

5-1980

A New Correctional Policy for California: Developing Alternatives to Prison

National Council on Crime and Delinquency

Follow this and additional works at: http://digitalcommons.law.ggu.edu/caldocs_joint_committees



Part of the [Criminal Procedure Commons](#), and the [Legislation Commons](#)

Recommended Citation

National Council on Crime and Delinquency, "A New Correctional Policy for California: Developing Alternatives to Prison" (1980).
California Joint Committees. Paper 119.
http://digitalcommons.law.ggu.edu/caldocs_joint_committees/119

This Committee Report is brought to you for free and open access by the California Documents at GGU Law Digital Commons. It has been accepted for inclusion in California Joint Committees by an authorized administrator of GGU Law Digital Commons. For more information, please contact jfischer@ggu.edu.

**A NEW CORRECTIONAL POLICY
FOR CALIFORNIA:
DEVELOPING ALTERNATIVES TO PRISON**

**Report to
Joint Rules Committee of the
California State Legislature**

KFC
1180.A8
N48



**NATIONAL COUNCIL ON CRIME AND DELINQUENCY . RESEARCH CENTER
760 Market Street, Suite 433, San Francisco, California 94102 . (415) 956-5651**

KFC
1180. AB
N48

LAW LIBRARY
GOLDEN GATE UNIVERSITY

A NEW CORRECTIONAL POLICY
FOR CALIFORNIA:
DEVELOPING ALTERNATIVES TO PRISON

Report to
Joint Rules Committee of the
California State Legislature

Submitted by
National Council on Crime and Delinquency
San Francisco, California

May 1980



NATIONAL COUNCIL ON CRIME AND DELINQUENCY . RESEARCH CENTER
760 Market Street, Suite 433, San Francisco, California 94102 . (415) 956-5651

221-6-18

STUDY TEAM

Barry Krisberg, Project Director
James L. Galvin, Co-Director

Erica Atkin, Administrative Assistant

Research Staff

Robert Atkins
James Austin
Susan Bluestone
John Galvin
M. Kay Harris
Henry Hewitt
Ying Lee Kelley
Earthlyn Manuel
Mark Morris
Lucy Reckseit
Becky Siebens
Wendy Singley
Garrett Wong
Lynn Zeller

Program Monitors

Eugene Mansfield
Mark Peterson
Miki Vohryzek

Professional Review Panel

John Kaplan
Stanford University School of Law
Horace McFall
Monica Herrera-Smith
Los Angeles County Probation Department
Larry Solomon
National Institute of Corrections
John Webster
Department of Criminology
California State University at Bakersfield

Production

Erica Atkin
Susan Bluestone



NATIONAL COUNCIL ON CRIME AND DELINQUENCY

RESEARCH CENTER WEST • 760 MARKET STREET • SUITE 433 • SAN FRANCISCO • CALIFORNIA 94102 • (415) 956-5651

May 23, 1980

NATIONAL OFFICERS

HON. ARTHUR S. LANE*
Chairman of the Board
CARL M. LOEB, JR.*
Vice Chairman of the Board
ROBERT STUART*
Vice Chairman, Governmental Affairs
JOHN L. KIDDE*
Vice Chairman, International Affairs
WILLIAM F. MAY*
Vice Chairman, Professional Affairs
MRS. POTTER STEWART*
Vice Chairman, Citizen Affairs
IRA A. LIPMAN*
Treasurer
MRS. ARTHUR G. WYTHE, JR.*
Chairman, Executive Committee
WILLIAM F. MAY*
Chairman, National Executive Committee
JOHN M. WALKER, JR.*
General Counsel
MILTON G. RECTOR
President

Eugene Mansfield, Chief Administrative Officer
Joint Rules Committee, California State Legislature
Sacramento, California

Dear Gene:

The National Council on Crime and Delinquency (NCCD) hereby transmits this report on alternatives to incarceration in California. The report contains both policy recommendations and suggestions for implementation.

BOARD OF DIRECTORS

J. DAVID BAKER
JUDGE DAVID L. BAZELON
MRS. CURTIS BOK
JOHN O. BOONE
JON GALT BOWMAN
FRANKLIN F. BRUDER*
JOHN J. BUCKLEY*
JOHN M. BURNS
ROBERT B. CLARK*
MORTON M. COLEMAN
BILL COSBY
HON. FRANCIS L. DALE*
LEONARD J. DELEHANTY
E. STANLEY ENLUND
HARRY E. ESTELL
CARL B. FLAXMAN
JERROLD K. FOOTLICK
PROFESSOR CHARLES FRIED
JOAN R. GARBER
RICHARD L. GELB
SEYMOUR L. HALLECK, M.D.
BARRON HILTON
HAROLD HORVITZ
DR. DAVID JACOBSON
HERBERT C. JOHNSON
HON. ORMAN W. KETCHAM
WILLIAM L. KIRCHNER, JR.
LAWRENCE C. KOLB, M.D.
SIGURD S. LARMON
NORMAN LEAR
ROBERT F. LEONARD
MS. DALY LOVELL
DAN W. LUFKIN
JOHN MAVROS
WILLIAM H. McCLENNAN
ROBERT B. McKAY
JAMES W. McSWINEY
KARL MENNINGER, M.D.
ROBERT Q. MILLAN
WILLIAM T. MORAN*
STEPHEN T. MURIN
PATRICK T. MURPHY
PATRICK V. MURPHY*
GERALD L. PARSKY
RICHARD A. PLUMB
E. BARRETT PRETTYMAN, JR.
PROFESSOR FRITZ REDL
JOSEPH RHODES, JR.
HON. ELLIOT L. RICHARDSON
HON. SCOVEL RICHARDSON
GLADYS E. RIVERA
FRANCIS C. ROONEY, JR.
DAVID ROTHENBERG
MRS. H.M. ROZENDAAL*
ROBERT D. SACK*
JOHN W. SCHMITT
WILLIAM SCHOEN*
RUSSELL SERVICE*
WILLIAM SIDELL
JANE FUGATE SIEVERLING
MRS. WILLIAM Y. SMITH*
MRS. HOBART A. SPALDING
ARTHUR H. SPIEGEL
JOHN L. STICKLEY
T.M. THOMPSON
MAYNARD P. VENEMA
C. WILLIAM VERTY, JR.
MRS. JOHN R. WHITMAN
J. ALBERT WOLL*

The recommendations emphasize tested programs and procedures suitable for supervision of convicted felons. These include sentencing alternatives and post-incarceration alternatives such as pre-release centers. Our study examines the anticipated effects of the recommendations on total corrections costs and on the need for prison construction.

The results of our research have been separated into two volumes. The first volume, A New Correctional Policy for California: Developing Alternatives to Prison represents policy issues involved in planning and implementing alternatives to prison. The second volume, The Sourcebook on Alternatives to Prison provides supportive data to recommendations cited in the first volume. Specifically, the Sourcebook gives a more detailed consideration of the issues that emerged in our study.

Both volumes possess critical analyses of alternatives to incarceration and presentations of recent research findings.

NCCD believes that our work provides useful data to shape public policy in a difficult area. We are ready to assist further efforts to implement a more socially constructive response to crime than the current failing correctional policy in California.

If you have any questions contact Barry Krisberg, Project Director, at (415)956-5651.

Respectfully yours,


Barry Krisberg, Ph.D.

*Executive Committee Member

ACKNOWLEDGMENTS

It is impossible to name the hundreds of criminal justice practitioners, professionals, and citizens who helped this study by sharing data and ideas about alternatives to prisons in California. But NCCD would like to acknowledge and commend the following persons who significantly facilitated the entire research effort.

Robert Presley
California Senate

Elihu Harris
California Assembly

Howard Way
Youth and Adult Correctional Agency

All members of the Citizens Commission
on Alternatives to Incarceration in California

Eugene Mansfield
Joint Rules Committee

Miki Vohryzek
Assembly Office of Research

Mark Peterson
Staff to the Citizens Committee
on Alternatives to Incarceration

Staff of Arthur D. Little, Inc.

Staff of Arthur Young and Company

Staff of the California Department of Corrections
NCCD Central Office Staff, especially, Dini Gordon,
Eugene Doleschal, Milton Rector

ACKNOWLEDGMENTS

It is impossible to name the hundreds of criminal justice practitioners, professionals, and citizens who helped this study by sharing data and ideas about alternatives to prisons in California. But NCCD would like to acknowledge and commend the following persons who significantly facilitated the entire research effort.

Robert Presley
California Senate

Elihu Harris
California Assembly

Howard Way
Youth and Adult Correctional Agency

All members of the Citizens Commission
on Alternatives to Incarceration in California

Eugene Mansfield
Joint Rules Committee

Miki Vohryzek
Assembly Office of Research

Mark Peterson
Staff to the Citizens Committee
on Alternatives to Incarceration

Staff of Arthur D. Little, Inc.

Staff of Arthur Young and Company

Staff of the California Department of Corrections

NCCD Central Office Staff, especially, Dini Gordon,
Eugene Doleschal, Milton Rector

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
I. INTRODUCTION	1
II. SUMMARY OF RECOMMENDATIONS	7
III. PRISONS IN CALIFORNIA: A CRISIS IN CORRECTIONS	11
A. The Prison Population.	12
B. Crime and The Criminal Justice System.	15
C. The Need for Alternatives.	22
D. Barriers to the Development of Alternatives Alternatives	24
E. The Basis for Building a New System of Non-Prison Alternatives	41
F. Lingering Issues: Justice in the Corrections System	53
G. Conclusions.	57
IV. CONFRONTING CALIFORNIA'S CRISIS IN CORRECTIONS: PART I: EMERGENCY OR SHORT-TERM RECOMMENDATIONS.	59
A. Introduction	59
B. Recommendations.	62
C. Specific Recommendations and Discussion.	63
D. Limitations of These Recommendations	73
PART II: LONG-TERM AND STRUCTURAL RECOMMENDATIONS.	77
A. Introduction	77
B. Summary of Recommendations	79
C. Specific Recommendations and Discussion.	80
D. The Need for Public Education and Involvement.	98
V. A NEW CORRECTIONAL POLICY FOR CALIFORNIA: DEVELOPING ALTERNATIVES TO PRISON.	103

TABLE OF CONTENTS (Continued)

<u>SECTION</u>	<u>PAGE</u>
REFERENCES	107
APPENDIX: INTERVIEW RESOURCES (Listed by Affiliation)	117

SECTION I

INTRODUCTION

The California prison population is growing at an alarming rate. Over the last four years, admissions to prison of male felons, are up by 75 percent and population in prison is up by 23 percent. This trend toward more prison use, coupled with declining non-prison correctional resources, foreshadows an emerging crisis of corrections in California.

- The situation in the prisons, by all accounts, is explosive. Overcrowding is becoming severe in several institutions, aggravating the many tensions already existing in California's prisons.

California is creating the possibility for its own version of the New Mexico tragedy.

As the situation continues to deteriorate, California finds itself with less and less flexibility to handle a crisis.

- Non-prison alternatives, especially alternatives to correctional and social service resources, are disappearing.

- Prison terms are increasingly mandated by rigid legislative controls.
- Criminal justice officials, because of external pressure and their own timidity, are increasingly wary of the use of alternatives.

Prisons are measures of last resort. With the exception of the death penalty, they represent society's most drastic means of punishment. Prisons do punish. They have also been asked to achieve other goals, such as to deter crime, rehabilitate committed offenders, or incapacitate convicted criminals until they can be safely returned to society. Prisons typically fail in these pursuits because they are the wrong tool for the job. Furthermore, they are expensive. Howard Way, Director of the Youth and Adult Correctional Agency, stated the situation this way:

Members of the public need to realize that the prison system, as we know it, speaking nationwide, is a proven failure -- and I have to tell them as a fiscal conservative that we have to stop funding our failures. (San Francisco Examiner, May 4, 1980)

California has two choices in coping with the increasing number of persons being channeled into prison by its criminal justice system. It can agree to Governor Brown's request for funds to construct ten new prisons (approximately 4,400 new beds) at a price in the

range of \$1 billion over the next ten years; or the state can make a much less expensive investment in an array of far more effective sanctions that constitute alternatives to prison use. The purpose of this report is to outline a plan for a new corrections in California including a range of non-prison alternatives. This plan includes both short-range measure to deal with the emergency situation currently developing in California prisons, and long-term measures to systematically confront the problems of effective sanctions in the future. It deals directly with techniques for putting a cap on the soaring prison population, and would use longer term measures to turn around the criminal justice system's increasing reliance on prison as the sole sanction for criminal behavior.

The Nature of the Study

This report is the outcome of a 110-day study by the National Council on Crime and Delinquency (NCCD) for the California Legislature. The objectives of this study were to:

- Review existing programs which serve as alternatives to incarceration in this and other jurisdictions including, but not limited to, victim restitution and community

service options.

- Assess the appropriateness and suitability of these alternatives, especially in light of present prison populations and custody status necessary to ensure public safety.
- Identify the types of persons best served by these alternative programs.
- Recommend statutory changes needed to accomplish the expanded use of community alternatives, if appropriate.
- Identify related costs of these alternatives and the relationship of these costs to benefits derived.

In order to address these objectives, NCCD carried out the following five data gathering and analysis tasks:

- Review of existing and proposed alternatives to prison at the national and international level.
- Analysis of crime, criminal justice, and prison population trends in California.
- Survey of existing post-conviction alternatives in California, with particular emphasis on those available for convicted felons.
- Analysis of relevant legislation in California and other states.

- Survey of attitudes towards alternatives by local and state level officials.

Pursuant to these research tasks, NCCD surveyed 105 criminal justice practitioners, public officials, and program staff. We contacted 158 programs involved with alternatives to prison, and performed site visits to 14 highly regarded programs in California.

The key step was synthesizing the findings of each of these five tasks into a realistic set of recommendations. Here the fourth task, consisting of extensive open-ended discussions, was crucial. The recommendations, summarized in the following section, respond to the problems NCCD has identified. If implemented over the next five years, these recommendations only alleviate the immediate problem of prison overcrowding; they will also represent a major step towards the creation of a new corrections in California. Most important, these recommendations chart a policy direction which can generate support among public officials and the California citizens that they serve.

Organization of the Report

This volume includes the Executive Summary (which

is also published separately) and five major sections. The first, this introduction, describes the problem and the study itself. The principal recommendations are listed in Section II. Section III includes a more detailed discussion of the problems California is facing in this area and the options that are available. NCCD's proposed recommendations for California, including both the principal recommendations and implementation strategies, are outlined in the fourth section. Section V contains NCCD's conclusions about the future for alternatives in California.

The findings from the major study tasks appear throughout the report although they are most directly presented in Section III. In addition, the companion volume of the study report, the Sourcebook on Alternatives to Incarceration in California, consists of detailed reports on each of the five tasks.

SECTION II

SUMMARY OF RECOMMENDATIONS

To confront the immediate problem of a sharply increasing prison population, NCCD proposes three recommendations; these initial steps could be taken immediately. If implemented, they could have a significant effect on the use of prison within 12 months. At the same time, they avoid the sort of precipitous action that has characterized the development of state correctional policy in the last few years.

More long term changes are also needed, however; these are discussed in the four longer term recommendations. It is precisely to avoid repeating our history of chaotic reform that the long-term recommendations call for both a special commission on alternatives to prison and a new joint legislative committee on corrections. Unless such mechanisms for long-range overview of the corrections situation are created, any set of one-time reforms may only lead to newer and even less tractable problems in the coming years.

The recommendations are summarized below and discussed in detail in Section IV.

SHORT-TERM RECOMMENDATIONS

- GREATLY EXPAND THE USE OF COMMUNITY-BASED PLACEMENTS FOR PRISONERS NEARING THEIR RELEASE DATES BEYOND GOALS PRESENTLY SET BY THE DEPARTMENT OF CORRECTIONS.
- IMMEDIATELY DEVELOP COMMUNITY-BASED RESTITUTION AND COMMUNITY WORK PROGRAMS FOR SELECTED NON-ASSAULTIVE, LOW RISK PRISONERS CONVICTED OF NON-ASSAULTIVE OFFENSES, WHO ARE IN THE EARLY STAGE OF SHORT SENTENCES.
- CREATE A DEPARTMENT OF CLASSIFICATIONS AND COMMUNITY CORRECTIONS WITHIN THE YOUTH AND ADULT CORRECTIONAL AGENCY TO PLAN, IMPLEMENT AND MONITOR THE EXPANDING RANGE OF NON-PRISON PENAL SANCTIONS.

LONG-TERM, STRUCTURAL RECOMMENDATIONS

ESTABLISH A STATUTORY CEILING ON THE NUMBER OF AVAILABLE MEDIUM, CLOSE, AND MAXIMUM SECURITY BEDS WITHIN CALIFORNIA'S DEPARTMENT OF CORRECTIONS.

AMEND THE COUNTY CRIMINAL JUSTICE SUBVENTION PROGRAM (AB 90), TO FACILITATE THE DEVELOPMENT BY COUNTIES OF NON-PRISON PLACEMENTS FOR CONVICTED ADULT FELONS,

PARTICULARLY OF PROGRAMS INCORPORATING RESTITUTION,
WORK PLACEMENTS AND JOB TRAINING.

- ESTABLISH A SPECIAL COMMISSION ON ALTERNATIVES TO PRISON TO EXAMINE CRIMINAL JUSTICE POLICY OPTIONS SUCH AS SHORTER SENTENCES FOR MOST OFFENSES, PRESUMPTIVE SENTENCES TO NON-PRISON PLACEMENTS, ABOLISHING LAWS REQUIRING MANDATORY PRISON TERMS AND STRENGTHENING SENTENCE RECALL PROCEDURES.
CREATE A JOINT LEGISLATIVE COMMITTEE ON CORRECTIONS TO DEVELOP GREATER LEGISLATIVE EXPERTISE AND OVERSIGHT CAPABILITIES IN THE CORRECTIONS AREA

SECTION III

PRISONS IN CALIFORNIA: A CRISIS IN CORRECTIONS

The California prison population stood at 22,632 on December 31, 1979, a dramatic increase of 13 percent over the population four years earlier (20,038 as of 12/31/75). While the population has been larger at earlier times in the system's history, both the nature of the population and the organization of the Department of Corrections facilities have changed so that this recent surge is particularly hard to absorb. This growth has forced the Department of Corrections to resort to a variety of techniques for managing the population, including double-celling, which have created the current emergency situation in the state.

The New Mexico disaster forms a backdrop for correctional policy for the coming decade. The New Mexico situation underscores the results that will flow from a short sighted correctional policy that attempts to respond simultaneously to pressures for increased use of prison and reduced expenditures both for prisons and for non-prison alternative sanctions.

