs for parolees to assist in the successful reintegration of

1 those parolees into the community upon release or discharge from
 2 prison.

3 (2) The Director of Corrections shall determine the counties in
 4 which the pilot programs are established.

5 (b) (1) The services offered in the pilot programs may include,
 6 but shall not be limited to, drug and alcohol abuse treatment,
 7 cognitive skills development, education, life skills, job skills,
 8 victim impact awareness, anger management, family
 9 reunification, counseling, vocational training and support,
 10 residential care, and placement in affordable housing and
 11 employment opportunities.

12 (2) Ancillary services such as reimbursement of transportation
 13 costs shall be provided to the extent necessary to permit full
 14 participation by offenders in employment assistance, substance
 15 abuse treatment, and other program elements.

16 (3) The pilot programs shall include a case management
 17 component to assess the social services and other needs of
 18 participating in the social services, education, job training, and
 19 other programs most likely to result in their recovery and
 20 employment success.

21 (e) With respect to a parolee who violates parole, the Board of
 22 Prison Terms may order initial or continued participation in a
 23 program under this section, in lieu of revocation pursuant to
 24 Section 3060, provided the department approves the program
 25 participation, the parolee meets all eligibility criteria for the
 26 program, and the parole violation was nonviolent.

27 (d) (1) The Department of Corrections shall prepare an
 28 informational handout explaining the pilot programs created by
 29 this section.

30 (2) A copy of this informational handout shall be given to each
 31 inmate eligible for any of the pilot programs and to each parolee
 32 eligible for any of the pilot programs pursuant to subdivision (e).

33 (e) Subject to appropriation of funds, the department is
 34 authorized to enter into contracts, or amend existing contracts, for
 35 community residential treatment services for offenders and minor
 36 children in an offender's custody in order to carry out the goals
 37 stated in paragraph (1) of subdivision (a).

38 (f) (1) It is the intent of the Legislature that the programs
 39 demonstrate the cost-effectiveness of providing the enhanced
 40 services described in subdivision (b), based upon an annual

1 ~~evaluation of a representative sample of parolees, in order to~~
2 ~~determine the impact of these services upon the criminal~~
3 ~~recidivism, employment, and welfare dependency of the offenders~~
4 ~~and their families.~~

5 ~~(2) The department, with the assistance of an independent~~
6 ~~consultant with expertise in criminal justice programs, shall~~
7 ~~complete a report evaluating the cost effectiveness of the pilot~~
8 ~~programs in regard to the effect of the programs (A) on the~~
9 ~~recidivism of participating offenders compared with a comparable~~
10 ~~nonparticipating group of offenders and (B) on the employment of~~
11 ~~offenders and the welfare dependency of a offender's family. The~~
12 ~~report shall be provided to the Governor and the Chairperson of the~~
13 ~~Joint Legislative Budget Committee and the chairpersons of the~~
14 ~~fiscal committees of both houses of the Legislature by January 1,~~
15 ~~2006.~~

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**RULES & LEGISLATION
CMTE**

JUN 10 2004

BILL ANALYSIS

AB 2815

Date of Hearing: March 30, 2004
Counsel: Heather Hopkins

ASSEMBLY COMMITTEE ON PUBLIC SAFETY Mark Leno, Chair

AB 2815 (Hancock) - As Amended: March 24, 2004

SUMMARY: Creates three pilot programs that, among other things, provide copies of pre-release parole plans for each parolee released into a community with a pilot program. Specifically, this bill :

- 1) States legislative intent to help localities obtain state and federal resources for re-entry programs and develop model re-entry program.
- 2) Requires the California Department of Corrections (CDC) to establish three pilot programs in three counties to be determined by the CDC.
- 3) Provides that the programs shall provide the counties with a pre-release parole plan for each parolee released into that county 90 days prior to release and shall be provided to the respective county sheriffs.
- 4) Provides that the CDC shall complete a report evaluating the usefulness of providing local law enforcement agencies with the parole plans.

