

SB 618 Program Overview



County of San Diego

Senate Bill No. 618

CHAPTER 603

An act to add Section 1203.8 to the Penal Code, relating to sentencing.

[Approved by Governor October 6, 2005. Filed with
Secretary of State October 6, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

SB 618, Speier. Sentencing: programs.

Under existing law, the Legislature finds and declares that programs should be available for inmates, including educational programs that are designed to prepare nonviolent felony offenders for successful reintegration into the community. Under existing law, the Legislature encourages the development of policies and programs designed to educate and rehabilitate nonviolent felony offenders.

This bill would authorize a county to develop a multiagency plan to prepare and enhance nonviolent felony offenders' successful reentry into the community, and would require that plan be developed by, and have the concurrence of, the presiding judge, the chief probation officer, the district attorney, the local custodial agency, and the public defender, or their designees, for submission to the board of supervisors for its approval. The bill would further authorize the Department of Corrections and Rehabilitation to enter into an agreement with up to 3 counties to implement the above provisions and to provide funding for the purpose of the probation department carrying out its assessments, and would make specified findings and declarations in that regard.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares that the successful reintegration of parolees into society depends upon the proper assessment of the offenders' risks and needs prior to entry into the prison system and appropriate direction of offenders into facilities and programs that are available to address risks or needs.

(b) The Legislature recognizes that the transfer of the assessment function from the Department of Corrections and Rehabilitation to the community in which an offender committed his or her crime and to which the offender will likely be paroled may represent an effective and efficient means to perform an assessment.

(c) The Legislature encourages the participation of the Department of Corrections and Rehabilitation and interested counties to develop and implement plans to transfer assessment functions to local probation departments and courts, with the goal of improving public safety in the

community and to better enable parolees to become contributing members of society.

SEC. 2. Section 1203.8 is added to the Penal Code, to read:

1203.8. (a) A county may develop a multiagency plan to prepare and enhance nonviolent felony offenders' successful reentry into the community. The plan shall be developed by, and have the concurrence of, the presiding judge, the chief probation officer, the district attorney, the local custodial agency, and the public defender, or their designees, and shall be submitted to the board of supervisors for its approval. The plan shall provide that when a report prepared pursuant to Section 1203.10 recommends a state prison commitment, the report shall also include, but not be limited to, the offender's treatment, literacy, and vocational needs. Any sentence imposed pursuant to this section shall include a recommendation for completion while in state prison, all relevant programs to address those needs identified in the assessment.

(b) The Department of Corrections and Rehabilitation is authorized to enter into an agreement with up to three counties to implement subdivision (a) and to provide funding for the purpose of the probation department carrying out the assessment. The Department of Corrections and Rehabilitation, to the extent feasible, shall provide to the offender all programs pursuant to the court's recommendation.

**SAN DIEGO COUNTY SENATE BILL 618
REENTRY PROGRAM MULTIAGENCY PLAN
FISCAL YEAR 2006-2007**

I. PROGRAM OVERVIEW

Introduction

It has become increasingly clear to law enforcement, the Courts, legislature, and the public that many criminal offenders rotate in and out of State prisons, presenting a significant public safety risk to the residents of California. Since at least ninety-five percent (95%) of all State prisoners will eventually be released back into our communities, recidivism is a problem that cannot be ignored (BJA 2003). The current structure of the California penal system has not effectively stemmed the tide of recidivism plaguing our communities. Under the leadership of San Diego County District Attorney Bonnie Dumanis, the San Diego Reentry Roundtable, and the California Department of Corrections and Rehabilitation (CDCR), Senate Bill (SB) 618 was introduced, a bill that would authorize counties to develop a multiagency plan to prepare non-violent felony offenders for successful reentry into society. Authored by State Senator Jackie Speier, SB 618 was signed into law by Governor Schwarzenegger on October 6, 2005, and became effective January 2006. There is no sunset date for this law.

