

REPRINT

The 1991-92 Budget:
Perspectives and Issues

Community Corrections



Elizabeth G. Hill
Legislative Analyst

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Community Corrections

Should the Legislature Expand Its Use of "Community Corrections" as a Punishment Alternative?

Summary

Expenditures to support the state's growing prison and parole populations continue to increase at a rapid rate. In addition, the state currently has a limited range of punishment options for many criminal offenders. One potential way to address this growing population in a more effective way is through "community corrections" programs. This approach involves the use of intermediate sanctions as an alternative to state prisons. In evaluating community corrections programs, the Legislature will have to consider the fiscal benefits, public safety issues, and treatment effectiveness of these programs.

There is some evidence indicating that these programs can be more viable corrections alternatives than state prisons in certain cases. However, this evidence is limited, and there is uncertainty about the overall effectiveness of these programs, especially if applied on a large-scale basis. Consequently, the Legislature should take a cautious, evolutionary approach to the expansion of community corrections programs. Specifically, the state should promote small-scale piloting and experimentation with targeted populations, and undertake evaluations of program effectiveness.

The past decade has been one of tremendous growth for the state's prison and parole populations. As a result of this growth, the budget for the Department of Corrections (CDC) has gone from \$370 million in 1980-81 to \$2.6 billion in 1991-92. As the corrections piece of the budget pie has increased (from 1.8 percent of total General Fund expenditures in 1980-81 to 6.1 percent in 1991-92), the availability of funds for other state priorities has decreased. At the same time, there are many questions concern-

ing whether state prisons are the best place for dealing with certain offenders—especially nonviolent ones.

Given the above, the Legislature has demonstrated an interest in community corrections programs. Generally, these programs provide intermediate sanctions for certain targeted offenders who would otherwise be confined to state prison. The goal of community corrections is to provide more effective treatment and services to offenders, thereby reducing recidivism and state costs.

In this analysis, we: (1) examine the key factors associated with the state's corrections situation; (2) describe California's existing community corrections programs, as well as those of other states; (3) consider questions concerning the viability of community corrections programs; and (4) outline the key issues that must be considered in developing community corrections policies.

BACKGROUND—CALIFORNIA'S CONTINUING CORRECTIONS DILEMMA

In recent years, the Legislature has been faced with a dilemma—unprecedented growth in the state prison population and inadequate facilities to accommodate this population.

