

Senate Bill 283

Successful Re-Entry & Access to Jobs

Senator Hancock (D – 09)

ISSUE

California currently maintains a lifetime ban on people with prior drug-related felony convictions from receiving basic needs assistance, job training and employment support services through the California Work Opportunity and Responsibility to Kids (CalWORKs) program and CalFresh (known nationally as the Supplemental Nutrition Assistance Program). This ban exists despite the fact that the state has the 2nd highest rate of recidivism in the country and that countless studies finding access to basic needs supports, like food and housing assistance, reduces crime and recidivism and contributes to successful re-entry of individuals who have been incarcerated.

CURRENT LAW

California maintains an optional lifetime ban on receiving CalWORKs or CalFresh for people with former drug-related felony offences when the conviction occurred after 1996. In 2004, Republican Governor Schwarzenegger signed AB 1796 (Leno), which partially repealed the lifetime ban for some individuals but not for all.¹ Meanwhile, 38 states have chosen to fully opt-out of or alter these lifetime bans,² making federally funded food benefits, federally funded job training and work supports and basic needs benefits available to support successful re-entry for these individuals and prevent recidivism.

In response to a US Supreme Court order to address prison overcrowding, Governor Brown

worked with the Legislature, local governments, law enforcement and probation leaders, to realign the supervision of people with non-violent offences to local law enforcement. Public Safety realignment was codified by AB 109 in 2011, and subsequently amended by legislation in 2012.

AB 109 created Local Corrections Community Partnerships tasked with planning and implementing policies to reduce recidivism and promote public safety. In addition to law enforcement leadership, County Human Services Agencies are mandatory participants in local councils, as work supports, homelessness prevention, employment & training, and other human services are essential to achieving cost-effective solutions to California's high recidivism rates.

BACKGROUND

A report by the Reentry Policy Council of the Council of State Governments credits public benefits and job training as key contributors to successful prisoner reentry and recommends that states opt out of bans against people with prior drug-related felony convictions.³ The Reentry Policy Council is a bipartisan working group with representatives of national associations of probation and parole, correctional administrators, courts, police, mental health and housing experts, among others.⁴

Harvard's Bruce Western said that the costs to restoring access to benefits like CalWORKs and CalFresh, "...are offset by increased employment and reduced crime and correctional costs for

¹ 1796 (Leno), Chapter 932, Statutes of 2004 Welfare and Institutions Code §18901.3

² Drug Offenders: Various Factors May Limit the Impacts of Federal Laws That Provide for Denial of Selected Benefits, GAO-05-238, (Washington, D.C.: September, 2005)
<http://www.gao.gov/new.items/d05238.pdf>

³ *Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community*. Council of State Governments. Reentry Policy Council. New York: Council of State Governments. January 2005,

⁴ http://www.reentrypolicy.org/about/reentry_policy_council

program participants...Achieving these objectives will yield a sustainable public safety that overcomes the long-term negative consequences of criminal punishment and promotes the economic improvement of poor communities.”⁵

Thousands of Californians are released from prison or jail every year on parole or probation. Unfortunately, with few or no job prospects, approximately two-thirds of those released from prison will be rearrested – and almost one-half will be re-incarcerated—within three years of their release. According to a 2011 report by Pew Center on the States, California ranks second-worst in the nation in recidivism rates, nearly 15 percentage points higher than the national average.⁶

The ban on CalWORKs and CalFresh assistance for groups of individuals with past drug-related felonies, regardless of their subsequent efforts to improve their lives, is a major barrier to successful reentry and, consequently, a contributing factor to the state’s high recidivism rates. Restoring access to these benefits to persons with prior drug-related felony convictions will not only improve outcomes of very vulnerable families, but also improve public safety by increasing their chances of employment and financial stability and reducing their risks of reoffending.

⁵ Western, Bruce. 2008. “From Prison to Work: A Proposal for a National Prisoner Reentry Program.” (Washington, DC: The Brookings Institution, 2008) 3-5

⁶ See, for example, Joan Petersilia, *When Prisoners Come Home: Parole and Prisoner Reentry* (New York: Oxford University Press, 2003); U.S. Department of Justice, Bureau of Justice Statistics, *Survey of State Criminal History Systems*, 2001 (August 2003); Solomon, A., Kachnowski, V., & Bhati, A. (2005). Does parole work? Analyzing the impact of postprison supervision on rearrest outcomes. Washington, DC: Urban Institute. The Pew Center on the States (2011). The State of Recidivism: The Revolving Door of America’s Prisons. http://www.pewstates.org/uploadedFiles/PCS_Assets/2011/Pew_State_of_Recidivism.pdf; and Stephen J. Tripodi, Johnny S. Kim and Kimberly Bender, “Is Employment Associated With Reduced Recidivism? : The Complex Relationship Between Employment and Crime,” *Int J Offender Ther Comp Criminol* 2010 54: 707 DOI: 10.1177/0306624X09342980.

⁶ The Pew Center on the States (2011). The State of Recidivism: The Revolving Door of America’s Prisons. http://www.pewstates.org/uploadedFiles/PCS_Assets/2011/Pew_State_of_Recidivism.pdf, 10 (finding that well over 40% will be reincarcerated within three years, and that California’s rates in 1999-2002 were 61.1 percent, and 2004-2007, were 57.8 percent).

This Bill

SB 283 allows individuals , previously convicted of a drug felony, who meet all other eligibility rules to receive basic needs services, employment training and work supports through the California Work Opportunity and Responsibility to Kids (CalWORKs) and CalFresh programs, provided that they are complying with the conditions of probation or parole, or have successfully completed their probation or parole.

SUPPORT

Co-Sponsored by the County Welfare Directors Association of California, the Western Center on Law and Poverty, and the Drug Policy Alliance.

CONTACT

Marla Cowan, marla.cowan@sen.ca.gov
Senator Loni Hancock (D-9)
(916) 651-4009

Cathy Senderling-McDonald csend@cwda.org
California Welfare Directors Association
(916) 443-1749

Glenn Backes, glennbackes@mac.com
Drug Policy Alliance
(916) 202-2538

Jessica Bartholow jbartholow@wclp.org
Western Center on Law and Poverty
(916) 442-0753