

Ending the Revolving Door:
A Correlation between Rehabilitation Programs and Recidivism Rates

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INTRODUCTION & OVERVIEW OF THE PROBLEM

Recidivism among felony offenders fuels the overcrowding of the United States prison system, while reducing public safety and subjecting the public to the threat of repeat offenders.¹ The United States has overly relied on incarceration while abandoning efforts to reform criminogenic behaviors, resulting in historically high recidivism rates.² In 1994, the Bureau of Justice Statistics (“BJS”) examined a total of 272,111 inmates released that year, including their criminal histories and the financial impacts of their arrests. Of those former inmates, 78% had been incarcerated for a non-violent crime, and 67% former inmates had committed at least one serious new crime within three years of their release. The 272,111 inmates had accrued more than \$4.1 million in arrest charges before their current imprisonment, and acquired an additional \$744,000 arrest charges in the three years following their discharge; they had also averaged about 18 criminal arrest charges per offender during their criminal career.³ As BJS’s study illustrates, the marginal benefit of incarceration for the purposes of crime control only restricts an offender's ability to commit further crimes during his/her period of confinement, yet is ineffective in changing criminal behavior.⁴

The discussion that follows is structured into sections that break down the issues of prison reform, rehabilitation, and recidivism. Section I examines incarceration rates, specific to California. Section II recognizes the importance of California implementing rehabilitation programs, specifically addressing the economic impact the programs serve, the correlation between correctional education and reoffending, and addressing an individual’s “criminogenic needs.” Section III highlights three key principles that the Legislative Analyst’s Office (“LAO”) has determined would maximize recidivism reduction. Section IV further narrows the scope of this discussion and identifies rehabilitation programs offered within the Northern Region of California. Section V illustrates the effectiveness of rehabilitation programs through an individual’s personal experience.

I. CALIFORNIA, WE HAVE A PROBLEM

Legislative findings reveal that incarceration rates remain unchanged or even have worsened over the past two decades. National data show that about 40% of individuals released from confinement are re-incarcerated within three years of release. In California, the recidivism rate for those who have served time is greater than the national average.⁵ The most recent survey

conducted by the BJS of California prisons, from 1997, reported that 58% of state prison inmates were previously on probation or parole at the time of their current arrest, and 80% had served prior sentences. “Fifty-four percent had served three or more prior sentences; 29% had served six or more; and 12% had served eleven or more prior sentences.”⁶

Through reinvesting in criminal justice resources by funding additional rehabilitation and evidence-based programs for inmates, California could improve public safety outcomes among adult offenders and facilitate their integration back into society.⁷ California Penal Code (“CPC”) section 17.5 focuses on the rising concerns of incarceration and its correlation with recidivism rates and affirms a commitment to reducing recidivism through rehabilitation programs and community-based corrections programs. To that end, Section 17.5 promotes a partnership between local and county safety entities in order to expand the use of community-based punishment for low level offenders.⁸ It accomplishes this goal by allocating the appropriate amount of funds used to advocate a reinvestment strategy tailored to each county.⁹ The purpose of the justice reinvestment strategy is to allocate criminal justice populations in a more cost-effective manner that generates savings to put back into evidence-based rehabilitation strategies.

II. WHY REHABILITATION PROGRAMS ARE NECESSARY FOR THE INCARCERATION SYSTEM

Research reveals the crucial need for California to reform its approach of inmate reentry. At its height in 2005, the parole recidivism rate reached 67.5%, almost seven out of every ten prisoners released from prison returned within three years. This resulted in an occupancy crisis within California’s prison system, peaking prison population at 200% rated capacity.¹⁰ To reduce the prison population by 137% back to its design capacity, \$45 million was earmarked for rehabilitation programs to be distributed among fifty-eight counties. By 2013, the state added more than \$1 billion across these fifty-eight counties to implement realignment strategies under AB 109. California’s Supreme Court laid the groundwork to reform the state prison systems, and identified this remedy as a means of addressing other systematic problems. The Court stated, “Reducing overcrowding will also have positive effects beyond facilitating timely and adequate access to medical care, including reducing the incidence of prison violence and ameliorating unsafe living conditions.”¹¹