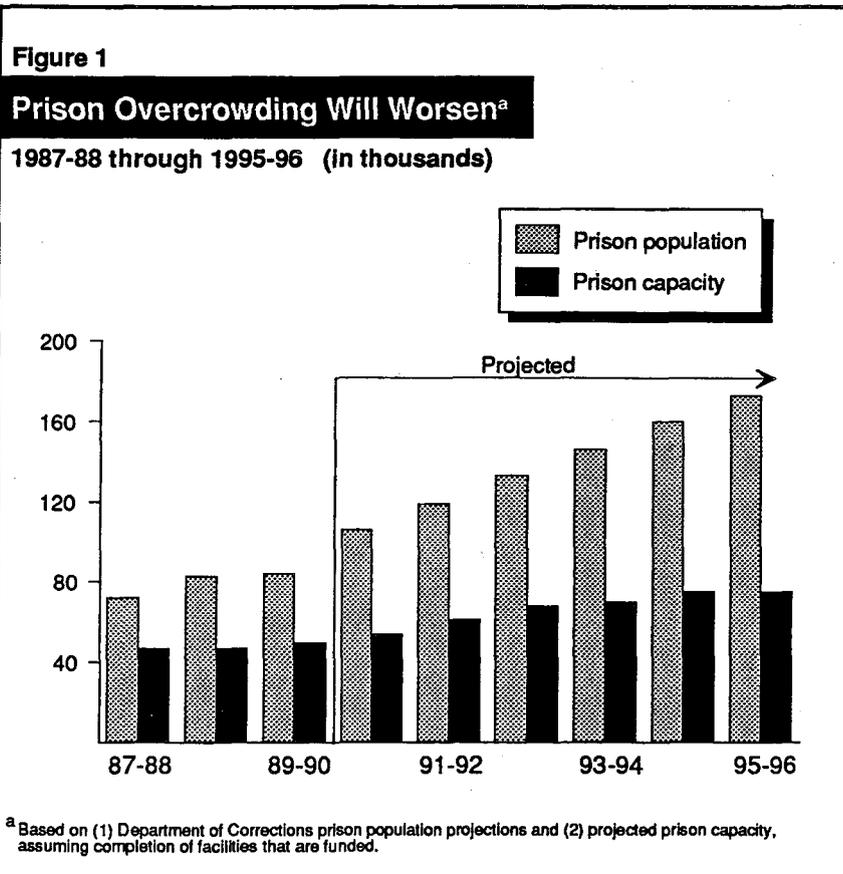
Prison Overcrowding Continues to Worsen

Despite the state's massive prison construction program of the past 10 years, prisons are currently operating at 180 percent of capacity. As Figure 1 shows, the CDC projects that prisons will operate at 230 percent of capacity by 1996. Thus, even with the projected addition of another 25,000 beds over the next five years, the state's prison system will be *more* overcrowded by 1996 than it is currently.

The future budgetary implications of these projections are daunting. On an annual basis, it costs roughly \$22,000 to support an inmate in a state prison bed. Thus, accommodating the projected prison population growth would result in added costs to the state of roughly \$500 million per year in operating expenses and as much as \$4 billion in capital outlay costs.

High Parole Revocation Rates—"The Revolving Door"

Many of the inmates currently serving time in prisons are parole violators. Parole violators are inmates who have served their sentences, been released on parole, found in violation of parole, and then returned to prison. California's high parole revocation rate has been one of the driving forces in the state's



escalating prison population—the so-called “revolving door” problem. The number of parole violators has grown substantially from about 16,000 in 1985 to over 50,000 in 1990. These parole violators account for up to one-half of the new admissions into state prison.

Most Parolees Return to State Prison. About three-fourths of parolees return to prison while on parole. Parole violators who are returned to custody (PV-RTCs) represent a majority of total revocations. PV-RTCs can be returned to prison for up to one year for technical violations (for example, failure to report to a parole agent) or for new criminal offenses (drug, violent, and property offenses). On the other hand, parole violators with new terms (PV-WNTs) are parolees who, while on parole, are prosecuted and returned to prison for the full sentence of a new crime.

Parole violators are typically committed to prison for a short period of time, but they represent a significant proportion of the prison population—about 34 percent in 1988. The increasing number of short-term inmates presents both a fiscal and programmatic problem for the entire criminal justice system. For instance, the annual costs associated with parole violators who return to prison for technical or drug-use violations—17,000 in 1989-90—is significant. We estimate the state's annual costs to support these additional inmates in state prison to be roughly \$100 million.

Drug Use Is a Major Factor. Drug use among parolees is a major factor contributing to the dramatic increase in the number of parole violators returning to prison in recent years. Sixty percent to 80 percent of this population has a history of substance abuse. As a result of a positive drug test or new criminal activity related to their drug use, many substance-abusing parolees are returned to state prison for short periods of time.

Limited Programmatic Options Exist

The state has a limited range of punishment options for nonviolent offenders and parole violators. Generally, at the time of sentencing, a judge can place a nonviolent felon on probation or send the offender to state prison. Once the offender completes a prison term, he or she is placed on parole. If the offender violates conditions of parole, the offender is referred to the Board of Prison Terms (BPT) for parole revocation. At that time, the BPT has only two options: (1) continue a violator's parole or (2) revoke parole and return the parolee to state prison for up to 12 months. Ninety-eight percent of the time, the BPT chooses to send the parolee back to prison. One factor contributing to the prison population problem is the lack of punishment options available to judges and to the BPT. Community corrections programs are one mechanism to increase the punishment options available at the state level.

WHAT IS "COMMUNITY CORRECTIONS"?

