DAVID ONEK: Welcome to the Criminal Justice Conversations Podcast, a coproduction of Berkeley Law School and the Berkeley School of Journalism. I’m your host, David Onek. Criminal Justice Conversations, recorded in the Berkeley School of Journalism studios, features in-depth interviews with a wide range of criminal justice leaders: law enforcement officials, policymakers, advocates, service providers, academics and others. The program gets behind the sound bites that far too often dominate the public dialog about criminal justice to have detailed, nuanced conversations about criminal justice policy.

Today’s guest is Wendy Still, San Francisco’s chief adult probation officer. Previously, Still worked in California’s state correction system for 33 years. From 1985 to 2008, she served at associate director of female offender programs and services for the Department of Corrections and Rehabilitation. She also served stints as chief of regulation and policy and chief financial officer for the department. She holds a masters
of advanced studies in criminology, law and society from UC Irvine and a bachelors in organizational behavior from the University of San Francisco, still if a member of the American Probation and Parole Association, the American Correctional Association, and the American Society of Criminology. And she joins us in studio this morning. Wendy Still, welcome to the program.

WENDY STILL: Thank you very much, David. I’m very pleased to be here with you today.

ONEK: Now, Wendy, after spending most of your career working on criminal justice issues at the state level, you’re now in an important leadership position at the local level in San Francisco. How has your state experience helped you as you’ve come in to be San Francisco’s chief adult probation officer?

STILL: Well, my prior experience in the Department of Corrections and Rehabilitation was really helpful to understand what the risk and needs of the population, the clients that we’re trying to help, what their needs are. And then in addition to that, understanding the inner workings of the CDCR from a process standpoint, from a, what services are available,
and basically it really helped with realignment began to be talked about, because understanding all the internal workings, all the committee actions, all the detailed classification, it really helped me on the other side of that create a program to where we would go inside the prison, begin our work in readiness for the population coming back to us, and being able to work with our local criminal justice partners to help create a realignment plan for San Francisco that worked in partnership with the CDCR processes, and then also understand what the needs were, so that as we were developing the partnerships and looking at the elements of our realignment plan, that we would be able to have services in place to address the gaps of what the population did not get inside the system, because of a lack of resources, but yet they would need to reenter and be successful.

ONEK: So you mentioned partnerships. Let’s talk about those, because you’ve really made that one of the hallmarks of your tenure as chief probation officer, and it’s one of the main themes we talk about on this program. You’ve been very aggressive in forging partnerships with community based agencies, with city agencies, with private foundations and others. Can you give some key examples of the partnerships you formed and explain why they’re so important to you?
STILL: Absolutely. When we think of managing a criminal justice population, we typically think of the important partners, such as the district attorney, the public defender, the courts, the police department and the sheriff. But who we don’t typically think of and focus on is those other important agency partners, such as the Department of Public Health. The population has significant mental health needs, significant substance abuse needs, housing needs. And so in addition to public health, and important partner is HAS, Human Services Agency, and then also Office of Economic and Workforce Development. The population not only needs medical, substance abuse, mental health. They need work. They need jobs. So in addition to the partners that I talked about from the criminal justice side of it, we need all those other social service type agencies to work in partnerships to be able to create individual treatment and rehabilitation plans and have the services out there to match to what the individual clients’ needs are. In addition to that, the city and country, they can’t do it all. We have to work with important partners, such as community based organizations that specialize in case management, delivering services, whether that’s work related, employment related, or whether that’s substance abuse related. And in addition to
that, foundations, very important foundations, such as the
Zellerbach Foundation. We’ve created a family focused probation
model within probation. And Zellerbach has been a significant
partner in that. We’re not only focused on the client. We’re
focused on the family, which is so important in terms of a
pro social relationships, helps reentry, reunification and
rehabilitation. And by helping the client, we also help break
that intergenerational cycle of incarceration for the next
generation. So Zellerbach has been a huge partner for us. And
other foundations, Tim Silard, very much been a very important
partner.

ONEK: At the Rosenberg Foundation, yeah.

STILL: At the Rosenberg Foundation, yes.

ONEK: And I would imagine at this time, with dwindling county
budgets, that working with foundations to fund innovation in the
community is really a strategy that we’re going to need to be
looking to more and more.