Some would argue that the California situation is already a disaster. However, the crisis has not yet resulted in a large scale prison riot. The state must take steps to steer away from any course which appears to lead toward such disaster while at the same time engaging in a complete rethinking of its

correctional and criminal justice policies. The need for both short term and long term strategies will be echoed throughout this report. The more permanent long term solutions can only be reached if California survives the near future without the sort of major outbreak of prison violence that results in staff or inmates injured and killed and public property destroyed. In addition to the needless loss of life and property, such an outbreak will rigidify public and public official attitudes so that no significant change may be possible. The cycle of prison violence and and repression that could follow is a frightening prospect.

This report outlines recommendations for both long term and short term approaches to dealing with the current crisis. This section attempts to describe the current situation, including the trends that have led to the current situation and the possibilities for change.

A. THE PRISON POPULATION

We have briefly described the 13 percent increase in the prison population between the end of 1975 and the end of 1979. The year 1975, with the second lowest end of year population since 1960, provides a convenient base from which to compare changes in both prison populations as well as other factors in the criminal justice system.

However, other periods of time are also of interest. For example, most of the recent growth was reached by

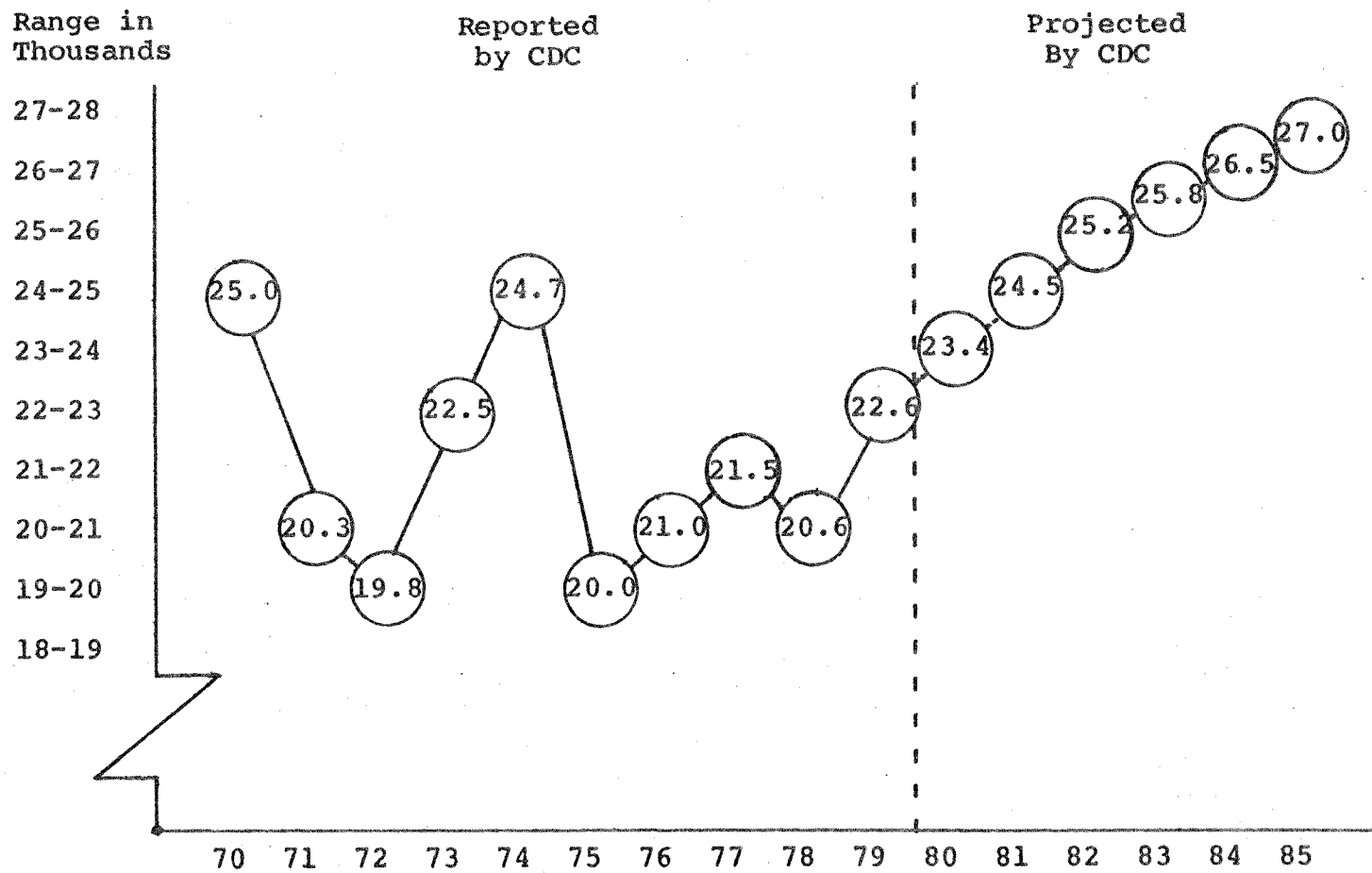
January 30, 1979. The population reached 23,534, an increase of 12.5 percent over the 1975 base. Growth slowed during the latter half of 1979 and stood at 22,632 at the end of the year (13 percent over the base in four years). The California Department of Corrections projects a renewed increase during the first half of 1980 and a continuing increase over the next several years (see Figure 1) with the population projected as rising to 23,427 by June 30, 1980 (17.0 percent over the 1975 base). Thus the prison population is projected to increase by more than one-third in the ten year period from 1975 to 1985.

On the other hand, the five year period preceding the 1975 low point shows no consistent single trend; rather, is marked by an up and down pattern. While no judgment concerning the California Department of Corrections projections can be made based on a single trend line, it is clear that the factors affecting prison population are complex.

California is not alone in the increasing use of prisons. Between January 1, 1972 and January 1, 1979, the nation's prison population (not including jails) soared from 174,500 to 303,000, a 73 percent increase. In terms of combined state and local confinement, the overall incarceration rate nationally rose from 151.8 per 100,000 citizens in 1972 to 192.9 per 100,000 in 1978. Such a rate contrasts sharply with European nations with whom the United States often is compared; Great Britain confines 84 persons

FIGURE 1

CALIFORNIA PRISON POPULATION, 1970-1985
(in thousands)



per 100,000; France, 66; West Germany, 60; Denmark, 54; Sweden, 40; and the Netherlands, 22.

California's Governor Brown is seeking funds to construct ten new prisons providing approximately 4,400 new beds. Elsewhere in the nation there is talk of adding more than 200 new prisons and almost 500 new jails, with a total estimated capacity of 196,000. But even construction on such a scale might not provide adequate space for the number currently under prison and jail custody, given an estimated level of crowding of 283,000 prisoners above rated facility capacities, to say nothing of replacing inadequate cells or confining still more offenders.

B. CRIME AND THE CRIMINAL JUSTICE SYSTEM

The growth of the prison population in California was the immediate consequence of an even more dramatic increase in the number of admissions to prison (see Figure 1 and supportive Table 1). Comparing 1979 to 1975 shows total prison population to be up 13 percent and the male felon prison population up 27 percent. The number of male felons admitted to prison is up 75 percent; admissions for property crime convictions shows the greatest increase. For example, burglary admissions were up 121 percent.

Several theories might be advanced to explain these phenomena. For example:

FIGURE 1

PRISON POPULATION AND RELATED INDICATORS
(1975 to 1979 except where noted)

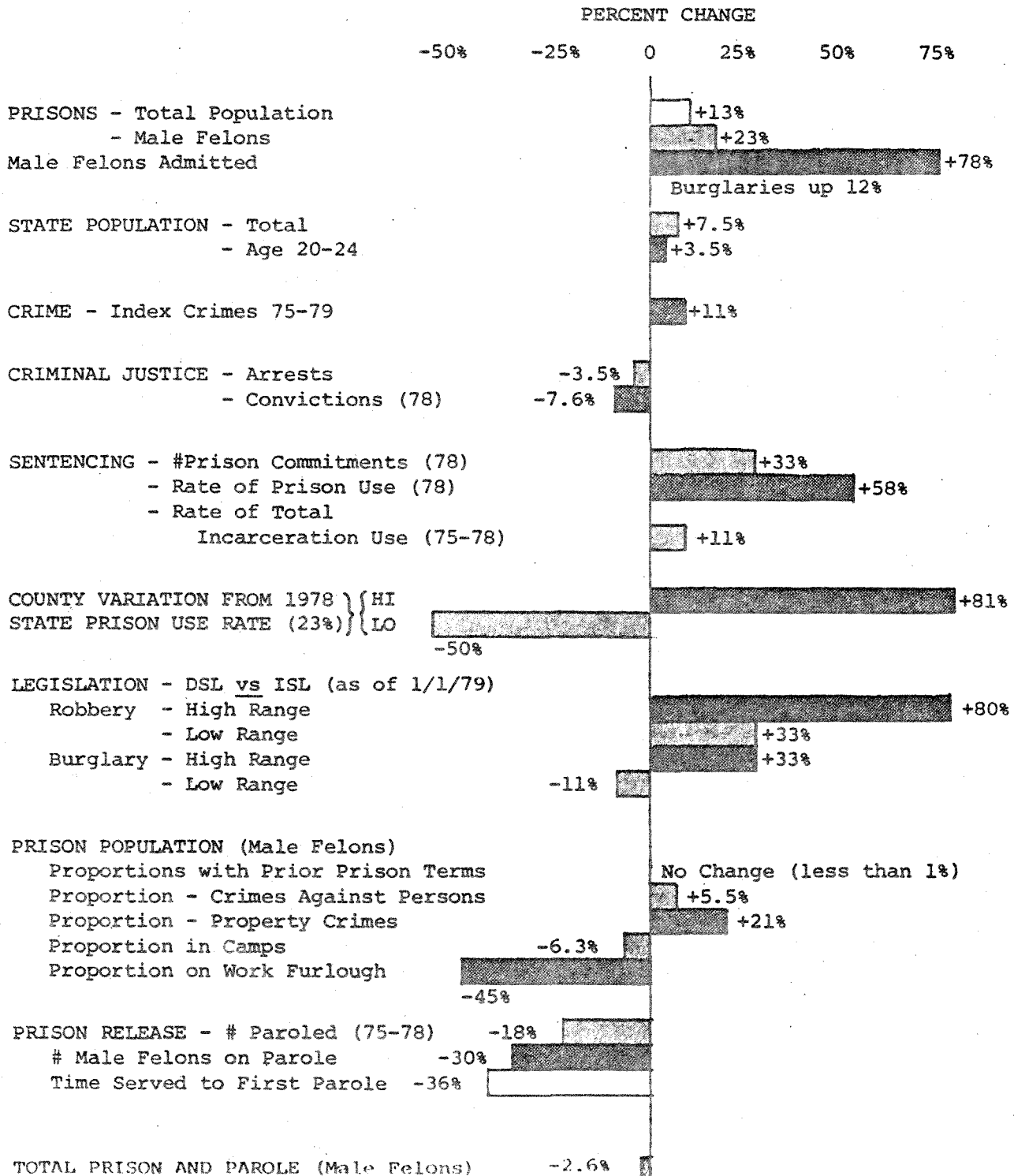


TABLE 1

PRISON POPULATION AND RELATED INDICATORS
1975 to 1979 except where indicated

	<u>1975</u>	<u>1978</u>	<u>1979</u>	<u>Change</u>	
				<u>Net</u>	<u>%</u>
PRISONS					
Total Population	20,000		22,600	+2,600	+13.0
Male Felons	15,300		18,800	+3,500	+22.9
Male Felons Admitted (1st half year)	2,700		4,800	+2,100	+77.8
STATE POPULATION					
Total	21,113,000		22,694,000	+1,581,000	+7.5
Age 20-24	1,930,000		1,998,000	+68,000	+3.5
CRIME - Index	1,523,000		1,689,000	+166,000	+10.9
CRIMINAL JUSTICE					
Felony Arrests	265,800		256,500	-9,300	-3.5
Felony Convictions	28,400		26,200	-2,200	-7.7
SENTENCING					
# Prison Commitments (75-78)	5,200	6,900		+1,700	+32.7
Rate of Prison Use (75-78)	14.6	23.0		+8.4	+57.5
Rate of Incarceration Use (75-78)	78.2	86.5		+8.3	+10.6
County Variation					
From 1978			41.7/23.0	+18.7	+81.3
Prison Use Rate } HI					
(23%) } LO			11.6/23.0	-11.4	-49.6
LEGISLATION (ISL vs DSL)					
Robbery - High Range	40		72	+32	+80%
- Low Range	12		16	+4	+33%
Burglary - High Range	60		72	+12	+33%
- Low Range	12		10-2/3	- 1-1/3	-11%
PRISON POPULATION					
Proportion Prior Prison	35.6		35.9	+0.3	+0.8%
Proportion - Crimes Against Persons	57.8		60.9	+3.1	+5.5%
Proportion - Property Crimes	17.8		21.6	+3.8	+21.3%
Proportion in Camps	6.3		5.9	-0.4	-6.3%
Proportion on Work Furlough	1.1		0.6	-0.5	-45.5%

TABLE 1 (Continued)

	<u>1975</u>	<u>1978</u>	<u>1979</u>	<u>Change</u>	
				<u>Net</u>	<u>%</u>
PRISON RELEASES					
# Male Felons Released (75-78)	11,200	9,200		-2,000	-17.9
# Male Felons on Parole	14,000		9,800	-4,200	-30.0
Months Served to First Parole	39		25	-14	-35.9
TOTAL PRISON & PAROLE					
Male Felon Population thru 6/30/79	30,600		29,800	-800	-2.6

- Prison admissions and population size tend to fluctuate with state population and the state population has continued to grow.
- Crime has increased.
- More criminals are being caught and convicted.
- Judges, in response to public attitudes or because of the new determinate sentencing law, or for whatever reason, are sending more convicted offenders to prison; or that this is true in some counties or regions of the state, which makes a disproportionate contribution to the prison population.
- The prison population is stacking up because of longer sentences.
- The use of community placement (primarily parole or work furlough) has declined because the population is increasingly unsuitable for such placement.

The following findings are based primarily on data from the four-year period, 1975 to 1979. (See Figure 1 and Table 1.)

State Population changes do not explain these increases. The state population is up by only 7.5 percent in the same period, and 20 to 24 year olds, the population most at risk, has grown at an even slower rate.

Reported Crime is up, but only by 11 percent.

Arrests and convictions are down: Felony arrests decreased by 3.5 percent through 1979 and felony convictions

decreased by 7.7 percent through 1978.

Judicial willingness to use prison increased dramatically, at least through 1978, in both the numbers committed (up 33 percent) and the proportion of those convicted who are sent to prison (up 58 percent from 15 per 100 in 1975 to 23 per 100 in 1978). The variation from county to county, incidentally, was dramatic; in 1978 among counties with more than 200 superior court convictions the range was from 81 percent above the state rate to 50 percent below that rate.

Sentence length may be up. For example, the determinate sentencing law (DSL) increased the minimum eligible parole date (MEPD) for robbery at all levels of seriousness. For burglary the MEPD was increased at all but the least serious offense: second degree under DSL with no enhancement, lower level sentence, and all good-time earned would yield an MEPD of ten and two-thirds months, compared to an MEPD of 12 months for second degree, non-aggravated, under the indeterminate sentencing law (ISL). The impact of the DSL on actual time served is an empirical question that cannot be fully answered until there is more experience with the new law as amended through January 1, 1979. Offenders who were released in 1979 generally served much less time than their 1975 counterparts (time served to first parole decreased by more than one-third). On the other hand, far fewer were released (down 18 percent through 1978) and the

parole population decreased even more sharply (down 30 percent through June 30, 1979). This combination of factors suggests that a residual group of prisoners with longer sentences is "stacking up" in prison while a certain number of lesser offenders is processed relatively quickly. The total male felon population (institution and parole) has actually decreased (down by 2.6 percent through June 30, 1979).

THE USE OF ALL TYPES OF COMMUNITY PLACEMENT HAS DECLINED. As mentioned above, the use of parole has decreased. The use of work furlough has also declined (from 1.1 per 100 in 1975 to 0.6 per 100 in 1979, a decrease of 46 percent). The use of camps, another lower security placement, has declined by 6.3 percent. Both of these groups are small (105 on work furlough on December 31, 1979 and 1,090 in camps on June 30, 1979) and are counted as part of the prison population, so that the increased use would not have changed the overall prison or male felon population. Nonetheless, both work furlough placement and camps do represent a placement alternative to prisons. Both are indicators of the increasing unwillingness of the California Department of Corrections to use lower security options. During the same period, the proportion of male felons with prior prison terms remained virtually unchanged at 36 per 100. The proportion with sentences for crimes against persons (homicide, rape, robbery, and assault) rose

from 57.8 per 100 to 60.9 per 100, a 5.5 percent rate of increase. It should also be noted that the proportion sentenced as property offenders (burglary, auto theft, and other theft) rose even more dramatically, from 17.8 per 100 to 21.6 per 100, a 21 percent increase. The major decrease was among those convicted on drug offenses.

What emerges from the statistical data is a picture of the criminal justice system struggling to keep pace with crime -- arrests and convictions are rising but at a slower pace than the crime rate. At the same time the system is growing far more punitive towards those it catches and convicts both in its willingness to send them to prison and its unwillingness to let them go once they are there. The relative harshness could be easier to justify if it were consistent throughout the system. Unfortunately this is not the case. For example, while on a statewide basis nine out of ten convicted felons are sentenced to prison, jail, or some form of incarceration, the county rates vary from five out of ten in Solano County to almost ten out of ten in Fresno County.

C. THE NEED FOR ALTERNATIVES

The California Department of Corrections has responded to the current trends by proposing a \$903 million capital outlay plan, to both renovate existing facilities and add new beds. Yet it is exactly this sort of response that

reveals the bankruptcy of current correctional planning in California. Even if building more prisons were an adequate response to the problem, it will be five to seven years before any new facilities could be opened. Short term solutions to overcrowding will have to entail the development of alternatives to prison. For the long run, though, more far-reaching changes in penal philosophy are required. The current trends and policies that lead toward more use of prison are untenable: they are exorbitantly expensive, (Director Howard Way estimates the cost of new cells at \$70,000 - \$80,000 each), they contribute relatively little to public safety and the control of crime, and they increasingly place prisoners and corrections staff in serious jeopardy. The question is thus what can be done to change the situation; what alternatives to prison can be proposed that are feasible and safe.

In considering alternatives to prison it is perhaps most common to think of programs that serve as sentencing alternatives. There are, however, many opportunities for reducing prison populations through changes in philosophy, procedure, and practice. Some means for reducing incarceration can be set into action as emergency or short-range responses, such as one time early release screening or reclassification of an existing population. Other strategies take longer or are more complicated to implement, such as

the revision of the AB90 financial incentives to counties to more severely restrict commitments to the state prison system. Many approaches for cutting prison populations can be undertaken within existing limits of authority; others require legislative changes. However, the significant modifications can only be carried out through the adoption of new attitudes and priorities on the part of decision-makers in the criminal justice system.