The San Diego Reentry Roundtable and its thirteen (13) work groups developed the San Diego County SB 618 Reentry Program Multiagency Plan. The Roundtable is comprised of representatives from correctional institutions, law enforcement, faith-based and community-based organizations, governmental agencies, local planning members, universities, community members, former prisoners, and concerned citizens. As

required by SB 618, representatives from the Superior Court, District Attorney's Office, Sheriff's Department, Probation, Public Defender's Office also played leading roles in the plan development, and concur with the plan. The California Department of Corrections and Rehabilitation (CDCR), Adult Parole, Richard J. Donovan Correctional Facility (RJD), and the California Institute for Women (CIW) greatly contributed to the development of the plan.

The Reentry Roundtable SB 618 Work Groups reviewed the body of scholarly literature relating to effective correctional practices and identified evidence-based strategies to reduce recidivism to our State Prisons by helping non-violent offenders become contributing, law-abiding citizens. The San Diego County SB 618 Reentry Program incorporates evidence-based practices that have been evaluated utilizing rigorous and scientifically recognized standards and methodologies. The program incorporates these practices and reengineers specific components of the correctional and rehabilitative practices within CDCR to prepare offenders for a more successful reentry into society.

The San Diego County SB 618 Reentry Program Multiagency Plan is intended to be a dynamic document. As lessons are learned in the program implementation phase, appropriate changes will be made to the Plan. The goal of the Reentry Roundtable to share the program framework and evaluation results so that other Counties may replicate our local success.

Program Purpose

The purpose of the program is to assist non-violent felony offenders from San Diego County with successful completion of the conditions of their parole. The program does not affect the length of an offender's prison sentence. Rather, it takes advantage of the

sentence to treat any alcohol and drug addictions and improve educational and vocational skills.

Program Vision

The Reentry Roundtable's vision for the San Diego County SB 618 Reentry Program is to improve public safety through the implementation of a community and evidence-based program to reduce recidivism and improve offender success in community reentry.

Scope of the National and Statewide Recidivism Problem

In its 2005 Strategic Plan, CDCR stated, "There is no systematic approach from the time of the arrest to the time of [an offender's] reintegration back into the community" (YACA 2006). The accuracy of this acknowledgment is evidenced by State and local recidivism statistics and points to the current system's failure to prepare offenders to successfully reenter our communities.

The Department of Justice, Bureau of Justice Statistics published a report entitled *Recidivism of Prisoners Released in 1994*. The report tracked recidivism of inmates released from prison in 15 states in 1994, representing two-thirds of all prisoners released in the United States that year. The study tracked 272,111 former inmates for three years and documented the rates of rearrest conviction and reincarceration. According to the report, "Within 3 years from their release in 1994, fifty-two percent (52%) were back in prison, serving time for a new prison sentence or for a technical violation of their release, like failing a drug test, missing an appointment with their parole agent, or being arrested for a new crime" (BJA 2002).

Like the national statistics, California's recidivism statistics are alarming. In 2002, felons released to parole supervision recidivated at a rate of 40 percent within the first year, 53 percent within the second, and 57 percent within the third year of release (CDCR 2006). In 2004, 31 percent of the felons released to parole supervision statewide had been incarcerated as a result of a drug offense conviction (CDCR, 2004). Upon release it is likely that parolees encounter a lack of available community-based substance abuse services targeted at their level of need, thus hastening their return to prison.

Scope and Nature of the Local Recidivism Problem

The recidivism problem in San Diego County exceeds both the National and Statewide numbers. In 2002, felons released from state prison to parole supervision in San Diego County recidivated at a rate of 43 percent within the first year, 55 percent within the second, and 60 percent within the third year of release (CDCR 2006). In 2005, San Diego County committed 4,231 males and 485 females, a total of 4,716 people, for new felony offenses to the California State Prison system (CDCR 2006). In 2004, 1,379 San Diego County offenders (33 percent of the total new felony commitments) were returned to prison for a new crime with a new term (CDCR 2005). These figures do not include additional offenders returned to prison for violating the conditions of parole.