Community corrections is *an intermediate sanction that targets offenders who, in the absence of other appropriate sanctions, would otherwise be confined in institutions such as state prisons and local jails.* Community corrections programs provide more services for the offenders (such as drug treatment), with less security staffing and less capital outlay costs. In this piece, we focus on alternative sanctions for certain low-risk persons who would otherwise be confined in a *state prison.* In other words, we limit our discussion to state programs that will likely target nonviolent felon parole violators, inmates who are

sentenced to short prison terms, or inmates who are serving the final months of their terms.

Many community correctional sanctions are served within the community in which the offender committed the offense or in the community in which he or she resides. Programs traditionally considered to be "community corrections" include the use of: community-based residential facilities, house arrest/electronic monitoring, restitution/community service, mandatory drug treatment, and intensive supervision.

What Role Do Local Governments Play?

To date, local governments have played a limited role in California's community corrections programs. However, the role of these entities—especially counties—could expand in the future. Possible roles include providing direct treatment, services, and supervision, or coordination of services provided by private organizations. The local role does not, however, involve incarcerating state inmates in local jails.

Current Community-Based Programs in California

California currently does relatively little in the area of community corrections. Figure 2 summarizes the state's programs, categorizing them into "residential" and "nonresidential" components.

All but one of the state's programs are provided through *secured residential* facilities—generally referred to as the Community-Based Beds (CBB) Program. The CBB Program provides incarceration on a scale smaller than state prison, with treatment and services focused on the nonviolent offender's needs. As Figure 2 indicates, the state's residential programs are limited to just over 3,200 community-based beds in 51 facilities.

The one nonresidential community corrections program—the Substance Abuse Revocation Diversion (SARD) Program—is an intensive supervision pilot program for substance-abusing parolees, operated by the state.

In most cases, the state contracts with private organizations or local correctional agencies to operate community corrections programs. To be placed in one of these programs, an inmate's record must pass a variety of screening criteria. In general, an inmate (1) must not have been convicted of a sexual or violent offense or arson and (2) must not have a history of forced escape, selling drugs for large-scale profits, or serious institutional misconduct.

Figure 2

Current Community Corrections Programs in California

RESIDENTIAL			
Program	Description	Number of Beds	Estimated Annual Cost Per Bed ^a
Return-to-Custody (RTC) (Private, County and/or City) 11 Facilities	Provides parole violators with education and social skills needed to complete parole	1,877	\$20,000
Work-Furlough (Private, State) 32 Facilities	Helps inmates with less than 3 months left to serve find jobs and transition back into community	1,087	16,000
Prisoner Mother-Infant (Private) 6 Facilities	Attempts to preserve the bond between the inmate-mother and her child through parenting skills training	114	25,000
Restitution Center (Private) 1 Facility	Encourages the offender to work, as well as accept the responsibility for his/her criminal acts	105	17,000
Substance Abuse Treatment Unit (Private) 1 Facility	Provides an alternative placement to prison for parole violators with a substance abuse problem	50	22,000
Total Beds		3,233	
NON-RESIDENTIAL			
Program	Description	Number of Participants	Annual Cost Per Participant
Substance Abuse Revocation Diversion (State) 9 Units	Provides intensive supervision in the community to substance-abusing parolees who are likely to be returned to custody in a state prison for drug violations	1,800	\$5,500

^a Based on Department of Corrections' and Legislative Analyst's estimates.

Recent Legislation Expands the CBB Program. The fastest-growing type of CBB facilities are the return-to-custody facilities that are operated by local governments. As Figure 2 shows, there are 1,877 beds in 11 return-to-custody facilities. The CDC estimates that there will be 2,000 more beds in other facilities by 1992. In addition, the Legislature recently enacted Ch 1594/90 (SB 2000, Presley), which earmarks a total of \$15 million from the New Prison Construction Bond Act of 1990 (June) to establish "substance abuse community correctional detention centers." These centers are to be jointly designed and operated by the state and counties.

Community Corrections Options— What Have Other States Done?

