A COLLABORATIVE INTER-AGENCY INSTRUCTIONAL MANUAL FOR
VOCATIONAL REHABILITATION COUNSELORS SERVING EX-OFFENDERS WITH DISABILITIES IN REALIGNMENT

A Project

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by

Gerardo Oseguera

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Graduate and Professional Studies in Education
Abstract

of

A COLLABORATIVE INTER-AGENCY INSTRUCTIONAL MANUAL FOR VOCATIONAL REHABILITATION COUNSELORS SERVING EX-OFFENDERS WITH DISABILITIES IN REALIGNMENT

by

Gerardo Oseguera

I, a Vocational Rehabilitation Counselor (VRC) working for the California State Department of Rehabilitation (DOR) in collaboration, and in conjunction with, my colleagues from the Laguna Creek Office, the Roseville Staff Service Manager Mark Frayser, the Qualified Rehabilitation Professionals (QRPs) Alina Sala, Claudia de la Cruz, and my project advisor, Dr. Guy Deaner, was encouraged to create an Instructional Manual for Rehabilitation Counselors. The manual contains an Inter-Agency approach for all those serving ex-offenders with disabilities in realignment. This master’s project can help agency workers enhance employment outcomes for ex-offenders with disabilities in the current realignment process.

________________________________________, Committee Chair
Guy Deaner, Ph.D.

________________________________________

Date
ACKNOWLEDGMENTS

“How much better is it to get wisdom than gold? And to get understanding rather to be chosen than silver!” Proverbs 16:16

I want to thank my children Jerry, David, and Cynthia (Mo) for their unconditional love and confidence through this academic journey. I would also like to acknowledge my new grandchildren: Lilianna, Amaliya, and Elias. A special thanks to my wife Isabel for all her prayers and words of support. I would like to thank my mother Silvia Juarez de Vieyra for all her advice and words of inspiration, my brother Victor and his wife Dinora, my sisters Marcela and Diana for having faith in me through this process, and Joyce and Steven for all the special moments of laughter and joy. I would also like to thank my friends Barbara Hughes, John Otero, Kevin Walker, and Terry Scott for being there with words of encouragement and support throughout the masters program. I would also like to acknowledge my friend and mentor Roberto Sarabia for all his help and guidance through this project. Additionally, I want to give thanks to Dr. Guy E. Deaner for all of his patience and academic guidance. Lastly, this project is dedicated to my late father Dr. J. Melchor Vieyra. I am forever indebted to him and appreciative of his love, guidance, support, and advice that he gave me over the years before his passing. Rest in Peace, Dad.

Gracias Familia.
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Chapter 1

INTRODUCTION

Background

For years, California’s prison system has faced costly and seemingly endless challenges. Decades-old class-action lawsuits challenge the adequacy of critical parts of its operations, including its health care system, its parole revocation process, and its ability to accommodate inmates with disabilities. The state’s difficulty in addressing the prison system’s multiple challenges was exacerbated by an inmate population that, until recently, had been growing at an unsustainable pace. Overcrowded prison conditions culminated in a ruling last year by the United States Supreme Court ordering the California Department of Corrections and Rehabilitation (CDCR) to reduce its prison population by tens of thousands of inmates by June 2013.

At the same time that prison problems were growing, California’s budget was becoming increasingly imbalanced. By 2011, California faced a $26.6 billion General Fund budget deficit, in part because the department’s budget had grown from $5 billion to over $9 billion in a decade. To achieve a budgetary savings and comply with federal court requirements, the Governor proposed, and the legislature passed, a landmark prison realignment legislation to ease prison crowding and reduce the department’s budget by 18%. Realignment created and funded a community-based correctional program in which lower level offenders remain under the jurisdiction of county governments. In the six months that realignment has been in effect, the State prison population has dropped
considerably, by approximately 22,000 inmates. This reduction in population is laying the groundwork for sustainable solutions. But realignment alone cannot fully satisfy the Supreme Court’s order or meet the department’s other multi-faceted challenges (CDCR, 2013).

One of the major challenges triggered by realignment that needs to be addressed is the question of what to do with ex-offenders with disabilities and how to continue their rehabilitation process outside the prison system. For example, human services agencies, community-based organizations (CBOs), and both county and state departments such as the California Department of Rehabilitation (DOR) will now have to take the lead in providing the necessary vocational rehabilitation services to this special needs population-ex-offenders with disabilities. This population, by law, must now be re-integrated into the mainstream population in the State of California. The author’s perception in meeting this challenge is that there are no current guidelines or policies on how an inter-agency approach with which county departments and CBOs can comprehensively address the special needs of this ex-offender with disabilities population while offering gainful employment through comprehensive vocational rehabilitation to reduce recidivism. It as the author’s intent with this project to create and develop a manual that would provide the necessary information from which to collaborate and effectively deal with the CDCR-Office of the Offender’s Services (OOS) and other state agencies such as DOR, as well as the Sacramento County probation department and CBOs currently collaborating with CDCR and serving ex-offenders with disabilities
through the realignment process. According to Stewart (2012), evidence-based programs have shown success in dealing with the challenges faced by this special needs population in the past. Therefore, the approach all the agencies involved in the realignment process are using is based on the premises of the evidence-based programs approach. It was discussed, and tentatively agreed to, that if things were to be done in a collaborative effort by both agencies, the OOS and the DOR must adhere to evidence-based programming.

In a meeting at the OOS office, it was brought out in the initial discussion with managers from OOS that the office was not entirely focused on ex-offenders with disabilities; therefore, there were no current statistics as to how many of the re-entry disabled offenders were coming out through the realignment process. Also, it was discussed and agreed to that both DOR and OOS were actually providing similar vocational services and programs for ex-offenders in their reentry process. There was also a tentative agreement that an inter-agency collaboration would economically, and fiscally, benefit both agencies. For example, a possible sharing of costs for vocational rehabilitation services for ex-offenders with disabilities could save both agencies time and money.

Lastly, it was discussed that currently, DOR is not a collaborating agency or on the OOS service agencies list, and it is unknown who is currently providing re-entry vocational rehabilitation services for ex-offenders. The meeting between OOS and DOR concluded with a verbal agreement between both agencies. The discussion ended with
the possibility of creating a memorandum of understanding (MOU) between the two agencies. There was unanimous agreement by all parties involved that an interagency collaboration would formally consider DOR as a provider of vocational rehabilitation services to ex-offenders with disabilities, along with all other existing agencies. The projected manual of this thesis will provide the social and organizational context from which collaborating agencies can plan, collaborate, develop, coordinate, and implement vocational rehabilitation services to ex-offenders with disabilities.

The Department of Rehabilitation assists Californians with disabilities in obtaining and retaining employment and maximizing their equality and ability to live independently in their communities. It does this by tailoring services to each individual to ensure a greater chance of success. A vocational rehabilitation team works closely with each job seeker to establish the best combination of services and resources necessary to prepare for, find, and retain employment. The DOR offers the following programs:

- Assistive Technology, Blind Field Services
- Business Enterprises Program, Client Assistance Program
- Deaf and Hard of Hearing Services, Disability Access Services
- Independent Living, Mental Health Cooperative (RTF)
- Older Individuals who are Blind, Orientation Center for the Blind
- Supported Employment, Transition Partnership (RTF)
- Traumatic Brain Injury, Workforce Development
DOR services may include:

- Career assessment and counseling
- Job search and interview skills
- Independent living skills
- Career education and training
- Assistive technology

Any ex-offender with disabilities found eligible for services will fall into one of these three priority categories with DOR:

- Priority category I, most significantly disabled
- Priority category II, significantly disabled
- Priority category III, all other eligible individuals determined to be disabled

(DOR, 2014b).

DOR will provide pre-employment training, work opportunities, and educational programs if needed for ex-offenders with disabilities who might otherwise have difficulty securing integrated and competitive employment. Simply put, all the research on recidivism shows a direct correlation between employment and reduction in recidivism (Lommers-Johnson, 2012).

As presented in their webpage (CDCR, 2014e), the Office of Offender Services-Community/Reentry Programs, part of CDCR Division of Rehabilitative Programs, focuses on the needs of ex-offenders at key stages of their progress. For example, one of the current CDCR programs is the In-Prison Programs for inmates. Another program
offered to ex-offenders who have been paroled under realignment is being directed by the Community and Reentry Services Unit. The mission of Community and Reentry Services (CRS) is to provide evidence-based rehabilitative opportunities for individuals reentering their communities after a period of incarceration. CRS relies on individual assessments to identify the risk and needs of parolees in order to provide adequate programs that best meets those needs.

CRS provides comprehensive post-release rehabilitative programs and services in communities throughout the State of California, delivered through residential, outpatient, and drop-in centers. CRS programs and services focus on the following:

- Drug and/or alcohol abuse treatment
- Housing, life skills, and family unification needs
- Education including GED and academic and vocational training
- Career and Job assistance including placement

Specific Community Reentry Services:

- Caltrans Parolee Work Crew Program
- Community-Based Coalition (CBC)
- Computer Literacy Learning Center (CLLC)
- Day Reporting Centers (DRC)
- Female Offender Treatment and Employment Program (FOTEP)
- Golden State Works (GSW) Initiative
- Parolee Service Center (PSC)
• Parolee Services Network (PSN)
• Residential Multi-Service Center (RMSC)
• Substance Abuse Services Coordination Agencies (SASCA)
• Substance Abuse Treatment and Recovery Program (STAR) (CDCR, 2014).