Kara Hunter, the Executive Director of Yolo County Conflict Resolution Center (“YCRC”), spoke on this issue and the importance of rehabilitation programs. She stated that these programs result in “true rehabilitation that is changing people’s lives and perspectives.” She added that most inmates she encounters “don’t understand the impact and significance of their actions before participating in these programs.” Frequently, rehabilitation programs are an inmate's first exposure to restorative justice. Many of YCRC’s programs create an inside facilitated peer support group that allows inmates to communicate and learn different ways of relating to others. As a result, Hunter noticed tangible change in inmates’ attitudes due to the built-in support network and leadership provided by their peers. In a way, incarceration with this facilitated peer support group saved their lives. Hunter stated, “I saw more humanity in inmates on the inside than humanity from people on the outside.”¹²

Rehabilitation programs allow inmates to confront challenging conversations and present them with an opportunity to evaluate their internal feelings of vulnerability that they have often long suppressed. These programs create a safe and progressive space for these individuals to recognize their criminogenic behaviors and address how to reform them.

A. Correctional Education

Rehabilitation programs, specifically those that include educational components and recognize inmates’ fundamental right to education, are crucial in reducing recidivism. These programs should embody cultural and economic based curricula that are relevant to the specific geographic area where inmates will be released.¹³ Skills that are important to autonomous individuals in society are crucial to those who have been incarcerated and isolated from society. Lack of implementation of these programs to educate and reintegrate offenders back into their communities correlates with the pernicious cycle of illiteracy, poverty, and crime that highlight the impact long-term incarceration has to society.¹⁴ Basic skills taught in these programs, such as reading, writing, and effectively communicating with others, prepare prisoners for life outside of prison.

The Legislative Analyst’s Office concluded that in order for California to minimize recidivism rates, offenders must receive anger management, mental health counseling, drug treatment, employment assistance, and correctional education. Research shows that offenders are more successful while on probation if they have been exposed to these types of programs while

incarcerated.¹⁵ The Secretary of the Department of Corrections and Rehabilitation put into effect CPC section 2053.1, which requires that every state prison have a literacy program designed to ensure that inmates have academic programming at the 9th grade level or higher. Thus, CPC section 2053.1 focuses on assisting inmates to obtain a general education development certificate such as a high school diploma or its equivalent, and mandates that college programs or their equivalent be offered.¹⁶

Correctional education can reduce recidivism rates by teaching inmates basic skills and achievements that they did not possess before their incarceration in order to be successful after reentry. Receiving a high school diploma or equivalent allows inmates to qualify for more employment opportunities than they had pre-prison and to also disassociate from criminogenic behaviors. The positive association to correctional education “may contribute to lower recidivism rates because employment ‘refocuses individuals’ time and efforts on prosocial activities,’ brings individuals in ‘frequent contact with conventional others,’ and places former inmates in a social context that promotes conformity.”¹⁷

B. Fiscal Benefits

In 2010, California’s fifty-eight counties collectively observed the rate of probation failures drop from 7.9% to 6.1%. This diverted an average daily population of 6,000 felony probationers from going to prison with no major impact on local crime. California saved \$179 million in reduced incarceration costs, which was used for the following fiscal year, 2011-2012, dividing \$87.5 million amongst the fifty-eight counties. This rate continued to decline in 2012 and saved an estimated \$536.6 million over three years due to the reduction in probationers reoffending and being sent to state prison. The money saved through rehabilitation programs allowed California to allocate funds for other rehabilitation programs to develop risk and needs assessments. These assessments allowed incarceration alternatives to be implemented, such as electronic monitoring and evidence-based programs to reduce recidivism rates.¹⁸ According to the Recidivism Report for Offenders Released in Fiscal Year 2014-2015, offenders who were identified as having a substance abuse problem and released having completed a Substance Use Disorder Treatment (“SUDT”) and aftercare treatment had a three year conviction rate of 18.5%, compared to a 50.1% rate of inmates who did not complete SUDT or aftercare treatment.¹⁹ This statistic supports the contention that rehabilitative programs cause a significant paradigm shift in

recidivism, as well as public safety that diverts crime, and reforms offenders. These practices improve public safety by providing offenders released from prison with opportunities and healing that decrease their motivation to commit future crimes.²⁰