The link between substance abuse and crime leading to incarceration is highlighted in local research. According to the San Diego Association of Governments (SANDAG), a local research and public policy advisory organization, the majority of the adults detained in San Diego County were under the influence of drugs at the time of arrest. In SANDAG's 2004 report titled, *Adult Arrestee Drug Use in the San Diego*

Region Report, a random sample of 804 arrestees booked into a San Diego County Sheriff's jail showed:

- “Over two-thirds (69%) of male arrestees and almost three-quarters (72%) of female arrestees tested positive for some street drug- the highest percentage in the past five years.”
- “The percent of arrestees who tested positive for methamphetamine in 2004 (43% of males and 42% of females) was significantly higher than five years earlier.”
- “Around two-thirds of these adults reported using methamphetamine before going to work/school in the past year.”

These statistics illustrate San Diego County's recidivism problem, specifically with recidivists who have substance abuse issues.

Current Practices

Currently, law enforcement and correctional entities, including CDCR and California counties, focus on performing tasks necessary to meet their own organizational responsibilities in managing and serving offenders in jail, prison, or on parole. This “silo” approach to service delivery diminishes the overall effectiveness of law enforcement's management of offenders. Little emphasis and few resources have ever been allotted for coordination between, and within, State and County law enforcement and other agencies involved in serving offenders. As a result, offenders move from one law enforcement agency to another without a full assessment of their strengths and needs, and without an understanding of how to manage each offender.

More specifically, when a repeat offender is apprehended, very little historical information from CDCR is made available to the Courts, Probation, the District Attorney,

the Public Defender or the Sheriff. This problem is compounded when offenders transfers to the prison, since State archive information is not readily available, and in many instances, County information is not passed on to CDCR.

Offender assessments take place in the Prison Reception Centers (RC), located within State prisons. The RCs conduct assessments focused on Court mandated medical service and academic testing. Inmates are not assessed for drug and alcohol abuse even though the vast majority of offenders have one or both problems. Prison assessments also do not include vocational or criminogenic assessments

Inmates may spend from four (4) months to two (2) years in the Prison Reception Centers where they receive no vocational or academic training. Since the length of stay for the average prisoner in the CDCR system is 24.1 months, some inmates are released directly from the RCs back to the community without having had access to any substantive training (CDCR 2006). Inmates can spend time in prison working in prison jobs or receiving academic training that is not tailored to the inmates' individual needs. During incarceration in the general population, prison inmates currently have limited access to vocational programs as all of the vocational programs at RJD and some of the programs at CIW were eliminated in 2002 due to budget cuts.

Once an inmate paroles, the State provides a set of used clothing, \$200 cash, and a taxi to the nearest downtown area. While some community resources are available to parolees and offered by the Parole Agent, parolees are not adequately prepared to fully benefit from the resources offered.

Finally, there is no comprehensive plan available to develop a reasoned response to all the assessments and other information available for each inmate. No staff is tasked with coordinating the services and response to each offender.

Consequently, inmates are placed in prison programs with little regard to what the inmate needs to stay out of prison once released; in fact most emphasis is placed on what the prison needs to operate. Many inmates serve their time with minimal or no rehabilitative programming geared toward their successful return to the community. This lack of effective coordination is a major contributor to the high rate of recidivism and the concomitant impact on the crime rate.

II. EVIDENCE-BASED PRACTICES

The underpinnings for the San Diego County SB 618 Reentry Program are based on correctional interventions that have been evaluated utilizing rigorous and scientifically recognized standards and methodologies. The principles that frame the program are based in the wrap around service approach which is a logically linked set of comprehensive services based on individual needs. In addition, the program is based in proven correctional interventions that reduce offender risk and recidivism and that contribute to a general increase in public safety.

Evidence-Based Principals Incorporated in the SB 618 Reentry Program Design

(Andrews and Bonta, 1998; Petersilia, 2004; Sherman et al; 1997)

- Use of actuarially-based instruments to assess offenders risk and needs.
- Services should be intensive, lasting 3 to 12 months.
- Increase incentives for positive reinforcements.
- Therapeutic communities with transitional care.
- Cognitive behavioral approach for lower risk offenders.
- Drug treatment programs that include transitional care.