D. BARRIERS TO THE DEVELOPMENT OF ALTERNATIVES

The immediate problem that California faces is a rising prison population. But what must be addressed is the underlying problem in California: that the state lacks almost completely any constructive, viable penal sanctions that would serve as alternatives to incarceration. Furthermore, the state lacks the necessary legislation, the executive agencies, the long range plans, and the funds to support any such alternatives.

The National Council on Crime and Delinquency bases this assessment on the results of three separate components of this study, which were designed to investigate the three identified sources of alternatives: 1) attitudes and priorities, 2) legislation and 3) programs. First, the attitudes and priorities of over one hundred Californians were sought -- program administrators, state officials in criminal justice and legislative positions, and interested

citizens. Second, the relevant state legislation was analyzed. And third, over 150 programs currently in existence were contacted. The resulting "state of alternatives" assessment is bleak. Where support for alternatives was sought, instead barriers were found. The overall picture in California is consistent with the criminal justice statistical data: there is growing disillusionment and distrust of non-prison alternatives by officials, more laws which prohibit or discourage the use of non-prison alternatives, and there is a downward trend in the number and range of alternatives available. Officials are less and less willing to utilize alternatives and there are fewer and fewer alternatives there to employ. In a kind of vicious circle the lack of faith in alternatives has become a self-fulfilling prophecy. Alternatives in California are nearing collapse.

1. The Attitudes of Criminal Justice Officials

In an effort to assess attitudes toward alternatives to prison among criminal justice practitioners, the National Council on Crime and Delinquency surveyed over 100 respondents in Los Angeles, San Francisco, Sacramento and other California counties. These included formal surveys and open ended discussions with additional key state level officials. The following central themes appeared.

Alternatives to incarceration for the California Department of Corrections commitments are generally

opposed by local practitioners who see alternatives as rewards, privileges or second chances for the less serious offenders. "Alternative" is viewed as a soft or liberal approach to criminal sanctions. Most practitioners nominated (1) conservative community opinion and (2) recent changes in sentencing laws as the most important factors contributing to increases in prison population. Economic constraints caused by Proposition 13 have significantly curtailed programs and facilities at the county level.

Alternatives nominated most likely to decrease prison commitments were (a) shorter sentences; (b) early release; (c) changes in the sentencing laws and (d) contracting the California Department of Corrections inmates to county correction systems and private organizations. The offender best suited for alternatives is non-violent, has no history of offenses and is charged with misdemeanor offenses. Practitioners are generally unable to articulate precise criteria for alternative programs. Most practitioners estimated five percent to ten percent of the offenders presently incarcerated in the California Department of Corrections could be safely placed in alternative programs. No research or studies were cited to justify such estimate. Some practitioners estimated as many as 50 percent could be placed outside a prison setting.

Suggested alternatives to immediately ease overcrowding in the prisons were (a) reconstruct unused military bases for minimum security facilities; (b) decrease prison terms; (c) exhaust all available beds at halfway houses funded under the California Department of Corrections and (d) expand the use of county facilities (jails, work furlough programs, etc.)

Most practitioners believe crime is not increasing but the nature of criminal behavior is becoming more serious than in past years. Again no data were cited to support these beliefs. Prosecutors and judges were most resistive to the concept of reducing prison commitments; probation officials were the most favorable.

a. Implications for Alternatives

Although alternatives to incarceration for California Department of Corrections commitments were viewed unfavorably, practitioners were willing to discuss the issue and its potential for reducing prison commitments and overcrowding. Therefore, given the data collected, two major implications are (1) The need to intensify the awareness of alternatives and (2) The need to encourage exploration of alternatives.

1) The Need for Information

First, it is essential more information be provided to practitioners and the community on alternatives. This would improve the ability to discuss objectively the potentials of

alternative approaches. Several practitioners were unclear about the issue at hand and were unaware of programs or sanctions that could be readily utilized. Additional data could clear away doubt and confusion. There was much doubt that the use of alternatives would significantly affect prison commitments and overcrowding. The majority generally believed that felons are "too dangerous" for most alternative situations despite research data supporting opposite conclusions.

Some practitioners would consider offenders with character disorders (drug addicts, alcoholics, and mentally ill) and those who committed property crimes, for appropriate alternatives. Yet the majority felt very opposed to giving any felons "second chances".

Public attitudes toward non-prison alternatives suggest the need for a public education program. Practitioners, especially prosecutors and judges, repeatedly noted that the community must confront the issue of crime on a daily basis. The community wants and demands most offenders be locked up to ensure public safety, punish the criminal and deter the escalation of crime. A probation officer stated that the general public knows little about the correction system or process, but experiences the fear of crime. A public education program would address these fears as well as provide much needed and carefully reasoned information on the alternatives.

Overall, the lack of information concerning non-prison alternatives has caused the issue to be neglected. Such ignorance has provoked hesitation in utilizing existing programs and sanctions and stalled the creation of new ones.

2) The Need to Encourage Exploration of Alternatives

Responses indicate the necessity to experiment with changing the penal code, decreasing prison terms and providing for early release of offenders to community programs. These alternatives seem to be most attractive to practitioners as a means for regulating prison populations. These alternatives were favored because the felon experiences some level of imprisonment. Also, sentencing or penal code revisions restrict the tendency of judges and prosecutors of sending individuals to prison without considering possible alternative sanctions.

If state funds were made available the majority of the respondents saw a great potential for the state contracting with local correction systems such as halfway houses and private service organizations to house and supervise the California Department of Corrections commitments. Some proposed that the California Department of Corrections should dramatically increase the number of community beds over the next couple of years. This would be widely accepted if public safety and effective supervision were ensured.

b. Attitudes and Priorities - Conclusions

The increase in prison commitments and overcrowding in California state prisons is an urgent problem in which the expansion of sentencing and post-confinement alternatives are politically threatening to practitioners and economically unfeasible for local jurisdictions. Data reveal that there is a fundamental need to educate practitioners and the community on alternative strategies and to create financial incentive to experiment with alternatives that are practical, expedient and easily accepted by both practitioners and the community.

2. The Current Legal Structure

Alternatives to prison in California, and the further development of innovations in this area, are either constrained or encouraged by legislative enactments, judicial decision and administrative regulations. In developing an understanding of alternatives, it was necessary to consider these aspects of California Legal Authority. This legal analysis focused on the structure of authority over criminal sentencing and incarceration, as it relates to the development of alternatives to imprisonment.

Two significant themes emerge regarding legislative attitudes toward sentencing and incarceration. First, a dramatic decrease of concern for the individual nature of offenders has occurred, in favor of support for uniformity

of prison terms. Secondly, the legislature operates under contradictory impulses regarding prison populations. Its primary push toward imprisonment of more offenders for longer periods is countered by a noticeable attempt to encourage reduction of prison populations.

a. The Structure of Authority

The Tanner Decision (People vs Tanner, 24 Cal. 3d 514 (1979)) establishes the primacy of legislative authority over criminal sentencing. The legislature also controls the corrections agencies, so that statutory changes can manipulate the bounds of judicial and administrative discretion, as well as control funding for state corrections programs. While counties retain a great deal of autonomy in this area, programs such as the County Justice System Subvention Act (AB 90) operate to reduce the use of prison by counties.

Because of this structure of authority, and its particular functioning in the setting of criminal sentencing and incarceration, possible statutory changes to encourage alternatives to imprisonment are of four types:

- 1) Statutes to increase judicial and agency discretion, e.g. pre-term parole, probation for enumerated offenses;
- 2) Statutes to limit judicial and agency discretion, e.g. presumptive probation, requiring increased usage of alternative placements such as community correction centers;
- 3) Statutes to fund specific programs, e.g. community correction centers;

- 4) Statutes regarding incentives to counties, e.g. a revised version of AB 90.

b. Sentencing and Probation

California underwent a revolution in sentencing procedures in 1977, replacing indeterminate (ISL) with determinate sentencing legislation (DSL). This established specific prison terms for specific offenses, vastly reducing the discretion of the correctional agencies over inmate release. In addition, DSL affects judicial discretion in several respects. Terms of sentences are more clearly, and for most offenses more narrowly, spelled out. A typical assumption (which may or may not be true) is that sentences are also longer under DSL. Simultaneously with DSL there have been efforts to stiffen sentences, such as in the Habitual Offenders Act. Moreover, in recent years more legislative direction has been exercised over the grants of probation; more and more offenses have been added to statues denying or limiting probation. For example, house burglary has been added within the last month. Moreover, determinate sentencing may have affected judicial attitudes in favor of prison terms rather than probation.

But probation stands as the primary alternative to prison. It is the one area left in sentencing which focuses on the individuality of the offender. It involves gathering data about the person and making a judgment based on this data and rules of court created by the Judicial Council.

Many probation placements are conditioned on serving one year in the county jail system. This opens up the possibility of county rehabilitative programs such as work and education furloughs.

Possible statutory changes to encourage alternatives in this area are:

- 1) Removing offenses from the mandatory prison statutes;
- 2) Limiting judicial discretion by creating presumptions against prisons;
- 3) Creation and funding of more programs for supervision and rehabilitation of probationers;
- 4) Revising AB 90 to guarantee use of a portion of the funds for adult alternatives.

c. Initial Placements

The California Department of Corrections has absolute discretion over the placement of persons brought under its custody. Under existing authority for example, it could place new inmates in community corrections centers. However, with the exception of one highly specialized infinitesimal group, all inmates are currently placed in state prisons rather than community settings. There is in fact no program of alternative placements for new inmates in the California prison system. Classification and placement of inmates are governed by statutes, regulations and department manuals, although over-crowding often prevents placement in the recommended setting.

Possible statutory changes to encourage alternative
are:

- 1) Creation of an administrative structure for the community placement program and related functions;
- 2) Requiring the creation and use of alternative programs, with funding;
- 3) Providing the necessary funding.

d. Pre-Release Community Placements

Currently, the California Department of Corrections' regulations restrict the few community placement and work furlough programs to inmates within four months of release. These settings include contract arrangements with county jail work furlough programs and three actual community placements. For the tiny group of state prisoners involved in these underfunded programs, the California Department of Corrections and the outside facilities set eligibility requirements. In the face of prison overcrowding, the legislature in 1978 called for more use of community correctional centers, leading to a California Department of Corrections proposal (Mann, 1979) for increased programs. This lengthy proposal will be published shortly.

Possible statutory changes to encourage alternatives
are:

- 1) The creation of an administrative structure to govern the expanded pre-release program;

- 2) Requiring the creation and use of more pre-release community correctional centers, with funding.

e. Parole

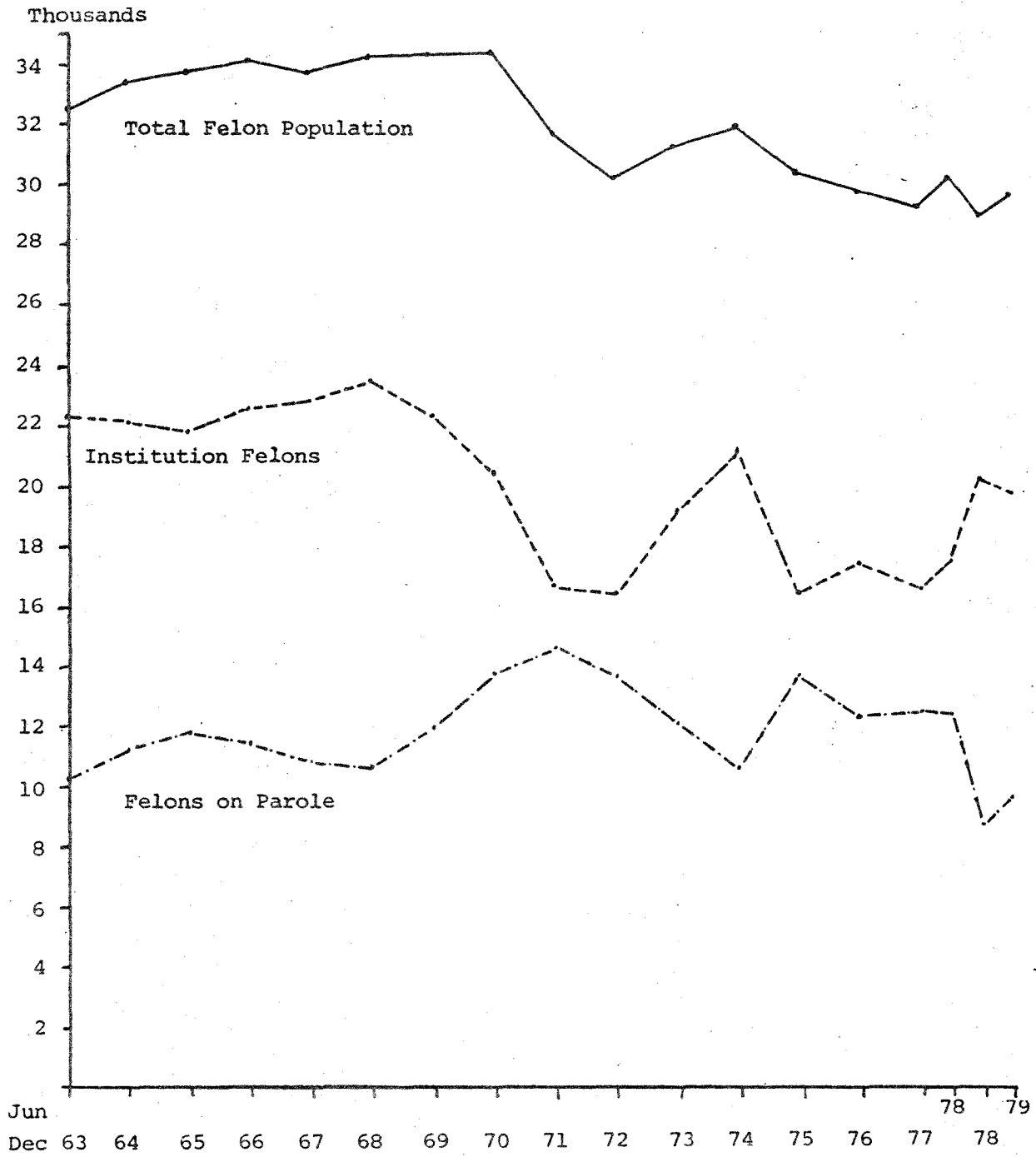
Prior to determinate sentencing, parole was used as an incentive for inmates to show rehabilitation. Parole was the exit gate from penal institutions, the mode of fixing the length of an otherwise indeterminate sentence. It also served as a safety valve for prison populations growth (see Figure 3). Now, its purpose is dramatically changed, as it serves solely as a period of reintegration into society - a post-prison era of supervision, surveillance and counseling. There is no possibility of parole prior to the end of a prison term, although the term can be reduced by "good time" credits. But for persons with certain long sentences, as well as a limited number of the inmates sentenced prior to July 1977, a version of the old system of parole still stands, so that the Board of Prison Terms has a greater role in determining the date of release of these persons.

Possible statutory changes to encourage changes to alternatives are:

- 1) Revision of the sentencing law to include parole prior to the end of a prison term.
- 2) Alternatively, the good time credit system can be enlarged, so that an inmate may earn more credits per unit of time served.

FIGURE 3

ADULT MALE FELON POPULATION



3. Alternative to Prison Programs: The Current Status

If alternative to prison programs are to be part of the answer to controlling the prison population in California, a massive increase in the resources for such programs will be necessary. The declining financial support for such activities has reduced both their numbers and their range of experimentation.

For this study, the National Council on Crime and Delinquency did not survey all alternatives to incarceration. We focused on alternatives at the post conviction stage in order to gather information most relevant to the current state prison commitments. In addition to a bibliographic review, we surveyed public officials and community-based organization (CBO) representatives throughout the state to identify alternative programs and mechanisms; we contacted over 150 programs; we conducted a more formal survey of over 40 selected programs; we contacted ten probation departments; and we conducted site visits of special program operation interviews with 15 program officials.

a. Non-Prison Sentencing Options

There are few options available for sentencing of adult felons and the range of such options is declining. Traditionally, the primary alternative to incarceration has been probation supervision; although probation departments are still in operation, they are steadily reducing the special supervision measures or units that are often applied with

felons. Proposition 13 is the primary reason for this trend, although the change from the Probation Subsidy program to the AB 90 program also contributed. In addition, the passage of Proposition 9 and the imminent termination of LEAA would also reduce funds available to probation and other alternatives.

In this fiscal situation, there is little experimentation with innovative alternatives to prison. Several counties do have programs for community services orders (for example, San Francisco, Santa Clara, and Los Angeles basis) and restitution payments (for example, the Solano County and South Lake Tahoe programs). Representatives of these programs report that the programs could take felons, but that judges utilize them almost exclusively for misdemeanants. (The San Francisco felony program is an exception.)

b. Pre-Release Options

Currently, the Department of Corrections contracts for or manages only 150 non-institutional beds. This puts California last in the nation in the rate of use of work furlough and other pre-release options. This, plus some parolees participating in halfway house settings, are virtually the only non-prison options available for pre-release services to California Department of Corrections' prisoners. The Federal Bureau of Prisons, with 600 or more community placements in California, uses community centers more

extensively in California than does the California Department of Corrections.

A recent California Department of Corrections study (Mann, 1979) proposes modest expansion of The California Department of Corrections' community corrections placement to 1,200 by the fiscal year 1983 to 1984. This report identifies over 1,000 county work furlough beds, some 2,000 private contract beds already existing -- many of which would be available to California Department of Corrections' clients. The National Council on Crime and Delinquency's program survey supports the California Department of Corrections' study findings. A large number of residential programs are willing to take California Department of Corrections releasees. These programs tend to be concentrated in California's urban areas, particularly in the San Francisco Bay Area and the Greater Los Angeles area. Fewer programs are in the Central Valley and Mid-Coast regions.

Respondents to the National Council on Crime and Delinquency' program survey also noted that there are some glaring glaring gaps in programmatic content. Most notable is the absence of sanctioning options which entail some restitution or restoration by the offender to either the victims of crimes or to the community at large. An additional need, especially pressing in view of current economic trends, is for job training and job development programs.

Finally, the availability and quality of programs of alternatives suffer when related agencies and services lose their funds. Community alternatives bear the consequences when monies for support services, such as mental health counseling, decline or disappear. In the view of some, the total network of social service support, upon which offenders and other marginal population groups depend, is in jeopardy of collapse following repeated budget cutbacks. Likewise, the administrative supervision and support from funding agencies, such as the California Department of Corrections' Parole and Community Services Division, is totally inadequate to ensure a sufficiency of high quality programs.