Without appropriate vocational rehabilitation, ex-offenders with disabilities will continue to be unprepared for post-release community transition, competitive employment, and effective utilization of other support services; an inter-agency approach will enhance vocational opportunities offered through DOR in a partnership with OOS to maximize employment efforts and recidivism reduction. In effect, without these vocational services being comprehensively offered with an interagency approach, it will continue to be a revolving door process of incarceration leading to an increase in recidivism.

**Statement of the Problem**

Currently, there are no policies, regulations, protocols, or programs in place between the DOR and OOS. In actuality, OOS does provide services for ex-offenders who have currently been released under the realignment process. The problem is that the department does not give any categorization for ex-offenders with disabilities as a special needs population. Also, OOS has never had any collaboration with DOR, dealing with ex-offenders with disabilities, in its contracting services (M. Del Real and H. Baraich, personal communication, October 15, 2014). There has never been any inter-agency collaboration, and no agenda has ever been developed for both agencies from which to
begin a formal collaboration dealing with ex-offenders with disabilities. Currently, OOS deals directly with all the County Probation Departments statewide, such as CDCR-Specialized Treatment for Optimized Programming (STOP) and CBOs who are providing reentry services for ex-offenders and who are directly involved in the Public Safety Realignment (PSR) process, as set by law.

Enacted through California Assembly Bills 109 and 117, realignment gave counties responsibility to manage two populations of offenders who had been the responsibility of CDCR: Post-Release Community Supervision (PCRS) and local prison offenders convicted of a felony offense that is not serious, non-violent, and non-sexual (Chief Probation Officers of California, 2013). Once again, the problem is that there currently does not exist any collaboration between DOR and OOS that provides reentry services for this special needs population. Therefore, ex-offenders with disabilities being released are not currently benefitting from DOR services.

The ex-offenders with disabilities who are being released under the current California realignment process have a new parole/supervision process (PRCS) to deal with. The post-release supervision process is now being handled by the county probation department of residence to which the ex-offender is coming home. These new guidelines are now creating a new bureaucracy with which ex-offenders with disabilities must contend. Also, CBOs are providing the services through contractual services with OOS. Are these agencies prepared to deal with this special needs population? An ex-offender with disabilities not only needs to receive all the existing services for people with
disabilities in obtaining employment, housing, and medical services, but needs to meet their new supervisory post-release parole requirements. In addition, a problem found through research is that the current CDCR realignment policies do not categorize ex-offenders with disabilities as a special needs population; they are being dealt with by the existing state and county probation agencies as an all-inclusive population. In other words, they are being treated as any other ex-offenders (M. Del Real and H. Baraich, personal communication, October 15, 2014).

Currently, the Department of Rehabilitation works with all individuals with disabilities but does not have the expertise or programs, agenda, or protocols, to work with other state or county agencies whose programs are designed to help ex-offenders with disabilities in the realignment process. Now, all counselors and service agency personnel who will be providing services for this special needs population in this new realignment process must be educated, prepared, and ready to collaborate with each other to provide the necessary comprehensive services that exist for ex-offenders with disabilities. Overall, this special needs population has very specific needs in their process of reentry back into their communities. For example, not only must they be prepared to get into the employment process with a criminal background but they must also deal with their own personal disability needs at the same time. Those with mental health problems must now attend special programs mandated as part of their release process. All the legal challenges and barriers faced by ex-offenders with disabilities are protected by the American with Disabilities Act (ADA). There is a need for a comprehensive program
that provides employment services and case management services to people with disabilities transitioning from incarceration back into their communities (Petersilia, 2003).

By looking at the current services being offered by both state agencies, it is obvious there is an overlay in services provided for this special needs population. At the same time, an inter-agency collaboration to develop a more comprehensive evidence-based program for ex-offenders with disabilities would be more helpful and even more cost-effective in our times of state budget constraints. A possible solution to this problem would be the creation and development of an instruction manual. This projected manual would outline the process, protocols, and agenda from which both agencies could professionally collaborate in implementing an evidence-based program that deals specifically with ex-offenders with disabilities. This inter-agency approach will create a more comprehensive and holistic process to better serve ex-offenders with disabilities, meeting their specific needs while helping reduce recidivism and increase public safety. Lastly, another added value is that this inter-agency collaboration could be more cost effective in the overall vocational rehabilitation services rendered to this special needs population by the state of California.

**Limitations of the Project**

The author’s proposed inter-agency instructional manual for ex-offenders with disabilities is limited by the fact that an inter-agency collaboration between DOR and CDCR currently does not exist and there has not been any field testing of any kind with
my proposed manual in dealing with this special needs population. Furthermore, this proposed instructional manual has been only discussed and used in a conceptual form to develop and implement the collaboration process between both state agencies.

Another limitation of this project was the fact that the research was limited to the fall and spring of the 2013-14 school years. For example, the current realignment process went into full swing after beginning this project. Researching materials from this limited time period restricts access to newer and updated versions. Overall, there are a very limited number of research studies in this area of interest because the available information is mostly related to ex-offenders in general and not related specifically to ex-offenders with disabilities. Currently, CDCR has no statistics or categories for any of the ex-offenders with disabilities and their impact on the realignment process. However, the limited number of research studies do provide a good research platform from which to create the necessary additional research studies needed in this area.

Additionally, the availability of data and statistics in dealing with ex-offenders with disabilities is limited due to the fact that much of this information is confidential and represented only in large categories such as mental health, substance abuse, homelessness, and education. Therefore, there was not any direct information or statistics regarding the number of ex-offenders with disabilities in total in the current realignment process.

Additional limitations include the audience for which this project was intended such as the qualified rehabilitation professionals (QRPs) and vocational rehabilitation
counselors (VRCs), excluding other DOR support staff. Another limitation impacting this project is the geographical location, which is limited to the Sacramento region of the DOR Northern Sierra District, and may not apply to other DOR districts. Therefore, this proposed instructional manual is intended to be used in the Sacramento area only.

Another very important limitation to acknowledge is the fact that a major focus of this project is to include an inter-agency approach between DOR and other state agencies, such as OOS, to coordinate a mutual policy for dealing with ex-offenders with disabilities and their employment needs. Currently, there does not exist an inter-agency collaborative approach between DOR and OOS specifically dealing with ex-offenders with disabilities. Up to now, a proposed instructional manual facilitating an inter-agency approach has never been developed; hence, there is no precedent.

Another important limitation always present is the fact that there will be always the author’s bias. The key element is the author believes that with a more comprehensive inter-agency approach, there will be an increase in better and effective vocational services and employment options, thereby reducing the recidivism of this special needs population, as well as increasing the overall public safety of our communities in Sacramento, California. Overall, even with these project limitations, it is the author’s professional intent to not only better serve the needs of this special needs population (ex-offenders with disabilities) but also to create an enhanced strategy for dealing with recidivism through gainful employment of this special needs population, as a whole.
Definitions

Americans with Disabilities Act (ADA)

American with Disabilities Act became law in 1990. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The ADA is divided into five titles (or sections) that relate to different areas of public (National Network, n.d.a).

California Code of Regulations (CCR)

The California Code of Regulations (CCR) is the official compilation and publication of the regulations adopted, amended, or repealed by state agencies pursuant to the Administrative Procedure Act (APA). Properly adopted regulations that have been filed with the Secretary of State have the force of law (Office of Administrative Law, 2007).

California Department of Rehabilitation (DOR)

The Department of Rehabilitation (DOR) assists Californians with disabilities to obtain and retain employment and maximize their ability to live independently in their communities. DOR tailors services to each individual to ensure a greater chance of success. A vocational rehabilitation team works closely with each job
seeker to establish the best combination of services and resources necessary to prepare for, find and retain employment. (DOR, 2014a, para. 1-3)

California Department of Corrections and Rehabilitations (CDCR; 2014h)
State agency which has jurisdiction over the California Prison and Parole Systems, the predominant mission is to improve public safety through evidence-based crime prevention and recidivism reduction strategies.

Consumer/Client
A term use by service providers and counselors to refer to an individual who has applied for and has been found eligible for services that service agency provides (Westlaw Next, 2015).

Disability
The Americans with Disabilities Act (ADA) has a three-part definition of disability. Under ADA, an individual with a disability is a person who: (1) has a physical or mental impairment that substantially limits one or more major life activities; OR (2) has a record of such an impairment; OR (3) is regarded as having such an impairment. A physical impairment is defined by ADA as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine. (U.S. Department of Labor, n.d.b, para. 6)
Neither ADA nor the regulations that implement it list all the diseases or conditions that are covered, because it would be impossible to provide a comprehensive list, given the variety of possible impairments. (National Network, n.d.b)

**Discretionary Parole**

Exists in the intermediate sentencing model, under which a parole board has authority to conditionally release prisoners based on statutory or administrative determination of eligibility. In almost all cases, discretionary parole applies to offenders sentenced to “life” with the possibility of parole. In a few states, including California, parole for sexually violent offenders and mentally disturbed offenders is also discretionary. The Board of Prison Terms has jurisdiction over these cases in California (Nieto, 2003).