The goals and scope of community corrections legislation enacted in other states have varied greatly. Most programs in other states appear to reflect the belief that local governments or private nonprofit organizations are best able to design community corrections programs that fit the needs of the offenders in their community. Some states simply create a mechanism to allow local governments to design a community corrections plan and apply for funding. In contrast, other states are very specific about what programs will be implemented and who is eligible for the programs. The complexity and scope of the community corrections legislation range from initiating a single intensive supervision program, to omnibus legislation creating new sentencing guidelines and a wide variety of community corrections program options. We briefly discuss below some of the characteristics of community corrections programs in other states.

Florida. Florida's 1983 Community Corrections Act created a large-scale house arrest/electronic monitoring program that currently covers about 6,500 offenders. Since local judges are given the authority to place offenders in house arrest programs, a substantial portion (nearly 50 percent) of the program's participants are offenders who otherwise would be on regular probation supervision.

Colorado. Colorado recently implemented a Treatment Alternative to Street Crime (TASC) program for parolees. This is similar to an intensive supervision program for substance-abusing parolees; however, it places more emphasis on improving case management methods and accessing drug treatment services.

Minnesota. Minnesota is generally considered a pioneer of community corrections. Since 1973, Minnesota has provided funding to voluntarily participating local governments to divert

state offenders to community-based residential facilities and, more recently, to house arrest/electronic monitoring programs. It is believed that the success of Minnesota's community corrections program was due, in part, to the phased-in implementation of the county programs.

Kansas. Kansas has generally focused its community corrections efforts on intensive supervision programs. To avoid the expense of new prison construction, Kansas targets about 4,500 low-level felons (such as property offenders) and places them under intensive parole supervision instead of prison.

California Differs From Most Other States. While there are lessons to be learned from other states, the nature of the prison problem in California may be significantly different. For example, California has a greater percentage of violent and substance-abusing inmates than Minnesota or Kansas. Some of the offenders who other states target for their community corrections programs would typically be on probation in California. Thus, it is important to understand that how one state implements community corrections legislation may not translate well to California.

WHAT DO WE KNOW ABOUT COMMUNITY CORRECTIONS?

Although several states have implemented community corrections programs, there is little conclusive information concerning the effects of these programs. For example, although many evaluations of intensive supervision and so-called "halfway house" programs have been completed showing promising results for lower recidivism, few of these evaluations included random assignment of offenders to treatment and control groups. As a result, it is not possible to draw firm conclusions about these programs. Below, we summarize the general information available regarding three aspects of community corrections programs—operational costs, effectiveness in treating offenders, and public safety considerations.

What Does it Cost to Operate These Programs?

Residential Programs. Generally speaking, existing CBB programs are slightly less expensive than a state prison as measured by the average cost of a bed. Most CBB facilities cost the state an average of \$18,500 per offender per year, whereas a state prison costs an average of \$22,000 per offender per year. The private work-furlough CBB facilities have the lowest cost per year, at approximately \$16,000 per offender.

Nonresidential Programs. Intensive or specialized supervision programs such as the CDC's SARD Program cost approximately \$5,500 per offender per year. Other nonresidential programs include outpatient drug treatment or specialized case management. The costs of these programs vary depending on the level of services provided, but generally range from \$3,500 to \$12,000 per offender per year.

A recent U.S. General Accounting Office (GAO) report on intermediate sanctions (such as intensive supervision) concludes that the per capita costs for operating an intermediate sanction is less than operating a prison. However, the GAO report warns that, if the participants are caught committing new offenses while in the intermediate sanction programs, then the additional cost of new prison terms associated with these programs may increase the overall costs of intermediate sanctions above that of a traditional prison bed. This GAO finding illustrates the importance of selecting participants for nonsecured programs who are most likely to successfully complete the intermediate sanction program.

Do Community Corrections Sanctions Provide Effective Treatment?

By far the greatest potential of community corrections programs is the cost savings associated with reductions in overall recidivism rates. To the extent community-based sanctions reduce recidivism, the state would save money in the long run. It is unclear, however, whether these programs actually achieve this end. One reason for this uncertainty is that existing programs rarely track what happens to their participants after they leave, as is the case with CDC's programs. As a result, it is impossible to conclude which of the state's programs, if any, are effective in reducing recidivism. Most studies of effectiveness of residential programs in other states are from the late 1970s and, although offering some positive findings, the methodologies of most of the studies are questionable. There are, however, at least two areas where we have some information on program effectiveness.