EXISTING LAW:

- 1) Directs the CDC to establish three pilot programs for intensive training of female parolees to allow them to reintegrate into society following in-prison therapeutic community drug treatment. (Penal Code Section 3054.)
- 2) Provides that the Board of Prison Terms (BPT) can order initial or continued participation under Penal Code Section 3054 for female parolees as specified. [Penal Code Section 3054(c).]
- 3) Provides that CDC shall prepare an informational handout and give the handout to each female inmate eligible for any of the pilot programs. [Penal Code 3054(d).]
- 4) Provides that CDC may assign a conditionally released or paroled prisoner to the Preventing Parolee Crime Program in lieu of the revocation of parole. The CDC may not

assign a parolee to this program if the parolee has committed a parole violation involving a violent or serious felony. [Penal Code Section 3068(c).]

5) Provides that any person released from prison on parole shall remain on parole for a period not exceeding three years or five years, as specified, unless the parole authority for good cause waives parole and discharges the inmate from custody of the CDC. [Penal Code Section 3000(b)(2).]

6) Provides that BPT has the power to establish and enforce parole rules and regulations. (Penal Code Section 3052.)

7) Provides that BPT has full authority to suspend or revoke any parole, and to order returned to prison any prisoner upon parole. (Penal Code Section 3060.)

8) Allows revocation of parole only for cause, and provides for a revocation hearing. (Penal Code Sections 3063 and 3063.5)

9) Provides that any person who has been returned to prison after revocation of parole may be held for 12 months, and an additional 12 months for prison misconduct. The person shall then be released on parole for the balance of the period of parole unserved at the time of return to prison. (Penal Code Section 3057.)

FISCAL EFFECT: Unknown

COMMENTS :

1) Author's Statement : According to the author, "The author is seeking this legislation to enhance public safety in Alameda County and in particular the City of Oakland and to support the successful re-entry of ex-offenders from the state correctional system back into the community. This bill will mandate the CDC to provide information to the County of release. The pilot project is intended to provide pre-release planning information to the local agencies so the local agencies can target resources and enhance the work of the Parole and Correctional Teams (PACTs). In the Little Hoover Commission report released in November 2003, it was recommended that the parole plans could be used to develop reintegration plans, develop supervision and assistance strategies, allocate resources, identify and address gaps in available community resources, develop education and training programs, track parolee participation in programs, and measure outcomes. In addition, it will force prison administrators to identify each prisoners needs. The Commission points out that assessments provide local law enforcement and other community agencies with information to guide decisions about monitoring and services for returning offenders."

2) Challenges Facing Parolees When They Are Released into the Community : According to the author, "The first step in preventing recidivism is to do extensive pre-release planning and then ensure that there is after-care services designed to improve the

parolees outcomes. Presently, there is no legislative mandate addressing the need for collaboration between local municipalities and other local agencies and the state correctional system as it releases inmates into the local community. Local communities are ultimately responsible for these ex-offenders and bare the burden of ex-offenders should they commit new offenses. Parolees are known for high levels of recidivism and therefore contribute substantially to local public safety concerns. This is a critical area of concern for Oakland. Over 3,000 parolees are returned to Oakland from the CDC system annually. Of the 10 largest cities in California, in 2001, Oakland had the third highest number of crimes per 100,000 residents.

a) Little Hoover Commission : In their November 2003 report "Back to the Community: Safe and Sound Parole Policies, the Little Hoover Commission suggested that "county sheriffs and other agencies should receive assessments in advance of an inmate's release, as well as documentation of what programs and services the inmate received in prison and how the services related to the inmate's assessment and the outcomes." This bill would help to address this concern by providing local sheriffs with a copy of each parolee's pre-release plan, thus informing them of the needs of each parolee being released. Furthermore, the 90-day period between receipt of the report and release of the parolee would help to ensure that local agencies have the resources needed by the parolees.

b) Local Program : This bill builds on the partnerships and the program model already operating and supported with seed funds at the local level through the PACT Team and through Project Choice, which received federal funds two years ago. Project Choice provides parolees with one-on-one coaching, enhanced supervision, and targeted services to ensure their successful reintegration into the community. Services include access to employment and training programs, housing, mental health services and transportation. The project is a partnership with the Oakland Police Department, the CDC, the California Youth Authority and community and faith-based organizations.