Additionally, prison rehabilitation programs have a beneficial economic impact on the community. On average, it costs prisons \$72 a day to incarcerate one inmate. San Diego's drug treatment programs revealed that it costs an average of \$65 per day to prevent offenders from returning to prison. While \$7 per day may seem minor, this allows prisons to save hundreds of thousands of taxpayer dollars by providing treatment programs for offenders with substance use disorders.²¹ With fewer individuals incarcerated, correctional institutions require less money to operate and, thus, reduce the monetary drain on taxpayers. By offering different resources and programs to offenders early on, such as education, drug and alcohol abuse training, and anger management, it would ease the financial strain on the judicial system through a decrease in crime and insurance payouts. As a result, offenders could successfully be reintegrated back into society and contribute to boosting the economy.

C. Factors that Influence Reoffending

Although offenders are not a homogeneous group, their problems or needs are frequently comparable across the offender population. These include substance misuse, unemployment and financial problems, pro-criminal attitudes, childhood abuse, homelessness, and mental health problems. Frequently, these factors interlink and are associated with an increased risk of reoffending that are part of offender management practice. These factors, known as "criminogenic needs," are associated with certain crime types. For example, the use of heroin and crack is associated with avaricious offending such as shoplifting, while binge drinking alcohol is associated with violence.²² These factors are divided into two subcategories: static and dynamic. Static factors, such as criminal history, age, and gender cannot be changed and are strong predictors of reoffending. Dynamic factors, such as employment, drug misuse, and education, are susceptible to reformation. Directly addressing these dynamic factors and allowing offenders access to evidence-based rehabilitative programs diminish the likelihood of reoffending. Table 1 from *Transforming Rehabilitation: A Summary of Evidence on Reducing Reoffending*, lists a series of dynamic risk factors and briefly outlines the link to reoffending.²³

<i>Criminogenic Need</i>	<i>Link to Reoffending</i>
Drug Misuse	Higher reconviction rates have been observed among prisoners who said they had used drugs in the month before custody compared with those who had never used drugs or had used them less recently. The links between drug use and reoffending have been found to be particularly pronounced for 'poly-drug use' and Class A drug use (including opiates, crack and cocaine).
Alcohol Misuse	Prisoners who had drunk alcohol every day shortly prior to custody were more likely to be reconvicted within a year following release than those who had not.
Attitudes that Support Crime	Attitudes that support crime, such as anticipating and evaluating crime as worthwhile, has been found to link to reoffending. Attitudes that support crime pro-criminal attitudes can be just as strongly associated with reoffending as factors such as homelessness and employment.
Lack of Employment	Employment status influenced by and affected is affected by offending. It has been found to affect other factors linked to offending and reoffending, particularly drug and alcohol misuse. Studies have shown that the extent and frequency of offending diminish when offenders gain employment, and offenders with stable and quality employment are less likely to reoffend.

III. HOW TO IMPROVE REHABILITATION PROGRAMS

According to the Legislative Analyst's Office, the California Department of Corrections Rehabilitation's ("CDCR") prison rehabilitation programs fail to address three key principles: (1) evidence-based programming, (2) cost effectiveness, and (3) focus on highest risk, highest need inmates. Implementing these three key principles would maximize recidivism reduction and reduce the number of future victims, resulting in increased state and local fiscal benefits.

A. Require Programs To Be Evidence Based

Research reveals evidence-based programs are most likely to be effective in reducing recidivism. An evidence-based program must be both research-based and implemented with fidelity. Research-based programs are designed to be similar to programs that have undergone rigorous evaluations establishing recidivism reduction. This involves critical review of research data to determine what information is credible and what policies would be most effective. They are operated on a day-to-day basis equivalent to the program that was rigorously evaluated. For example, a correctional education program in California would be implemented with fidelity if it was both designed and operated at all state prisons in the same manner as a prison from Massachusetts whose program has successfully reduced recidivism. In contrast, a program that is designed similarly to Massachusetts's program, but fails to operate on a similar day-to-day basis,

would be research-based but not implemented with fidelity. Uniformity within the programs ensures that they are both designed and operated analogously across the states to increase the likelihood of successfully reducing recidivism.²⁴

