

AMENDED IN ASSEMBLY SEPTEMBER 4, 2007

AMENDED IN SENATE JUNE 4, 2007

AMENDED IN SENATE APRIL 12, 2007

SENATE BILL

No. 263

Introduced by Senator Romero
(Principal coauthor: Senator Migden)
(Principal coauthor: Assembly Member Leno)
(Coauthor: Senator Ducheny)

February 14, 2007

An act to add Sections 3020.5, 3021, 3022, ~~3023~~, and 3024 to the Penal Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 263, as amended, Romero. Rehabilitative programs.

Existing law authorizes the Department of Corrections and Rehabilitation to establish pilot programs that provide training and counseling for parolees to assist in their successful reintegration into the community.

This bill would require the department to conduct an interdisciplinary assessment of new inmates and inmates that return to the department's facilities more than 12 months after release, excluding inmates returned for parole violations *under certain circumstances*. The assessment, conducted by an interdisciplinary team of professionals, would include the collection of data in specified areas, including substance use, criminal activity, and education, among others. Based on the data obtained, the ~~interdisciplinary team~~ *department* would be required to develop ~~a~~ *an offender* reentry plan for the inmate, which would ~~progress from cognitive restructuring to educational instruction and vocational~~

~~training and would include programs for easing the transition from incarceration to parole or release assist the department in determining appropriate treatment, services, and programming for inmates reentering society.~~

~~The bill would also require the department, by July 1, 2009 2010, to develop a timeframe for systemwide implementation of a core curriculum of skills, as specified. establish a timetable to implement an information technology system, as specified. The bill would also require the California Rehabilitation Oversight Board to review an analysis of the risk and needs assessment tool currently used by the department and report its findings to the Legislature by July 1, 2008.~~

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. Section 3020.5 is added to the Penal Code, to
2 read:

3 3020.5. (a) On or before July 1, 2010, the Department of
4 Corrections and Rehabilitation shall conduct an interdisciplinary
5 assessment of new inmates upon reception and inmates that return
6 to the department's facilities more than 12 months after release,
7 excluding inmates returned for parole violations *unless there has*
8 *been a change in an inmate's risk or needs.*

9 (b) The interdisciplinary assessment shall supplement and
10 confirm data collected at any presentencing assessment.

11 ~~(c) During the reception of an inmate the assessment of an~~
12 ~~inmate entering the department as specified in subdivision (a), the~~
13 ~~assessment shall obtain data on the following areas: subdivision~~
14 ~~(a), the department shall assess all of the following:~~

15 (1) Substance use.

16 (2) Criminal activity, including, but not limited to, gang
17 involvement.

18 (3) Education, including, but not limited to, educational
19 attainment, vocational training, and related skills.

20 (4) Family background, including, but not limited to, family
21 structure and relationships.

22 (5) Social functioning, including, but not limited to,
23 employment history, social skills, and religious affiliations and
24 involvement.

1 (6) Medical and mental health, including, but not limited to,
2 dental issues and physical disabilities or impairments.

3 (7) Veteran status.

4 (d) The department shall employ an interdisciplinary team to
5 conduct unit management review of the assessment and relevant
6 ~~data. The team shall consist of one of each of the following~~
7 ~~professionals:~~ *data. In performing those reviews and, based upon*
8 *the needs of the inmate and in accordance with department*
9 *programs and policies and other relevant laws, the teams shall*
10 *seek input from appropriate professionals, including, but not*
11 *limited to:*

12 (1) Social worker.

13 (2) Correctional counselor.

14 (3) Educational instructor.

15 (4) Vocational instructor.

16 (5) ~~Psychologist or mental health counselor.~~

17 (6) Physician's assistant or physician.

18 (e) Based upon the data obtained from assessments required by
19 the Public Safety and Offender Rehabilitation Act of 2007 (Ch. 7,
20 Stats. 2007), ~~the interdisciplinary team shall determine the inmate's~~
21 ~~custody level and shall develop a reentry plan for the inmate for~~
22 ~~programming, which will progress from required cognitive~~
23 ~~restructuring to educational instruction and vocational training.~~
24 ~~The determination of custody level and programming needs shall~~
25 ~~be evidence-based and use national best practices, reflect an~~
26 ~~inmate's term of confinement, the risk level posed to self and~~
27 ~~others, both during confinement and upon release, educational and~~
28 ~~social needs, and mental and physical health requirements.~~
29 *department shall develop an offender reentry plan for the inmate*
30 *that will assist department personnel in determining appropriate*
31 *treatment, services, and programming needs for inmates reentering*
32 *society.*

33 ~~(f) The California Rehabilitation Oversight Board shall oversee~~
34 ~~Consistent with the direction of the California Rehabilitation~~
35 ~~Oversight Board, the department shall ensure the development of~~
36 ~~core programs for inmates, with consistent curricula, provided by~~
37 ~~qualified and trained providers. The core programs shall include~~
38 ~~all of the following:~~

39 (1) Essential skills, including anger management, violence
40 avoidance, and conflict resolution strategies.