STILL: It’s very much a strategy. We all have to work together
to create a continuum of services that not only address the
public safety issue, but again, the needs for a successful reentry. And another partner, which we have focused very heavily on is the federal government. I have went after significant grant opportunities. We’ve been able to create a probation alternative court that has helped us meet our SB678 goals, actually more than meet them. We’ve reduced --

ONEK: And we’ll come back to that in a second, but just for our listeners, can you give a sense or two on SB678 to explain what that is?

STILL: Sure. SB678 is governor’s piece of legislation that was enacted to reduce probation violator failures to state prison. And it creates a performance incentive fund so that counties that in fact did reduce the probation failures received financial incentive awards.

ONEK: So before we turn to that and some other issues, I want to get back to realignment, something you mentioned at the top, and which in a nutshell is, under California’s realignment strategy, we’re going to be keeping low level offenders at the county level, rather than at the state level. And a few weeks ago, we had Stanford law professor, Joan Petersilia on
the program. We discussed realignment extensively. And let’s listen to what she had to say to say.

JOAN PETERSILIA: We have over-incarcerated. It’s breaking the state budget. And so let’s get back to the original purposes of prison, which was to house the most dangerous people convicted in the state. And if realignment works, five years out, that’s what we should have.

ONEK: So do you agree with that statement, Wendy?

STILL: I completely agree with Joan’s statement. As a matter of fact, those 26 years that I spent working inside the CDCR prison system, there were so many individuals that were in there that were taking up a very expensive bed, $54,000 on average per year per bed. That really needed to have substance treatment, that needed to have other services. And if the locals would have had the resources to be able to provide those services, that we could have been enhanced public safety by virtue of reducing victimizations by dealing with, providing the appropriate intervention at the local level, changing the behavior, and thereby reducing victimization. But the state for so many years did not do that. And what in fact did happen is
that we saw on average, CDCR in 2010 had 47,000 offenders that spent 90 days or less in state prison. And so in those 90 days or less, the individual would come in through a reception center. They would get a full medical, mental health, dental evaluation and screening, go through a classification reception process, only to be turned around and be released immediately, never even making it inside to any kind of program activities. And it didn’t matter how many times that individual cycled in and out of the prison system. They always went through that same very expensive process, even if they had only been out of the prison for a matter of days or weeks. They would go back, do that all over again. So what realignment really does is, it separates the population. And the population that presents a public safety risk will go to state prison, and they’ll be there, and hopefully it will allow the state now to free up space, because there won’t be as so severely overcrowded, to provide the types of programs necessary for these longer term inmates to really have a successful reentry, whenever that is. In addition to that, it frees up resources, not enough, of course, but it does free up resources to send to the local counties so that basically more money can be invested in programs and services than is right now.
ONEK: Speaking of that funding, you have publicly spoken about the funding formula that was used by the state to pass resources down to the county level and have criticized it. Can you explain what the problem is you have with the way the state has allocated the money?

STILL: The way that the state has allocated the money, there’s two problems, is the initial population estimates that the state came up with were inaccurate. San Francisco has received, in terms of our post release community supervision population, we’ve received 184% more clients than we were supposed from the state. In addition to that, the Sheriff’s Department, those what we call 1178, those individuals that will spend their prison sentences in local jail, those numbers are about three times. And the population specifically that’s driving the jail population in San Francisco is parole violators. They’re basically spending more time than what the state initially estimated, and there’s about three times as many of them that are being violated. So that one creates a based population formula, which is part problem, which is part of the overall formula. But in addition to that, cities and counties, like San Francisco and Alameda, we have, on an ongoing basis, tried to provide services at the local level, only sending those to state
prison that we really had made several attempts to try and address. If they had a drug need, treatment, we have collaborative courts. All of that costs a lot of money. And so by virtue of that, we were able to, and we’ve been able for years to help the state keep their population down by doing the right thing. And the taxpayers within the city and county have to pay for that. The way that the funding formula is created under AB109, it’s in essence rewarding the behavior of those that have basically sent more, three and four times as much as cities and counties like San Francisco. And our violent crime rate is down. So you can’t say that those jurisdictions that are sending more are safer. In fact, what they’re doing is, they’re just taking up expensive prison beds at the cost of our schools and universities. Because when the state’s costs go up, what then happens is that money has to come from somewhere. And so the universities, over the last couple of decades, are the ones that have really missed out. So what we’re doing is, we’re really mortgaging the future by virtue of not doing a better job in some of the counties in terms of really separating who needs to go to state prison and providing the services at the local level. So San Francisco, because we’ve done that, and again, Alameda, the way the funding formula works, it’s strictly based upon numbers. It’s not based upon the performance that you’ve
had the success. It’s based on the failures. And I believe, like 678, that formula needs to be turned around, and it needs to reward counties that they want to see more behavior of, to create a financial incentive for counties that need to change their practices to be more balanced, so that they will do so. Because in fact, what will happen if they don’t, and it’s already happening, there are counties throughout this state that already have court imposed caps on them. And in fact, if they do not change their policies, they basically will be facing the same problems they are that the state has faced in terms of legal intervention.