E. THE BASIS FOR BUILDING A NEW SYSTEM OF NON-PRISON ALTERNATIVE

There has been a dramatic increase in the use of prisons in California. This increase is related to the attitudes and priorities of officials, who doubt the efficacy of alternatives and who see the need for strong punishment for offenders. Based on such views -- which the general public in large degree shares -- legislation has become more restrictive regarding sentence and support for fiscal and administrative alternative programs has declined. This decline of support is also seen in the effect of Proposition 13 and the potential impact of Proposition 9. In all, alternatives to incarceration in California have been badly crippled; the network of community control and support services of offenders faces callapse. Those that exist serve primarily minor offenders. California offers little in the way of non-prison alternatives for adult felony offenders.

As pointed out in the foregoing pages, the negative opinions, legislative restrictions, and program reductions in part point the way to the direction in which alternative sanctions can be pursued. But a coherent program of alternative sanctions needs to demonstrate its positive aspects. A plan for a new corrections policy in

California based primarily on non-prison sanctions must make the case that such alternatives are cost-efficient, safe, and effective. The following analyzes the cases for and against alternatives and suggests promising directions and dimensions for new corrections sanctions.

1. The Cost of Prisons

Common sense requires a renewed search for other sanctions than prisons, if only because prisons are extraordinarily expensive. Howard Way calls the costs "mind boggling; from \$70,000 to \$80,000 per bed in new constructions costs, with an average of \$15,000 per inmate in annual operating costs" (San Francisco Examiner, May 4, 1980). A 1976 study of the costs of confinement in New York City estimated that, over a forty year period with 6 percent inflation during the entire period, the cumulative expense of operating one bed would exceed \$10 million (Coopers & Lybrand, 1978).

It is also critical to note that imprisonment of an inmate is quite likely to affect his/her family members, further escalating costs. As Director Way points out, "a high percentage (of inmates) have families; they go on AFCD, and you can add another \$5,000 to \$7,500 to that \$15,000" (San Francisco Examiner, May 4, 1980). In the case of female felons, social costs can soar even

higher. About three fourths of the women imprisoned in California are mothers of dependent children and a majority are single heads of households.

The "return" on these huge investments is largely negative. Prison programs, such as prison industries, and prisons facilities tend to be inflexible. They are not easily remodeled to suit changing populations of prisoners or changing management philosophies, let alone to serve other, non-offender populations should there be a dramatic drop in the use of prisons. Prisons quickly become white elephants; considered as investments, they entail high risk and low return uses of public monies.

It is clear that non-prison sanctions are less expensive than imprisonment. Although the most expensive (and intensively staffed) programs, such as certain halfway houses and "supported work" employment training projects, operate at costs close to those of most incarceration facilities (i.e., \$10,000 to \$12,000 per person per year and up, obviously not including the capital construction costs), the majority of alternatives are far less costly. The per-offender cost of average probation supervision, that meets accepted correctional standards regarding services and contracts, was estimated at approximately \$215 per year

in 1978 (Thalheimer, p. 48). Even intensive probation supervision, with "model" services and surveillance techniques, was estimated at only \$676 per client per year. (Funke and Wayson, p. 109).

Programs involving repayment to victim's or the state by offenders are considerably less expensive. Repayment by offenders may help to offset the costs of supervision. (Restitution and related programs also benefit society by tapping the "productivity potential" of offenders and restoring the moral principles of reciprocity and personal responsibility.) One estimate of incarceration's "forgone productivity" in goods and services contributed to the community was more than \$12,000 per inmate per year in state institutions (Funke and Wayson, p. 2). The Georgia Probation Diversion Program --a halfway house program for convicted felons -- emphasizes its results in this regard. In 1979, the project reported a program maintenance cost of \$12 per day, which was close to the state's incarceration maintenance cost of \$12.35 per day. However, the 1,270 participants in the program in 1979 earned nearly \$1.5 million, from which over \$250,000 in taxes were paid; \$370,000 was returned to the program in room and board payment, nearly \$150,000 was paid in court

costs and fines, and over \$80,000 went as direct restitution to victims. Participants also paid over \$315,000 for food, clothing, and medical care.

Incarceration is thus doubly costly; it is extremely expensive to build and operate prisons and jails, and it is extremely wasteful of the productive potential of offenders (unless relatively sophisticated and complete employment programs are available inside prisons). There is, in any event, growing recognition of the importance of developing alternatives with restitution or restoration as an important element. Likewise, programs that utilize or develop job skills are cost-effective, if only because they encourage repayment to victims or to the community at large.

2. Considerations of Public Safety

Correctional officials argue that proposals for non-prison alternatives have little application to the prison population in California, which is composed of serious offenders. In this view, the cost arguments just presented would need, for balance, to also consider costs to the criminal justice system and to the society from crimes committed by an offender that would not have occurred had the offender been securely incarcerated.

There is, of course, a certain logic to this. There is incapacitation from imprisonment; further criminal behavior during an offender's stay in prison is focused primarily on other prisoners and, to a lesser extent, on staff. Crime is contained and public safety is maintained. A system of alternative sanctions must pay particular attention to the concerns for public safety. This attention can be manifest in two ways: by denying non-prison placement to some persons, and by carefully monitoring and controlling the activities of persons who are placed in an alternative setting.

The important fact to remember is that virtually all offenders are released at some point and some risk to the community will always be incurred. The ability to screen -- to predict the particular offenders will commit further offenses, when, and what kinds of offenses -- is at best uncertain. The state of knowledge regarding estimating risks is still primitive; and the uncertainties of circumstances and character in human existence mean that such predictive efforts will probably always be highly tentative (Monahan, 1978; Gendreau and Ross, 1979). If predictive screening techniques are rudimentary, understanding by practitioners and program administrators of techniques for the control

of program clients is well developed. This is seen most clearly in the residential programs, such as half-way houses or pre-release centers, where measures such as curfews, time logs, and other offender control techniques are instituted with reasonable effect. These measures are situational; they control the conditions within which offenders' activities take place.

This knowledge is most --although not exclusively -- applicable for community pre-release programs. The Federal Bureau of Prisons -- which releases nearly half of its prisoners through pre-release, community placements -- take advantage of such techniques. The Bureau contracts with a large number of private programs, having made sure that the basic elements of prisoner accountability such as adequate monitoring systems and competent staff, are available in the programs. With some exceptions, nearly all prisoners are potentially eligible for placement in pre-release programs, regardless of commitment offense or disciplinary history, if only on the grounds that pre-release programs are necessary "preparations" for prisoners who will soon be released anyway, not rewards for good conduct. Nor, according to officials, is the prisoner population in the federal system notably different than state prisoners. "The only difference is that CDC's robbers held up a

7-11 store, ours went next door and robbed a bank."

Although it is very difficult to predict in advance which prisoners would commit new crimes during a period of non-prison supervision, it is possible to establish reasonable controls over the actions of offenders in an alternative setting. Such controls will seldom be as complete as the control exercised through total incarceration, but they are sufficient to keep threat to public safety at a minimum. These minimal threats can be weighed against the many costs of incarceration. Such considerations led one CDC researcher to conclude that: "...the most rational correctional policy is not only the most humane, but the cheapest, and that policy is to get people out of our correctional systems as soon as possible and keep them out" (Holt, 1974).

3. The Effectiveness of Intervention

There is intensifying scrutiny of "what works" in corrections. Probation, parole, prison, and other programs or interventions have been compared to evaluate which yield the greatest result (largely in reducing recidivism). The evidence to date is inconclusive. One controversial view is that "nothing works" -- at least among present intervention techniques -- to rehabilitate

offenders. Robert Martinson examined over 200 studies and evaluations of "treatment" programs inside and outside prisons and concluded: "...we simply cannot say that (treatment programs have)...an appreciable effect on offender behavior... (We) can't 'treat' offenders so as to make them do better..." (Martinson, 1974, pp. 47-48).

It may be that very few corrections interventions will make a significant positive, reformatory or correcting impact. Conversely, though, it is clear that non-prison placements do not have significant detriments compared with prison. To again quote Martinson (1974, p.48):

"And if these programs did not show the advantage of actually rehabilitating, some of them did have the advantage of being less onerous to the offender himself, without seeming to pose increased danger to the community. And some of these programs -- especially those involving less restrictive custody, minimal supervision, and early release -- simply cost fewer dollars to administer... (T)he implication is clear: that if we can't do more for (and to) offenders, at least we can safely do less.

That "we can safely do less" may be a sufficient justification for alternatives. Asking corrections to provide humane sanctions using the least restrictive alternative consistent with public safety is an appropriate and achievable mandate. It may be that asking for more is not.

An alternative view is that although in general

correctional interventions have not been proven effective, programs can work if adequate planning and case classification/screening techniques are employed (Gendreau and Ross, 1979; Nelson, 1978; and Allen, 1979). As one state parole official commented to NCCD interviewers: "The real question is not whether 'anything works', but 'what works in what way for whom and under what circumstances.'" There is evidence, for example, that probation projects specializing in particular client groups have rehabilitative impacts (if not always directly on recidivism) (Banks, 1977). Even Martinson comments that intensive supervision by probation departments tends to minimize new offenses (Martinson, 1974, p.47).

More likely is that a real program of community reintegration has simply never been tried. A substantial program involving skill training, job creation, and career development linked to necessary educational and other resources for as many as 10,000 offenders who leave CDC each year has never been put together. In the world of social programs, it would be a complex and expensive undertaking. But it would be cheap compared to the proposed capital construction budget of \$903 million.

The relative ability of ex-prisoners to compete for

large scale social program resources is not likely to change in a post-Proposition 13, post-Proposition 9 era. Nonetheless, the ability to maintain a reasonably high level of public safety at far less cost than building new prisons is in and of itself a strong argument for non-prison sanctions. Incapacitation does not require imprisonment.

Furthermore, the uncertainty over the effectiveness of intervention argues for setting far more modest expectations for corrections, whether imprisonment or community supervision. A new guiding philosophy is in order. That philosophy should emphasize not so much rehabilitation as reintegration.. and reparation:

- o Reintegration is an objective for programs and services to offenders who demonstrate desire to make a non-crime living. It speaks to the fact that many offenders are "outsiders" to mainstream society. They are "outside" in the sense, minimally, that they lack skills and access to the "mainstream" labor market. Reintegration programming thus emphasizes job training, job readiness coaching and job placement efforts; it also must address drug and alcohol problems.

o Restitution is a concept that underscores the fact that offenders "owe a debt", that their crimes have created situations that need to be set right on some moral, social or monetary basis. Restitution includes direct restitution to individual victims and indirect or symbolic restitution to society, e.g., through work with a community service order. As noted earlier, such programs maximize budget savings in contrast to incarceration. (The available evidence on programs of this sort for felons, such as the Solano County Volunteer Work Program, suggests that they can achieve high rates of successful client completions with very low risks to public safety.) (Harris, 1979, pp. 10-11)

NCCD urges that the philosophies and the expectations of alternatives be revised. The emphasis in "treatment" programs on rehabilitation should be supplemented by emphasis on reintegration and restitution -- more modest goals, perhaps, and more manageable, fiscally.

It must be stressed that whatever the particular philosophy emphasized, viable non-prison alternatives require adequate resources, strong management and oversight, and a sound network of associated services. Alternatives cannot be adequately planned, implemented and evaluated until they are seen as a full-fledged component of the correctional system.

F. LINGERING ISSUES: JUSTICE IN THE CORRECTIONS SYSTEM

Whether or not the arguments and proposals for alternatives to incarceration presented in this study are accepted, there are certain issues of justice pertinent to non-prison alternatives in California.

1. Racial and Ethnic Disparities

The disproportionate number of racial and ethnic minorities in the prisons is a cause of significant concern, as evidenced by the appointment of a California Task Force on Incarcerated Minorities to examine the causes and solution for this inequity. In 1973 -- prior to recent large increases in the numbers and proportions of minorities in California's prisons -- the rate of state prisoners per population was 66 per 100,000 for whites and 368 per 100,000 for blacks (Dunbaugh, 1979). The black rate of imprisonment on equivalent population bases was, that is, roughly six times as high as the rate for whites. As of December 31, 1979, 34.3 percent of the state prison population was black, and 23.6 percent Hispanic. A 1976 California Department of Finance report estimated 7.7 percent of the state's population to be black and 15.8 percent Hispanic. The black proportion of the prison is 4½ times the proportion of blacks in general population. The comparable Hispanic rate is 1½.

Attention to these disparities should be a high priority for any plan for alternatives. Alternatives to incarceration must be designed and monitored to insure that they do not inadvertently contribute to disparities among various population groups' incarceration rates. If it is the case, under present or under new alternatives, that alternatives are differentially available to racial and ethnic groups, corrective steps should be undertaken immediately.

2. Widening the Net

The phenomenon of "widening the net" -- of expanding the range of social control -- is a perennial problem in the implementation of new alternatives to incarceration (Galvin, 1977). Alternatives which were instituted to provide less restrictive settings for incarcerated populations are used, instead, to create a more restricted status for a different offender population. For example, most of those in current programs would be neither in jail nor in prison. These programs are alternatives to probation. The programs and proposals discussed in this report are intended to reduce the total need for incarceration. State prison populations should fall, if NCCD's proposals are implemented. Although some

recommendations -- such as statutory limit of prison capacity -- would obviously have this effect, others are more ambiguous in both intent and likely effect. For example, this report urges the development of resources for community service and restitution programs. Such programs could be used to increase the severity of sanction applied to offenders now sentenced to probation with few special terms and conditions. In some -- perhaps many -- cases, the increased or changed sanctions may well be appropriate. However, the primary objective is to drastically reduce the routine reliance on incarceration by California's criminal justice system.

3. Disparities in Sanctions

In California, as in other jurisdictions, there have been many disparities in criminal punishments. Similar offenses and offenders have drawn widely divergent sentences, depending upon the particular county or judge. The array of determinate sentencing legislation passed during recent sessions of the state legislature is intended, among other things, to bring sentencing onto a more consistent footing. While there is evidence that discrepancies in sentencing have been reduced, wide areas of discretion remain. Prosecutor's

charging decisions are a major source of variation: two similar "real world" offenses can easily result in very different charged offenses. Moreover, the experienced severity of two formally identical sentences can vary tremendously because of administrative discretion.

Decisions by counselors, probation and parole officers, correctional officials and classification officers all have direct bearing on the real content of a sentence.

The addition of alternatives to incarceration will, almost inevitably, expand the range of indeterminacy in the criminal justice system. This is especially true regarding alternative programs (legislated reductions in sentence lengths, for example apply across the board). However, the greater the availability of programs as resources, and the greater the degree of flexibility they provide, the wider will be the range of options available to judges and corrections officials.

Legislative and other guidelines will be needed to reduce the range and level of discrepant sanctions. Guidelines should address issues of severity, defining, for example, which criminal acts merit what sanctions among the newly developed range of options. Guidelines should also be developed to provide reasonable consistency to administrative actions regarding discipline and other terms and conditions of participation in particular types

or levels of alternatives.

The crucial point is that discretion will always be present, whether under the current law or any future modification. At issue is the development of approaches to manage discretion. Guidelines and other such approaches will help keep the patterns of discretion in the public eye.

G. CONCLUSIONS

There is an emerging crisis in corrections in California. A number of trends are converging to create an overcrowding in incarceration settings and a simultaneous weakening of alternative resources. It is important to bear in mind the problematic aspects of alternatives to incarceration, the limitations of their effectiveness in "treating" and "rehabilitating" offenders and the ambiguous implications of expanded use of alternatives for the quality of justice in California. Nevertheless, California should take immediate steps to implement more alternatives. The available evidence demonstrates that alternatives to incarceration are considerably less costly than incarceration and that alternatives can be undertaken for significant numbers of offenders without serious risk to public safety.

For the immediate or short term future, administrative actions such as increased use of community placements, could help considerably to alleviate prison overcrowding. However, in the long run a more substantial strategy of alternatives is needed. Promising directions in community corrections are emphases on reintegration of offenders (particularly through job training and placement) and restitution by the offender. The following sections present specific recommendations to these ends, with analysis of particular issues or conditions for their implementation.

SECTION IV

CONFRONTING CALIFORNIA'S CRISIS IN CORRECTIONS

INTRODUCTION

NCCD's analysis of California's failing penal policy points to clear directions for change. Specific reforms are required both to alleviate the most obvious symptom of failure -- bulging prisons -- as well as the structural roots of prison overcrowding --over-reliance on incarceration. The following recommendations cover short-term actions, largely achievable within current legal authority of the Youth and Adult Corrections Agency; other policy directives suggest new legislation and more thorough examinations of alternative solutions. The short-term and long-range policy recommendations are complimentary in that emergency measures can stimulate innovative long-term policy formulation and the structural recommendations buttress and extend the potency of the short-term actions.

NCCD's recommendations are intended to stimulate a statewide discussion on the value of non-prison penal sanctions. What is required is a strong partnership of legislators, criminal justice officials, and citizens to create a new correctional policy for California.

This new approach to corrections would emphasize protecting the public through cost-effective penal sanctions that put low-risk offenders to work. Sentencing policies must emphasize both concern for restitution of victims and reintegration of the offender into the law-abiding society. NCCD calls for a comprehensive examination of the State's entire criminal justice system to reorient thinking away from the outmoded practice of routine confinement in dangerous and excessively expensive prisons. This broad-based assessment of how California responds to crime should strive to educate the public about the most practical and effective ways to protect their safety.

Some of the policy directions contained in this report echo proposals for correctional reform in California that have been repeated during the last 50 years. Neither the prison crisis nor many of its probable solutions are new. Perhaps, the current precarious fiscal situation facing state and local governments will provide the needed impetus for a sound criminal justice policy in California. NCCD's proposals represent a starting point based on the best available research data: Our recommendations require further planning efforts to translate principles into reality.

NCCD welcomes the challenge of working with state officials and other groups to further develop a new corrections policy for California.

SECTION IV

PART I

CONFRONTING CALIFORNIA'S CRISIS IN CORRECTION:

EMERGENCY OR SHORT-TERM RECOMMENDATIONS

A. INTRODUCTION

Containment or reduction of state prison population may be achieved through a wide variety of strategies, e.g., decriminalization, penalty reduction, diversion, alternative sentences, parole or sentence reduction. These measures are considered in other sections of the report. This section focuses on remedies now available to the Youth and Adult Correctional Agency to reduce overcrowding by expanded use of non-prison placements.

Increased use of non-prison placements by the Y.A.C.A. represents a population reduction strategy promising the most immediate impact on the overcrowding crisis. If adopted, as a plan, by the Y.A.C.A., it could obviate the need for additional prison beds which otherwise may be needed over the next four to five years. The savings in construction and basic equipment costs for each additional prison bed at a cost of \$50,000 to \$80,000 would far exceed the costs for the programs recommended below.*

* These savings would not preclude funds needed for major renovation and repair of existing CDC facilities, which is considerable.