- Vocational education program.
- Multi-component correctional industry program.
- Community employment program.
- Psychosocial community-based interventions.

III. SB 618 REENTRY PROGRAM OVERVIEW

The SB 618 Reentry Program is aligned with CDCR's new mission: "To improve public safety through evidence-based crime prevention and recidivism reduction strategies" (YACA, 2006). San Diego's SB 618 Reentry Program will serve as a model for the reform of California State prison and parole practices. The following describes specific steps in the reform model.

Target Population

Eligible Participants will be non-violent male and female felony offenders, committed to either Richard J. Donovan Correctional Facility (RJD), or the California Institute for Women (CIW) pursuant to SB 618, who will be released to parole supervision in San Diego County. Participants must have no history of sexual or arson offenses.

Offenders who committed a violent offense five years prior to being screened may be eligible to be considered on a case-by-case basis. The program is voluntary to ensure that individuals are motivated to change and will actively utilize the program services. Once admitted to the program, individuals will be referred to as "Participants". Individuals with substance abuse issues are eligible. Since drugs and alcohol play such a leading role in the commission of crime, it is estimated that approximately 80% of the

program target population will require substance abuse treatment. (Refer to **Attachment A** for more detailed information regarding eligibility criteria.)

Steps in the San Diego County SB 618 Reentry Program Model:

Pre-sentence Activities

Step One – Comprehensive Assessment- The San Diego County Probation Department will serve as the lead agency and teams with the Sheriff's Department to transfer the assessment process for Participants from the CDCR Reception Centers to two San Diego County Jails - specifically, Las Colinas Detention Facility and George Bailey Men's Detention Facility. The Probation Department will conduct a strength based assessment that will focus on the participant's dynamic and static risk factors and profile criminogenic needs. Sheriff's Department will also conduct a comprehensive array of physical, behavioral health (includes substance abuse and mental health), educational, vocational assessments.

Step Two – Life Plan- The San Diego County Probation Department will work with a multidisciplinary team to develop a "Life Plan" for each Participant. The Life Plan will be in addition to the existing Presentence Report (PR)¹. The PR is currently prepared by the Probation Department for the Court, as mandated by California statute. The PR contains information about the offender's personal and criminal history. The Life Plan will be in addition the PR and articulate a course of action that will help put the Participant on track towards successful reentry. It will include input from the Participant, their family, the multidisciplinary team, and the assessment results. The Life Plan will

¹ Also known as Presentence Investigation Report and SB 42 Report.

follow the Participant through their incarceration and reentry into the community and will be utilized to provide offenders with needed services. The Life Plan will be a dynamic document, changing as Participants reach measurable goals.

Post-sentence Activities

Step Three – Expeditious Movement to Prison and Service Access – Since the County will complete the assessments and the initial classification while in local custody, the Participant will bypass the State Prison Reception Center and transfer directly to the correctional facility general population (RJD or CIW, where the initial classification will be reaffirmed) where they will serve their sentence and have more immediate access to needed services more expeditiously than in the past.

In-Custody Activities

Step Four – Prison Case Management – Participants will receive Prison Case Management services while incarcerated to ensure that they receive the prison services articulated in the Life Plan, to the extent possible. The Prison Case Manager will work with the Participant to modify the Life Plan when appropriate.

Step Five – Prison Vocational Services – CDCR is in the process of developing four different vocational training programs. The programs will focus on jobs in high growth industries with strong job attainment opportunities in the local community. The programs will augment those already offered to Participants while they are serving their prison terms.

Pre-release Activities

Step Six – Pre-release Case Management – Six months prior to release, the Prison Case Manager, the Participant, Parole Agent, and the Community Case Manager will meet and revise the Life Plan, with a focus on the reentry plan for housing, transportation and immediate enrollment in community supports such as substance abuse and mental health service, work readiness training and placement.