To improve this program, LAO has recommended to the Legislature, as a condition for receiving state funding, that CDCR provides a detailed report of whether each state-funded rehabilitation program is research-based. This approach would evaluate whether the rehabilitation program is effective and give CDCR a reasonable timeframe to show the necessary assessment that the program is both research-based and effective. Limiting programs to those that are research-based would assist the Legislature in ensuring that it maximizes the potential reduction in recidivism rates achieved by state funded rehabilitative programs.²⁵

As previously discussed, programs must also be implemented with fidelity. If the Legislature mandated fidelity, it would safeguard that programs being integrated are appropriately mirroring those programs that have been successful elsewhere. Having the Office of Inspector General (“OIG”), an independent state agency, oversee these fidelity assessments, would allow for an impartial and more thorough evaluation than what is currently conducted and also more accurately measure how closely each program complies with the best research-based practices.²⁶ The Legislature could then monitor CDCR’s progress in implementing this plan and thus ensure that all state-funded rehabilitation programs are effective in reducing recidivism.

B. Measure Cost Effectiveness

While evidence-based programs, as a whole, are more likely to reduce recidivism, the individual program needs to be directly evaluated in order to determine the actual effects it has on recidivism and if the effect is significant enough to warrant continuation. Program assessments are crucial to determine recidivism effectiveness in different geographical regions. For example, the program may have elements that cannot be recreated in different locations due to a lack of resources, geographical cultures, or inmate populations. A program that is effective in San Diego County may be ineffective in Del Norte County. Given that this evaluation will likely be costly and difficult, the Legislature should work with independent researchers to determine cost-effectiveness studies so that funding could be more effectively utilized. For example, these studies could include following cohorts of inmates to document their risk level, the programs they participate in, and the impact those programs have upon inmates after release.

Upfront, these studies would cost a few million dollars annually for a number of years, but in retrospect would only be .011% of the \$179 million that was saved in 2010 from reduced incarceration costs.²⁷ These evaluations would allow the assessment of cost effectiveness of rehabilitation programs, determination of which programs were most effective at reducing recidivism, whether to expand specific programs, whether existing programs needed to be improved or modified, and whether additional programs were needed to address the gaps in existing programs. Armed with this information, the Legislature could determine where funding would be best dispersed to achieve the highest benefits in terms of cost and crime.²⁸

C. Target Highest Risk/ Highest Need Inmates

Research shows that directing rehabilitation programs towards the highest-risk, highest-need offenders has the greatest impact on reduced recidivism rates. In determining the highest-risk, highest-need offenders, California Static Risk Assessment (“CSRA”) uses the offender’s age, gender, and criminal history to determine the likelihood of reoffending in three tiers: high, moderate, or low risk. According to CDCR, high-risk inmates have a 62% recidivism rate; moderate risk inmates have a 44% recidivism rate; and low risk offenders have a 21% recidivism rate.²⁹ To improve these rankings, LAO suggests that the Legislature direct CDCR to prioritize enrollment of available programs to the highest-risk, highest-need inmates. This would ensure that rehabilitation funds are utilized to maximize recidivism reduction. Additionally, if CDCR allocated slots based on the highest-risk, highest-need inmates in each facility, each department could shift unused rehabilitation funds to programs that have need of those types of programs. If programs are not available at one institution, those resources could then be apportioned elsewhere. This would allow other incarceration initiatives to benefit from those funds and resources, based on their local, existing programs in need of funding. To ensure these programs are used as efficiently as possible, existing slots would be better utilized to provide appropriate treatment based on inmate needs. To accomplish this, CDCR could provide a plan that details allocation slots to maximize the number of highest-risk, highest-need inmates whose rehabilitative needs are fully met.³⁰ As a result, the Legislature would be able to determine what action is necessary and fund accordingly.