ONEK: What are the big opportunities you see for San Francisco with realignment?

STILL: The big opportunities I see for San Francisco is for our programs, which there are many of them out there, for us to create a continuum of services. And in fact, that’s what our realignment plan does call for. I’m very proud of the fact that the Mayor, the Board of Supervisors, and the realignment correctional community partnership all prioritized service dollars. So as part of our realignment funding, we dedicated almost a third of that funding to services. And so an
opportunity that we have is to bring more services online, partnering with community based organization, and those social service agencies, workforce development, mental health, substance abuse, and so forth, to basically expand the services that are available. Very excited about that. Also very excited about a partnership that the Sheriff’s Department and Adult Probation are working on, where we are going to create a reentry pod right in the jail, and our staff, our probation staff will work hand in hand with the Sheriff’s staff in terms of we’ll provide a risk and needs assessment, and then the Sheriff’s staff will then match the programs to this individual in treatment plan. And then we will together provide a reentry program based upon the services that that individual was able to get while spending time in the jail, then also their plan, their reentry plan will be based upon whatever gaps are needed. So very excited about that. Also, we are in the process, and expect to have it opened by the end of June, a community assessment and service center. We want to create a rewards based system. We want to create easy access, one stop access for our clients to be able to receive treatment, to be able to benefit eligibility, sign them up to participate in cognitive behavior thinking for a change type of classes, to also partner with victim restoration, victim service agencies to come in. So
we basically have all the wrap around services in a single location, because we know, if we can bring the services to the population, that they can be very successful. We’ve opened up in side of adult probation a mini version of that. It’s called a learning center. We partnered with the Sheriff’s Department, another important partnership, with the Five Keys Charter School. And about a year and a half ago, two years ago, when I first came to San Francisco, adult probation had absolutely no services. And so I reached out to the Sheriff’s Department, then Sheriff Hennessey, and asked if we could create a partnership for education. So Five Keys Charter School opened up inside of probation a learning center, where now our clients, whether it be a post release case, a probation case, or a mandatory supervision can get their GED, their high school diploma, and also can work on job readiness, employment, resume building and that type. And I’m very, very pleased to say that we’ve already had a number of graduates with their GED and their high school diploma.

ONEK: Well, that is terrific. San Francisco has clearly put a lot of time and effort and thought and planning into how it is going to approach realignment. You know, Joan Petersilia said at our last program, talked about the 48 different experiments
that are going to be happening in the 48 different counties with realignment. What is your sense of how other counties are similar or different from San Francisco and how they’re approaching realignment planning?

STILL: Well, I would say that Santa Cruz is very similar in terms of trying to bring what we call these evidence based practices together, and build partnerships locally, to be able to provide for these what we call wrap around services, employ, train the officers, so that they have improved skills and also can conduct motivational interviewing with the clients. That alone, the studies and research has told us, can reduce recidivism by 20%. That’s huge. And that’s just based upon that client probation officer interaction. Alameda, another county, Marin, another, Contra Costa, that are really trying to do, create some innovative partnerships and new services and programs. And we’re going to learn a lot from all of our big counties. There are other counties, though, that are looking at trying to build. And you’re not going to be able to build your way out of this. It really is going to have to be a combination of utilizing the beds you have, or maybe replacing some of your capacity. But also creating these innovative programs so that what you want to do is, you want to have the population
in, from a public safety standpoint, in the least restrictive environment, where you’re sure you’re meeting public safety, but you’re also able to invest in interventions, not strictly just custody staff supervising. If you bring up additional beds and strictly just house them there, you’re going to have the same kind of negative recidivism rates as CDCR has. In San Francisco, unfortunately, parole has the highest recidivism rate in the state, 78%. But probation doesn’t have that. We have good success in terms of successful termination rates. And we also have improved rates where the actual clients show up from state prison. But it’s because we’re building a system to make the communication easier, as well as providing the services so the clients see that there is a way, that they can change their behavior and have the services available. And the counties that don’t create these continuums or services, they’re going to have the same negative outcomes. The behavior is going to continue. That’s why these evidence based interventions are so important.