Expanded use of non-prison placements would have following objectives:

- Reduce/prevent overcrowding in state prisons.
- Reduce the costs of punishment and social control to taxpayers.
- Establish a flexible system of social control that can be easily expanded or contracted according to demand.
- Provide a less hazardous and less alienating environment for staff and inmates.
- Facilitate a significant reorientation of
- California's correctional policy to emphasize repairing the harm done by offenders and, at the same time, address in a practical and useful way offenders' most common and perhaps most criminogenic problems, chronic unemployment and limited employability.
- Provide a realistic transition from prison to community living for a much greater proportion of prisoners.
- Make it possible for non-assaultive, low-risk prisoners with shorter sentences, who are convicted of non-assaultive offenses, to avoid the debilitating and potentially dangerous experience of confinement in large, traditional

state prisons.

"Non-prison placements" are residential settings of small size and urban-situated. Their use is most frequently associated with supervised work programs for offenders. These supervised work programs, in turn, may be related to a variety of purposes: restitution; family support; developing a "stake" to assist the prisoner get established on re-entry to the community; on-job training and establishment of a work record; and prisoner payment of their program maintenance costs. A given program might entail a mix of these purposes, tailored to the differing situations of offenders. Restitution, as used here, would embrace payment of fines or court costs, restitution to personal victims, payments to the state victims' compensation fund, or performance of services for communities. On-job training, combined with community service, might entail a "supported work" program.

As to necessary housing, what is envisioned includes utilizing buildings already constructed, and in many instances, already being used as residential centers for offenders. Whenever possible, the state should contract for residential and related program services with private agencies, community-based

organizations and local governments that are operating programs of the type required and are capable of expanding these at a comparatively rapid pace to accommodate increasing numbers of state prisoners. A good part of the program services could be supplied by existing staff within the Parole and Community Services Division of CDC, who presently provide such services.

Implementation of the recommendations below, in addition to direct impact on prison population, will serve to provide a large scale and varied set of demonstrations of community-based alternative programs. In the long run, this should contribute to efforts to stimulate and guide efforts at the county level to persons convicted of non-assaultive felonies to locally-managed non-prison placements.

Successful implementation of recommendations in this section would generally complement but also be greatly aided by implementation of proposals in the next section which calls for more long-term or structural solutions to the prison overcrowding crisis.

B. RECOMMENDATIONS

- GREATLY EXPAND THE USE OF COMMUNITY-BASED

PLACEMENTS FOR PRISONERS NEARING THEIR
RELEASE DATES BEYOND GOALS PRESENTLY SET
BY THE DEPARTMENT OF CORRECTIONS.

- IMMEDIATELY DEVELOP COMMUNITY-BASED RESTITUTION
AND COMMUNITY WORK PROGRAMS FOR SELECTED, NON-
ASSAULTIVE, LOW-RISK PRISONERS CONVICTED OF NON-
ASSAULTIVE OFFENSES, WHO ARE IN THE EARLY STAGE
OF SHORT SENTENCES.
- CREATE A NEW DEPARTMENT OF CLASSIFICATION AND
COMMUNITY CORRECTIONS WITHIN THE YOUTH AND
ADULT CORRECTIONAL AGENCY TO PLAN, IMPLEMENT AND
MONITOR THE EXPANDING RANGE OF NON-PRISON PENAL
SANCTIONS.

C. SPECIFIC RECOMMENDATIONS AND DISCUSSION

Expanded Use of Community-Based Placements and
Programs

Essentially, what is proposed is an expansion of
CDC's use of community-based placements and programs.
At the present time, only five such programs are used
in the State for just over 150 prisoners. (Sourcebook,
Chapter III) One of these is operated by CDC, three by
counties (San Francisco, Contra Costa, and San Mateo) and
one by the Volunteers of America in Oakland. Following
the legislature's mandate, the CDC has recently presented
a plan to increase the population of prisoners in such

facilities to 1,200 over the next several years.* It is NCCD's conclusion that this plan sets far too modest goals and that at least 3,900 pre-release prisoners could be assigned to community-based placement each year without reducing public safety. (See Exhibit A)

Develop Community-Based Restitutions, Work and Community Work Programs

Additionally, NCCD proposes that new programs be developed immediately for selected short-term prisoners as alternatives to traditional imprisonment. Low risk prisoners convicted of non-assaultive offenses, sentenced to short terms, and classified for minimum security would be immediately eligible. The chief thrust of these programs would be community work and restitution. Offenders would be afforded the opportunity of work placements, contingent on agreement to use earnings primarily to pay fines and court costs, or to make restitution to individual victims where appropriate or pay into the state victims' compensation fund. In some instances, offenders would use their earnings to support needy dependents. In all

* See "Residential Community Corrections: A Plan for California", available at the Department of Corrections. This report was completed November 1, 1979, by a Department task force on community pre-release. Karen Mann of the Parole and Community Service Division was the project leader.

EXHIBIT A

MINIMUM GOALS FOR NON-PRISON

PLACEMENT OF CDC FELONS

NEW ADMISSION NON-PRISON PLACEMENTS *	PRE-RELEASE NON-PRISON PLACEMENTS
<ol style="list-style-type: none">1. If there are <u>13,000</u> new admissions from court in a given year; ¹2. And if 25% or <u>3,250</u> are classified for minimum security placement; ²3. And if at least 75% of this group have no record of escape, no outstanding detainers, and no established pattern of assaultive behavior in the community or in prison; ³4. Then <u>2,438</u> prisoners would be eligible for non-prison placement in that year.5. The daily population of felons in non-prison placements would be <u>1,828</u>. ⁵	<ol style="list-style-type: none">1. If there are <u>13,000</u> prisoners to be released in a given year; ⁴2. And if 40% or <u>5,200</u> are classified for minimum security in their prison; ²3. And if at least 75% of this group have no record of escape, no outstanding detainers, and no established pattern of assaultive behavior in the community or in prison; ³4. Then <u>3,900</u> prisoners would be eligible for non-prison placement in that year.5. The daily population of felons in non-prison placements would be <u>975</u>. ⁶

* Most persons eligible for new admission non-prison placement will have spent an average of 4 months in local jails plus approximately 30-60 days in a diagnostic facility. Thus, most persons will have experienced 5-6 months of imprisonment prior to non-prison placement.

SOURCES OF ESTIMATES

1. CDC's projected mean male and female commitments for 1980-1985 is 13,050 (CDC-MIS Official Population Projection, Work Papers, 1980, as reported by Arthur Young and Company).
2. Based on CDC's Classification Tables for New Admissions as of March, 1980.
3. Based on conservative estimates of characteristics of new admissions, plus CDC's Classification Scoring System.
4. CDC's projected mean release per year for male and female felons for 1980-1985 is 13,050 (CDC-MIS Official Population Projection, Work Papers, 1980, as reported by Arthur Young and Company).
5. Based on an average stay of 9 months.
6. Based on an average stay of 3 months.

cases, some portion of these earnings would go to offset the program costs, and to assure that offenders have sufficient funds to cover immediate necessities at the end of their sentence terms.

A program for offenders in the early stage of their sentences, while not a novelty in some jurisdictions, would be a somewhat new departure for the CDC. For this reason, NCCD suggests that these programs start experimentally by mid-1981 and be carefully evaluated to determine their effectiveness.* Assuming successful implementation and favorable findings from the evaluation, these programs could accommodate at least 2,438 offenders per year. (See Exhibit A)

Restitution and community work service, family support, self-support in program, and earning a "stake" would also be appropriate features of community-based pre-release programs. Individuals in both groups might be aided further by specialized services such as alcohol or drug treatment, mental health counseling, or educational and vocational services.

Application of the "supported work" concept might be a useful measure. This calls for subsidized jobs in public or non-profit agencies -- or service on work crews under contract with such agencies. Emphasis is on

* The need for rigorous research design and careful monitoring must be stressed. Research will serve to better inform policy-makers on the most effective models and ensure public safety.

public service and job training that gives offenders a start on a stable work record.

Many of these programs and services already are available in California through State and local public agencies as well as a number of private agencies. CDC staff are cognizant of such programs and, given leadership, should be able to expand their use greatly. To the extent it is needed, technical assistance for program development is available from organizations funded by the U.S. Department of Justice and National Institute of Corrections.

California should contract with private agencies for necessary facilities and program services in this proposed expansion. This will permit greater flexibility and variety of resources. It will also obviate the fiscal and community relations problems attendant on establishment of state correctional facilities. The Federal Bureau of Prisons, which has hundreds of contracts with private agencies for its community-based program, including many in California, would be available to assist the YACA as needed in following this policy line.

At the same time, the YACA should be prepared to establish and operate some of its own programs in this

area. This might be necessary to meet needs beyond what local and private agencies could handle. Moreover, it would provide the state with yardsticks for use in setting standards and determining reasonable costs.

The availability of prisoners in the numbers indicated in Exhibit A for community-based programs is not of itself a stumbling block. An average daily population of 2,803 offenders in community-based programs would amount to 11 percent of the CDC projected average daily population of 25,400 for 1980 - 1985.* This is a bit above the national average of state felony prisoners in work release centers (8 percent) but well under the percentage for a number of states. For example, Maryland has 25 percent and Massachusetts 34 percent. More convincing, however, is information on the custody risks presented by California prisoners.

The CDC has recently adopted a set of criteria and procedures for assessing supervision requirements of prisoners. This is based on a research project which, in turn, drew on a similar effort begun a few years ago in the federal prison system. It takes into account indicators of dangerousness, or prospective recidivism, and of the likelihood of escape attempts, assaultive behavior,

* The estimate of average daily population of felons in community placements assumes new admission placements would serve roughly 9 months and pre-release placements would serve 3 months.

or such other institutional misbehaviors as trafficking in serious contraband.

The classification system was applied in March, 1980, to prisoners in all CDC's institutions. Approximately 40 percent of the current incarcerated population was found to qualify for the lowest level of custody. Given this finding, the goal of placing 11 percent of the prisoners in well-managed community-based programs seems quite attainable.

The new CDC classification system was also used to assess the custody requirements of newly received prisoners. CDC found that 25 percent of new commitments were suitable for immediate assignment to Level I or minimum security housing. This supports NCCD's view that a significant number of newly committed prisoners qualify for early assignment to community-based programs.

Further, credit for time served in jail prior to trial or sentencing and earnable "good-time" credits reduces substantially the time actually served in state prison. CDC estimates that the average prisoner has about four months of "jail time" credit when committed to prison. (Health and Welfare Agency, CDC, 1979:17) If such offenders earn all their good time, they will be required to serve only two-thirds of their sentence. Thus, a person sentenced to 24 months, on the average, would face 12 months of prison time. If one considers an average stay of two months in

diagnostic placement, the offender would spend approximately ten months in a community-based program. Although this might be a fairly long time for a "pre-release" program, it should not be excessive for a person who fits the minimum security "early stage" category.

Creation of a New Department of Classification and
Community Corrections

To carry out these recommendations will require a sophisticated planning effort to establish new goals, time tables, costs, staffing arrangements, site locations for placements, and specific listings of agencies from which services may be purchased.

The legislature can assist the development of well-managed non-prison correctional programs through the establishment of a new department in the Y.A.C.A. The Department of Classification and Community Corrections would consolidate some current CDC functions and develop new planning and management capabilities essential to expanding the range of non-prison penal sanctions. Initial funding for the new department would come from a reallocation of staff and support resources from CDC's current budget. CDC would continue its authority for operating prisons and camps.

The new department would assume the following functions:

- Planning, Monitoring and Evaluation of State

Non-Prison Correctional Programs

- Classification and Inmate Placement
- Parole and Community Services
- Field Services and Technical Assistance
- Administration of Subvention Funds for Adult Offender-Center Services

NCCD recommends that the new department receive a clear legislative mandate to expand the use of non-prison alternatives. The new structure would underscore the importance of a new direction in California's Penal Policy and promote special staff expertise in the planning, funding, monitoring and evaluation of innovative programs. Merging the dual functions of classification and community corrections would ensure non-prison placement was considered during initial placement, reclassification and pre-release determinations. *

The main point is to focus classification on employing the most effective and least expensive placement rather than on availability of prison beds. Further, the practice of reclassification should become a method of preparing offenders for successful reentry

* Consolidating the correctional services of classifications and community corrections has been partially implemented in Hawaii and Oklahoma.

into the community. Administration of Parole and Community Services would be improved if these programs were integrated with other community-based offender services rather than managed by institutional staff. Existing staff from the Parole and Community Services Division could administer the county subvention funds for adult offender services and provide field services to encourage development of non-prison correctional options at the local level. The Prevention and Community Corrections Branch of the Department of the Youth Authority provides a useful model for adult field services.

The cornerstone of the new department would be a sophisticated planning, program development and evaluation unit capable of managing a diffuse and complex system of state funded community correctional programs. The needed administrative resources must be strengthened and elaborated within the YACA. Since the unified state correctional agency is currently being reorganized, legislative guidelines in this area would be timely.

Given support by the Legislature and other forces in its "management environemnt", and committed leadership, the new Department of Classification and Community

Corrections should be capable of planning, developing, and managing or purchasing programs which would maintain at least 11 percent of its prisoners in community-based placements.

D. LIMITATIONS OF SHORT-TERM RECOMMENDATIONS

A prominently displayed announcement that the Y.A.C.A. was proposing to increase the number of prisoners assigned to community-based programs would undoubtedly provoke responses ranging from bewilderment to outrage and afford something of a "field day" for demagogues. Particular sources of articulated objection would be certain judges, prosecutors, legislators, law enforcement officials, and some editors. Three fundamental points need to be kept in mind in relation to this "resistance" problem:

- The increase would not be the dramatic action such an announcement might seem to portend. It would occur, initially, at a moderate pace and, over a five-year period, gradually accelerate only as rigorous monitoring and evaluation data demonstrated that undue risks were not being taken.
- The alternative to such a plan would be construction of additional prison beds costing \$50,000 - \$80,000 each, plus gradually deteriorating conditions in increasingly over-sized older prisons during the three to five years required

to bring new facilities into operation.

- The very fact that the plan is feasible means that many offenders are being sent off to excessively costly and dangerous state prisons despite the lack of truly solid, logical bases for this expensive practice.

When the Y.A.C.A. commits itself to such a plan, it will immediately become public knowledge. But if this is shared with representatives of the public with emphasis on the above three points, communication and education can accompany the gradual implementation of the plans and help make them viable.

In view of the trade-off between costs of implementing this proposed program and the alternative of building several new major institutions, costs, if anything, are a plus for rather than a constraint on adopting the program. There is, of course, the alternative of simply stacking up the excess population in existing institutions. The human costs of this, plus the almost certain costs of highly destructive major disturbances, make this a most unattractive option.

The proposal to provide non-prison placements for a selection of short term prisoners poses possible problems for "widening the net". In other words, with attractive community corrections options available, judges might feel less inhibited about imposing prison sentences

in marginal cases; and prosecutors might have one more chip for plea-bargaining purposes. It is difficult to determine the extent of this problem without some actual operating experience with new correctional programs. The issue of "widening the net" cannot be adequately dealt with on a short-term basis, but must be examined in connection with over-all strategies to constrain the use of state imprisonment. It could well be argued that many, if not most, of the prisoners who would be suitable for the kinds of programs discussed here should not have been sent to prison in the first place. Solutions to these issues are presented in the following section on long-term structural recommendations.

SECTION IV

PART II

CONFRONTING CALIFORNIA'S CRISIS IN CORRECTIONS:

LONG TERM AND STRUCTURAL RECOMMENDATIONS

A. INTRODUCTION

The short-term recommendations seek to relieve the immediate problems of prison overcrowding while providing an orderly and effective process of reintegration of prisoners back to society. The short-term steps should be supplemented and grounded, however, by more long-range, structural changes in criminal justice practices in California. The following section points out areas of primary concern for such structural reforms.

The crisis of overcrowding is not simply a prison management problem; this situation arises from policy and administrative decisions and failures in many areas of criminal justice. Crime has continued to be a major problem, yet few criminal justice system responses seem to provide any greater degree of safety for California's citizens. Responding to public fears and discontent with previous crime control measures, the legislature has acted forcefully, but without sufficient consideration of the negative effects of new penal measures. For example, several recent laws prescribe mandatory prison sentences for certain offenses. There appears to have been little legislative consideration or direction regarding complementary and affected system functions--prosecution, probation, and the conditions of incarceration in the state's

prisons--in passing these measures. Other legislation has fixed increasingly longer sentences, but few public officials appear to know the consequences of such longer sentences for prison system costs and prison overcrowding.

NCCD's study has documented California's need for a new corrections policy and a new criminal justice strategy in the 1980's. It is time to go beyond crisis, stop-gap measures, whether the measures be new prisons or new alternatives. It is time to thoroughly re-evaluate criminal justice, particularly, but not only, corrections practice. The goals of the long-term or structural reforms are as follows:

- Reduce the use of maximum and medium security prisons as the routine correctional option for non-assaultive felons;
- Create a more innovative and diverse array of options for judges in sentencing convicted felons, emphasizing restitution and work programs;
- Achieve a more effective coordination of state and county corrections responsibilities to promote non-prison placements;
- Establish a process for developing long-range state strategies--especially regarding sentencing and corrections--that are grounded in cumulative studies, policy analyses, and experiments.

- Educate the public about the nature of crime problems and about the effects of various solutions.

B. SUMMARY OF RECOMMENDATIONS

NCCD suggests four recommendations to stimulate long-term or structural change in the California Criminal Justice policies. These recommendations respond to the needs for comprehensive and rational examinations of criminal justice policies, for ending over-reliance on prisons and for creating more diverse and innovative sentencing options.

RECOMMENDATIONS

- ESTABLISH A STATUTORY CEILING ON THE NUMBER OF AVAILABLE MEDIUM, CLOSE, AND MAXIMUM SECURITY BEDS WITHIN CALIFORNIA'S DEPARTMENT OF CORRECTIONS.

- AMEND THE COUNTY CRIMINAL JUSTICE SUBVENTION PROGRAM (AB 90), TO FACILITATE THE DEVELOPMENT BY COUNTIES OF NON-PRISON PLACEMENTS FOR CONVICTED ADULT FELONS, PARTICULARLY OF PROGRAMS INCORPORATING RESTITUTION, WORK PLACEMENTS AND JOB TRAINING.

- CREATE A JOINT LEGISLATIVE COMMITTEE ON CORRECTIONS TO DEVELOP GREATER LEGISLATIVE EXPERTISE AND OVERSIGHT CAPABILITIES IN THE CORRECTIONS AREA.

- ESTABLISH A SPECIAL COMMISSION ON ALTERNATIVES TO PRISON TO EXAMINE CRIMINAL JUSTICE POLICY OPTIONS SUCH AS SHORTER SENTENCES FOR MOST OFFENSES, PRESUMPTIVE SENTENCES

TO NON-PRISON PLACEMENTS, ABOLISHING LAWS REQUIRING MANDATORY PRISON TERMS AND STRENGTHENING SENTENCE RECALL PROCEDURES.