IV. PROGRAMS OFFERED IN THE NORTHERN REGION OF CALIFORNIA

In order to improve their realignment funding and efforts, San Francisco County established a Reentry Council in 2005 which sought to bring probationers together with existing local community programs and established new programs to assist probationers with reintegration. San Francisco's initial realignment plan focused on creating positions within the county justice system. This also connected the Post Release Community Supervision ("PRCS") agency and probationers to the Reentry Unit in the Public Defender's Office, which was responsible for connecting probationers with community services to create stable housing, employment help, and treatment for those exiting incarceration. Santa Cruz County provides another example of a comprehensive plan for rehabilitation strategies, which includes four key values: "improving public safety by reducing recidivism; improving accountability to taxpayers by providing cost-effective solutions; protecting the County from costly legal liability related to jail overcrowding; and reducing structural inequalities based on race and poverty".³¹ Within the first six months of their rehabilitative programs in place, Santa Cruz County saw a decrease of 20% in its jail population.

A. Yolo Conflict Resolution Center

Another example of creative reallocation is found in Yolo County, which implemented a voluntary, non-profit, comprehensive restorative justice program in June 2018. Yolo County partnered with Folsom State Prison, offering programs such as anger management, conflict resolution skill building, and restorative justice for incarcerated individuals. These individualized programs were offered to inmates who completed a needs assessment survey and decided which programs would benefit them most. Prior to YCRC launching this program, anger management was a self-help class taught by a Folsom Prison staff member having little experience or knowledge about this topic. YCRC provides supplemental workshops in conjunction with this ten-week program, presented four times a month to provide inmates with the tools to control their anger. Military veteran inmates at Folsom State Prison requested programming by YCRC to address conflict resolution skill building. YCRC now presents a once a month version of community mediation to these inmates.

A focal point of restorative justice programs involves Criminal and Gang Members Anonymous ("CGA") which focuses on harms to self, harms to family, and harms to the victim

and victim’s family. This opens inmates up to discussions regarding reconciling with family members and evaluating harms done to them individually. CDCR does not allow inmates to have personal contact with the victims or victim’s families, so CGA provides surrogate victims who have been through similar situations as a way for the inmates to experience reconciliation. CGA is a twelve-step program that encompasses eight separate sessions presented in segments to facilitate different conversations around reflection and life experiences. Seventy inmates per program participate and are broken into groups of ten. Restorative circle discussions are led by different representatives within the judicial system such as Judges and District Attorneys. These judicial agents guide inmates through impactful moments where they open up about crimes they committed and internal feelings of vulnerability they may have suppressed. Often, these discussions address difficult topics that inmates have never addressed before.

To illustrate how essential rehabilitative programs are, over the past two years, Folsom State Prison inmates have donated \$7,000 of their own fundraising money to YCRC. This demonstrates the importance these programs have and the impact they have on those who participate in them. Through these programs, inmates create natural support networks that allow them the opportunity to confront a multitude of issues and make amends not only with themselves, but the communities they have wronged.

Table 2 below from CGA Supplemental Questions depicts how the questions and conversation progress from step one, six, and the final step.³²

<p>Step 1- We reviewed our past, admitting a lack of strength and control over our addictions to all forms of illegal activity; and that our lifestyle was not decent or manageable.</p> <ol style="list-style-type: none"> 1) What are other avenues/people where I can safely share feelings about the past 2) What is something that I think people misunderstand about my past 3) What honestly motivated me to be a part of CGA 4) What is one key difference between the me of today and the me of the past 5) How do I manage any feelings of shame
<p>Step 6- We made a personal commitment to abandon our defects of character to practice reasonable conduct through daily actions and behavior.</p> <ol style="list-style-type: none"> 1) Name 2-3 positive characteristics that I possess 2) What are 2-3 positive characteristics that others would say that I possess 3) What is a daily action that I take to reaffirm my commitment to abandon my defects 4) What is a demonstration of respect? 5) What gives me hope?
<p>Step 12- We each experience a “spiritual awakening” by applying these steps, freely share our truth and experiences with others like us and continue living in a good orderly direction in all our affairs.</p> <ol style="list-style-type: none"> 1) What is a truth about me that I wish more people understood? 2) What is the biggest challenge for me in living in a “good orderly direction” 3) Talk about something you want and something you need. What is the difference? 4) Talk about a time when you acted according to your values when other were not? 5) Who is someone in your life that has helped you to grow? How have you grown? How did they help you do so? Have you told them how they have helped?

V. GUSTAVO VEGA: A REHABILITATION SUCCESS STORY

While several examples illustrate the effectiveness of responsible rehabilitation programs, the story of Gustavo Vega is especially compelling.