Step Seven –Community Case Management – Upon release, the Community Case Manager will meet the Participant at the door of the prison and transport them to their residence. The Community Case Manager will be on call 24 hours a day for the first 72 hours after the Participant's release to provide crisis intervention services. This is a precarious time for former prisoners as they often relapse into risky behaviors upon release from prison. The Participant will be pre-enrolled in community services and will immediately begin accessing those services. The Community Case Manager, in close collaboration with the Parole Agent, will broker services for the Participant on a continual basis and will ensure the services match the Life Plan and the Participant's needs. Community Case Management will take place for up to twelve (12) months as needed. Contacts between the Community Case Manager and the Participant will become less frequent over time as the Participant demonstrates success as outlined in the Life Plan.

- **Phase I – Month 1** – Community Case Manager conducts face-to-face contact with the Participant at least *weekly*.
- **Phase II – Months 2-4** - Community Case Manager conducts face-to-face contacts with Participant at least *bi-weekly*.
- **Phase III – Months 5-12** – Community Case Manager conducts face-to-face contacts with Participant at least *monthly*.

Step Eight – Transitional care – Transitional care services will continue to be available to the Participant for an additional six (6) months on an as-needed-basis to include case management, community, and faith-based organizational support.

IV. PERFORMANCE EVALUATION

San Diego Association of Governments (SANDAG), a local research and public policy advisory organization, will conduct the process and impact evaluations. The Criminal Justice Research Division of SANDAG is uniquely qualified to complete the San Diego County SB 618 Reentry Program evaluation, as it has significant experience in the area of correctional program evaluation and have access to law enforcement databases.

SANDAG will monitor the impact of the program following up with Participants at 6, 12, 24, and 36 months following release from prison. Although most Participants will be under parole supervision, it is important to define the Participant “success” in the program, not just Participant performance on parole. It is believed that program Participants will be significantly more successful than those not participating. The evaluation will include research questions relating to both Impact and Process

measures. Data will be collected from a wide variety of sources including the SB 618 program data base, public entity sources and criminal justice repositories. The evaluation plan is included as **Attachment C** of this document.

SANDAG researchers will serve as the Chair and work in cooperation with the SB 618 Evaluation Committee. The Evaluation Committee will be comprised of representatives from the District Attorney's Office, Probation, Sheriff's Department, Superior Court, Public Safety Group, CDCR, University of California San Diego and community-based organizations.

Outcome Measures

Outcome measures will include, but are not limited to:

IMPACT

1. Rate of recidivism among SB 618 Participants
2. Number and level of rule/parole violations committed pre- and post-release
3. Level and type of improvements made in Participant's area of assessed risk/need
(using scores from pre and post assessments)
4. Rate of successful completion of parole conditions.

PROCESS

1. Type and intensity of services provided pre- and post-release
2. Level of appropriateness of services received to risks/needs identified in assessments

V. COMPREHENSIVE CROSS-TRAINING

The County of San Diego in collaboration with the University of California San Diego, Department of Psychiatry, Center for Criminality & Addiction Research, Training

& Application is preparing a series of training and cross-training events. The events will be targeted at 3 separate groups; policy makers, management level and line staff providing direct services. The goal of cross-trainings are to; reinforce the evidence-based practices relating to case management and other services, establish an effective multi-system collaboration, and define common grounds of understanding of the goals and objectives of the San Diego County SB 618 Reentry Program.