**Ex-Offender**

Means “a person previously convicted of a felony in California or any other state, or convicted of an offense in another state which would have been a felony if committed in California” (California Correctional Health Care Services, n.d., para. 26).

**Evidence-based Program**

A.B. 109’s definition of evidence-based practices includes “supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce
recidivism among individuals on their probation, parole, or post-release supervision” (Stewart, 2012, p. 8).

Felon

A person convicted of a felony offense and sentenced to state prison by the court (CDCR, 2014).

Felonies

Crimes sufficiently serious to be punishable by death or a term in state or federal prison, as distinguished from a misdemeanor, which is only punishable by confinement to county or local jail and/or a fine. A crime carrying a minimum term of one year or more in state prison, since a year or less can be served in county jail. However, a sentence upon conviction for a felony may sometimes be less than one year at the discretion of the judge and within limits set by statute. (ProCon.org, 2015, para. 3)

Institution

A State prison or a community correctional center, also means “a large facility or complex of sub facilities with a secure (fenced or walled) perimeter headed by a Warden” (California Correctional Health Care Services, n.d., para. 37).

Law Enforcement Automated Data System (LEADS)

Parole LEADS is an acronym for Parole Law Enforcement Automated Data System – a web-based computer application which provides local law enforcement agencies (LEAs) with photos and information about parolees
supervised by the Division of Adult Parole Operations (DAPO) of the California Department of Corrections & Rehabilitation (CDCR). Accessible via the internet, LEAs can access parolee information and query for selected parolees on a statewide basis. Photos of parolees, including mugshots, scars, marks & tattoos are available, as well as a mapping tool is included (CDCR, 2014f).

**Mandatory Parole**

Occurs in jurisdictions with a determinate sentencing statute in which an inmate is conditionally released from prison after serving a specified portion of the original sentence, minus any good time earned. Nearly all states (45), including those with “three strikes and you’re out” provisions, have mandatory minimum sentencing laws for certain serious felony crimes. A few states instead employ sentencing enhancement approaches or sentencing commissions, giving judges more options at the time of sentencing. Use of firearms and other deadly weapons are the crimes that fall under mandatory minimum laws. (Nieto, 2003, p. 3)

**Misdemeanor**

“A crime punishable by imprisonment in a county or city jail or detention facility not to exceed one year or a fine not exceeding one thousand dollars; except where the law specifies a different punishment” (Misdemeanor, 2013, para. 4).

**Office of Offender Services (OOS), Community and Reentry Services/CRS**

The mission of the Community and Reentry Services (CRS) is to provide evidence-based rehabilitative programming opportunities for individuals
reentering their communities after a period of incarceration. CRS relies on individual assessments to identify the risks and needs of parolees in order to provide programming that best meets those needs. CRS strives to ensure that paroles are immediately engaged in programs upon release into the community, ensuring a seamless and effective community reintegration and ultimately reducing recidivism and public safety (CDCR, 2014e).

Parole

Is a period of conditional supervised release in the community following a prison term, it includes parolees released through discretionary or mandatory supervised release from prison, those released through other types of post-custody conditional supervision, and those sentenced to a term of supervised release (U.S. Department of Justice, 2014).

Parolee

An offender who is supervised in the community by CDCR for an established period of time (Parolee, 2015).

Penal code

A body of laws relating to crimes, offenses, and the penalties for their commission (Penal code, 2015).
Post Release Community Supervision (PRCS)

Post release community supervision which enables offenders released from state custody to be placed under a county-directed PRCS program instead of the state’s parole system for up to three years (CDCR, 2013).

Prison

A state correctional institution where offenders are confined after being sentenced by a court (Prison, 2015).

Probation

A court-ordered period of correctional supervision in the community generally as an alternative to incarceration. In some cases probation can be a combined sentence of incarceration followed by a period of community supervision (U.S. Department of Justice, 2014).

Specialized Treatment for Optimized Programming (STOP)

STOP contractors provide comprehensive, evidence-based programming and services to parolees during their transition into the community. Priority is given to parolees who are within their first year of release and who have demonstrated a moderate to high risk to reoffend, as identified by the California Static Risk Assessment (CSRA), and have a medium to high need, as identified by the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) reentry assessment tool. (CDCR, 2014e, para. 1)
Vocational Rehabilitation Counselor Qualified Rehabilitation Professional (VRC/QRP)

Individual employed for the California Department of Rehabilitation (DOR). DOR counselors assist people with disabilities in obtaining and retaining employment and maximizing their ability to live independently in their communities. DOR counselors provide counseling and guidance, referrals, and assistance to get services from other agencies. They also advocate for programs and services in vocational rehabilitation and independent living, serving applicants based on significant disabilities (DOR, n.d.).

**Remainder of the Project**

The remaining portion of the project includes a review of related literature in Chapter 2. The review of the literature first covers the current legislation and effects through laws AB109 and AB117. Secondly, the Public Safety Realignment (PSR) literature is examined. Thirdly, the chapter reviews literature concerning the barriers faced by ex-offenders with disabilities. Fourthly, literature regarding employer/employment services provider-based barriers is reviewed. Lastly, disabilities and disclosure literature is discussed. Chapter 3 presents the sources and methods utilized for the development of this project. Chapter 4 offers a brief description of the project, a summary, and recommendations. This project, in the form of an instructional manual, is included as an appendix, followed by the list of references.
Chapter 2

REVIEW OF THE LITERATURE

Introduction

The literature is first organized by looking at the current legislation (AB109/AB117) and policy decisions being made by CDCR Realignment policy and the impact it will have on ex-offenders with disabilities. Secondly, this chapter examines employment barriers for ex-offenders with disabilities. Thirdly, the employer/employment/service providers-based barriers are discussed. Lastly, the disabilities and disclosure policies pertaining to ex-offenders with disabilities in realignment are discussed.

Recent Legislation and Effects of Realignment

According to CDCR (2012) The Future of California Corrections, between 1986 and 2006, California’s prison population soared from approximately 60,000 inmates to an all-time high of 173,479 inmates. At its peak, the inmate population had grown to more than double the designed housing capacity, forcing the department to house close to 20,000 inmates in gymnasiums, day rooms, and other non-traditional housing areas, often in triple-bunks. To help alleviate the overcrowded conditions, an Executive Order was issued in late 2006 that authorized the department to involuntarily transfer inmates to privately-owned prisons out of state. Since then, the department has housed an annual average of about 10,000 inmates in other states (CDCR, 2012).
In 2010, to address legal suits by CDCR inmates, in *Plata v. Brown* and *Coleman v. Brown* alleging prison overcrowding, the chief judge for the Ninth Circuit Court of Appeals formed a three-judge panel consisting of the district judges from the *Coleman* and *Plata* cases and a third judge from the Ninth Circuit. The three-judge panel ordered California to reduce its prison population to 137.5% of capacity, requiring an estimated population reduction of 46,000 inmates. As a result of this federal mandate, the state appealed the decision to the U.S. Supreme Court (CDCR, 2015b).

The Supreme Court’s response came in a five-to-four decision, affirming the three-judge panel’s ruling. The Court held that the California prison system was indeed committing serious constitutional violations that were primarily due to overcrowding and upheld that panel’s authority to mandate a decrease in the prison population (Lawrence & Scott, 2012). To address this Federal mandate, CDCR developed and implemented The Public Safety Realignment process, enacted through the California Assembly Bills 109 and 117, and adopted by the California Legislature, which went into effect October 1, 2011.

What is the realignment in California? Realignment describes a process of significant change in the California criminal justice system. Realignment AB109 transfers responsibility for supervising low-risk offenders and state prison parolees from state prisons and parole agents to county jails and probation officers.

Realignment AB109 was enacted against the backdrop of a severely overcrowded California state prison system, but the statute says it was enacted to combat
recidivism and not because of overcrowding. This new sentencing scheme applies to anyone sentenced on or after October 1, 2011. (Shouse Law Group, 2015, para. 9)

According to Lawrence and Scott (2012), Governor Jerry Brown signed Assembly Bill 109, accompanied by AB117, in 2011. AB109 requires an inmate who is released under a post-release supervision program to be returned to where he or she had last legal residence prior to incarceration. The bill requires the CDCR to include information on inmates released under a post-release supervision program through the Law Enforcement Automated Data System (LEADS). This webpage data system provides all the necessary information to law enforcement agencies, including CDCR. AB109 requires county agencies supervising inmates released under a post-release supervision program to provide to the department any inmate information requested by the department that is to be used in LEADS (CDCR, 2014f). By imposing new duties on local agencies, the bill would impose a state-mandated local program (Shouse Law Group, 2011).

Do AB109 and AB117 directly impact and/or target ex-offenders with disabilities? No. However, according to Davis (2012), CDCR has estimated that 23.1% of inmates are “mentally ill.” In addition, 2009 data found that 33% of people in California jails “have open mental health cases” (Disability Rights California, 2014, para. 3). As a result, more people with mental health disabilities may be served in county jails rather than in prisons. Over 2,000 offenders with mental health challenges were released
from state prisons to county Post Release Community Supervision (PRCS) in June 2012. Over 80% of these individuals were in the general population level. Less than 2% were in the enhanced outpatient program (EOP) level (Disability Rights California, 2014, footnote 4).