A. Childhood Trauma

Gustavo Vega was born in Oakland, California in 1978. In 1984, at the age of six, his family moved him and his sister to a predominantly white neighborhood in Modesto, California. Vega was nine when his father passed away and suddenly the family dynamic changed, putting tremendous strain on his family. He now bore the responsibility of being the man of the house while his mother became the main financial provider. His mother, whom he was close to before his father's death, became emotionally and physically abusive towards him. At age nine, Vega first exhibited violent behavior when his sister was hurt by another adolescent and Vega retaliated by kicking him. Through this act of violence, Vega realized that others saw and acknowledged him as someone with power. From age nine to twelve, Vega's family moved back and forth between Mexico and El Centro, California. These frequent moves made it difficult for Vega to form relationships with others or develop a sense of belonging. He stated, "Things were moving too fast." He was always searching for a way to fit in; in Mexico he was "too white," and in California he was "too Mexican."³³ His grades began slipping in junior high, and by high school he had lost interest in education. At fifteen, he took his first sip of alcohol and recalls, "I think I became an addict that night." By this time, violence became like his "crack pipe," his way of receiving acknowledgement and control; a way to be recognized and validated by others. So began Vega's life of violence.

B. Four White Walls

At seventeen, Vega was initiated into the West Side Centro 13th Street gang where he finally felt the sense of belonging that he never had during his childhood. His addiction to violence heightened, and by eighteen he was arrested for attempted murder. Once initiated into the West Side Centro 13 Street Gang, Vega was automatically under the umbrella of the Sureños, a well-known California street/prison gang. While imprisoned, the only way he knew how to build a reputation was through violence. Surrounded by career criminals, addicts, and feeling the

need to belong, Vega began to use drugs and participate in prison violence. Vega was released from Chuckawalla Valley State Prison at age twenty-one; eighty-six days later he was re-arrested for a parole violation and sent to county jail and placed in administrative segregation. He was released into general population a few weeks later when he was approached by another gang member who confronted him about prison relations and asked him to assault another inmate. To be challenged in this manner is perceived as a slight and Vega became enraged that his integrity was being questioned. To prove himself, he attacked both informants; one died and the other survived, and Vega then spent another two and a half years in administrative segregation.

At twenty-three years old, Vega was sentenced to life in prison. For fourteen years he served time in Ironwood Prison where he had limited contact with outsiders. Rehabilitation programs were scarce and aside from an occasional family visit, Vega had not interacted with the outside world. Following an epiphany in 2006, Vega decided to change his life. He began attending self-help classes and enrolled in a college program where he received straight A's. He recognized that he was going through the motions of receiving help, but his mental and emotional state were still connected to his gang. He began to read psychology books and examine why he had made the decisions he had. Through his studies, Vega learned he was dehumanizing others as a way to relieve himself of any responsibility. Vega's decisive moment happened in 2012 when he was approached by a different inmate who questioned him about the hierarchy of the yard. Previously, Vega realized he would have retaliated with violence to receive validation and recognition from others. But, through participation in rehabilitation programs, he realized that he did not need this validation because his needs were being met through these programs. This realization prompted Vega to detach completely from the gang and focus on counseling and mentoring other inmates.

C. Vega's Experience With YCRC

After twenty years of incarceration, Gustavo Vega was transferred to Folsom State Prison where he participated in YCRC's Criminal and Gang Members Anonymous ("CGA") for two years. CGA's program provided Vega with opportunities to speak to judges and prosecutors about the challenges and pressures of their profession. This opened Vega's eyes to the humanity of these individuals and shifted his attitude and perspective of who they were. He learned what

love is and how to respond to love. Gustavo Vega was able to take control of his life in a way he never could before, and he attributes his achievement to rehabilitative programs.