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**CALIFORNIA DEPARTMENT OF CORRECTIONS AND
REHABILITATION
DIVISION OF COMMUNITY PARTNERSHIPS
PROGRAM FACT SHEET
MAY 2006**

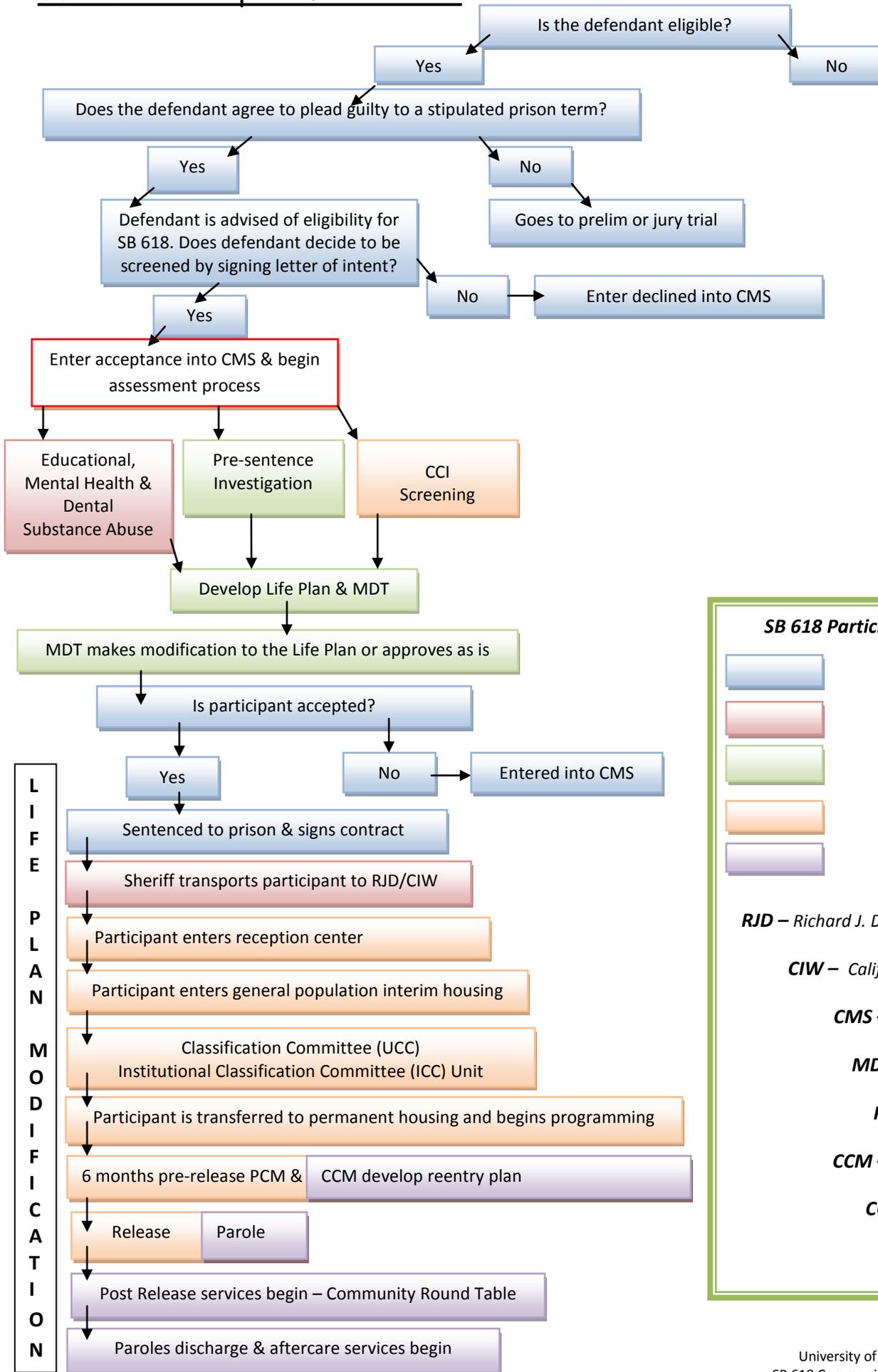
Senate Bill 618 – Key Elements of San Diego County Reentry Program