3) Related Legislation : AB 1865 (Spitzer), pending hearing by this Committee today, requires as a condition of release on parole or reinstatement on parole, that an inmate or parolee truthfully disclose to each employer or prospective employer within 24 hours of seeking or acquiring employment, whichever occurs first, specified information concerning his or her criminal history and parole supervision. The failure to do so would be a violation of the conditions of parole with specified consequences.

4) Prior Legislation :

a) AB 310 (Goldberg), Chapter 619, Statutes of 2002, requires the CDC to prepare an informational handout explaining the three pilot programs and give a copy of the informational handout to each female offender inmate and parolee eligible for any of the programs.

b) AB 875 (Takasugi), Chapter 643, Statutes of 1997, authorizes the CDC to enter into a long-term agreements for transfer or placement of prisoners in community correctional facilities, and to contract for the establishment and operation of community correctional facilities that offer substance abuse treatment programs based on the therapeutic community model.

c) AB 2049 (Aroner) would have established a four-year Young Adult Offender Reentry Pilot Program in the City of Oakland and requires various organizations to form a state-level partnership to help the city access existing state and federal resources to support a comprehensive reentry program. AB 2049 was held in the Senate Committee on Appropriations.

d) SB 491 (Brulte), Chapter 500, Statutes of 1998, provides authorization for the CDC to operate a pilot program to assist drug-addicted female parolee among other things.

e) SB 1496 (Polanco), of the 2001-02 Legislative Session, would have revised requirements and procedures related to state prison inmates housed in community correctional re-entry centers. SB 1496 was later gutted.

REGISTERED SUPPORT / OPPOSITION :

Support

None on file

Opposition

None on file

Analysis Prepared by : Heather Hopkins / PUB. S. / (916) 319-3744

**BILL ANALYSIS
AB 2815**

Date of Hearing: April 14, 2004

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Judy Chu, Chair

AB 2815 (Hancock) - As Amended: March 24, 2004

Policy Committee: Public Safety Vote: 4-2

Urgency: No State Mandated Local Program: No Reimbursable:

SUMMARY

This bill requires the Department of Corrections (CDC) to establish three pilot programs to help parolees reintegrate into society in three unspecified counties. (The bill does specify that Alameda County be considered by the CDC.)

The bill specifies only that (a) the pilot programs provide copies of a parolee's pre-release parole plan to local law enforcement 90 days prior to release; and (b) that CDC report to the Legislature on the usefulness of providing such information, in addition to the value of whatever services are utilized by the pilot program parolees.

FISCAL EFFECT

As the bill provides little specificity as to the content or requirements of the proposed pilot programs, and because the bill does not specify which counties are to participate, costs are unknown. If, however, the CDC assigns one personnel year per project, the annual costs would exceed \$225,000.

COMMENTS

1) Rationale . The author's intent is to provide more effective services to parolees, though the bill does not prescribe such services. According to the author, "The first step in preventing recidivism is to do extensive pre-release planning and then ensure that there are after-care services designed to improve the parolees outcomes. Presently, there is no legislative mandate addressing the need for collaboration between local municipalities and other local agencies and the state correctional system as it releases inmates into the local community?"

A November 2003 Little Hoover Commission report suggested that CDC parole plans could be used to help develop local reintegration plans, develop supervision and assistance strategies, address gaps in available community resources, develop education and training programs, track parolee participation in programs, and measure outcomes.

2) Bill Lacks Specificity . It is not clear whether sheriffs would benefit by receiving the CDC parole plan for every inmate released, nor does the bill suggest what localities should do with the plans once they are received. In existing communities that have Parole and Correctional Teams (PACT), much of the information is shared absent formal or statutory mandates.

Analysis Prepared by : Geoff Long / APPR. / (916) 319-2081

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