**Public Safety Realignment (PSR)**

As previously stated, under Public Safety Realignment, lower-level offenders released from state prison will be supervised by local probation officers instead of parole agents. However, offenders convicted of violent, sex-related, or other serious offenses will not be included as part of the realignment process; therefore, they will continue serving their sentences in prison. The intent of realignment is to encourage counties to develop and implement evidence-based practices and alternatives to incarceration to limit future crimes and reduce victimization. AB109/117 also established post-release community supervision (PRCS), which enables offenders released from state custody to be placed under a county-directed PRCS program (instead of the state’s parole system) for up to three years (CDCR, 2013).

As a result of the legislation, all 58 counties designated their probation departments as the agencies responsible for PRCS. State parole agents continue to supervise high-risk sex offenders and any other offenders released from prison after having been incarcerated for a current serious or violent crime. If offenders violate the terms of PRCS or State parole supervision, a range of sanctions may be used by counties, including reprimand, adding new release conditions and reporting requirements, flash
incarceration for up to 90 days, or, if a court agrees, a revocation for up to 90 days. Only certain offenders are eligible to be revoked to state prison (CDCR, 2013). According to an annual CDCR statistical report dated January 30, 2015, since realignment took effect, the department’s offender population has dropped by approximately 37,000 inmates, which is about 137.2% of total (34) prison capacity. Crowding has been reduced from a high of over 150% of designed capacity to just less than 137.2%, today. This milestone for a court-ordered cap is more than a year ahead of schedule (CDCR, 2015a).

According to a PSR 2011 summary, the local planning process includes the following:

- Expands role and purpose of the Community Corrections Partnership (CCP), which was previously established in Penal Code §1230 (WebLaws.org, 2013)
- Community Corrections Partnership (CCP) is a county-level agency established by the state mandates that will oversee the overall realignment process, with all of the city and county agencies involved (CDCR, 2014c)
- Requires CCP to develop and recommend to the board of supervisors an implementation plan for 2011 Public Safety Realignment.
- Creates an Executive Committee from the CCP members comprised of:
  - Chief probation officer (chair)
  - Chief of police
  - Sheriff
  - District Attorney
According to Lommers-Johnson (2012), one exemplary county that has begun to implement their realignment program is Santa Clara County. They correctly anticipated many of the needs of this incoming realigned population such as security, mental health, substance abuse, and housing issues. Taking stock of the needs represented in this population is essential for preparing Santa Clara and all the other counties in California to better address these needs while informing the county’s implementation and future revisions. According to the Santa Clara County 2012 Civil Grand Jury Report, other strategic players involved in the realignment process, as stated by AB109 and AB117, include the following:

- County Sheriff’s department who will provide the custody services for low-level offenders coming from state prisons.
- County Superior courts who will redirect low-risk ex-offenders away from incarceration to court supervised programs and treatment.
• Local County District Attorneys and Public Defenders, their involvement insures about the strategies and approach, particularly as it relates to probation revocation process.

• County Department of Alcohol and Drug will provide services for ex-offenders seeking treatment for alcohol and drug addiction, including detoxification treatment, transitional housing, or residential treatment.

• Mental Health will provide pre-release assessments, mental health evaluations, and referrals.

• County Social Services agencies that are providing transitional assistance through various CBOs. This assistance will include money, food stamps, transitional housing, and child support.

• Community-Based Organizations will provide services needed for those reentering their community. These services include drug and alcohol addiction treatment, mental health treatment, sober-living housing, transitional housing, and more.

• Reentry Resource Center is a One Stop Shop where ex-offenders released to County supervision will receive referrals for mental health, vocational training, employment education and support services. Services include education and training for ex-offenders looking for gainful skills for reemployment.
The California Department of Corrections and Rehabilitation-Office of Offender Services (OOS) has been given the responsibility of setting this new custody plan in action, with county probation officials (Santa Clara County, 2012).

Do ex-offenders with disabilities face more challenges than the general population of ex-offenders who are being released in the Realignment process? Would ex-offenders with disabilities benefit more from an additional comprehensive inter-agency, evidence-based program between DOR and OOS in their re-entry (e.g., gainful employment) preparation process? A proposed inter-agency instructional manual between DOR and OOS, detailing and outlining suggested procedures, protocols, and goals that would most likely enhance the vocational outcomes of released ex-offenders with disabilities is projected as a means to address the aforementioned issues. One very important issue that needs to be addressed is the fact that currently no inter-agency collaboration between OOS and DOR addressing comprehensive vocational rehabilitation counseling services for ex-offenders with disabilities exists. The preceding information sustains that DOR is currently not part of the realignment process or the Community Corrections Partnership (CCP).

**Employment Barriers for Ex-Offenders with Disabilities**

According to Tschopp, Perkins, Hart-Katuin, Born, and Holt (2007), ex-offenders with disabilities face many structural employment barriers. Acquiring and maintaining employment is often challenging for individuals with mental health disabilities and for
those with a history of criminal offenses, additional obstacles exist. Barriers to success with this population include social stigmatization of criminal background; mental illness issues, which varies based on psychiatric symptoms; potential employer bias toward people with a criminal background; learning disabilities; chronic substance abuse; lack of adequate housing; and limited finances, for provision of one’s personal and work-related expenses. Also, limited education, limited work experience, the lack of transportation, and inadequate family/social networks support create barriers.

As stated by Scott (2010), the barriers to employment have been cited by several scholars and include the following: intrapersonal (physical, substance use/abuse, psychological health, education/skills, poor work history and lack of qualifications), subsistence (finance, housing, and poverty/debt) and support conditions (i.e., lack of social support), employer attitudes and discrimination, and legal barriers and formal restrictions for certain professions. Also included, as potential employment barriers for ex-offenders with disabilities, according to Hirsch et al. (2002), are poor time management or misinterpretation of work hours, maladaptive priorities, and poor health management.

Dixon and Johnson (2010) stated that approximately 10% of the U. S. prison population who are being released from prison have disabilities (mental, physical, or cognitive). According to a recent estimate by the CDCR, 23.1% of the inmate population in the California prison system are mentally ill (CDCR, 2012). According to Davis (2012), data on the number of mentally ill offenders who will be released from state
prison into local supervision are not currently available. Also, according to CDCR 2006 data, close to 20% of state parolees have a documented history of psychiatric problems (as cited in Davis, 2012). Mental disorders include a broad range of impairments of thoughts, mood, and behavior, including milder forms of illness such as anxiety and depression as well as more severe forms of illness, such as bi-polar disorder and schizophrenia (Davis, 2012). Davis stated that the mentally ill offender population thus consists of a broad spectrum of severity and acuteness of psychopathology and wide variation with respect to treatment needs. Similarly, Tschopp et al. (2007) stated that individuals with psychiatric disabilities frequently confront issues of discrimination and stigmatization in employment due to the continuing public misperceptions about those with mental illness. With regard to ex-offenders with mental health disabilities, it is important that a follow-up plan be in place upon release from prison. According to Treatment Advocacy Center (2014), a written plan for psychiatric follow-up should be developed for all mentally ill inmates being released from prison or jail. Studies have suggested this presently happens in only a small percentage of cases. One recent study mentioned that inmates with serious mental illness who were released from prison without follow-up treatment were almost four times more likely to commit another violent crime compared to mentally ill inmates who were given treatment after their release. Included in the plan should be identification of the organization specifically responsible for the person’s psychiatric care. This responsibility could be assigned, for example, to the mental health center or to the prison or jail system along with funding to
discharge this responsibility. The important point is that some agency or organization must be specifically assigned responsibility for psychiatric follow-up and then held accountable (Treatment Advocacy Center, 2014).

Another major category of incapacities that ex-offenders with disabilities face as a barrier to employment is that of physical impairments. A physical disability can be as simple as difficulty walking, lack of balance, or forgetfulness. It can progress to confusion, agitation, and incontinence. Disability can include a wide array of physical and mental conditions that make an individual unable to cope independently (National Network, n.d.b). As described in recent publications by the Bureau of Justice Statistics (Maruschak, Berzofsky, & Unangst, 2015), over one-third of inmates in federal prisons (39%), state prisons (43%), and local jails (39%) reported a chronic medical condition. Maruschak et al. (2015) stated that 40% of state and federal prisoners and jail inmates reported having chronic medical conditions. Twenty-one percent of prisoners (federal and state) and 14% of jail inmates reported having tuberculosis and Hepatitis B or C.