Drug Treatment May Reduce Criminal Activity. Mandatory drug treatment programs may be promising as an option for nonviolent offenders. A recent evaluation of drug treatment clients who had formerly been involved in so-called "predatory" crimes (such as robbery, burglary, and larceny) found that clients who remained in drug treatment programs at least 30 days were much less likely to commit crimes, both during and after drug treatment (please see Item 4200 in our 1991-92 *Analysis for*

further discussion of the effectiveness of drug treatment programs).

Research Raises Questions About Effectiveness of Intensive Supervision Programs. Intensive supervision programs include increased supervision of the offender and, in many cases, additional services and treatment. There is little evidence to suggest that increased supervision by parole agents, *in and of itself*, will reduce recidivism or the likelihood of parole violations. For example, a recent study by the RAND Corporation has found that intensive probation supervision alone does not reduce the likelihood of "high-risk" felon probationers to commit crimes. The RAND study focused on intensive supervision probation programs for high-risk offenders in Los Angeles, Ventura, and Contra Costa Counties. The study also found, however, that programs that offered greater access to treatment and services had somewhat lower recidivism rates. Thus, without service availability and clearly defined selection criteria, increased supervision may be of limited effectiveness.

How Do Community Corrections Programs Affect Public Safety?

The potential public safety risk of community corrections programs varies by the structure of the program and the eligibility criteria for program participants. Most CBBs are "secured" *residential* facilities—meaning security personnel are on-site. Consequently, CBBs are unlikely to have much of an effect on public safety. On the other hand, in the case of *nonresidential* intensive supervision programs, the public safety risks are increased, at least in the short run.

This concern emphasizes the importance of selecting low-risk participants to participate in nonresidential programs. Recent research indicates that the selection of participants for these programs is the most important indicator of their success.

WHAT COURSE SHOULD THE LEGISLATURE TAKE ON COMMUNITY CORRECTIONS?

Given the above findings, it is unclear how much community corrections programs can help address the state's overall prison population problem. Nonetheless, we believe that further experimentation with community corrections alternatives is merited, as they can be one of the tools used in addressing the problem. Given the relative inexperience of the CDC in using community correctional programs and the great degree of uncertainty concerning its effectiveness with California's prison population, however, we believe that the best course for the state is an

evolutionary approach—one that promotes voluntary, small-scale pilot projects and experimentation, as well as evaluations of program effectiveness.

Current Efforts Remain Limited. Although the state has begun to expand the existing CBB program, these secure residential facilities represent a very limited range of community corrections programs. While the CBB program was perhaps a reasonable starting point, many CBBs provide limited treatment and services. In addition, the CDC rarely places offenders in CBBs located in the offender's own community. Programs that do not place an emphasis on transitional services (such as substance abuse and job training) are less likely to reduce future rates of recidivism.

KEY ELEMENTS OF A COMMUNITY CORRECTIONS APPROACH

In its approach to community corrections, the Legislature should consider a number of key factors. These are summarized in Figure 3 and discussed below.

Specify Program Goals and Objectives

The first step in approaching community corrections is to clearly specify program goals and objectives. These could include:

- A decline in the parole revocation rate.
- A reduction in correctional operating costs.
- Improved treatment for certain offenders.

These goals should be reasonable and attainable. For example, it would be unreasonable to set as a goal a dramatic decrease in the parole revocation rate (such as cutting the rate in half). A relatively small decrease in the rate might be considered a "success" and would result in savings to the state.

Identify and Target the Eligible Population

The goal of community corrections programs should be to meet the security needs of the community and program needs of the offender. For example, a nonviolent substance-abusing parolee may only need improved case management and an outpatient drug treatment program in order to stay out of prison, and this would not necessarily affect community safety. In contrast, a more violent drug-abusing parolee may need to be placed in a secured residential facility that provides drug treatment programming.