C. SPECIFIC RECOMMENDATIONS AND DISCUSSION

● ESTABLISH A STATUTORY CEILING ON THE NUMBER OF AVAIL-
ABLE MEDIUM, CLOSE, AND MAXIMUM SECURITY BEDS WITHIN
CALIFORNIA'S DEPARTMENT OF CORRECTIONS

Reducing reliance on maximum and medium security prisons for routine sentencing and correctional for non-assaultive felons could be achieved by establishing a limit on the number of maximum and medium security beds that should be operated by CDC. A legal ceiling would enforce the use of less costly and more effective non-prison sanctions (as described elsewhere in this report) than would otherwise occur if left to the discretion of agency officials. NCCD proposes this ceiling to be set according to the following criteria:

- Health, safety and security of correctional staff and inmates
- Characteristics of committed offenders
- Public safety

According to the CDC's Facilities Requirements Plan (1980:6-9), more than half of the current 22,300 available beds for men do not meet minimum fire and life safety and operational standards. CDC reported that by June 13, 1979, 1,558 inmates were housed in substandard conditions and presented data to support the relationship of prison overcrowding to incidents of violence and disciplinary infractions.

(Mann, 1979:1) To meet minimum California standards code compliance for 20,575 beds would cost \$505 million in new construction and renovation. (CDC Facilities Requirements Plan, 1980:5-12)

Placing inmates and staff in such overcrowded and substandard conditions clearly violates the California Penal Code 5054 mandating that the Director of the Department of Corrections assume "...responsibility for the care, custody, treatment (and) training...of persons contained..." in the Department's institutions. A fixed ceiling would ensure that no inmates were housed nor staff employed in substandard and illegal institutional settings. Moreover, the proposal assumes an absolute end to the practice of double-celling.

Recent CDC data also show that many inmates presently are classified inappropriately in excessive security levels. CDC's new classification system estimates that 58.1 percent of the current institutional population requires assignment to Maximum (Level IV), Close (Level III), or Medium (Level II) security settings*. Assuming that CDC's population projection of 26,980 male and female felons by 1985 holds true, and that characteristics of the population do not change dramatically by then, CDC would need 15,675 beds in Security levels II,

* These data are taken from CDC classification tables provided to NCCD reflecting Classification Score Levels in March, 1980. The data also show considerable discrepancies between classification scores and actual classification, suggesting that the instrument or the assignment process may require major revisions. NCCD has made no assumptions of the reliability or validity of this classification instrument.

III, and IV. This figure is considerably smaller than the 22,678 figure projected by CDC in the Facilities Requirements Plan, Option D (1980:5-12).

NCCD assumes that most of these commitments could be placed in community correctional programs as described in the short-term recommendations. *Shifting large numbers of inmates from the most expensive maximum/medium correctional settings to lower levels would hasten the closing of antiquated and unsafe institutions such as San Quentin and Folsom.

The ceiling on maximum and medium custody beds also must include a provision for adjustment, based on changes in the crime rate, conviction rate and characteristics of felon commitments. The adjustment mechanism would ensure statutory limitations, and would vary in relation to changes in crime rate and the public safety needs.

No rational or scientific model currently exists for determining how many beds are now warranted. The legislature has been primarily concerned with increasing the number of commitments to maximum/medium security institutions independent of changes in crime and conviction rates. For example, in Chapter II of the Sourcebook it was noted that offenses reported, arrests, and convictions for the crimes of burglary, assault, and robbery have increased 11 percent, 10 percent and 6 percent, respectively from 1975 to 1979. However, the

* Some minimum security level inmates might be given work assignments to assist in operating the maximum/medium security prisons.

number of prison commitments for these same offenses increased by 56 percent.

These data suggest that custody ceiling limits should be adjusted according to the number of indicators such as offenses reported, arrests, convictions, and classification ratings at intake. Of these indicators, NCCD recommends that conviction rates be the more important factor considered, since it is least manipulated by adjustments in criminal justice practices. This provision would ensure that the ceiling would take into account sudden increases in rates of assaultive crime or increases in the number of inmates requiring maximum or medium custody.

Should the indexing mechanism fail, an Emergency Prison Overcrowding Powers Act (EPOPA) should also provide for measures to take effect if maximum/medium capacity levels approach statutory limits. The act would provide for additional funds for CDC to temporarily house persons who cannot be placed in maximum/medium security beds and for immediate investigation of factors contributing to the unanticipated increases in the prison population. The additional CDC funds would provide for additional staff in temporarily overcrowded prisons and to pay county authorities to temporarily house state inmates in county facilities.

The prison-bed ceiling should also extend emergency powers to the governor to immediately reduce prison sentence terms by 30 or 60 days if the prisons are beyond capacity. This

vision would be similar to the powers granted for the adult authority which historically paroled large numbers of inmates when prisons became overcrowded. (See Chapter II of the Sourcebook.) Reducing prison terms by 30 to 60 days would relieve overcrowding without exposing the public to excessive risks.

Several outcomes will be obtained if the ceiling is established. It would ensure that commitments to prison are not unnecessarily placed in the most expensive and least effective correctional settings. Further, it would allow the orderly phase-out of unnecessary maximum security bedspace that violates minimum California Correctional Standards in the area of housing, health services, vocational/educational services, industrial program, visiting programs, and security. Eliminating such unnecessary bedspace would free funds to renovate or build maximum/medium security bedspace that conforms to performance standards, as well as to develop new community correctional programs for sanctioning minimum security classified inmates. An indexing mechanism would be included to ensure adjustments in the maximum/medium security limits, and to conform to changes in crime rates, conviction rates, and the characteristics of offenders committed to CDC. Finally, this recommendation would ensure that tax revenues earmarked for the Department of Corrections would be used in the most efficient manner without jeopardizing public safety.

● AMEND THE COUNTY CRIMINAL JUSTICE SUBVENTION PROGRAM (AB 90), TO FACILITATE THE DEVELOPMENT BY COUNTIES OF NON-PRISON PLACEMENTS FOR CONVICTED ADULT FELONS, PARTICULARLY OF PROGRAMS INCORPORATING RESTITUTION, WORK PLACEMENTS AND JOB TRAINING

In 1978, the California legislature replaced its Probation Subsidy Program with the County Justice Subvention Program (AB 90). The probation subsidy provided the model for community corrections acts in Minnesota, Kansas, Ohio and Oregon.

Community corrections acts require the state to continue to house serious adult and juvenile offenders in state institutions, while it allocates funds to communities to deal with certain non-violent offenders at the local level. Key elements of this legislation are:

- Financial incentives to counties to develop local correctional programs;
- Financial disincentives against committing non-violent adults or juveniles to state institutions;
- Local decision-making structure to ensure better coordination of the various components of the criminal justice system;
- Local planning process resulting in comprehensive plans for delivery correctional systems.

Examination of the mix of state and local corrections' responsibilities is needed as part of long-term structural change in California penal policy. Currently, the County Criminal Justice Subvention Act is the primary vehicle for encouraging joint planning among county and state criminal justice decision-makers. However, there is a general feeling among county officials that prison overcrowding is the state's problem. (See Sourcebook, Chapter III.) County and State correctional priorities are often in conflict. The dual system of corrections in California often frustrates plans for more rational and cost-effective correctional policies on a statewide level.

In order to strengthen state/county coordination and to encourage development of innovative non-prison alternatives at the local level, several amendments are proposed to the County Criminal Justice Subvention ACT (Welfare and Institutions Code §1805 et. seq.). NCCD recommends the following changes in AB 90 to expand and strengthen the range of local adult non-prison placements:

- Remove reimbursements for AB 3121 mandated costs from the County Criminal Justice Subvention Program;
- Restate Welfare and Institutions Code §1812(a) to prevent the Youth Authority from softening the funding-with-holding weapon from over-committing counties;

- Rewrite Welfare and Institutions Code §1812 to create separate base commitment rates for adults and juveniles;
- Add a section requiring the utilization of a percentage of the annual funds on adult alternatives.

In addition to these amendments to the AB 90 program, NCCD suggests experimentation in joining state and county management of probation services, to ascertain whether unification of corrections would, in the future, be an appropriate and feasible course of action for California.

Discussion of Proposed AB 90 Amendments

Removal of 3121 reimbursements

AB 90 was intended in part to remedy some emerging problems with the 12-year-old probation Subsidy Program. However, other legislative interests shaped AB 90, and may have blunted the original thrust toward community corrections that characterized the earlier Probation Subsidy Program. In particular, the legislature added into the AB 90 program an already existing subsidy program for juvenile camps and ranches as well as cost reimbursements to counties for other juvenile justice reform legislation (AB 3121). This mixture caused many local officials to view AB 90 as essentially a juvenile justice program. (See Sourcebook, Chapters III and IV).

1979, only 5.1 percent of the total county justice subvention

funds were allocated to adult corrections; in FY 1979-1980 only 5.4 percent of AB 90 monies were allocated to adult programs. This allocation seems unbalanced given the rapid rise in adult prison commitment rates.

Removing AB 3121 reimbursements from the subvention act will focus the funding programs more on the development of local non-institutional sanctions for offenders. It will reduce confusion about the goals of the subvention program while encouraging the expanded use of non-prison placements for adults.

Strengthen Sanctions for Over-Commitment

The subvention program requires that participating counties must not commit offenders to state juvenile and adult correctional facilities beyond a "base commitment rate" calculated according to the number of commitments (excluding violent offenders) for the period 1973-1977. If counties exceed their commitment quotas, the statute calls for their forfeit of AB 90 funds. However, the Department of the Youth Authority has yet to impose the financial penalties called for in the legislation. Current Youth Authority regulations continue funds if counties offer an acceptable plan to reduce the extent of over-commitment. These regulations call for a pro-rata reduction of funding instead of the complete exclusion indicated in the Act (Welfare and Institutions Code §1812(a)).

Since the Youth Authority has interpreted the penalty provisions to permit such a softening, with consequent reduced

incentive for counties to limit commitments, it is necessary for the legislature to insist on the strong penalties apparently intended in AB 90. Specifically, §1812(a) should be amended to leave no doubt that the penalty for over-commitment is a complete cutoff of subvention funds.

Separation of Adult and Juvenile Base Commitment Rates

At present, the base commitment rate for AB 90 aggregate adult and juvenile commitments, rather than requiring separate rates for each class. Since subventions are being employed almost exclusively for juvenile programs, it is possible for counties to under-commit juveniles to the state and over-commit in the adult sector. The net result is an increase in the state prison population, which is contrary to the intent of AB 90.

The base commitment rates should be separated into adult and juvenile rates to ensure a maintenance or reduction of both juvenile and adult and commitments. Over-commitment in either area would lead to a cutoff of subvention aid.

Mandating Spending on Adult Alternatives

The most direct legislative intervention to ensure utilization of AB 90 monies for local adult programs is to earmark a portion of the funding for this purpose. That the counties have essentially ignored this purpose demonstrates the necessity for such a statutory change. Given the diverse demands on the limited available funds, it is recommended that 50 per-

cent be mandated for adult programs, especially restitution and work programs. Such programs are consistent with cost-effective criminal justice practice (see Sourcebook, Chapter I) and would close major gaps in currently available programming. (See Sourcebook, Chapter III.)

Experimentation in Joint State/Local Probation Programs

Although NCCD recommends continuation of the County Criminal Justice Subvention program, with the modifications described above, it is important to recognize the limitations of financial inducements for promoting desired local action. Since the counties can still opt out of the AB 90 Program, the "carrot-and-stick" approach of subvention is a somewhat circuitous route to the establishment of local alternative programs. A unified state probation system could more directly and efficiently plan and implement needed correctional options.

Scholars and practitioners have questioned the efficacy of a system in which county probation departments administer pre-sentence investigations and county-elected judges decide to commit offenders to state operated prisons. It is argued that the current prison population crisis is, in part, a manifestation of inadequate state influence over the county justice machinery. (See Sourcebook, Chapter IV.)

When the only state correctional option is imprisonment, probation is an essential alternative penalty. But when a full array of non-prison placements of varying security levels

is available at the state level, local probation programs begin to blur with state programs.

NCCD does not advocate the abolition of local probation in favor of exclusive sentencing to state-administered community correctional programs, because of the difficulties inherent in constructing a state probation service; however, the blurring distinction between probation and state non-prison programs, as well as the questionable effectiveness of AB 90 inducements to local change, suggests the value of experimentation in new forms of state-local partnerships in corrections.

Specifically, NCCD recommends that the state contract with one or two counties, under a Joint Powers Agreement, to take over the administration of probation department functions for a limited period of time. This policy experiment would determine whether central management of the entire sentencing and sanctions systems would maximize rational correctional planning, reduce costs and encourage non-prison sentencing options without seriously upsetting local self-governance. The experiment should be closely monitored by the legislature and the Youth Authority and Correctional Agency (YACA). Usual aspects of experimental design would be incorporated, including careful program evaluation and recommendations for state-wide action. Ideally, models would emerge to permit further applications in other jurisdictions.

● ESTABLISH A SPECIAL COMMISSION ON ALTERNATIVES TO PRISON TO EXAMINE CRIMINAL JUSTICE POLICY OPTIONS SUCH AS SHORTER SENTENCES FOR MOST OFFENSES, PRESUMPTIVE SENTENCES TO NON-PRISON PLACEMENTS, ABOLISHING LAWS REQUIRING MANDATORY PRISON TERMS AND STRENGTHENING SENTENCE RECALL PROCEDURES

Most observers would agree that California's corrections system is in turmoil. The roots for the crisis go well beyond prison management issues, into prosecution, sentencing, and other more general criminal justice trends and practices. It is therefore crucial to look beyond the prison system into broader concerns of criminal justice policy.

In devising a new corrections strategy for the 1980's, a variety of criminal justice system practitioners must be involved: law enforcement and prosecution, probation and parole, state and local corrections officials, and judges. In addition, elected public officials and groups of interested citizens must actively participate in all deliberations.

NCCD recommends creation of a special commission, on alternatives to prison, composed of citizens, public officials and criminal justice scholars and professionals, to develop innovative corrections strategies for the state. The Commission should be an authoritative and prestigious body capable of facilitating a statewide dialogue about the shape of California criminal justice in the 1980's. Commission members and staff should exert leadership in shaping that dialogue into an action plan with legislative, administrative, and public education components.

The proposed commission would study the implementation of the Determine Sentence Law (DSL) in the criminal justice system. One ideal of the DSL was to further more consistent sentencing throughout the state--to ensure similar punishments for similar offenses. An additional aspect of recent legislation has been to require more severe penalties, or longer periods of incarceration. The wisdom and effectiveness of these measures need to be re-evaluated, given the responses of criminal justice practitioners. (See Sourcebook Chapter IV.) The commission should examine the degree to which discretion in prosecutorial charging and plea-bargaining practices have maintained indeterminacy and allowed inconsistency of punishment for like offenses. It should, with the Judicial Council, review the degree and causes of sentencing disparities in California. It should sponsor and direct special studies to evaluate the effects of increasingly long prison sentences on public safety, on prison conditions, and on other concerns to be specified.

Other areas requiring immediate attention by such a commission include:

- Sentence Length. Where the trend in recent years has been to lengthen terms for many offenses, regardless of consequences for the correctional system, the Commission would study the validity of these decisions and propose adjustments in the interests of equal justice and effective penal policy.

- Presumption Against Incarceration. The Commission should consider proposing a public policy to the effect that non-prison placements utilizing restitution and work assignments are appropriate penalties for most non-assaultive offenders. In this vein, the Commission may propose such a range of presumptive non-prison alternatives for this class of convicted felons, by developing a new sub-section of Penal Code §1203. Sources for the language of the new sub-section include the Model Penal Codes of the American Law Institute and the National Council on Crime and Delinquency.

- A End to Mandatory Imprisonment. The Commission should study the recent legislative expansion of offenses requiring mandatory incarceration. The Commission should investigate the effect of reducing the number of offenses carrying restrictions on probation. Moreover, the Commission should consider that offenses for which prison is the presumptive sanction should include exceptions for "unusual cases where the interests of justice would best be served if the person is granted probation." (Penal Code §1203(e))

- Early Release Mechanisms. The Commission should consider methods for reducing prison terms beyond

the current system of good-time credits. Currently, there is little provision for those highly motivated inmates who utilize their prison time to provide restitution for the victims of their crime, or who prepare themselves for a successful re-entry into society. While incentive and reward for such behavior could be increased by an expansion of good-time credit or by adding a form of early supervised release, another early release mechanism already exists in the penal code. This is Penal Code §1170(d), which has been interpreted by the Director of Corrections and the Board of Prison Terms to allow these agencies to recommend to the sentencing judge at any time that the sentence of a remorseful and rehabilitated inmate be recalled and that probation be granted. (See Cal. Admin. 2100 et seq., and Inmate Classification Manual 3104(c) and (d). However, the power virtually has never been exercised. Specifically, the Commission can recommend whether §1170(d) should be amended to include, after the first line, the following language: "the resentence under the subdivision shall include probation for those defendants who have demonstrated sufficient remorse and rehabilitation."

The Commission should be fully supported by staff with legal, social service and research knowledge and expertise. The Commission on Alternatives to Prison should be authorized for at least a three-year life, with a sunset provision attached.

Implementation

The above tasks constitute an ambitious agenda for the proposed Commission on Alternatives to Prison. Accomplishing the many responsibilities outlined will require significant investments of time and resources. Some may legitimately question whether the above activities could not be accomplished by existing state agencies.

Existing resources--Legislative Analyst, Assembly and Senate Research Offices, as well as various executive agencies--could conduct the planning and investigation recommended here, albeit in a limited and piecemeal fashion. But, NCCD concludes that the current crisis in corrections demands that a special effort refocus California's non-prison alternatives. The Commission must have a legislative mandate to probe and range freely through California criminal justice agencies and issues. It must be independent of existing agencies and groups. It should have authorization to hold hearings, to inspect facilities and programs, to examine records, and to interview administrators, staff, offenders and prisoners.

In order to effectively hear all perspectives, membership on the Commission should include representation from all major

agencies and interests in corrections and criminal justice. At least half the membership should consist of citizens who represent the diversity of California's population.

● CREATE A JOINT LEGISLATIVE COMMITTEE ON CORRECTIONS TO DEVELOP GREATER LEGISLATIVE EXPERTISE AND OVERSIGHT CAPABILITIES IN THE CORRECTIONS AREA

Currently legislative authority for corrections policy is split among Senate Assembly committees on Criminal Justice, The Judiciary, Ways and Means, Finance, and Health and Welfare committees to name a few. These committees are responsible for several other legislative areas and, consequently, individual legislators develop only limited perspectives on complex correctional issues. Further, legislative action in the corrections area has tended to be reactive rather than proactive. For example, the legislature possesses a very limited capacity to review the impact of proposed criminal justice or health and welfare policies on state and local correctional systems.