Holzer, Raphael, and Stoll (2003) stated that, outside of physical disabilities, a large fraction of ex-offenders with disabilities suffer from substance abuse and other health problems. For instance, about three fourths have had substance abuse problems. Dixon and Johnson (2010) stated that approximately half the state and federal prisoners meet criteria for alcohol or drug addiction. Other physical disabilities include impairments that limit other facets of daily living, such as respiratory disorders, blindness, epilepsy, and sleep disorders.
According to Holzer et al. (2003), limited education is another significant employment barrier for most of ex-offenders with disabilities. For example, approximately 70% of offenders and ex-offenders are high school dropouts. According to at least one study, about half are “functionally illiterate” (Hirsch et al., 2002). A TACE Region 5 report (Dixon & Johnson, 2010) declared that in 2004, the Department of Justice found that 23% of state inmates and 13% of federal inmates had learning disabilities. Also included as a barrier is limited work experience; the TACE Region 5 Statistics Report stated that more than half the people were unemployed prior to entering the prison.

According to Holzer et al. (2003), prior to incarceration, most ex-offender employment rates generally lag behind those of other young men. Therefore, the (often multiple) periods of time they have spent incarcerated have impeded them from gaining any additional private sector experience. As well, incarceration has no doubt helped erode whatever job skills, positive work habits, or connections to employers they might have had beforehand. Thus, if and when they attempt to reenter the labor market after incarceration, the poor skills and very limited work experience they bring with them limits both employability and earnings potential.

As Dixon and Johnson (2010) stated, a lack of a support network may often be a barrier for the following reasons: often single men (ex-offenders) may have little attachment to a family or many ex-offenders with disabilities face a lack of local family support often due to relocation or burned bridges. Therefore, another barrier faced by ex-
offenders in search of a support network is the possibility that they will find themselves involved with the wrong individuals. Therefore, the immediate support may develop into potential unhealthy relationships, instead of positive emotional support. Lastly, ex-offenders with disabilities face logistical barriers, such as lack of access to resources, including lack of transportation or adequate housing, which may impact employment outcomes. For example, ex-offenders who do not have the resources for adequate transportation, lack money for adequate clothing, or lack appropriate job training cannot be successful in finding meaningful and gainful employment (Tschopp et al., 2007).

**Employer/Employment Services Provider-Based Barriers**

Similarly, another legal employment barrier often includes the use of blanket hiring policies, and application screening (e.g., criminal background check) makes getting a chance or job opportunity difficult. According to Lam and Harcourt (2003), there is a need for legal protection of ex-offenders by limiting employers’ access to, and use of, information regarding criminal background. As articulated by Holzer et al. (2003), in many states, employers can be held liable for the criminal actions of their employees under the theory of negligent hiring. Under the theory of negligent hiring, employers may be liable for the risk created by exposing the public and their employees to potentially dangerous individuals. Thus, employers may be exposed to punitive damages as well as liability for loss, pain, and suffering as a result of negligent hiring.

Grier and Thomas (2001) contend that the use of criminal records to screen applicants in the hiring process has huge repercussions in the applicant’s job-seeking
efforts. Holzer et al. (2003) expressed the fact that ex-offenders will have some difficulty obtaining job offers from employers even in the absence of their criminal records. But the fact that they have criminal records will then further limit what is available to them, as most employers are very reluctant to hire those with such records. For example, there are federal, state, county, and city governmental agencies whose hiring guidelines will exclude ex-offenders from being considered for employment.

Furthermore, according to Lam and Harcourt (2003), inquiries into a job applicant’s criminal history present ex-offenders with a dilemma. If they volunteer information about their criminal past to a prospective employer, they decrease their chances of being hired. If they fail to disclose this information once asked to do so by the employer, they increase their chances of being hired, but run the risk of later being found out and dismissed for misrepresentation. They can, of course, remain silent about the matter by refusing to answer any question about their criminal past on a job application form or in a job interview; however, job candidates who do this are generally treated as if they had admitted to a criminal past.

According to Tschopp et al. (2007), employment services providers identified some of their own attitudes, expectations, and limitations as potential barriers. Many shared that when they were assigned consumers with criminal backgrounds, they anticipated added challenges. Some were initially uncomfortable with the task of providing employment services to consumers with criminal histories. Another concern
services providers have in terms of potential barriers is that some have argued there is also a need to change employer attitudes (Scott, 2010).

Additionally, ex-offenders may come into agencies with expectations about employment wages that may lead to ex-offenders’ dissatisfaction. In particular, individuals who have a history of lucrative illegal activity may have unrealistic expectations about income and workload at legitimate jobs. Other ex-offender barriers may include the lack of remorse for criminal activity and failure to understand how the crime translates into work restrictions (e.g., a pedophile restricted from working with childcare; Scott, 2010).

Trustworthiness is also an issue for many employers. There is a need to overcome the trust barrier so more meaningful employment opportunities can be provided, which in turn encourages offender change and, subsequently, long-term investment in these changes. There is an understandably delicate balance between providing offenders the chance they need and minimizing or limiting the potential risks to business and or employers. Changing employer attitudes is just one barrier that needs to be overcome; another important impediment to securing employment is the attitude of the offender himself (Eley, 2007).

One major barrier that affects both the consumer and the prospective employer is the use of criminal records for employment decisions and purposes. According to Holzer et al. (2003), the ability of employers to avoid hiring ex-offenders will depend on their access to criminal history record information. Often, the ex-offender with disabilities
will attempt to hide the fact that he has a criminal record to gain employment. Many times, the consumer sees this employment process of divulging such information as a big disadvantage and even goes as far as to justify his action as a personal privacy matter.

The reality of a background check will divulge critical personal information and negatively affect the ex-offender as a breach of trust between a potential employee with the potential employer (Holzer, 2003). It is highly recommended that all ex-offenders with disabilities be properly coached in how to be fully forthcoming with all issues he must deal with and that he be able to present the issues in a positive context. For example, Tschopp et al. (2007) stated it is important for ex-offenders in a job interview to show and communicate appropriate remorse for bad decisions in the past, present new personal life goals, and acknowledge the importance of securing a job in order to fulfill these goals. The barriers that keep offenders out of a job can in fact be resolved by employment. For example, if the offender had a job, they could secure housing, but without a permanent address, it is more difficult to obtain work. Clearly, to overcome this cycle into which some offenders are perpetually drawn, there is a need to overcome these barriers.

**Disabilities and Disclosure**

A very important point to address when working with ex-offenders with disabilities is that laws specific to all individuals with disabilities and the process of disclosures legally exist. The American with Disabilities Act (ADA) of 1990 prohibits employment discrimination in hiring procedures, firing/layoffs, advancements, and all
employment related activities. All individuals with a disability are protected; therefore, the applicant should disclose disability-related issues only and to as few people as necessary. Nevertheless, if the disability is less obvious and the ex-offender displays behavior or has physical characteristics that could be misinterpreted as “unusual,” it may be wise to consider whether disclosure might help avoid any misconceptions the employer may have about the disability (United States Department of Labor, n.d.a).

The fact that ADA protects the disclosure of a disability does not exclude the employer from inquiring about a criminal background as well as the disclosure of it. For example, if an ex-offender is applying for employment and his or her disability is obvious/less obvious, they are not obligated by law to disclose or explain the conditions of their disability. However, the ex-offender must disclose any criminal background history if the employer asks about it at an interview. This hiring guideline also applies if the application form states that such disclosure must be done as part of the hiring process. Although in many agencies certain job positions do not require a disclosure for criminal background check. Overall, the prospective employer has the right to overrule the criminal background issue based on the type of conviction and the length of time since being released from custody. Consequently, employers who do not want to hire ex-offenders might consider whether they know that the offense in question was non-violent, sex-related, and drug related, or that the ex-offender in question has been “clean” and has gained some reasonable training or gaining work experience in the meantime (Holzer et al., 2003).
Clearly, for ex-offenders with disabilities, the disclosure of his or her disability and disclosure of a past criminal background creates a double-edged sword. On one side, he or she is legally protected by ADA to refrain from disclosure regarding any disability. However, on the other side, ADA does not protect him or her from disclosing a criminal background. The hiring process and the legal technicalities concerning disclosure by ex-offenders with disabilities often possibly jeopardize the ex-offenders’ employment opportunities.

Summary

Currently, according to CDCR (2015a), the Public Safety Realignment (PSR) in the State of California has achieved the first of the four court-ordered population reduction benchmarks on time and has already met its second, two months early. This current progress has put the State of California in compliance with the federal mandate to reduce the prison population. This milestone to meet a court-ordered cap is more than a year ahead of schedule.

While data are not currently available on how many mentally ill offenders are going to be realigned to county jails, it is safe to say that there will be severely and moderately mentally ill offenders realigned to local correctional systems. Prisons and jails are stressful environments and were not designed with the disabled in mind. These two factors combine to make the adjustment of the inmate with a disability difficult. Incarceration can often exacerbate pre-existing disabilities, especially those related to mental health. In addition, inmates may develop disabilities while incarcerated through
injuries or aging. Therefore, the administration proposes to fund local re-entry programs targeting the mental health population who are within 120 days of release to facilitate their re-entry into the community.