Figure 3

Factors to Consider in Approaching Community Corrections

Specify Program Goals

- Are the program goals reasonable?
- Has program "success" been defined clearly?

Identify and Target Program Participants

- Does the proposed program meet the security and program needs of the targeted offenders?
- Are there enough offenders to participate in the programs described in the legislation?
- Are parole violators eligible to participate in the programs?
- Who is making the placement decisions? Is this likely to increase the number of offenders and, in turn, the costs to the state?

Establish A Funding Mechanism

- Does the proposed funding mechanism provide incentives for local governments to address a full range of offender needs?

Address Location Decisions

- Does the proposed legislation create incentives for more urban facilities?

Monitor Program Effectiveness

- Is a portion of the funding allocated for program evaluations?
- Does the proposed program evaluation distinguish between motivated participants and effective program treatment?
- Is the program design flexible enough to incorporate modifications based on future program evaluations?

The CDC has not provided the Legislature with an estimate of the total number of nonviolent state offenders who would be eligible for community corrections programs. There is some question as to the number of nonviolent offenders who would be appropriate for these programs. While probably a small proportion of the total prison population would be involved, even this could translate into thousands of participants.

Avoid "Widening the Net." Many programs in other states have ended up dealing with offenders who would *not* have gone to prison and would have been in a less expensive county probation program. Thus, future legislation must safeguard against this phenomenon. Perhaps a reasonable place to begin is to allow the BPT to place technical and drug-use parole violators into community correctional programs. The BPT could potentially place eligible parole violators in intermediate sanctions, such as residential and nonresidential drug treatment programs, CBBs, or house arrest/electronic monitoring programs.

Establish a Funding Mechanism for Community Corrections

Generally speaking, the funding concerns of local governments related to community corrections fall into two categories. First, many are concerned that future state funding will not keep pace with program costs. Second, many are worried about the state-imposed conditions and standards they would have to adhere to. These concerns stem from the history of California's "probation subsidy" program and recent strained county-state fiscal relations.

Flat-Rate Versus Grant Funding. There are two basic ways for the state to compensate local governments for participating in a particular community corrections program—flat-rate and grant funding. Providing funding for programs at a "flat rate," such as \$10,000 per offender, can reduce the incentives for local governments to develop treatment and services according to the individual needs of an offender. This is because programs with costs exceeding the flat rate will be less likely to be provided by local governments. In contrast, the "grant funding" approach would provide funding to local governments based on the merits and costs of their specific grant proposal. Traditionally, under this approach the local government would apply for funding to a state oversight agency to treat a given number of eligible offenders from the local community with a variety of program options.

Address Location Decisions

If the Legislature decides to channel more resources into community corrections, implementation of residential facilities

may be severely hampered by urban siting problems associated with such concerns as public safety.

Other states have experienced siting problems. While Michigan has managed to site facilities in nearly every part of the state, the director of Michigan's correctional agency reported that it took 10 tries for every successful siting. Wisconsin, on the other hand, took a very different approach, and enacted a code that overrides local zoning ordinances. Halfway houses and group homes for mental health are guaranteed the right to locate in every community in Wisconsin.

One strategy that has proven to be partially successful with the CDC's siting of CBBs is to site facilities in light-industry areas. In these areas, it is difficult to distinguish a CBB from other buildings. Most employees in the area are unaware that they work near a correctional facility.

Monitor Program Effectiveness

In order to gauge the effectiveness of community corrections programs in meeting their goals and objectives, it is necessary to carefully monitor and measure their performance. This requires developing meaningful performance measures that correspond to specific program goals. Any community corrections approach should provide adequate funding for well designed program evaluations.

CONCLUSION

In our view, community corrections programs offer the state one additional tool for dealing with its state offender population. Such programs appear to have the potential to reduce state correctional costs and improve the treatment of certain offenders.

There are, however, limits to what these programs can accomplish, especially given uncertainties about their effectiveness. Therefore, while we believe the Legislature should consider increasing its use of community corrections, it should do so in a cautious, evolutionary manner. The general approach should be to promote pilot projects that target specific populations and include evaluations of program effectiveness.

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