D. Understanding Remorse through Rehabilitation Programs

Studying psychology, Vega understood he should feel remorse for his crimes, yet he still felt disconnected from his emotions. Vega ultimately made the emotional connection between his actions and remorse while participating in the Victim Awareness self-help program at Folsom State Prison. The program brought in surrogate victims to speak about their histories with trauma to encourage inmates to understand what their own victims experienced. Listening to these victims talk about wanting closure to help them move on resonated with Vega. “Her whole body was shaking as she was telling us her story,” Vega stated. Until that moment, the emotional impact of being able to understand someone else and their emotions was not something he recognized. Sitting five feet away from a victim allowed him to connect what he had done to a real person. Vega was never able to give the victim’s family the closure they needed at his parole hearings because he lacked the emotional connection. The Victim Awareness program broke down the barrier that was causing his emotional disconnect and allowed Vega to feel remorse. At his fifth parole hearing Vega asked the commissioner if he could speak and was finally able to tell the victim’s family why he did it. “At that moment, I wasn’t concerned with if I was getting released or not. I finally was at peace,” Vega commented.

E. Life Beyond Bars

After being incarcerated for twenty-two years, Gustavo Vega has now been out of prison for eleven months. He left incarceration with six Associate Degrees and was accepted at San Diego State University and has plans to major in sociology and minor in psychology. He was released on a Wednesday and by that Friday, he had secured a job working construction six days a week. The first paycheck he received was deposited into a credit union, and seven weeks later he bought himself a car. Currently, Vega is a supervisor in a transitional housing, serving as a mentor for recently released parolees in San Diego. Vega has spoken about his experience to law enforcement agencies, at prison facilities, and to district attorney offices. Prior to the COVID-19 outbreak, he was scheduled to speak to a restorative justice class at San Diego State University and to inmates at Pelican Bay. He is also in the process of setting a date to address the

Legislature at the California State Capitol. Upon receiving his bachelor's degree, Vega hopes to become a counselor or therapist for substance abusers and at-risk youth. In reflection, Vega states, "I'm an open book. I don't see my past as a hindrance. I climbed out of a hole that I dug myself in. I am now empowered by who I've become."

F. Improving Rehabilitation Reform Programs

When asked what could improve rehabilitation programs, Vega addressed two issues: (1) prison does not adequately prepare inmates for life outside; and (2) prosecutors do not take the time to read an offender's personal history.³⁴ Upon being released from prison, Vega was simply dropped off at a San Diego location with no money, no clothes, and no personal identification. While in prison, he was not allowed to take a DMV identification test, so he had to find his own way through this process. However, since he was not familiar with modern technology, and he had no electronic access, he could not complete the process. Upon release, an hour-long self-help class was provided which may have been beneficial for beginners going through these classes; however, he facilitated this type of class while in prison, so it did not benefit him. Instead, Vega suggested offering more practical technical assistance to offenders. For example, classes on navigating cellular applications, how to set up an email account, using navigation maps and how to get a driver's license would significantly improve reentry success. This type of guidance would help alleviate the anxieties of returning citizens.

Regarding job opportunities upon release, once Vega was granted parole, and in preparation to be released, prison staff gave him a stack of papers with potential job offers but failed to ask what he desired or needed, and also failed to inquire about his qualifications. The staff official interview was routine but did not address the stressors he would be under upon release. To resolve this, Vega suggested aligning individuals with job opportunities equivalent to their experience levels, as well as evaluating the needs of individual inmates to provide a stable transition back into society.

Vega's second suggestion challenges prosecutors to take time to evaluate each offender as a person, not just the crime they committed. Though this approach would require more diligent and time-consuming effort, evaluating the personal histories of each offender would provide prosecutors a better understanding of the personal trauma an offender has endured, which oftentimes has led them into the criminal justice system. In doing so, it would assist in

ensuring each offender participates in requisite rehabilitative and treatment programs to facilitate their reintegration.³⁵

CONCLUSION

Prison rehabilitation programs play a vital role in the state's efforts to reduce recidivism. As the numbers of incarcerated prisoners increase, the benefits of a pure incarceration model as a crime control strategy diminish. The fiscal savings of implementing rehabilitation programs into prison systems far exceeds the costs to actualize them. Ultimately, rehabilitation benefits can exceed the costs of providing the programs, and result in net fiscal benefits to the state, while improving the justice system. The goal of reform is to address criminal justice populations in a more cost-effective manner. These programs include, but are not limited to, education assistance, anger management, mental health counseling, drug treatment, employment assistance, and correctional education.