The presence of a prison record and a physical, mental, or cognitive disability serve as barriers to ex-offenders for a successful transition into post-release environments. Acquiring and maintaining employment is often challenging for individuals with disabilities and for those with a history of criminal offenses, additional obstacles exist. The sheer numbers of inmates with disabilities provide a justification of vocational rehabilitation intervention. Also, training of future professionals should promote skills in advocacy, helping consumers develop work portfolios and other assets, and a view of employment support that is holistic and individualized.
Chapter 3  
METHODOLOGY  
Review of Sources  
In preparing the literature review for this project, the author read books and performed library research through EBSCO, ERIC, Google Scholar, PROQUEST, U.S.gov, and The Government Web Portal, from which the author reviewed several peer-reviewed articles. The author gathered these peer-reviewed articles from *Journal of the American Academy of Psychiatry and the Law, Prison Journal, Journal of Contemporary Criminal Justice, International Journal of Offender Therapy and Comparative Criminology, Journal of Correctional Education, Journal of Experimental Criminology,* and *Journal of Vocational Rehabilitation*. The vast majority of the reviewed research articles dealt with the ex-offender population.  
From the peer-review articles gathered, the author focused on information about the ex-offender population, which included information on the cultural norms, legislation, regulations related to ex-offenders, criminal offenders re-entry projects, barriers faced by ex-offenders with disabilities, and federal and state vocational rehabilitation services. In addition to the various material discussed, the author recovered information about the ex-offender population from numerous State of California Department of Corrections and Rehabilitation reports and publications, State of California governmental agencies, and the State of California legislation and regulations. Also included was a PowerPoint presentation by Southern Illinois University-TACE Region 5, which was current to the
author’s topic in discussing ex-offenders with disabilities and looking at how to bring successful employment outcomes to this special needs population. This PowerPoint presentation helped the author explain and develop strategies that can be used to assist ex-offenders with disabilities in their re-entry process. One of the re-entry service components for ex-offenders under the realignment process and within OOS is being handled by the STOP unit. STOP contractors provide comprehensive, evidence-based programs and services to parolees during their transition back into their respective communities. Priority is given to parolees who are in their first year of release and who have demonstrated a moderate to high risk to reoffend, as identified by the California Static Risk Assessment, and who have a medium to high need, as identified by the Correctional Offender Management Profiling for Alternative Sanctions re-entry assessment tool. The author gathered and analyzed various CDCR reports focused on the current realignment process.

Overall, the research articles gathered and reviewed were mainly focused on the general ex-offender population. The articles reviewed gave very good insight into the challenges and strategies in terms of how best to systematically deal with evidence-based programs that are currently addressing the vocational rehabilitation needs of the ex-offenders being released through the realignment process. The author continued to gather research articles during fall 2011 and into spring 2014. The author submitted a proposal in fall 2012 to the advisor of the Vocational Rehabilitation Counseling program, Dr. Guy E. Deaner, for approval.
**Method**

In 2011, the author experienced a noticeable increase in ex-offenders with disabilities applying for vocational rehabilitation services at DOR, specifically at the Laguna Creek office in the Sacramento, California area. Throughout the fall semester of 2012, the author discussed with his Rehabilitation Supervisor Mark Frayser the various issues currently affecting ex-offenders with disabilities and the benefits of an inter-agency partnership with CDCR and OOS and determined that the author could create this project on developing an inter-agency approach instructional manual that would involve OOS and DOR to holistically and comprehensively serving ex-offenders with disabilities who are currently being released through the realignment process. This discussion led the author to become interested in researching what vocational rehabilitation services were being provided by CDCR for these ex-offenders with disabilities as well as how DOR could jointly collaborate in providing vocational rehabilitation services with a more comprehensive inter-agency approach. Mr. Frayser also indicated to the author that the DOR was undergoing some changes throughout the organization in its technological computerized system, which could eventually enhance the delivery of vocational rehabilitation services to ex-offenders with disabilities in the realignment process.

One of the major strategic organizational changes implemented by DOR in fall 2012 was determining how to best effectively meet the vocational needs of ex-offenders with disabilities in California. Therefore, the overall goal of this project fits very well with the overall mission of DOR in terms of offering more comprehensive services with
ex-offenders with disabilities. Mr. Frayser additionally stated that the number of individuals identified as ex-offenders applying for vocational rehabilitation services at the Laguna Creek office was gradually increasing. Mr. Frayser concluded by saying that DOR is in great need of counselors as well as trained staff to better serve this increasing ex-offender with disabilities population. However, during the spring 2013 semester, Mr. Frayser was relocated to the Roseville office due to the DOR organizational needs and reconfigurations.

The author then addressed various topics and his project to Ms. Janice Sweatt, the new Team Manager at the Laguna Creek office. On March 13, 2013, the author met with Ms. Sweatt, for a supervisor-staff meeting dialogue. During this meeting, Ms. Sweatt expressed her views on the author’s project and the importance of creating an inter-agency partnership between DOR and OOS to better serve the vocational needs of the ex-offenders with disabilities who are applying and are qualified for vocational services at the Laguna Creek office. Ms. Sweatt also mentioned that, according to her reports, the Laguna Creek office ex-offenders with disabilities applying for vocational rehabilitation services were increasing. Ms. Sweatt concluded the brief meeting by mentioning the importance of having a counselor (this author) with an interest of serving this special needs population.

On May 15, 2013, the author met with Ms. Alina Sala, Department of Rehabilitation, SVRC-QRP counselor, for an interview. We discussed her views and the importance of creating an inter-agency partnership between DOR and OOS. Ms. Sala
supported the idea and suggested meeting with DOR-Diversity Office Manager Charlotte Ross-Gomez to gather actual numbers and current data supporting the number of ex-offenders with disabilities being released through the current realignment process and who are applying for DOR vocational rehabilitation services. Therefore, following the suggestion of Ms. Sala, an interview was scheduled with Ms. Ross-Gomez.

In an interview dated June 4, 2013, Ms. Ross-Gomez mentioned that the idea of creating a collaborative partnership between DOR and OOS was an interesting approach, based on the fact that currently DOR and OOS do not have such an inter-agency partnership. She thought the current realignment process could serve as an excellent impetus from which to develop such a relationship. She also stated that her role as a diversity officer was to network with the unserved communities (Hispanic, Asian, Russian, Middle Eastern, etc.) as well as to participate in cultural activities to attract more consumers from these particular populations. However, in her brief tenure as a diversity officer, she had not directly participated or interacted with any other agency that provides vocational rehabilitation services to ex-offenders with disabilities. After this meeting, she was relocated to a DOR office in Southern California.

On January 29, 2014, the author conducted an interview with Carlos Garcia, the new DOR Diversity Officer about his views on ex-offenders with disabilities and asked for his assistance to gather the information pertaining to ex-offenders applying for services at the Northern Sierra District, specifically the Laguna Creek DOR Branch. Mr. Garcia stated he was new in his position and was not really sure if the numbers requested
were available. Although he stated he may have had other specific numbers for minorities, in general.

On March 18, 2014, the author interviewed Ms. Irene Walela, Staff Services Manager II of the Staff Development Section, Workforce Succession Planning and Diversity Outreach Office, for her assistance in gathering data on the ex-offenders with disabilities population. Ms. Walela mentioned that DOR did not track such a population (ex-offenders with disabilities) even though they were being served through DOR. They were treated as any other applicant without identifying specifics about criminal background as an identifier.

On July 25, 2014, the author interviewed Mr. Willey, a SVRC-QRP counselor about his interactions and views on ex-offenders with disabilities applying for vocational services at DOR and the need for creating an inter-agency partnership with OOS. During this interview, Mr. Willey stated that at the Laguna Creek office, in particular, he noticed an increase in applications requesting vocational services from individuals with felony convictions. “However, I have not seen in the application package/process the referral CDCR-OOS agency as a referral office” (C. Willey, personal communication, July 26, 2014).

On September 12, 2014, the author interviewed Mr. Art Lopez, a Sargent at CDCR-Folsom State Prison. Mr. Lopez stated that the realignment process increased the inmate population to be released to the community, including ex-offenders with disabilities, and now more than ever, all vocational rehabilitation service agencies, such
as the service agency this author represents (DOR) and CDCR must develop mutual strategies to comprehensively serve the ex-offenders with disabilities being released. Otherwise, there will be a never-ending revolving door. He said that since the implementation of the realignment, “there has been a noticeable amount of inmates being released; however, not an actual account of how many of them has been diagnosed with a disability” (A. Lopez, personal communication, September 12, 2014). Mr. Lopez mentioned that if DOR wanted to build a stronger relationship with CDCR, the actual development of this project could serve as a stepping stone for a future collaborative, inter-agency relationship.

On October 15, 2014, the author completed an interview with Ms. Marie I. Del Real, Staff Services Manager I, and Mr. Harvinder Baraich, Staff Services Manager II, which was conducted at the OOS, Sacramento Headquarters. The CDCR Sacramento Headquarters is located at 1515 S Street. The discussion was focused on examining DOR and their vocational rehabilitation services for ex-offenders with disabilities and OOS vocational rehabilitation re-entry services currently being provided to ex-offenders under the new realignment process. We discussed how a collaborative inter-agency approach between both agencies could best deal more comprehensively with ex-offenders with disabilities.

The meeting ended with the OOS managers stating that they would take two weeks to discuss the matter with upper management personnel. There was also to be a follow-up meeting with upper management to discuss how to proceed with some type of
arrangement regarding how to best work out an inter-agency collaboration and a possible MOU to start the collaboration process between both agencies.