ONEK: Speaking of evidence based interventions, let’s talk to something you alluded to earlier, Senate Bill 678, which has really, I think, been a success in the state, which deals with the state providing funding based on performance to county probation departures that demonstrate success in reducing the
number of county probationers who go to state prison. And the way it used to work had totally perverse incentives, right, where if you kept a probationer local, the county was paying for it, but if you sent them to state prison, and revoked their probation, suddenly the county is not paying, and the state is paying. It shouldn’t be a huge surprise, then, that 40% of the new prison admissions in 2010 were these types of probation revocations. Senate Bill 678 changed that. Can you talk about how it changed that and the effect that it’s had?

STILL: Yes. 678 created a financial incentive for counties to reduce those probation violators. And they initially gave each county grant seed money to create some internal programs. And each county could decide how it wanted to spend that money. But the goal was to reduce probation violators to state prison. And so across the state, 58 counties did it 58 different ways, basically how they invested their money. And that was based upon what they had available within their system. And very happy to report that the probation departments demonstrated what a wonderful resource and how important their role in the local community corrections partnership system is. We reduced felons going to state prison by 6,000. And so as a result of that, being that it’s a performance based incentive fund, each
county was rewarded or not based upon their actual success. And in San Francisco, we reduced our probation failures, and I will have to say, we started out with a very low number in the first place. But we were able to reduce them by 40%. And as a result of that, for 2010 and 2011, we’ve received a $2.1 million grant that comes back to the county, and we’re able to reinvest that any way that the county wants to, to continue that success. And San Francisco, continuing on our value towards improving services, we are investing in 100% of that grant back into services. We are reinvesting into public health, for mental health services, substance abuse, medical. And in addition to that, we will bring on additional housing and additional workforce opportunities. Because if you deal with the basic needs, if we can deal with the addiction, and if we can change that behavior, and then we can provide the education or the skill building necessary for that individual to find a job and to get and maintain housing, then we’ve changed that behavior. And again, we’ve changed it not only for that individual, but also for members of that family.

ONEK: Now, you have extensive experience working with women in the prison system. How does developing programming for women different from developing programing for men?
STILL:  There are a lot of the program components that are basically the same. It starts out with doing a risk and needs assessment and understanding what the needs of that population are. But a difference is that a women’s life experience and pathway to criminality is very different than a man’s pathway. For example, when you compare men to women, just looking at who was in the prison system, the majority of women in the prison system were non-serious, nonviolent offenders. They were in there for drug crimes, or they were in there for property crimes to support their drug addiction. And the men, it wasn’t that way. They were more of a serious and violent nature. Certainly, there were some that were non-serious, nonviolent, but the life experiences that women have had, they’ve been more subjected to trauma. They have been victims of crime themselves, not excusing the behavior, but you have to recognize that to create a trauma informed program that’s gender responsive, because if you don’t deal with the, until you deal with the underlying trauma, you’re not going to be able to address the addiction. And so for that, it’s very important for women to deal with the trauma. Another thing about gender responsive programming, when I started my reform in 2005 in the prison system, when you would walk into a substance abuse
treatment program, you would walk in, and you would find that the literature had all male examples. Women couldn’t relate to that, and it didn’t address what their needs are. So creating a gender responsive program simply means providing materials, also, that is gender appropriate. In addition to that, it’s creating different types of programs. There are different interests. And there are different needs. Let’s take visiting. Visiting is an important function. It’s a pro-social activity. We know it’s one of the important evidence based areas to address that can reduce recidivism. Well, in a men’s prison back then, the visiting rooms were filled. But women, typically, by the time that they get to state prison, a lot of their families have abandoned them. So they had nobody in their visiting room. And the 8,000 women, which was over 2/3 of the population, were in the Central Valley, and their families were so economically challenged, they couldn’t get there. They could see their kid’s behavior problem. So creating a gender responsive program to address that need is, the legislature, I asked them for an additional day of visiting for the men, so they could have more capacity. But women didn’t need that. We created a bus system, called the Chowchilla Family Express, and we bussed their families from all over the state so they could have that pro-social activity. Again, we addressed both
visiting needs. We just approached in a different gender responsive manner.

