**Contra Costa Community College District**

**Current and Former Youth and Adult Offenders**

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**Background**

The Contra Costa Community College District (District) has long provided state and federal prison inmates with information regarding academic programs upon request. Upon enrollment, additional student support services are offered through programs such as the Extended Opportunities Programs

and Services (EOPS). While there has been some interest in extending student support services and instructional programs to individuals currently incarcerated at local detention centers, state and federal laws, regulations, and sentencing terms limit the District’s ability to initiate or to bring forward any policy

or locally-generated efforts that may assist to curtail some of the troubling trends regarding recidivism

and its concomitant costs in wasted resources and manpower.

The *Hamline Journal of Public Law and Policy* cites that there are more than two million people under

the “jurisdiction of federal, state, and local correction authorities.” Nearly “ninety-five percent” of these incarcerated individuals “will return to our communities.” To that end, policies and programs are being reimagined to develop educational inmate opportunities and reentry programs to reduce the nation’s recidivism rate. Reentry programs refer to initiatives aimed at offering transitional support for former offenders from the institution into society and local communities.

The Bureau of Justice studies found a high recidivism rate among prisoners. More that 65 percent of released prisoners were rearrested within a three-year period. According to a 2013 report on recidivism released by the California Department of Corrections and Rehabilitation, the three-year recidivism rate

in California is approximately 61 percent. These rates vary from county to county with the highest rates

in the state occurring in San Joaquin, Stanislaus, and Fresno counties with three-year recidivism rates of 75.8, 72.2 and 71.3 percent respectively.

Contra Costa County has four detention facilities: West County Detention Facility (West County); Marsh Creek Detention Facility (Marsh Creek); Martinez Detention Facility (Martinez); and the Custody Alternative Facility. The West County, Marsh Creek and Martinez facilities have a combined inmate population of more than 1,500. The nearest state prisons to the District include San Quentin (Marin County) and California State Prison (Solano, Solano County); the nearest federal prison is Dublin Federal Correction Institution located in Alameda County.

The *Hamline Journal of Public Law and Policy* also indicates that African Americans and Latino males are “incarcerated at a rate approximately 6.6 times the rate of white males.” This “racial disparity in incarcerated rates translates into a disproportionate impact of the collateral consequences of reentry and recidivism on communities of color; communities that already experience the ravages of poverty at a disparate rate.” Inmate overcrowding and early release programs are emerging as attempts to forestall increasing review of corrections policies and sentencing guidelines that, in many places, continue to mirror the law and order agenda established in the 1980s and 1990s during which law enforcement embraced the three-strikes and zero-tolerance approaches to recidivism.

**Analysis**

1. **New Key State Initiatives**

In July 2013, the passage of Assembly Bill 86 (AB 86), Article 3, Adult Education Consortium Program, underscored the importance of including representatives from correctional facilities in the planning and implementation of the redesign of the county’s adult education program. Currently, representatives from the Contra Costa County Office of Education, the court, and community schools have participated in the planning phase and are key stakeholders in the evaluation of courses and programs offered at county correctional facilities.

The Public Policy Institute of California (PPIC) released its report, *Is Public Safety Reducing Recidivism?* in June 2014. The report concluded that, overall, California continues to have the highest recidivism rates in the United States. The passage of Assembly Bill 109 (AB 109), referred to as public safety realignment, markedly changed the system and requires most inmates released from state prison now go to county probation as Post-Release Community Supervision (PRCS) cases. Former inmates are now locally sanctioned and serve short-term jail and non-jail alternatives instead of returning to state custody. Time spent in county probation may prove to be an opportunity to introduce educational opportunities and to help reduce the county’s recidivism rate through student support and instructional programs. Both AB 86 and AB 109 provide opportunities for greater collaboration between the judicial system and higher education.

In September 2014, Governor Brown signed Senate Bill 1391 (SB 1391), Hancock, Community Colleges: inmate education programs: computation of apportionments. This law waived a long-standing, open-course provision that requires all courses to be made available to the general public. The change allows a district to claim apportionment for “classes to inmates of any city, county, or city and county jail, road camp, farm for adults, or state or federal correctional facilities.”

The passage of SB 1391 also mandated that the California Department of Corrections and Rehabilitation (CDCR) and the California Community College Chancellor’s Office (CO) enter into an inter-agency agreement by March 31, 2015, to identify the terms and conditions of establishing the criteria to launch a competitive bid process whereby four pilot programs be awarded funds to create courses and programs for inmate populations. The total program budget is $2M to be awarded among the four grantees. The Chancellor’s Office Request for Applications has yet to be released. Effective July 1, 2015, the State Chancellor’s Office officially named a new director of inmate education to guide the community college system implementation of SB 1391.

1. **Model Programs**

Meetings with representatives from local correctional facilities and faculty and staff have resulted in the identification and development of four potential models for further development and consideration. The following four preliminary ideas will require further discussion by a broader representation of faculty, staff, community representatives, four-year college partners and additional research to inform District models for consideration.