On October 29, 2014, the author made a courtesy phone call to the OOS office, and a voice mail message was sent to Mr. Harvinder Baraich inquiring of an update/follow-up to the meeting, which took place on October 15, 2014, regarding the inter-agency collaboration and tentatively developing an MOU between DOR and OOS. The author left a voice message to be contacted at the earliest convenient; however, the author never received a response.

Overall, in 2011, when Governor Jerry Brown enacted the AB109 and AB117 into law, allowing low-risk ex-offenders being released from prison under the realignment process, this author, employed by DOR, noticed the gradual increase of ex-offenders with disabilities applying for vocational rehabilitation services at the DOR Laguna Creek office. This evident increase of ex-offenders with disabilities applying for vocational services served as an impetus for this author to begin discussing with other colleagues from the DOR Laguna Creek office what CDCR was currently doing to provide comprehensive vocational rehabilitation services to the released ex-offenders with disabilities in realignment. This author interviewed colleagues and team managers from different DOR offices such as the Roseville DOR branch office and the Central DOR office to upgrade and augment DOR information and to understand the importance of developing an inter-agency partnership and an instructional manual between DOR and OOS. Ms. Sala, Mr. Frayser, Ms. Sweatt, and Ms. Ross-Gomez are all DOR team
managers who mutually agreed with and supported this author who provided the impetus for proceeding with a project focusing on an inter-agency manual.

The author then actively researched all the current information related to the new realignment process and its impact on ex-offenders with disabilities so as to academically ground the development of this project. According to the research data gathered, and through interviews, it was established that DOR is not an active collaborating partner in the current realignment process nor associated with OOS-Community Corrections Partnership. CCP is the main agency in charge of leading, organizing, implementing, and managing all collaborations between CDCR and all county-level service agencies policies associated with the realignment process.

In conclusion, this author’s professional work experience, along with the support, advice, and knowledge from professional colleagues, as well as skilled academic guidance, along with rigorous academic research gave this author the motivation to pursue the development of a state-level inter-agency manual. This inter-agency instructional manual is focused on the enhancement of more comprehensive vocational rehabilitation services for ex-offenders with disabilities being released from prison under the current realignment process (see Appendix).
Chapter 4

SUMMARY AND RECOMMENDATIONS

Summary

In the years between 1986 and 2006, the State of California inmate population went from approximately 60,000 inmates to an all-time high of 173,473 inmates. At its highest point of increase, the prison population had more than doubled the designed prison capacity. This crowded situation meant CDCR housed close to 20,000 inmates in gymnasiums, day-rooms, and other non-traditional housing areas such as triple bunks in day-room areas. To alleviate this overcrowding situation, an executive order was issued in 2006 authorizing CDCR to involuntarily transfer inmates to privately owned prisons out of state. Since this order was put in place, approximately 10,000 inmates have been housed in out-of-state prison facilities.

In 2011, a United States Supreme Court ruling ordered CDCR to reduce the prison crowding to 137.5% of the California prison system’s designed bed capacity by 2016. In this process, the high court ordered CDCR to meet incremental crowding-reduction targets at 6-month intervals. Overall, the Court’s final reduction order equated to a reduction of over 40,000 inmates from the original all-time high. Due to the real availability and lack of options such as releasing tens of thousands of inmates back onto the California streets and endangering public safety or spending taxpayers’ money to build more costly prisons, the State of California came up with an alternative plan to reduce overcrowding within their prison system. The Administration proposed a safer
and less expensive alternative-realignment. On October 1, 2011, the California Legislature adopted what is currently known as the realignment process. Basically, under realignment, low-level offenders will serve their time in local county jails, and lower-level offenders will be released from state prison to be supervised by local probation officers, instead of by state parole agents. All other offenders who have been convicted of violent, sex-related, or other more serious offenses will continue to serve out their sentences in prison.

Up to now, the current CDCR data and statistics as to how many of the inmates being released under the realignment process are considered ex-offenders with disabilities are unknown. The research shows that ex-offenders with disabilities face a tremendous amount of challenges in their respective re-entry processes back into their communities. Not only is this special needs population socially stigmatized for their ex-offender status, but they face much discrimination by potential employers. To add any type of disability to their status also creates more barriers. Challenges include lack of education, appropriate job training, continuing legal issues in their parole situation, lack of family support, housing needs, and drug rehabilitation. All challenges must be met for them to succeed in becoming productive members of society. An important point to mention is that according to Whitfield (2009), the current literature is absent in studies that address the job placements of ex-offenders with disabilities.

Many of these ex-offenders with disabilities are now showing up at the California Department of Rehabilitation program offices throughout the state. All of these factors
were the reason the author began developing this project. In doing the research, it was clear that there was an existing overlay of rehabilitation program services at both DOR and OOS. This allowed for the possibility of creating an evidence-based, inter-agency collaborative approach to deal with this problem, especially for this special needs population. Because of these main points, the author developed an instructional manual for all staff that will guide and facilitate this inter-agency approach for a better and more comprehensive re-entry programming approach to meet the needs of ex-offenders with disabilities.

In summary, stable, satisfying employment is a critical predictor of post-release success for individuals released from prison. However, ex-offenders typically have poor work histories and a limited range of skills. These deficits, coupled with a felony conviction and a period of incarceration and disabilities often lead to difficulty finding and keeping a job that will allow ex-offenders to provide financial support for themselves and for their families. Employment interventions can include a range of services such as job readiness, vocational rehabilitation, job training, job placement, and job monitoring by agencies providing social services. For example, an inter-agency collaborative approach between OOS and DOR may provide an additional effective approach for providing more comprehensive re-entry services to this special needs population. If the needs of the ex-offender can be identified and linked to a specific service, then a more collaborative inter-agency approach will provide more accurate and comprehensive
guidance toward more adequate services, which will create less system fragmentation overall.

It is with the OOS Division where DOR can develop a collaborative effort with more comprehensive vocational re-entry rehabilitation services for ex-offenders with disabilities. Currently, OOS is working directly with local county probation departments within the State of California who are now in charge of all ex-offender supervision within the new realignment process. Also, OOS is working directly with CBOs, which are being contracted to provide all the necessary re-entry services needed by the general ex-offender population. Services included are initial assessments, referrals to substance abuse treatment programs, employment training, housing, medical services, and educational programs. Some of these services are also provided by DOR for ex-offenders with disabilities, for example, initial vocational assessments as well as support to vocational training.

**Recommendations**

It is recommended that a collaborative partnership between DOR and OOS be developed to provide the most comprehensive and holistic vocational rehabilitation services for ex-offenders with disabilities who reside within the Sacramento area and who are being released from prison through the current realignment process. This collaborative partnership will include an inter-agency agreement in which DOR has full participation providing vocational rehabilitation services at the highest professional level in conjunction with the OOS.
Some essential elements of comprehensive service delivery made possible through inter-agency collaboration are that ex-offenders with disabilities are empowered within an atmosphere of mutual respect. There will exist a continuity in delivery of services and support with trust-building relationships between service agency staff and ex-offenders with disabilities. There will be an overall emphasis upon improved job placement outcomes for ex-offenders with disabilities, based upon realistic but high expectations for achievement.

Inter-agency communication is a process and a highly essential element to a mutual understanding between OOS and DOR. The gathering, sharing, and dissemination of information as well as the educational perspective of all involved agencies dealing with ex-offenders with disabilities is very important. Vocational rehabilitation counseling is a key component of guiding, directing, processing, and educating all key players involved in the realignment process. Important issues in this inter-agency collaborative process include key DOR/CDCR policies being examined and analyzed to see where the most effective collaboration can take place between the agencies, specifically in the sharing of data pertaining to ex-offenders with disabilities. Information shared may include any references needed to assess the types of barriers ex-offenders face through their individualized re-entry process. This inter-agency approach may include dealing directly with any prospective employers in a pro-active manner with regard to the consumer. Another key element to the success of this vocational rehabilitation process is the development of an inter-personal communication educational
process for ex-offenders with disabilities to verbally and tactfully express personal challenging issues regarding their background.

Another important recommendation is for CDCR to provide the current statistical data for ex-offenders with disabilities being released under the current realignment process. Currently, this CDCR statistical data do not exist or are not available. This information will provide the necessary foundation from which to develop a more holistic and comprehensive vocational rehabilitation program that includes all other outside service agencies such as CBOs and county probation departments. It would also serve and benefit the State of California to complete a systematic, economic, and fiscal analysis to collaboratively look at ways to better spend their resources. This fiscal analysis will include all the agencies currently involved in providing vocational rehabilitation/re-entry services for ex-offenders with disabilities in the realignment process.

