

Date of Hearing: April 18, 2023

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Corey A. Jackson, Chair

AB 857 (Ortega) – As Amended April 3, 2023

SUBJECT: Vocational services: formerly incarcerated persons

SUMMARY: Requires Department of Corrections and Rehabilitation (CDCR) to provide each inmate, upon release and regardless of speculative eligibility, informational written materials in a format prescribed by the Department of Rehabilitation (DOR) for vocational rehabilitation services and independent living programs, and an application for vocational rehabilitation services; Updates the definition of vocational rehabilitation services to also mean “services to formerly incarcerated persons with disabilities, designed to promote rehabilitation and reduce the likelihood of recidivism.”

EXISTING LAW:

- 1) Requires DOR to provide services to eligible individuals with physical or mental disabilities and defines the services and goods to be provided. (Welfare and Institutions Code Section [WIC] 19150)
- 2) Establishes the Department of Corrections and Rehabilitation (CDCR) to operate the state prison and maintain custody and care of persons incarcerated in the state prison as punishment for a crime. (Penal Code Section [PEN] 5054)
- 3) Requires CDCR and the Department of Motor Vehicles to ensure that an eligible juvenile offender and adult inmate released from a state juvenile facility has a valid identification card. (PEN 3000.05 & 3000.08)
- 4) Declares legislative intent that DOR’s vocational rehabilitation and independent living programs, projects, and activities should be carried out in a manner consistent with the following principles: respect for individual dignity, personal responsibility, self-determination, and pursuit of independent living and meaningful careers, based on informed choice of individuals with disabilities. (WIC 19000(e)(1))
- 5) Authorizes DOR to work with public and private agencies to maximize resources to best serve individuals with disabilities through enhanced services (WIC 19013)
- 6) Establishes the “Rehabilitation Act of 1973” which prohibits discrimination on the basis of disability in programs conducted by federal agencies, in programs receiving federal financial assistance, in federal employment and in the employment practices of federal contractors. (Public Law 93-112)
- 7) Requires DOR to administer the Independent Living Services Program. (WIC 19751)

FISCAL EFFECT: This bill has been keyed non-fiscal by the Legislative Counsel.

COMMENTS:

Background: *Department of Rehabilitation* administers the largest vocational rehabilitation and independent living programs in the country. DOR serves individuals with disabilities to help live independently and participate in their community and general society as they desire. In 2021-22, 116,584 people with disabilities received services from DOR. Currently, in order to qualify for DOR services an applicant must have a physical or mental impairment that substantially impedes their ability to secure employment; and vocational rehabilitation services are required to prepare for, secure, retain, or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, interests, and informed choice; and be able to benefit from the DOR's services in terms of an employment outcome in an integrated setting. After applying for services, DOR conducts an interview to talk about goals and experience, then eligibility is determined and a plan is developed with a rehabilitation counselor to find employment. Using rehabilitation counselors, service coordinators, office technicians, work incentive planners, and business specialists, DOR offers services based on what individuals need to be successful in a desired job. Some examples of DOR services include:

- Job counseling and guidance;
- Education/Training to gain the skills needed for a job;
- Required tools/supplies to prepare for and keep a job;
- Supports, such as assistive devices, job coaching, childcare, or transportation;
- Job search and interview skills;
- Counseling about Social Security benefits and how they may change;
- Assistance to high school students to prepare for the world of work; or,
- Connecting individuals with other people or groups that may help.

Independent Living Services. There are currently 28 independent living centers (ILCs) in California and are consumer controlled, community based, cross disability (i.e., any disability or multiple disabilities), nonresidential private nonprofit organizations designed by and for the local community and operated by a majority of individuals with disabilities. ILCs are designed to help individuals living with a disability to live more independently. Independent living services are driven by the philosophy that people with disabilities have the same civil rights and control over choices in their own lives as people without disabilities. Independent Living Skills are any skills that can help an individual with a disability do what they want to do on their own. Things like budgeting, public transportation training, assistive technology training and social skills can all be part of independent living skills. This bill would require information about these services to be given to inmates when they are released.