1. **Restorative Justice**

Restorative Justice, by definition, “promotes offender accountability, and focuses on bringing together the victim, the offender and the community to repair the harm caused by the crime” (Hamline Journal of Public Law and Policy, 2009). Prisoner “reentry” refers to the transition from incarceration into society for ex-offenders. There is a host of varying Restorative Justice models used throughout the country that address the core tenets of reentry. The idea proposed for this District is to research the possibility of collaborating with the judicial system to assess whether a prospective offender could be extended an alternative option of going to college in lieu of serving time depending on the nature of the crime committed. The Restorative Justice Program goal is to educate and not to incarcerate[[1]](#footnote-1). Although this model needs further review and analysis, the general premise is to extend to individuals an opportunity to transform their lives by holding them to a high level of accountability while they pursue an educational certificate leading to employment, a degree, or a transfer goal to a four-year university.

The District was recently contacted by representatives from the University of California, Berkeley (UCB), to explore what options, if any, may result from a partnership between the District and UCB that assist formerly incarcerated individuals. UCB has an established Underground Scholars program that is making strides in providing formerly incarcerated students an opportunity to be mentored and coached by current UCB students with similar life experiences. The District plans to continue to meet with UCB as it explores this initiative. More information regarding this program can be found at www.undergroundscholars@berkeley.edu.

1. **Currently Incarcerated Youth and Adult Offenders**

Discussions have been conducted regarding the need to offer courses to currently incarcerated youth and adults in detention centers. Currently, the youth detention centers make available courses to help prepare inmates for the General Education Diploma (GED) exam; they also assist with the California High School Exit Exam (CAHSEE) and provide parenting classes. Under this model, community college courses would be made available at detention centers. The major challenge of this model is the inmate’s sentencing term and the use of technology. The average jail stay is two to four and one-half weeks, and, although the centers do have computers, the inmates are not allowed to use the Internet. While this model may not allow for courses to be taught on-site, the idea of providing pre-orientation services to students may be useful. The pre-orientation may include information regarding the academic programs offered in the District and provide information on counseling services, financial aid, special programs and more. The goal is to meet the prospective students and provide them with information that guides them as they transition back to the community.

1. **On-Campus Program for Former Youth and Adult Offenders**

Information regarding a student criminal past is not collected. Faculty, counselors and staff may learn of an individual’s criminal history by way of having a conversation and refer students to campus and community services. Under this proposal, the District would consider establishing a program designed for former youth and adult offenders. Student support services would be designed to meet the needs of these students. If additional resources can be devoted to them, the EOPS and DSPS (Disabled Student and Programs Services) programs are likely points of contact for many of these formally-incarcerated students. However, their above and beyond mandates would need to be addressed with additional staff or funding.

1. **Distance Education Learning Program**

A prison-centered distance education learning program is delivered using pre-recorded videos. Using this model, the District would offer courses designed to complete a degree to currently incarcerated youth and adults serving a long-term sentence. This model requires strong coordination with prison staff and is heavily reliant on prison staff to disseminate college information, request and proctor exams, and to assist the inmates in nearly all phases of their education. This model is being used by community colleges across the nation. In California, several community colleges offer courses using the course video delivery model. This model is being explored by the State Chancellor’s Office as it develops the SB 1391 Request for Applications.

1. **Degrees of Freedom Report**

Under the Ford Foundation, Stanford School of Law and Berkeley Law conducted a report on the Renewing Communities Initiative (2015). The initiative, in part, seeks to advance the notion of offering “high-quality college programs in prisons, jails and communities across California” aimed at creating college and career pathways for current and formerly incarcerated students.

The study examines the opportunities of transforming communities through educational opportunities for current and former offenders; lists the benefits and challenges of inmate programs; includes an in-depth review of the challenges presented in this work; and offers the following six recommendations:

* build high-quality academic programming both inside and outside custody;
* enable success by prioritizing academic and non-academic support services;
* recruit and invest in qualified and committed staff;
* foster sustainability through funding, evaluation, quality control, and college and institutional support;
* build local and statewide networks; and
* shape the policy landscape to support high-quality college pathway.

While a more comprehensive literature review will be required to inform the District review and the development of the preliminary models presented, reports like the *Degrees of Freedom* provide the task force with extensive research on the challenges and opportunities of developing programs for current and former incarcerated, prospective students. The task force is expected to be convened in fall 2015.

**Recommendation/Conclusion**

The District should convene a task force comprised of faculty, staff, and key community/university stakeholders to assess legislative changes and to research and explore the feasibility of the development of model student support services and instructional programs directed at current and formerly incarcerated youth and adults. The task force will assess the challenges and opportunities of collaborating with the judicial system, detention centers, and prisons to determine what types of programs, if any, may be recommended to the Board for implementation.

1. The approximate cost for state incarceration is $47,000/year versus $4,675/year to educate at a California community college. [↑](#footnote-ref-1)