A major recommendation for this project’s success is to have a thoughtful formal administrative follow-up process in the form of mutual meetings between DOR and OOS upper management. This follow-up process will include the development of a formal memorandum of understanding (MOU) from which a collaborative inter-agency partnership, aimed at providing more comprehensive vocational rehabilitation services for this special needs population, can be created.
APPENDIX

Collaborative-Inter-Agency Instructional Manual

Between the California Department Of Rehabilitation (DOR) and the California Department of Corrections and Rehabilitation-Office of the Offenders Services (OOS)
Collaborative-Inter-Agency Instructional Manual

Between the California Department Of Rehabilitation (DOR) and the California Department of Corrections and Rehabilitation-Office of the Offenders Services (OOS)

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Collaborative Inter-Agency Instructional Manual

MISSION

The creation and development of a sustainable inter-agency partnership, and collaboration, between The California Department of Rehabilitation and The California Department of Corrections and Rehabilitation, (CDCR)-Office of Offender Services (OOS) in order to jointly provide vocational rehabilitation services to ex-offenders with disabilities. Including in the collaboration will be a Community Agency Partnership with County Probation Departments and Community-based organizations (CBOs) who are participating in the Realignment re-entry process.

Therefore, the success of the mission will strategically hinge upon the collaboration process from planning to implementation, following the steps as outlined:

- A call for action is an issue, problem, concern, or need that ignites service agencies to act. For example, the creation of a collaborative partnership between DOR and CDCR-
- OOS, in order to provide joint vocational rehabilitation services for ex-offenders with disabilities, in the current realignment process.
- Once a decision to act has been made, the potential partners must be chosen, recruited, and brought to the table. Basically, anyone who has a stake or role in the call for action, or who can be part of the solution, is a potential partner. For example, DOR must be included in the OOS, Community Based Coalition (CBC).
• Creating a climate of mutual respect, acceptance, and trust is crucial to getting the collaboration off to a good start. Partners accomplish this when they take enough time to learn about each other and the individual organizations, and have opportunities to disclose self-interests - to discuss what is important to them and what they need from the collaborative.

• A shared vision is a clear picture of what you hope to create; it is essential to sustaining a collaborative effort. The vision focuses on future possibilities - not current problems - and leads partners toward actions and desired results. A shared vision generates energy, motivates partners, and tells everyone where the collaborative is going.

• Strategic planning is a comprehensive planning process that provides the framework for collaborative action. This five step process involves 1) defining the collaborative mission; 2) assessing the environment and the collaborative capacities; 3) establishing well-formed goals; 4) exploring and selecting strategies; and 5) developing a plan of action.

• Ongoing evaluation tells the partners how well they and their strategies are working and guides decisions on changes or modifications to the collaborative effort. Evaluation can be a relatively simple process, with partners measuring effort, effectiveness, and efficiency (National Center on Quality Teaching and Learning, 2014).
GOAL

The goal is to provide a more holistic, collaborative, comprehensive re-entry vocational rehabilitation program, in order to better serve the vocational needs of ex-offenders with disabilities, who are being released under the current realignment. In the collaboration partnership, independent agencies function as one entity with problem-solving, sharing and merging of resources. Agencies interact on regular basis for shared decision-making, accountability and trust. Jointly scheduled activities and planning time exist. Assisting ex-offenders with disabilities to gain access to vocational rehabilitation services.

PROGRAM OVERVIEW

The Instructional Manual will utilize a Collaborative Inter-Agency Approach model, as previously outlined, in order to provide quality Improvement in Process, Progress, and Outcomes. The collaborative inter-agency model will include the following: 1) Evidence-Based Programming and best Practices, 2) Employment Based Rehabilitation and 3) Individualized Plan of Employment (IPE) Case Management.

SERVICES AND SUPPORT

Vocational rehabilitation services customized to the unique needs of the ex-offender with disabilities will be provided through collaborative partnerships or formal subcontracts with local service providers who are currently involved in the Realignment process. A continuum of transitional vocational rehabilitation services provides for ex-offenders with disabilities a successful transition in their reentry process back into their
respective community. DOR does not have any specific vocational rehabilitation time frame in providing vocational rehabilitation services. Therefore, an ex-offender with disabilities could keep his or her case active as long as their progress towards employment goals reflect active participation to reach his or her employment goal. In retrospect, all ex-offenders with disabilities who are in the Realignment process only qualify to receive case management for 6 months of post-release, and possibly up to 1 year depending on the individual circumstances, as mandated by the probation/parole staff in charge.

DOR will lead the vocational rehabilitation process by developing a realistic and comprehensive individualized plan of employment (IPE), which will acknowledge comparable services provided by other existing agencies in partnership with the realignment process. This collaboration will enhance the ex-offenders with disabilities success in employment outcomes and overall successful reentry process. The key elements of focus for post-release intermediary agencies will cover the following areas in his or her IPE, which will be based on the ex-offenders with disabilities risk and needs assessment, and administered by trained professionals from various areas, such as; DOR vocational rehabilitation counselors, post-custody supervision provided by local county law enforcement agencies, health/mental health service provided by the County Department of Human Services, and, or the Department of Mental Health, lastly, employment services, such as; job search/placement, training, provided through service providers from various agencies, such as; One Stop or Pride Industries.
As mandated by the Rehabilitation Act – there will be an interagency collaboration between the vocational rehabilitation agency and educational agencies. Therefore, ex-offenders with disabilities will receive vocational rehabilitation services, which will include the following process as outlined in the IPE:

- Prepare for release by assembling needed documents (social security card, copy of GED or high school diploma, transcripts, vocational training certificates) polishing interview skills and providing guidance on how to present criminal justice history and instruction on how to use job search resources.

- Develop resources for concrete supports, such as; transportation, interview clothes, and work clothes, child care, housing, and food.

- Create a well-developed network of potential employers in a diversity of job markets, emphasizing those that are convenient to ex-offenders places of residence and easily accessible by public transportation.

- Coordinate job and criminal justice commitments to minimize interference with job responsibilities while maintaining the benefits of supervision.

- Focus on job retention so that ex-offenders with disabilities build a solid work history that can be used to attract future employment opportunities (Transition One Stop, 2012).
SCAPE OF SERVICES

Vocational Rehabilitation Process:

1. Initial interview/Intake.
2. Eligibility.
3. Order of Selection (OOS)/Level of Significance of Disability.
5. Case Closure (Successful).

Vocational Rehabilitation Counselor tentative roles:

1. Liaison between OOS Transition Specialist and DOR.
2. Consumer employee/employer advocate.
3. Proactive and holistic services provider with all agencies involved.

Essential Factor Associated to Vocational Rehabilitation Protocols:

1. CCR 7151 counseling, guidance and referral Services
2. CCR 7154 Vocational Rehabilitation Services for Individuals with Disabilities.
3. CRC 7160. Physical and Mental Restoration Services/Purchases

Significance of Vocational Rehabilitation Counseling

In order to develop a substantial collaborative and comprehensive services plan, for ex-offenders with disabilities, a discussion between DOR and CDCR needs to commence by creating a preliminary agenda, in order to address critical inter-agency
priorities, between DOR and CDCR. The following items need to be thoroughly discussed and agreed upon:

- Discuss all current administrative policies, protocols and regulations related to servicing of ex-offenders with disabilities and their current re-entry process within Realignment.
- Create a Memorandum of Understanding (MOU): Using common language and consumer eligibility requirements. Pointing agency specific roles and responsibilities, including cross sharing of strategic information pertaining to background, health, education levels, family history, previous employment history, in order to expedite the vocational rehabilitation process.
- Discuss the possible development of a sustainable funding model for a community-based transition specialist position is critical for community-based transition practices. Possible potential financial services savings, from an inter-agency collaborative approach, could cover some of the costs.
- All evidence-based interventions will be agreed upon and will focus on increasing employment and continued education through a set of targeted transition services, which will be monitored by DOR and supported by all of the other County Probation Departments, and including; all non-profit community agencies (CBOs) involved in providing re-entry services for ex-offenders with disabilities, in their respective community settings.
For funding purposes or sources, the following is a list of potential State and Federal re-entry services funding sources available for ex-offenders with disabilities, who are qualified for vocational rehabilitation services:

- **Second Chance Act (2008).** These grants support the Department of Labor’s ex-offender re-entry job training programs and state and non-profit organizations programs seeking to re-educate, counsel, and provide substance abuse treatment and job placement. These funds are available and distributed by Department of Justice Bureau of Justice Assistance (BJA). Funding is for adult “mentoring” educational and training programs. There are annual solicitations for project proposals from BJA. You can see at the National Re-Entry Resource Center website.

- **Ex-offender Veterans Assistance Program:** Grants for state or local governments, as well as non-profits, under the Incarcerated Veterans Transition Program. For providing employment training, education, housing and health care to ex-offenders-veterans.

- **Faith-Based and Community Initiative:** Signed into law in (2001) by then President George W. Bush, provides federal money to state services offered to ex-offenders. Services may include financial assistance, substance abuse treatment and support services. The Council of State Governments Justice center, which offers the initiative, believes that collaborative partnerships
between and local government and community and faith-based organizations are key to successful re-entry.

Overall, this instructional manual is for the use of the California Department of Rehabilitation-Counselors, and any inter-agency staff serving ex-offenders with disabilities, specifically; the Office of Offender Services (OOS). The collaboration may include any other servicing agency, such as; County Probation Departments and any CBOs who are actively servicing ex-offenders with disabilities, in the current Realignment process. Tschopp et al. (2007) suggest that all training of future professionals, who will be involved in re-entry services for ex-offenders with disabilities should promote skills in advocacy, helping consumers develop work portfolios and other assets, and review of employment support that is holistic and individualized.
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