It is essential for the legislature to develop expertise and oversight capabilities in the specialized issues of corrections. Indications are that corrections' budgets will grow substantially in coming years, whether or not the plan for additional prisons is authorized. Racial relations, public safety, and conditions within the prisons are complex and explosive issues, which will continue to haunt corrections in the near future. NCCD recommends creation of a Joint Legislative

Committee on Corrections to guide legislative response to these problems.

The Joint Committee would be the legislative committee directly charged with oversight to YACA. It would monitor construction plans, reorganizations (such as those proposed in the NCCD short-term recommendations), and review special studies such as the current Department of Health and Welfare task force investigating the disproportionate number of minorities in prison.

The Joint Committee would be the primary (although not necessarily the only) contact point of the legislature with the Commission proposed above. It would also oversee revisions in AB 90 and the development of local jail and non-prison sentencing options.

The Joint Committee would include at least one representative from each permanent Senate and Assembly Committee currently overseeing some element of corrections. It would have the same rights, powers, and functions of other Joint Committees of the legislature.

D. THE NEED FOR PUBLIC EDUCATION AND INVOLVEMENT

This section presented recommendations for the development and implementation of alternative correctional strategies that seek implementation of alternative correctional strategies that seek structural changes in current practices. The long-term or structural changes in current practices. The long-term or structural changes are intended to fundamentally alter

existing practice rather than just develop new programs, as outlined in the short-run recommendations section. NCCD has concluded that a broad range of effective sanctions exist for offenders that do not require imprisonment. (See Chapter I of the Sourcebook for a detailed description of these programs.) These programs may involve intensive supervision, restitution of victims, work programs and services designed to equip offenders with marketable occupational skills. However, unless basic reforms occur to fundamentally change current criminal justice practices, these valuable programs ideas will remain undeveloped and under-utilized.

Basic criminal justice reforms must be carefully considered because precipitous changes can produce unanticipated negative outcomes. Moreover, many long-range reforms are difficult to achieve because they require a consensus of diverse interest groups. This is particularly true for NCCD's recommendations attempting to reduce California's reliance on maximum and medium security institutions as the primary form of punishment for convicted felons. Public opinion has fueled recent legislation increasing the use of imprisonment. NCCD's recommendations represent a departure from this trend in an attempt to initiate innovative and effective approaches at less cost without jeopardizing the public safety.

NCCD has written these recommendations with due consideration of their feasibility and the current political climate. However, our overriding concern has been how to affect change

that will best serve the interest of California's citizens. Ultimately, crime and punishment are political issues and criminal justice policy is heavily influenced by public fears and misperceptions. Few citizens are actively involved in the direct formulation of penal policies, and even fewer are aware of facts, figures, and research findings about the operation of the criminal justice system. In these circumstances, a responsible approach to making law and policy calls for a comprehensive effort to inform, educate, and involve a wider segment of the citizenry.

Traditionally prison walls have kept the public out as well as keeping the prisoners in. Overcoming the traditional isolation of corrections from the public will require a high level commitment to an active citizens' role in establishing, monitoring, and assessing of criminal justice policies and programs. It also will require a strong, proactive public education campaign.

The public mood appears to be swinging toward an increased demand for harsher and longer punishments, for instance. A 1979 poll conducted by the State Data Program at the University of California, Berkeley, found that most of their sample believed that the courts are "too lenient." NCCD found that many Criminal Justice officials believe that the public wants "tougher" crime policies. (See Sourcebook, Chapter IV.) Perceptions by legislators and practitioners of punishment-oriented public attitudes have contributed to

the proliferation of bills requiring mandatory imprisonments and reduction of community placements. (See Sourcebook, Chapter IV.)

However, public perceptions cannot be the sole determinate of rational crime control policies. Many citizens believe that crime has been increasing rapidly and that judges have become lenient in sentencing practices, yet little data exist to support either of these conclusions. (See Sourcebook, Chapter II.)

The criminal justice system currently suffers from unrealistic public expectations that it can control crime, compel lawful behavior, and alter personal values for the better. Little effort has been made to educate the public about the practical limits of current approaches to crime control.

It is crucial for the public to be fully informed about the numbers and rates of persons confined, the racial and class imbalances in the prison population, and the costs associated with various sentencing options. Criminal justice policy issues are complex and entail many value tradeoffs. Moreover, correctional policy decisions cannot be left exclusively to criminal justice experts.

Any program of long-term correctional reforms should include a comprehensive campaign to increase citizen knowledge about and involvement in the criminal justice process. The information program should go beyond the usual press releases and occasional public hearings, supplemented by responses to

inquiries initiated by individual citizens. All those involved in correctional policy must assume an educational role, geared to creating a climate receptive and supportive to expanding the use of non-prison correctional options.

NCCD envisions a program of public education through the communications media and intensive educational-organizational efforts with many communities and groups. The effort in education should not only inform the public about correctional problems, it should also seek to stimulate their participation in developing new community corrections programs.

SECTION V

AN AGENDA FOR CALIFORNIA IN THE EIGHTIES

California needs to develop a new corrections policy. The California Department of Corrections' state agency facility plan, developed under the former Director of Corrections, calls for building new prisons and renovating old ones. In the absence of a coherent strategy clearly linked to the state's overall criminal justice system needs, the facility plan will not contribute to the effectiveness, cost-efficiency, or humaneness of corrections in California. The only certainty about this plan is that it will not reduce crime and it will be costly to implement.

In this report, the National Council on Crime and Delinquency (NCCD) has made specific short- and long-term recommendations that deal directly with prison overcrowding and other aspects of the current situation. But the longer term work of the proposed joint legislative committee and the agenda of issues that would be addressed by the proposed special commission -- ranging from equity in the use of prison to the creation of an effective system of non-prison sanction -- represent the basis upon which a new correctional policy will be developed. A 110-day study can spotlight critical issues and outline a framework for needed change, but a single set of action proposals can at best deal with

current problems. The long-term work of implementing, evaluating and modifying the new corrections called for in this report lies ahead.

This report has stressed that while alternatives to prison are typically expressed in terms of programs, legislative change and new attitudes and priorities are crucial sources of such alternatives. In this regard, California is at a particularly important juncture. The governor and the legislature have recently reorganized the state correctional agency and brought in new leadership. Together with the legislature and the special commission, this new leadership has a special opportunity to begin with fresh attitudes and different priorities to develop California's new corrections policy.

REFERENCES

- Allen, Harry E.; Carlson, Eric W.; Parks, Evalyn C., Critical Issues in Adult Probation: Summary, National Institute of Law Enforcement and Criminal Justice, Washington, D.C.
1979
- Allen, Harry E.; Carlson, Eric W.; Parks, Evalyn C., Halfway Houses, Vols. I and II, National Institute of Law Enforcement and Criminal Justice, Washington, D.C.
1979
- Banks, J., et al., Phase I Evaluation of Intensive Special Probation Projects, National Institute of Law Enforcement and Criminal Justice, Washington, D.C.
1977
- Beka, James, et al., Sentencing to Community Service, National Institute of Law Enforcement and Criminal Justice, Washington, D.C.
1977
- Bergman, Gerald, Evaluation of an Experimental Program Designed to Reduce Recidivism Among Second Felony Criminals, Xerox University Microfilms, Ann Arbor, Michigan.
1976
- Brantley, James R.; Kravitz, M., Alternatives to Incarceration: A Definitive Bibliography, National Criminal Justice Reference Service, Rockville, Maryland.
1979
- Brydensholt, H.H., "Crime Policy in Denmark: How We Managed to Reduce the Prison Population," Crime and Delinquency, National Council on Crime and Delinquency, Hackensack, New Jersey.
- California Department of Justice, Bureau of Criminal Statistics, Sacramento:
- 1980 Crime and Delinquency in California 1979 (advance release)
- 1979 Criminal Justice Profile 1978: Statewide
- 1979 Criminal Justice Profile 1978: for Alameda, Fresno, Los Angeles, Marin, Merced, Orange, Sacramento, San Bernadino, Santa Clara, San Diego, San Francisco, San Joaquin, Solano, Ventura.
- 1979 Crime and Delinquency in California 1978: Part I, Crimes and Arrests
- 1979 Homicide in California: 1978

- 1978 Adult Felony Arrest Dispositions in California
- 1977 Disposition of Adult Felony Arrests in Fifty-Seven Counties
- 1977 A Comparison of Offender-Based Transaction Statistics in Fifty-Six Counties: 1975
- Offender-Based Transaction Statistics in Fifty-Seven California Counties: 1976
- The Burglar in California: A Profile
- Chesney; Hudson; and McLagen, "A New Look at Restitution: Recent Legislation, Programs, and Research," Judicature, Vol. 61, No. 8.
- 1978
- Comptroller General, Report to the Congress of the United States, Community-Based Correctional Programs Can Do More To Help Offenders, General Accounting Office, Washington, D.C.
- 1980
- Coopers & Lybrand, "The Cost of Incarceration in New York City," National Council on Crime and Delinquency, Hackensack, New Jersey.
- 1978
- Cossou, April Kestell, and Taugher, Brian, "Determinate Sentencing in California: The New Numbers Game," 9 Pacific Law Journal, pp. 5-106.
- 1978
- "Determinate Sentencing in California and Illinois: Its Effect on Sentence Disparity and Prison Rehabilitation," Washington University Law Quarterly, pp. 551-569.
- 1979
- Dexter, Lewis Anthony, Elite and Specialized Interviewing, Evanston, Illinois: Northwestern University Press.
- 1970
- Dodge, Calvert R., A World Without Prisons, D.C. Heath and Co., Lexington, Massachusetts.
- 1979
- Doleschal, Eugene, "Crime and Criminal Justice in the United States, the Netherlands, Denmark, Sweden and Great Britain," (unpublished fact sheets), National Council on Crime and Delinquency, Hackensack, New Jersey.
- no date
- Doleschal, Eugene, "Graduated Release," Information Review on Crime and Delinquency, Vol. I, No. 10, National Council on Crime and Delinquency, Hackensack, New Jersey
- 1969

- "Eighteen States Enact New Laws on Mandatory Sentencing," The Recorder, Vol. 108, No. 189, p. 1.
- "Evaluation of the County Justice System Subvention Program," 1979 Arthur D. Little, Inc.
- Galaway, Burt; Hudson, Joe, eds., Offender Restitutions in Theory and Action, D.C. Heath and Co., Lexington, Massachusetts, 1978
- Galaway, Burt, "The Use of Restitution," Crime and Delinquency, 1977 Vol. 23, No. 1, National Council on Crime and Delinquency, Hackensack, New Jersey.
- Galvin, John; Basker, Walter; Green-Quijano, William; Kemp Gary; Harlow, Nora; Hoffman, Kathleen, Instead of Jail: Pre- and Post-Trial Alternatives to Jail Incarceration, Vols. 1,2,3,4,5, National Institute of Law Enforcement and Criminal Justice, Washington, D.C. 1977
- Gendreau, Paul and Ross, Bob, "Effective Correctional Treatment: Bibliotherapy for Cynics," Crime and Delinquency, National Council on Crime and Delinquency. 1979
- Glasev, Barney G. and Strauss, Anselm, The Discovery of Grounded Theory: Strategies for Qualitative Research, Chicago: Aldine Publishing Company. 1967
- Gordon, Raymond L., Interviewing: Strategy, Techniques and Tactics, Homewood, Illinois: Dorsey Press. 1969
- Grillo, Evelio and Engram, Elenor, "Resource Center for Institutional Development," (a concept paper). 1979
- Harland, Alan T., "Court-Ordered Community Service In Criminal Law: The Continuing Tyranny of Benevolence," Criminal Justice Research Center, Albany, New York. 1980
- Harland, Alan T.; Warren, Marguerite Q.; Brown, Edward J., A Guide to Restitution Programming, Criminal Justice Research Center, Albany, New York. 1979
- Harris, M. Kay, et al., Community Service by Offenders (submission draft), National Institute of Corrections, Washington, D.C. 1979

Health and Welfare Agency Department of Corrections, Sacramento:

- 1980 Facilities Requirements Plan
- 1979 Two Years Experience, Uniform Determinate Sentencing Act, July 1977 - June 1979
- 1979 Program and Facilities Planning Report for 1979-1980 Fiscal Year
- 1978 Program Planning Report: Volume I, Synopsis of Program Analysis and Recommendations

Policy and Planning Division Management Information Section:

- 1980 Table: Offense and Prior Commitment Record Male Felon Institution Population as of December 31, 1979.
- 1980 Table: Institution Population, Actual and Projected June 30, 1970 - 1985
- 1980 Table: Median Time Served In Prison by Male Felons Before Release 1977 through September, 1979 (by quarter)
- 1979 Table: Movement of Institution Population by Each Institution, Fiscal Year 1978 - 79
- 1979 Table: Movement of California Rehabilitation Center Population, Fiscal Years Ending June 30, 1975 - 1979
- 1979 Table: Movement of Prison Population, Fiscal Years Ending June 30, 1975 - 1979
- 1979 Table: Institution Population June 30, 1979
- 1979 Table: Movement of Male Felon Parole Population Fiscal Years Ending June 30, 1975 - 1979
- 1979 Table: Characteristics of California Male Felon Parolees By Region as of June 30, 1979
- 1979 Table: Characteristics of Felon Population In California State Prisons By Institution as of June 30, 1979
- 1979 Table: Actual Daily Average Population By Institution, Fiscal Year 1978 - 79

1979 Table: Movement of Male Felon Parolees Quarter and Calendar Year Cumulative Report Through June 1979

1979 Table: Movement of Male Felon Parolees Quarter and Calendar Year Cumulative Report Through June 1979

Chart: Male Felons Paroled, Male Felons Returned To Prison By Quarter 1971 - 1979

Chart: Male Parolees Returned to Prison With New California Commitment or Without New California Commitment By Quarter 1971 - 1979

1979 Table: Felons Returned To California Prison After Release By Parole Or By Discharge 1969 through 1978

1979 Table: CDC Commitment Rate per 100,000 State Population, Felons Newly Received From Court and Returned From Parole With New Felony Commitment 1961 - 1978

1979 Table: Number and Time Served in Prison Before First Parole for Male Felons 1977 and 1978

1979 Table: Offense By Penal Code Section, Statutory Sentence, and Months to Minimum Eligible Parole Under Indeterminate Sentence Law Compared with Determinate Sentence Law

1970 - 1977 California Prisoners

1978 California Prisoners (draft)

Judicial Council of California, Sentencing Practices Section, San Francisco

1979 June Sentencing Practices Quarterly

1978-1979 Dec. and March Sentencing Practices Quarterly

1978 Sept. Sentencing Practices Quarterly

1978 June Sentencing Practices Quarterly

1978 Mar. Sentencing Practices Quarterly

1977 Dec. Sentencing Practices Quarterly

1977 Sept. Sentencing Practices Quarterly

- Keldgord, Robert, et al., "Correctional Systems Study,"
1971 Human Relations Agency, Board of Corrections.
- Knopp, Fay Honey, et al., Instead of Prisons: A Handbook for
1976 Abolitionists, Prison Research Education Action
Project, Syracuse, New York.
- LeClair, Daniel, "Community-Based Reintegration: Some Theore-
1980 tical Implications of Positive Research Findings,"
Massachusetts Department of Corrections, Boston,
Massachusetts.
- Lipson, Al and Peterson, Mark, "California Justice Under
Determinate Sentencing: A Review and Agenda
for Research," Rand Corporation (R2497).
- Lofland, John, Analyzing Social Settings, Belmont, California:
1971 Wadsworth Publishing Company.
- Mann, Karen, et al., Residential Community Corrections:
1979 A Plan For California, California Department
of Corrections, Parole and Community Services
Division.
- Merton, Robert K., Marjorie Fiske, Patricia L. Kendall, The
1956 Focused Interview: A Manual of Problems and
Procedures, New York: Free Press.
- Miller, E. Eugene and Montilla, M. Robert, eds., Corrections
1977 In the Community: Success Models In Correction
Reform, Reston Publishing Company, Inc., Reston.
- Monahan, John, "The Prediction of Violent Criminal Behavior:
1978 A Methodological Critique and Prospectus," in
Deterrence and Incapacitation Estimating the
Effects of the Criminal Sanctions on Crime
Rates, National Academy of Sciences, Washington
D.C.
- National Advisory Commission on Criminal Justice Standards
1973 and Goals, Corrections, Washington, D.C.
- National Criminal Justice Information and Statistics Service,
1978 "State and Local Probation and Parole Systems,"
Washington, D.C.
- Nelson, E. Kim; Ohmart, Howard; Harlow, Nora, Promising
1978 Strategies in Probation and Parole, National
Institute of Law Enforcement and Criminal
Justice, Washington, D.C.

- Netherlands Criminal Justice Investigative Seminar, "How
1978 Holland Supports Its Low Incarceration Rate:
The Lessons For Us," (seminar draft).
- Newton, Anne, "Alternatives to Imprisonment: An International
1980 Review," Criminal Justice Abstracts, National
Council on Crime and Delinquency, Hackensack,
New Jersey.
- Newton, Anne, "Sentencing to Community Service and Restitution,"
1979 Criminal Justice Abstracts, National Council on
Sept. Crime and Delinquency, Hackensack, New Jersey.
- Newton, Anne, "Alternatives to Imprisonment: Day Fines,
1976 Community Service Orders, and Restitution,"
March Crime and Delinquency Literature, National
Council on Crime and Delinquency, Hackensack,
New Jersey.
- Nimmer, Raymond T., The Nature of System Change, American
1978 Bar Foundation, Chicago.
- Peterson, Mark A. and Braiker, Harriet B., Doing Crime: A
1980 Survey of California Prison Inmates, Rand
Corporation (R-220-DOJ), Santa Monica, California.
- Richardson, Stephan, Barbara Snell and David Klein, Interviewing:
1965 Its Forms and Functions, New York: Basic Books.
- Rodgers; Gitchoff; Paur, "The Privately Commissioned Pre-
1979 Sentence Report: A Multidisciplinary Approach,"
Criminal Justice Journal.
- Sasfy, Joseph H., Fees for Correctional Services: A Survey,
1980 Grandfield, James J.; Beran, Nancy J., Halfway
Houses, National Institute of Law Enforcement
and Criminal Justice, Washington, D.C.
- Schatzman, Leonard and Strauss, Anselm L., Field Research:
1973 Strategies for a National Sociology, Englewood
Cliffs, New Jersey: Prentice Hall, Inc.
- Seiter, Richard P.; Carlson, Eric W.; Bowman, Helen H.;
1977 Grandfield, James J.; Beran, Nancy J., Halfway
Houses, National Institute of Law Enforcement
and Criminal Justice, Washington, D.C.
- Soper, Jody, "Alternatives to Prison: A Thoughtful Approach
1979 to Crime and Punishment," Unitarian Universalist
Services Committee, Boston, Massachusetts.