If California hopes to improve public safety, reduce incarceration costs, and ensure equity, it is necessary to facilitate the linking of rehabilitation programs and recidivism rates. Correctional sanctions and programmatic interventions are a direct link to reoffending behavior. Acknowledging and implementing these programs into California state prisons will further direct California towards a lower recidivism rate and evidence-based criminal justice system.

¹ Warren, R., and Crime and Justice Institute. Evidence-Based Practice to Reduce Recidivism: Implications for State Judiciaries, U.S Department of Justice, National Institute of Corrections. 10 (2007).

²*Id.*

³*Id.* at 12.

⁴*Id.* at 14

⁵Cal. Penal Code Ann. § 17.5 (West).

⁶Warren, *supra*, at 12.

⁷Cal. Penal Code Ann. § 17.5 (West).

⁸ *Id.*

⁹*Id.*

¹⁰Kathleen Nye Flynn, Putting Teeth into A.B. 109: Why California's Historic Public Safety Realignment Act Should Require Reentry Programming, 43 Golden Gate U.L. Rev. 525, 527 (2013).

¹¹*Id.* at 525, 534, 539.

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- ¹²Telephone Interview with Kara Hunter, Exec. Dir. Yolo Conflict Resolution Center (July 18, 2020).
- ¹³Emily A. Whitney, Correctional Rehabilitation Programs and the Adoption of International Standards: How the United States Can Reduce Recidivism and Promote the National Interest, 18 *Transnatl. L. & Contemp. Probs.* 777, 778 (2009).
- ¹⁴*Id.* at 789.
- ¹⁵Flynn, *supra*, at 525, 542 (2013).
- ¹⁶Cal. Penal Code Ann. § 2053.1 (West).
- ¹⁷Angela Koo, Correctional Education Can Make A Greater Impact on Recidivism by Supporting Adult Inmates with Learning Disabilities, 105 *J. Crim. L. & Criminology* 233, 242 (2015).
- ¹⁸Flynn, *supra*, at 525, 534–35.
- ¹⁹California Department of Corrections and Rehabilitation Division of Correctional Policy Research and Internal Oversight, *Recidivism Report for Offenders Released from the California Department of Corrections and Rehabilitation in Fiscal Year 2014-15* (January 2020).
- ²⁰Kathleen Nye Flynn, Putting Teeth into A.B. 109: Why California's Historic Public Safety Realignment Act Should Require Reentry Programming, 43 *Golden Gate U.L. Rev.* 525, 542 (2013).
- ²¹Jacob Reich, *The Economic Impact of Prison Rehabilitation Programs*, Wharton U. Pa. Pub. Policy (August 17, 2017), <https://publicpolicy.wharton.upenn.edu/live/news/2059-the-economic-impact-of-prison-rehabilitation/for-students/blog/news.php>.
- ²²Ministry of Justice, *Transforming Rehabilitation: A Summary of Evidence on Reducing Reoffending*, 3 (2013).
- ²³*Id.* at 5.
- ²⁴Legislative Analyst's Office, *Improving in-Prison Rehabilitation Programs*, The California Legislature's Nonpartisan Fiscal and Policy Advisor, Improving In-Prison Rehabilitation Programs Provide Regular Program Oversight to Ensure Implementation Fidelity (December 6, 2017), <https://lao.ca.gov/Publications/Report/3720>.
- ²⁵*Id.*
- ²⁶Legislative Analyst's Office, *Improving in-Prison Rehabilitation Programs*, The California Legislature's Nonpartisan Fiscal and Policy Advisor, Provide Regular Program Oversight to Ensure Implementation Fidelity (December 6, 2017), <https://lao.ca.gov/Publications/Report/3720>.
- ²⁷Kathleen Nye Flynn, Putting Teeth into A.B. 109: Why California's Historic Public Safety Realignment Act Should Require Reentry Programming, 43 *Golden Gate U.L. Rev.* 525, 534–35 (2013).
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- ³⁰*Id.*
- ³¹Flynn, *supra*, at 525, 549 (2013).
- ³²Telephone Interview with Kara Hunter, Exec. Dir. Yolo Conflict Resolution Center (July 18, 2020).
- ³³Telephone Interview with Gustavo Vega (July 15, 2020).
- ³⁴*Id.*
- ³⁵*Id.*