ONEK: Now, recent legislation was supposed to help particularly female inmates who were either pregnant or had children that they were taking care of. It was called SB1266. And the idea was that these folks would go into alternatives to incarceration and not be incarcerated so they could be with their families, be closer to their families. And thousands of female inmates were supposed to be eligible for this program. In reality, only a small handful have been able to take advantage of this opportunity. What was the impetus behind the program, and why has it been underutilized so far?

STILL: Well, the impetus behind the program is based upon what we found out, the evidence we produced with programs such as the Family Foundation Program and the Community Prisoner Mother Program. We knew that, again, having the mother and the child basically together and providing services that we were going to have very successful reduced recidivism, and also recognizing that the parents, they had very low, non-serious, nonviolent crimes. So Senator Liu, and I worked with her staff to help develop this bill that created an alternative custody program,
first it was designed for women and mothers, and then parents were added in, because there would be some men that could qualify. And what the thought was, is if there was stabilized housing, and if there was a parent-child relationship, is to basically use electronic monitoring or home detention and build the services out in the community, because they would be serving very short periods of time, again, stop that churning. And also, there’s a secondary negative effect for taking that mother and sending her to prison. That child, more often than not, ended up in the child welfare system, and then, and so to have an improved outcome in terms of reduced recidivism, and also for that child, the alternative custody program was created. And yet, we identified that there were thousands of women that potentially could qualify for that. The bill was passed in January of 2010, and as of January, 2012, there was roughly about 24 women participating in this program. Then as of March, there was, I think, 43. And the huge problem with this, keep in mind, like I said earlier, and average bed day is $54,000. Right? Well, the state, when they created this program, they didn’t allow for or transfer any money to be able to provide for housing. And the women didn’t have the money. I mean, a lot of them were out there stealing or doing what they did. Right? They didn’t have the kind of resources to have a stabilized
environment. So it was state’s failure to address the housing and the service need that really ended up with so few being eligible to be sent out. I also think how the screening was done created some challenges. So what I’m happy and pleased about is that the state is relooking at this program and also recognizing that it does cost $54,000 on average. So free up some of that money, right, provide the services needed, so that that woman can be successful, and have those wrap around services in the community. And the state will still save at least 50-75% of that. So it is a win/win. You increase efficiency of the prison system. You reduce recidivism, and you reduce victimization.

ONEK: Well, speaking of women being successful, you have risen through the ranks of corrections and probation systems throughout your career. I would imagine when you started, you were one of just a handful of women involved. Can you talk about the challenges you faced as a woman in this field? And do you have any advice for young women entering the field today?

STILL: Well, I think I’ve faced two challenges. Not only was a woman, probably three, I was a woman. I was very young, and I basically had not grown up in the state prison system. I had
several years of experience prior to going into CDCR. When I first started with them, I started in a business position, and then quickly went out and was working in the institutions. And so from that regard, in the old days in the prison system, basically, unless you had come up through the custody ranks, you know, your opinion was not as valued, or you weren’t as listened to. And I would have to say, you know, working in those environments, depending upon which prison that you were at, and which administration that you were working for, it could be a challenge. But I also had many rewarding experiences. And what I tried to do was to create an environment where all staff, both men and women, felt comfortable, could be successful. I probably blazed some trails and opened some doors. And I am just very proud of how far the system has come. Law enforcement has been historically traditionally a male dominated occupation. I think that’s changed significantly over the past ten years, and I would highly encourage both men and women to look for criminal justice as a career, and I would also send a special message to any women that were hesitant to go into it, because they think that it may not be as good a working environment as they would like or it could be. I think those days are over. And I think it’s because a lot of women have made some sacrifices and opened some doors. But now, really walking into
a criminal justice agency, it’s on the individuals and the skills that they bring, and their dedication on how successful they are. And I’m just very pleased to see where we’re at right now in the criminal justice workforce.

ONEK: Wendy Still, thanks so much for joining us.

STILL: Thank you, David.

ONEK: Please tune in next time when we’ll be joined by UCSF Medical School Professor Emeritus Paul Ekman.

Thank you for listening to the Criminal Justice Conversations Podcast. You can find this episode of the program, and all prior episodes, on our website at www.law.berkeley.edu/cjconversations, on NPR KALW’s website, and on iTunes. You can also become a fan of Criminal Justice Conversations on Facebook, and you can follow us on Twitter on CJ Conversations. Our production assistant is Nicole Jones. Our production assistant is Nicole Jones. I’m David Onek. Thanks for listening.