- **Enhanced collaboration/participation between and within State and County law enforcement agencies, as well as State and Local Social Service and Provider agencies**
- **Transfer of CDCR Reception Center processing from State to Local responsibility**
- **Comprehensive assessment of volunteer offenders/participants prior to pre-sentencing (males RJD and females CIW)**
- **Development of a Life Plan for all participants**
- **Expanded priority services for participants in Prison**
- **Prison Case Management services for all participants**
- **Community Reentry Case Management services from six months prior to parole to 18 months after parole**
- **A full array of “wraparound” services aimed at keeping parolees in the community and law abiding**
- **An automated Data Base shared by all parties to better serve the participants (Meeting Court mandates)**
- **A focus on participant fulfilling restitution obligation**
- **An evaluation methodology which focuses on outcome and process measures**

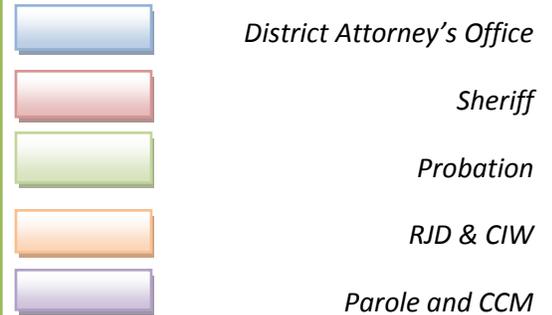
Elements in black are national “best practices”.

Elements in blue are unique features of the San Diego County Reentry Program.