Recidivism in California. Over the last two decades, California has begun shifting towards rehabilitation for individuals who were previously incarcerated instead of purely punishment. In 2004, CDCR shifted from strictly “corrections” to “corrections and rehabilitation” by expanding programmatic offerings in the attempt to reduce recidivism, and even changing their name. According to CDCR’s website, “it is top priority is to provide rehabilitative programming and

skills to incarcerated individuals in an effort to reduce their likelihood of reoffending by the time they return to their homes and communities.” CDCR has three types of rehabilitative programs: in-prison, pre-release community programs, and after-prison programs. After-prison programs consist of residential or outpatient/drop off programs. Both work at treatment for employment placement, cognitive behavioral interventions, and education. Residential programs are more comprehensive and provide substance use disorder treatment and life skills.

An example of a pre-release community program is the Male Community Reentry Program (MCRP) which is a voluntary program for eligible males who have two years or less of their prison sentence left to serve. This allows eligible people committed to state prison to serve the end of their sentences in the community, in lieu of confinement in state prison. MCRP is designed to provide a range of community-based, rehabilitative services that assist with substance use disorder, mental health care, medical care, employment, education, housing, family reunification, and social support. MCRP assists participants to successfully reenter the community from prison and contributes to reduced recidivism by using community-based rehabilitative services. Rehabilitative services may include guidance and support, family reunification, community resources, education, employment, health care services, recovery groups, and housing. According to a Stanford University study conducted on the effects of the MCRP on recidivism in the State of California, “offenders who participated in the program for at least seven months, the MCRP decreased the likelihood of rearrest (1 year post-release) by eight percentage points. For offenders who participated in the program for at least nine months, the program decreased the likelihood of rearrest (1 year post-release) by 13 percentage points and reconviction by 11 percentage points.”

Inmates and disability rates. Bureau of Justice Statistics in the Disabilities Reported by Prisoners Survey of Prison Inmates in 2016 and reported the following:

- Nearly 2 in 5 (38%) state and federal prisoners had at least one disability in 2016.
- The most commonly reported type of disability among both state and federal prisoners was a cognitive disability (23%), followed by ambulatory (12%) and vision (11%) disabilities.
- Among all prisoners, 24% reported that a doctor, psychologist, or teacher had told them at some point in their life that they had an attention deficit disorder.
- Nearly a quarter of all prisoners reported participating in special education classes (24%).
- State and federal prisoners (38%) were about two-and-a-half times more likely to report a disability than adults in the U.S. general population (15%).

Author’s Statement: According to the author, “[This bill] would ensure vocational rehabilitation services, along with living programs already provided by the DOR, are offered to those who need them the most, the formerly incarcerated. Offering these services will support this population in integrating back into society and reduce rates of recidivism. It is time our institutions do more than incarcerate people, but instead guide the formerly incarcerated to alternative paths that will steer them away from a life of crime once released from prison. One of the most challenging parts of integrating back into society for the formerly incarcerated is not knowing where to begin once released. [This bill] provides a step towards changing the trajectory of the lives of formerly incarcerated individuals, especially those with disabilities.”

Need for this bill: This bill requires CDCR to ensure inmates, when released, to be given information on DOR's vocational rehabilitation services and independent living services. This bill also requires all inmates released receives the information regardless of diagnoses or assumptions. As outlined above, DOR administers rehabilitative services for people living with disabilities only. It is unclear how this bill will impact recidivism and how many formerly incarcerated inmates will benefit or even qualify for services at DOR.

Equity Implications: For years, living with a disability has been stigmatized. The University of Washington Health Aging and Physical Disability Rehabilitation Research and Training Center conducted a study on disability stigmatization. The study found, stigma was evident in several ways including social avoidance, stereotyping, discrimination, condescension, blaming, internalization, and hate crimes and violence. Due to the stigma associated with having a disability, it can be hard to seek out services or even diagnoses. Programs like the ones at DOR are important tools to help ensure people living with disabilities are able to live in society with dignity and independence.

Policy Considerations: While the goals to reduce recidivism is important, this bill may not have much impact given the narrow eligibility for DOR services. This bill gives information for programs serving individuals with disabilities to all inmates released. Expanding existing CDCR programs that can encapsulate more inmates and have a wider impact might have a greater impact. The author should continue working with CDCR and DOR to determine the best way to help former inmates have access to disability services and also reduce recidivism.

REGISTERED SUPPORT / OPPOSITION:

Support

California Chamber of Commerce
California for Safety and Justice
Disability Rights California
Initiate Justice

Opposition

None on file

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