- Swedish National Council for Crime Prevention, "A New Penal System: Ideas and Proposals," (English summary), 1978 Working Group for Criminal Policy.
- Thalheimer, Donald J., Cost Analysis of Correctional Standards: Community Supervision, Probation Restitution, Community Service, Vol. II, National Institute of Law Enforcement and Criminal Justice, Washington, D.C. 1978
- Thalheimer, Donald J., Cost Analysis of Correctional Standards: Halfway Houses, Vols. I and II, National Institute of Law Enforcement and Criminal Justice, Washington, D.C. 1975
- Trial Judges' Conference, "Conference: Alternative Sentencing," (transcript), U.S. Senate Judiciary Subcommittee on Administrative Practice and Procedure, Washington, D.C. 1978
- Toborg, Mary A.; Center, Lawrence J.; Milkman, Raymond H.; Davis, Dennis W., The Transition From Prison to Employment: An Assessment of Community-Based Assistance Programs, National Institute of Law Enforcement and Criminal Justice, Washington, D.C. 1978
- Umbreit, Mark, "Crime and Punishment in Denmark," Prisoner and Community Together, Inc., Michigan City, Indiana. 1980
- U.S. Department of Justice, Uniform Crime Reports, Washington, D.C. 1978 Crime in the United States
- 1973-1976 Crime in the United States
- University of California, Berkeley, "Crime": Unpublished results of California Poll Survey, Berkeley: California: University of California, Berkeley. 1980
- Washington Crime News Service, "California Jails and Prison Overcrowded and Underfunded in Time of Fiscal Austerity," Corrections Digest, Volume II, No. 9. 1980
- Whitmer, Gary E., "From Hospitals to Jails: The Fate of California's Deinstitutionalized Mentally Ill," American Journal of Orthopsychiatry, Vol. 50, Number 1. 1980
- Zeller, Lynn J., "Alternatives to Incarceration: The Basic Issue and a Glossary," Prison Law Monitor, Volume 2, Number 6. 1979

Table of Authorities

Cases:

- Cardell v. Enemoto, Memo of Intended Decision
#701094 (1976)
- In re Black, 66 Cal. 2d 881 (1967)
- In re Bushman, 1 Cal, 3d 767 (1970)
- In re Chamberlain, 78 Cal. App. 3d 712 (1978)
- In re Foss, 10 Cal. 3d 910 (1974)
- In re Lynch, 8 Cal. 3d 410 (1972)
- In re Mannino, 14 Cal. App. 3d 953 (1971)
- In re Newbern, 168 Cal. App. 2d 472 (1959)
- In re Rodriguez, 14 Cal. 3d 639 (1975)
- In re Stanley, 54 Cal. App. 3d 1030 (1976)
- In re Sturm, 11 Cal. 3d 258 (1974)
- In re Torres, 86 Cal. App. 2d 178 (1948)
- In re Winn, 13 Cal. 3d 694 (1975)
- Lelanda v. Lowery, 26 Cal. 2d 224 (1945)
- Marin County v. Superior Ct. of Marin County,
53 Cal. 2d 633 (1960)
- Modoc County v. Spencer, 103 Cal. 498 (1894)
- Morrissey v. Brewer, 408 U.S. 471 (1972)
- Oster v. Municipal Court, 45 Cal. 2d 134 (1955)
- People v. Dominguez, 256 Cal. App. 2d 623 (1967)
- People v. Keller, 76 Cal. App. 3d 827 (1978)
- People v. Lent, 15 Cal. 3d 481 (1975)
- People v. Mason, 5 Cal. 3d 759 (1971)
- People v. Osslo, 50 Cal. 2d 75 (1958)
- People v. Richards, 17 Cal. 3d 614 (1976)
- People v. Tanner, 24 Cal. 3d 514 (1979)
- People v. Thomas, 135 Cal. Rptr. 644 (1977)
- People v. Warner, 20 Cal. 3d 678 (1978)
- Roberts v. Duffy, 167 Cal. 634 (1914)
- Winsett v. McGinnes, F.2d (3rd Cir. 1980)

APPENDIX

INTERVIEW RESOURCES
(Listed By Affiliation)

STATE OF CALIFORNIA

Assembly Standing Committees

Leona H. Egeland
Ways and Means Committee
Sacramento

David Perales
Ways and Means Committee
Sacramento

Mike Ullman
Criminal Justice Committee
Sacramento

John Vasconcellos
Ways and Means Committee
Sacramento

Attorney General's Office

George Deukmajian
Sacramento

Department of Corrections

Tony Antonuichio
Parole and Community Service Division

Robert Bowman
Parole and Probation Division
Los Angeles

M. Chou
Classification Department
Sacramento

Ron Chun
Parole and Community Service Division
Sacramento

Alice Darr
Management Information Section
Sacramento

Garry Ducats
Correctional Institutions
Sacramento

Gene Eackles
Classification Department
Sacramento

Dona Good
Management Information Section
Sacramento

Harry Herron
Correctional Information and Resource Center
Sacramento

Norm Holt
Research Unit (Chino)
San Bernardino

Charles Hull
Sacramento County

Jiro Jjenmoto
Sacramento

Thatcher Johnson
Administration
Sacramento

Karen Mann
Parole and Community Service Division
San Francisco

Paul Rosser
Sacramento

Ruth Rushen
Sacramento

Vida Ryan
Management Information Section (retired)
Sacramento

Ken Shremp
Program Facilities Planning Department
Sacramento

Will Stinnett
Correctional Information and Resource Service
Sacramento

Cathy Switzer
Administration
Sacramento

George F. Warner
Correctional Institutions
Sacramento

Other States - Departments of Corrections

Mee S. Lee
South Carolina Department of Corrections

Patrick McManus
Kansas Department of Corrections

Department of Justice, Bureau of Criminal Statistics

Bruce A. Kaspari
Sacramento

Judicial Council

David Halperin
Sentencing Practices Section
Sacramento

Jon David Pevna
San Francisco

Cy Shain
Research Director
San Francisco

Office of Criminal Justice Planning

Judy O'Neal
Planning Unit
Sacramento

Senate

Senator Robert Presley
Sacramento

Youth and Adult Correctional Agency

James Barnett
Sacramento

Robert Craft
Sacramento

Rudy DeLeon
Sacramento

James A. Embree
Ione, California

Marylou Fineli
Sacramento

Jack Gifford
Alameda County

Bill Pannell
Management Information Systems
Sacramento

Brian Taugher
Sacramento

Richard Tilson
Sacramento

Howard Way
Sacramento

U.S. DEPARTMENT OF JUSTICE

H. H. Masters
Bureau of Prisons
San Francisco

Robert L. Smith
National Institute of Corrections
Washington, D.C.

Phyliss Jo Baunach
Larry Bennett
Bob Burhardt
Larry Greenfield
Ann Schmidt
John Spevacek
National Institute of Justice
Washington, D.C.

Carol Kalish
Bureau of Justice Statistics
Washington, D.C.

JUDGES

Honorable W. B. Keene
Superior Court Judge
Los Angeles County

Honorable Bernard Selber
Superior Court Judge
Los Angeles County

Honorable Clarence Stromwall
Municipal Court Judge
Los Angeles County

DISTRICT ATTORNEYS

Al Bucher, D.A.
State Bar Association, Corrections Section
Alameda County

Lowell Jensen, D.A.
Alameda County

Bob Podesta
San Francisco County

John Van de Kamp, D.A.
Los Angeles County

PUBLIC DEFENDERS

Jeff Brown
San Francisco County

John Cleary
San Diego County

Luke Hiken
Sacramento

Wilbur Littlefield
Los Angeles County

BOARD OF SUPERVISORS

Phil Arnold
Budget Analyst Office
San Francisco County

SHERIFFS DEPARTMENTS

Sherman Block
Los Angeles County

Bill James
San Francisco County

Peter J. Pitchess
Los Angeles County

Ray Procunier
San Francisco County

Ray Towbis
San Francisco

T. H. von Minden
Los Angeles County

Richard Zevitz
Parole Board, Sheriff's Department
San Francisco County

ASSOCIATIONS

Judith Tieman Bird
Ohio Citizens' Council
Columbus, Ohio

John Cleary
Public Defender's Association
San Diego County

Paul Comiskey
Prisoners' Union
San Francisco County

Victor Coupéz
Prisoners' Union
San Francisco County

Alvin Goldstein
Criminal Law Section
State Bar of California

Jerry D. Hill
Chief Probation Officer's Association
San Bernardino County

Russ Immarigeon
New Jersey Partnership for Alternatives
NCCD
New Brunswick, New Jersey

International Halfway House Association
New Jersey, California, Washington, D.C.

D. Lowell Jensen
District Attorney Association
Alameda County

Michael Kroll
National Moratorium on Prison Construction
Washington, D.C.

Don Leonard
Coordinating Council of Prisoners' Organizations
San Francisco County

Jan Marinissen
American Friends Service Committee
San Francisco County

David Mintz
New Jersey Association on Corrections
New Jersey

Bill Nagel
American Foundation, Institution of Corrections
Philadelphia, Pennsylvania

Becky Ney
American Foundation, Institution of Corrections
Philadelphia, Pennsylvania

Honorable Bernard Selber
California Judges' Association
Los Angeles County

Richard Simonian
California Probation, Parole and Correctional
Association
Fresno County

John Simpson
Creative Alternatives to Prison
Washington, D.C.

Diane Steelman
NCCD Partnership for Alternatives
Hackensack, New Jersey

REGIONAL PLANNING UNITS

John Balma
Shasta County

Kathy Cabrera
Santa Barbara County

Bill Cameron
Monterey County

Keith Concannon
Orange County

Artis Dawson
Regional Criminal Justice Planning Board
Alameda County

Randa Dembroff
Jail Overcrowding Project of the Mayor's
Criminal Justice Council
San Francisco County

Charles DeWitt
Santa Clara County

Beverly Di Gregorio
San Diego County

Ed Dimock
Butte County

Steve Duncan
San Bernardino County

Don Galloway
Justice System Coordinator
Los Angeles County

Rotea Gilford
Mayor's Criminal Justice Council
San Francisco County

Raymond Grady
Napa County

Don Graham
LEAA Criminal Justice Planning Board
Los Angeles County

Dean Hill
Stanislaus County

Mark Hubbard
Humboldt County

Richard Kenyon
Riverside County

Mal King
Ventura County

H. D. Kirkpatrick
Alameda County

Ray L'Esperance
Special Services Unit
Alameda County

Rose Ochi
Los Angeles County

Jon David Pevna
Judicial Council
Judicial Criminal Justice Planning Committee
State of California
San Francisco County

George Roemer
Criminal Justice Agency
Contra Costa County

Karen Rosa
Sacramento County

Les Stanborough
Criminal Justice Planning Board
Shasta County

Ann Taylor
San Mateo County

Ronald Webster
Los Angeles County

PROBATION

Nancy Boles
Orange County

Joseph J. Botka
San Francisco County

Gerald Buck
Contra Costa County

David Conahey
Ventura County

Alan M. Crogan
Santa Barbara County

F. R. Donati
San Mateo County

Ken Fair
Los Angeles County

Jerry D. Hill
San Bernardino County

Lula Hurte
Los Angeles County

William Jones
San Joaquin County

Robert E. Keldgord
Sacramento County

Claude T. Magrum
San Bernardino County

James Malleck
Los Angeles County

Thomas McConnell
Sacramento County

David Melton
San Francisco County

Walter Morse
Santa Clara County

Errol Parrish
Contra Costa County

Marvin R. Pugh
San Francisco County

Richard Simonian
Fresno County

George Watson
San Diego County

Kay White
Alameda County

Norman Wills
Kern County

PROGRAMS

Robert Apodaca
Peralta Service Corporation
Alameda County

Beverly Aguilar
Peninsula Halfway House
San Mateo County

Greg Bays
Center Point, Incorporated
Marin County

Jack Bernstein
Cri-Help Incorporated
Los Angeles County

Maria Black
County Women's Residential Center
Santa Clara County

Sherri Boedeker
Alternative Sentencing Program
Fresno County

Sally Brennan
Court Referral Program of North Santa Clara County
Santa Clara County

Judy Buell
County Volunteer Work Program
Solano County

Roy Carlson
Los Angeles County Work Furlough Program
Los Angeles County

Louise Clausen
Volunteer Center
Kern County

John Connelly
Humboldt Halfway House, Incorporated
Humboldt County

Judy Cooper
Roger Hillyard House
Monterey County

Juan Corarrubias
Narcotics Education League
Alameda County

Victor Coupéz
Committee Against More Prisons (CAMP)
San Francisco County

John Cravens
Project Cope
Los Angeles County

Lou Cushenberry
California Congress of Ex-Offenders
Sacramento County

Harvey DeMeneces
County Halfway House
Orange County

Randa Dembroff
Jail Overcrowding Project
San Francisco County

Bert A. Elliott
Mendocino Schools
Mendocino County

Eleanor Engram
Resource Center for Community Institutions
Alameda County

Charles Evans
Los Angeles County Work Furlough Program
Los Angeles County

Michael Fantanello
The New Bridge Foundation
Alameda County

Shirley Flores-Munoc
Community Options
Santa Cruz County

Bruce Folsom
Project 20
San Francisco County

Sandra Ford
Jericho Women's Home
San Bernardino County

Patricia Foreman
Vinewood Community Correctional Center
Los Angeles County

Dr. Martha Foy
Nuestra Casa
San Diego County

Jack Fronk
Center Point, Incorporated
Marin County

Lloyd W. Gieg
Genesis House, Incorporated
Contra Costa County

Evelio Grillo
Resource Center for Community Institutions
Alameda County

Joan Guissi
Athena House
Sonoma County

Hazel Hall
Community Treatment Diversion
San Joaquin County

Tom Helman
Court Referral Program
Community Options
Santa Cruz County

Gerald Hillsman
Central City Bricks Kick Program
Los Angeles County

Fred Jang
County Work Furlough Program
San Francisco County

Naneen Karraker
Committee Against More Prisons (CAMP)
San Francisco County

Ken Kennemer
Turning Point
Fresno County

John Kuhn
Volunteers of America
Alameda County

Laurence R. Lauber
Community Treatment Center
Gateways Hospital and Mental Health Center
Los Angeles County

Linda Lawrence
Post Correction Unit
Community Services Project
San Francisco County

Bonnie Long
Span Recovery Home CTC
San Bernardino County

LeRoy Looper
Reality House West
San Francisco County

James R. Mann
Child Welfare League of America, Incorporated
Alameda County

John Mann
Allied Fellowship Service
Alameda County

Rosemary Manning
Tahoe Area Sentencing Alternative Program

Jan Marinissen
Committee Against More Prisons (CAMP)
San Francisco County

Skip Masters
Federal Community Treatment Center
Alameda County

Carolyn McCall
Project MATCH
San Francisco County

Ike O'Shannon
The Salvation Army
Los Angeles County

Peg Meyer
Volunteer Action Center
Sonoma County

Lt. Richard Minden
County Work Furlough Program
Contra Costa County

Bob Morano
Casa Libre
Santa Clara County

Diane Noack
Hoffman House
Los Angeles County

Judy Orr
Project Crossroads
Los Angeles County

Warren J. Parker
Center for Positive Prevention Alternatives, Inc.
Stockton

Erma Patterson
Kazi House
Los Angeles County

Linda Peluso
Sentencing Alternatives Program
Voluntary Action Center
Santa Clara County

Rubin Rayna
Chicano Pintos
Orange County

Lt. Michael Reid
County Work Furlough Program
San Mateo County

Rick Ross
Turning Point
Kern County

Raymond Shonholtz
Community Board Program
San Francisco County

Dr. Mimi Silbert
Delancey Street Foundation
San Francisco County

Lois Stout
Friends Outside
Kern County

Barbara Taft
Beach Haven Lodge
Los Angeles County

William Tanner
Alameda County Skills Bank
Alameda County

Jane Thomson
Volunteer Bureau
Alameda County

Alexander Warren
Peralta Service Corporation
Alameda County

Sandy Warren
Peralta Service Corporation
Alameda County

Marvin Wiebe
Turning Point
Tulare County

Joe Williams
Freedom House
Alameda County

Kres Tienne Van Keulen
Alternative Sentence Program
Marin

Larry Zucchi
Discovery House
Contra Costa County

Dimas West
Sacramento County

Out-of-State Programs

Alternative House
Santa Fe, New Mexico

Bradley House
Michigan City, Indiana

Cobb County Probation Diversion Center
Cobb County, Georgia

Community Alternatives to Prison (CAP)
Lansing, Michigan

Community Corrections Program
Des Moines, Iowa

Montgomery County Pre-Release Center
Montgomery County, Maryland

Prisoner and Community Together, Inc. (PACT)
Porter County, Indiana

PROFESSORS, PRIVATE PRACTITIONERS AND CITIZENS

Charlton Barksdale
Private Practitioner
Los Angeles County

Ron Boostrom
San Diego State University
Criminal Justice Administration Program
San Diego County

Edgar Brewer
Private Practitioner
Eugene, Oregon

Suzie Cohen
Private Practitioner
Santa Clara County

Gail Funke
Institute for Economic and Policy Studies
Alexandria, Virginia

Maygene Giari
Private Practitioner
Pasadena

G. Thomas Gitchoff
Psychiatry and Law Center
San Diego County

Daniel Glaser
Professor of Sociology
University of Southern California
Los Angeles County

Don Gottfredson
Rutgers School of Criminal Justice
Newark, New Jersey

Alan Harland
Criminal Justice Research Center
Albany, New York

Joel Henderson
San Diego State University
Criminal Justice Administration Program
San Diego County

Gerald H. Hoffman
Oregon Department of Human Resources
Oregon

Joe Hudson
University of Minnesota
Minneapolis, Minnesota

John Irwin
San Francisco State University
San Francisco

Naneen Karraker
Private Practitioner
Unitarian Universalist Church
San Francisco County

Roger Lauen
Private Practitioner

C. S. Lowe
Private Practitioner
Orange County

David Macpherson
Macpherson Associates Consultants
Los Angeles County

Edna McConnell
Clark Foundation
New York, New York

James McGaha
Chapman College
San Diego County

Neal Miller
Private Practitioner
Washington, D.C.

Dr. Shiri Pollack
Marriage and Family Counselor
Institute for the Science of Living
Los Angeles County

Kenneth Schoen
Clark Foundation
New York, New York

Rue Smith
Private Practitioner
Orange County

George Solomon, M.D.
Department of Psychiatry
UCSF School of Medicine
San Francisco County

Billy Wayson
Institute for Economic and Policy Studies
Alexandria, Virginia

Laura Winterfield
Private Practitioner
Washington, D.C.