1 (2) Preferred skills, including cultural sensitivity training, drug
2 and alcohol counseling, and illiteracy and numeracy instruction
3 in preparation for high school diplomas or GEDs.

4 (3) Higher preferred skills, including employment soft skills,
5 life skills, employment preparation, and vocational training.

6 ~~(g) The California Rehabilitation Oversight Board shall ensure~~
7 ~~that the department structures the programs in such a way as to~~
8 ~~ensure that inmate achievement is demonstrated in measurable~~
9 ~~levels and success leads to progress within the available programs.~~

10 ~~(h) The California Rehabilitation Oversight Board shall ensure~~
11 ~~that the department consults with state agencies to ensure that~~
12 ~~vocational programs provide inmates with marketable skills for~~
13 ~~fields in which inmates can fill demand, pursuant to Section 3105.~~

14 (i)

15 (g) Within 90 days of assessment, the department shall place
16 ~~inmates with a sentence that exceeds 18 months into appropriate~~
17 *inmates who have a sentence that exceeds 18 months that have*
18 *been transferred to a facility that has implemented programming*
19 *pursuant to Section 3024, into appropriate evidence-based*
20 *programs, which that conform to national best practices. Pursuant*
21 *to Section 3020, all inmates shall be assessed and undertake*
22 *programs promoting essential skills. Priority for programming,*
23 *however, shall be based upon the following criteria:*

24 (1) Release date: inmates with closer release dates shall receive
25 priority over those with later release dates for programs, in order
26 to reduce the likelihood of recidivism.

27 (2) Ability of the inmate to succeed in a specific program and
28 interact constructively with other inmates.

29 (3) Inmates with mental health issues, inmates in administrative
30 segregation, or inmates placed in maximum security facilities shall
31 receive appropriate evidence-based programming opportunities,
32 which conform to national best practices.

33 (4) Appropriate programming shall be based on a validated risk
34 and needs assessment and shall reduce the inmate's likelihood of
35 reoffending based upon evidence.

36 ~~(j) If essential programming is available to all inmates in a~~
37 ~~facility, the department shall require an inmate to enroll in or obtain~~
38 ~~program credit before an inmate becomes eligible for work~~
39 ~~assignments.~~

1 (h) As required in Section 2054.2, the department shall
2 implement procedures and policies that provide inmates with
3 incentives to program, ~~reduce the pressures and incentives to work~~
4 ~~rather than program, and including policies that~~ enable inmates to
5 both work and program within a single day.

6 ~~(k) The department shall implement programs that will ease the~~
7 ~~transition from incarceration to parole or release for inmates.~~

8 ~~(t)~~

9 (i) As required by the Public Safety and Offender Rehabilitation
10 Act of 2007, the department shall conduct an interdisciplinary
11 assessment of each incarcerated inmate at reception. In determining
12 an assessment schedule for an inmate, the department shall assume
13 that an inmate shall obtain all credits allowed to the inmate by law.
14 ~~If it is anticipated an inmate will serve up to 72 months, the~~
15 ~~department may not let more than 18 months lapse between~~
16 ~~assessments. If it is anticipated an inmate will serve up to 120~~
17 ~~months, the department may not let more than 24 months lapse~~
18 ~~between assessments. If an inmate has received either an~~
19 ~~indeterminate sentence or it is anticipated the inmate will serve~~
20 ~~more than 120 months, the department shall not let more than 30~~
21 ~~months lapse between assessments. If an inmate is serving less~~
22 ~~than 12 months in a correctional facility under the department's~~
23 ~~jurisdiction, the department need not conduct an assessment~~
24 ~~between the reception assessment and the prerelease assessment.~~
25 *law. If it is anticipated that an inmate will serve more that 60*
26 *months, the department shall not let more than 36 months, or 50*
27 *percent of an inmate's sentence, pass before reassessing the*
28 *inmate's risk and needs.*

29 ~~(m)~~

30 (j) Based upon an assessment, the department will devise a
31 validated risk and needs driven reentry programming plan for the
32 purpose of both reducing an inmate's likelihood of reoffending
33 and improving the inmate's reintegration into society.