SB 618 Participant Flow Chart



SB 618 Participant Flow Chart Key



RJD – Richard J. Donovan Correctional Facility

CIW – California Institution for Women

CMS – Case Management System

MDT – Multi-Disciplinary Team

PCM – Prison Case Manager

CCM – Community Case Manager

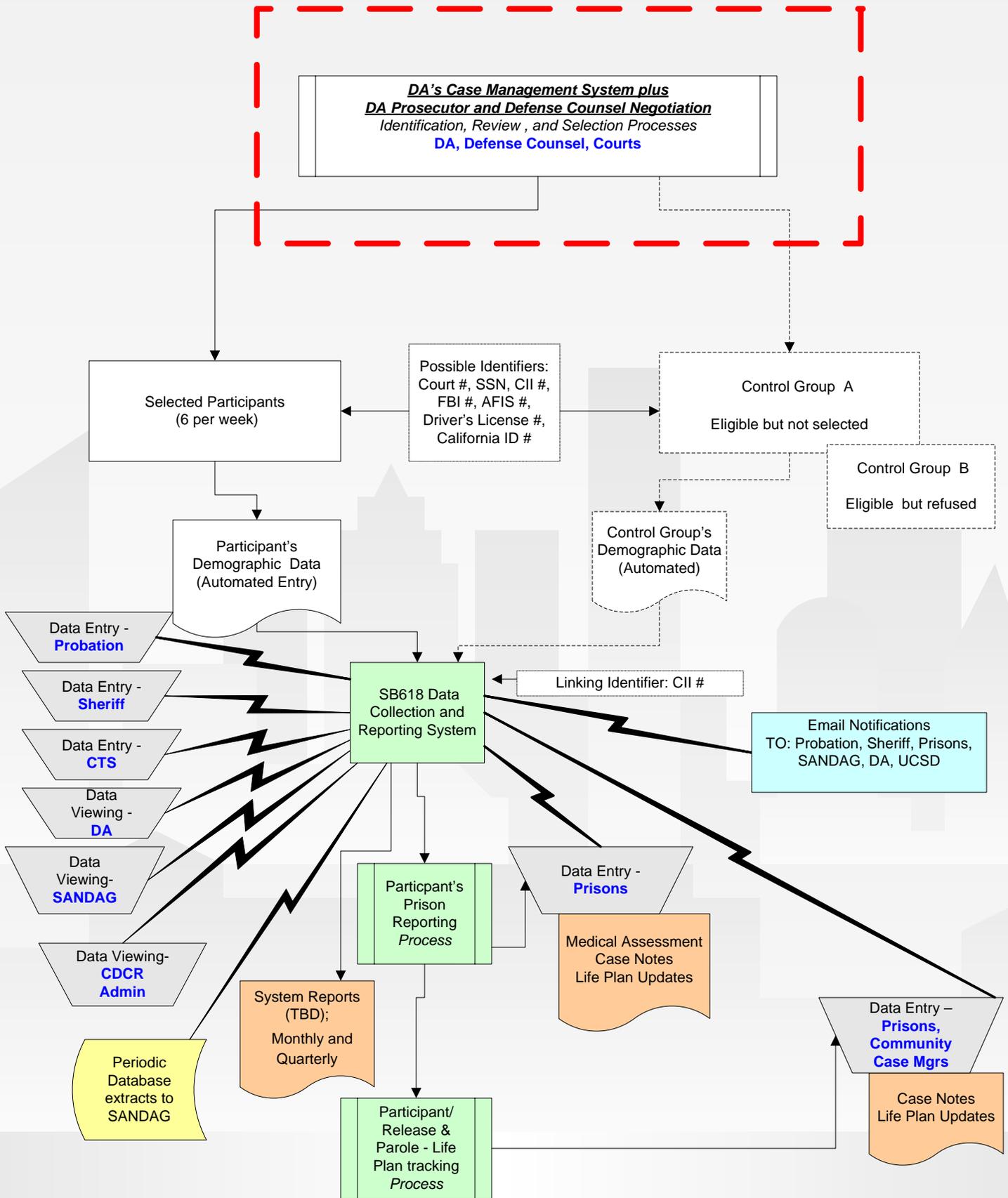
CCI – Correctional Counselor I

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SB618 – Participant Tracking System –
General Case Flow



SB 618 Collaborative Partners

- Department of Rehabilitation: An MOU has been developed between SB 618 and the DOR. A specific DOR case manager also works with SB 618 participants who meet the DOR eligibility requirements for vocational services
- Big Brothers Big Sisters: The Amachi Program is a one-on-one mentoring program for children of incarcerated individuals. BBBS developed a special flier for SB 618 participants. A referral system for children of participants has been developed to create a positive relationship for the children, while still reinforcing existing relationships. Both the Prison Case Manager and Community Case Manager give the participants fliers with the direct phone number for a specific specialist at BBBS.
- Y-Friendz: A mentoring program through the YMCA, Y-Friendz specifically serves children who have a parent incarcerated. Participants are informed of the program by their Prison Case Manager and they can then inform the current guardian of the program. It is then up to the guardian whether or not the child is referred to Y-Friendz. Children are able to access all the resources and services provided by the YMCA. The Y-Friendz organization is also an active member of the San Diego County Reentry Roundtable.
- University of California, San Diego: UCSD provides the community case management element of the program and is responsible for coordinating and developing training events for program and community partners.
- Reentry Roundtable: The roundtable is a group of more than 200 community, government, law enforcement and faith-based organizations who meet monthly to discuss reentry issues. The SB 618 ad hoc working groups were developed from the Roundtable and the group functions as an advisory to the SB 618 program, particularly for community related concerns.
- SASCA: The Substance Abuse Services Coordinating Agency provides residential treatment for SB 618 participants who have met the Substance Abuse Program while incarcerated.
- Inter-Faith Advisory Board: Currently, a long-standing member of the District Attorney's Inter-Faith Advisory Board functions as a liaison for the program participants to connect with faith-based organizations at RJD and the community. The County, Prison Case Managers and Community Case Managers are working to develop a referral process connecting participants to faith-based networks in the community.
- Grossmont Adult School: Grossmont Adult School conducts the (TABE) assessments for program participants which assist in determining effective in-prison programming for participants.
- Child Support Services: A partnership has been established with CSS allowing participants to apply for payment modification. Participants can submit a form requesting their payment be reduced or postponed until their release date.
- DMV: A relationship has been established with the local DMV allowing for participants to use their Prison Identification cards to apply for official California Identification or Driver's License cards.
- Veterans Administration: The VA has a Justice Outreach Coordinator who is knowledgeable of SB 618 and whose duties include assisting incarcerated veterans with accessing benefits and care needed upon release.