34 ~~(n)~~

35 (k) The department shall assess an inmate prior to parole or
36 release, and develop a postincarceration plan for each inmate that
37 identifies the services that the inmate needs and the providers of
38 those services in the community to which the inmate will be
39 paroled or released.

40 SEC. 2. Section 3021 is added to the Penal Code, to read:

1 3021. (a) In furtherance of the requirement in paragraph (4)
2 of subdivision (a) of Section 2061 ~~that the department address~~
3 ~~management deficiencies by improving system-wide~~
4 ~~communication~~, on or before July 1, 2009, the Department of
5 Corrections and Rehabilitation shall establish a timetable for
6 specific benchmarks that the department shall meet as it works to
7 implement the information technology system prior to the
8 timeframes established for the implementation of core rehabilitative
9 programs in Section 3023. The department shall provide the
10 Legislature with its initial timetable, and shall report ~~quarterly~~
11 *biannually* on its success in meeting its benchmarks.

12 (b) The system shall provide all authorized personnel with access
13 to specified information needed to monitor and develop inmate
14 reentry plans. The department shall give priority to mental and
15 physical health data, and disciplinary actions.

16 (c) The system for mental and physical health information
17 sharing shall be developed in conjunction with courts or
18 court-appointed managers overseeing ~~provisions of~~ mental and
19 physical health services.

20 SEC. 3. Section 3022 is added to the Penal Code, to read:

21 3022. (a) As required by the Public Safety and Offender
22 Rehabilitation Services Act of 2007, the Department of Corrections
23 and Rehabilitation shall reserve space that is exclusively for
24 programming in all newly constructed or retrofitted facilities ~~that~~
25 ~~include infill beds and expansions of existing facilities. The~~
26 ~~programming-only space may not be used for housing inmates.~~
27 ~~The amount of space reserved for programming shall be based~~
28 ~~upon anticipated capacity rather than based on design capacity.~~

29 (b) As required by paragraphs (1) and (2) of subdivision (a) of
30 Section 2062, the department shall not let vacancy rates for
31 custody, mental health, health, teaching, and other program staff
32 and service providers fall below the average vacancy rate for the
33 state as determined by the mean.

34 SEC. 4. ~~Section 3023 is added to the Penal Code, to read:~~

35 ~~3023. Consistent with the requirements of Section 6141 the~~
36 ~~California Rehabilitation Oversight Board shall do the following:~~

37 ~~(a) Review the analysis of the risk and needs assessment tool~~
38 ~~currently employed by the Department of Corrections and~~
39 ~~Rehabilitation.~~

1 ~~(b) Compare the department's current assessment tool to other~~
2 ~~existing assessment tools employed by public agencies nationally.~~

3 ~~(e) Report the findings of its study to the Legislature on or before~~
4 ~~July 15, 2008.~~

5 ~~SEC. 5.~~

6 *SEC. 4.* Section 3024 is added to the Penal Code, to read:

7 3024. (a) On or before July 1, 2010, the Department of
8 Corrections and Rehabilitation shall conduct an interdisciplinary
9 risk-needs assessment of new inmates upon reception, or inmates
10 that return to the department's facilities 12 months after release,
11 excluding inmates returned for parole violations.

12 (b) On or before July 1, 2010, the department shall develop and
13 implement a core curriculum for essential, preferred, and higher
14 preferred skills in eight of its correctional institutions, including
15 at least one female institution.

16 ~~(e) On or before July 1, 2013, the department shall develop and~~
17 ~~implement a core curriculum for essential, preferred, and higher~~
18 ~~preferred skills in 16 of its correctional institutions, including all~~
19 ~~of its female institutions.~~

20 ~~(d) On or before July 1, 2016, the department shall develop and~~
21 ~~implement a core curriculum for essential, preferred, and higher~~
22 ~~preferred skills in 24 of its correctional institutions, including all~~
23 ~~of its female institutions.~~

24 ~~(e) On or before July 1, 2019, the department shall develop and~~
25 ~~implement a core curriculum for essential, preferred, and higher~~
26 ~~preferred skills in all of its correctional institutions.~~

27 *(c) On or before July 1, 2010, the department shall develop a*
28 *timeframe for systemwide implementation of a core curriculum*
29 *for essential, preferred, and higher preferred skills in all parts of*
30 *its institutions.*

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