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## **San Francisco, Incarceration, Race and Diversion Programs: The Delivery of Services Through Community Based Non-Profit Organizations**

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**San Francisco, Incarceration, Race and Diversion Programs: The Delivery of  
Services Through Community Based Non-Profit Organizations**

**EMPA 396 Capstone Presentation  
Professor Jay Gonzales, PhD**

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Fall 2005

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California's Prison Industry Authority contributes to \$151 million to the state's budget through products and services performed by state prisoners. On the other hand, construction costs for a single prison cell is \$54,000, with California's annual prison system budget withstanding construction at \$3,600,000,000. The justification of either economic statistic rests upon an individual's outlook of social equity and the responsibility of a democratic society. While many individuals hold varying views of crime and punishment within the criminal justice system, California holds a unique and special place in terms of its method of containing criminal behavior.

The most prevalent factor in California's criminal justice system is the policy on sentencing, specifically Three

Strikes and its effects upon traditionally marginalized communities. At present, African American males comprise 30% of California's prison population, while African Americans constitute 12.8% of the population

of the United States. Latin American males comprise 36% percent of California's prison population, while comprising 7.3% of the overall population in the United States (Appendix A).

#### California's Three Strikes Law

If an individual commits a third felony after two prior felonies; the sentencing guideline is a mandatory 25 years to life. The initial passage of the law was galvanized through the triggering event of Polly Klaas, a 12-year-old Northern California girl abducted from her home, raped and murdered by Richard Allen, a career criminal.

Since its passage, there has been continued advocacy to amend the law so sentencing is applicable only to violent felonies.

The effect of African American and Latino males incarcerated in large amounts creates a collaborative of stakeholders with human, financial, and social issues to resolve: taxpayers, politicians, administrators, educators, families, and entire communities. The effect of current criminal justice sentencing policies result in cyclical bouts with the criminal justice system. Within the cycle of repeat incarceration is the absence of a striking factor: preparation for re-entry into society as productive, law-abiding citizens. 90% of prisoners in California's criminal justice system return to their respective communities within two years or less. Conversely, the revocation rate for Californian parolees averages 64%, compared to the national average of 40%. While 1/3 of the overall prison population is in for drug crimes, 80% of all inmates have substance abuse problems.

Although California's Three Strikes law continues to elicit opponents and call for amendments, the usage of the sentencing guidelines ensures a burgeoning prison population. Current statistics place California's prison population at 159,695, with the combined total for AA/Latino males at 105,399 FY 2003 (Appendix B). San Francisco, with a population of 776,733, has a prisoner or incarceration total of 2,200. African Americans, representing 60,515 of the population (7.79%), represent 50% of inmate population. Latinos, representing 109,504 of the population (14.1%), represent 20% of inmate population (Appendix C). Currently, California has the capacity to provide 56,000 parolees with drug/mental health treatment or employment, literacy, and computer services each year. What happens to the remaining 103,000 in need of services to effectively return to their communities? What percentages of the available 56k slots are allotted to African American and

Latinos, at 66% of the total prison population? What criterion is employed to decide who is deemed worthy or needy of the services? These are preliminary questions that require an in-depth and incremental study within California's Department of Corrections and its institutions.

While performing the research and conducting field interviews with stakeholders, the boundaries to collecting viable data were found in the form of suspicion and general complacency regarding those in power holding interest in uplifting key communities. In addition, there were stakeholders who held the researcher accountable for immediate change in communities, due to cultural affinity and interest in the topic without a mandate.

The aim of the research is to target existing and potential community-based organizations for results-based excellence in delivery of drug diversion programs. California, its legislators, and voters must dissect the economic and social implications of sentencing guidelines that result in current and projected incarceration rates. In terms of the primary research question: Is the increased privatization of diversion programs a viable solution to the burgeoning prison population, recidivism, and stakeholders? Sub-research questions that arise ask: In what specific areas should grants and contracts be awarded to community-based organizations? What criteria/minimum qualifications must organizations meet before, during, and after submitting Requests for Proposals? How must state and local governmental agencies assist community-based organizations in staff, community development and oversight to successfully deliver services? And finally, is the philosophy of restorative justice a viable philosophy to effectively address recidivism of California's ex-

offenders? The ability to research first-hand failures in socially disorganized communities is critical to the United States, especially during a time when we espouse our fundamental values and morality over others in the world. Compiling factors producing alarming rates of offenders is worth the research, as a tactic to disprove commentary that espouses apocalyptic predictions for the future of African American and Latino males. Germane to the capstone research is the ability to brainstorm and collaborate with community-based programs to combat and subsequently stabilize the social inconsistencies creating cyclical bouts in the criminal justice system.

### Review of Literature

Within California's prison population and the effects of sentencing upon targeted communities, a large volume of data exists for both proponents, but the majority of opponents. In addition, a large volume of literature was found in the form of voter education during elections. For the following research, the literature review will focus upon four areas: [a] literature surrounding incarceration in California and characteristics of African American/Latino male felons, [b], California's Proposition 36, [c] structure and components of successful community-based diversion programs, [d] characteristics of contracts vs. grants and, [e] the emerging field of restorative justice as a collaborative effort with community-based diversion programs. Due to the broad scope of criminal justice and race, the observation of race in death row and juvenile justice are excluded.



### California: Race and Sentencing

Since the passage of California's Three Strikes law in 1994, the prison population has not proved an effective deterrent to criminality. To the contrary, prison populations continue to increase, with non-violent felonies constituting two-thirds of second and third strikes. A search of relevant literature produced a large body of articles addressing the correlative issues of race and sentencing within the California criminal justice system. Two articles that shed light on the subject both statistically and socially are titled: *State and County Incarceration Rates: The Direct and Indirect Effects of Race and Inequality* (Arvantes, Thomas M., Asher, Martin A., 2002), and *A Portrait of Race and Ethnicity in California: An Assessment of Social and Economic Well-Being*. Reyes, Belinda I., 2001.

Both articles present salient research into the subject of unequal sentencing of African American and Latino males, in consideration of their overall population percentages in California. Issues within the articles range from population and ethnic migratory trends, to findings/levels to the Cultural Conflict and neo-Marxist theory of existing social structures and the subsequent differential in classes of individuals (i.e., poor, impoverished, unemployed, oppressed minorities). Authors of both articles successfully address the issues in correlation to the burgeoning prison population of African American and Latino males. In relation to the Cultural Conflict theories (Arvantes, et al., 2002), "minorities are more likely to receive prison sentences, more likely to get longer sentences and more likely to serve longer than whites." Moreover,

the usage of the Cultural Conflict theory states that as a general viewpoint, racial minorities often have been viewed as threatening to the white majority. As a result, whites and social control authorities often view nonwhites as being more involved in crime.

The socioeconomic factor in race and sentencing was another topic generally well represented. Steven Raphael produced a concise study into African American males and education entitled: *The Socioeconomic Status of Black Males: The Increasing Importance of Incarceration* (Raphael, Steven, 2004). While the title presents a proponent of increased sentencing, the study's thesis is to draw correlations to incarceration, low levels of education, and the Black males' decreasing presence in the employment market. With education, the author finds that high school dropouts between the ages of 18-25 have an increase in the institutionalization rate from 8% to 23%. High school dropouts between the ages of 26-40 have an institutionalization rate increase from 5% to 30%. In addition, for Black males between ages 26-30, there are more individuals institutionalized than employed. With this measure, the research is valid in stating that for California's Black male high school dropout, serving prison time is practically a certain occurrence in their lifetime.

The topic of Latino males, education, and incarceration rates produced relatively few complete studies, as with African American males. A number of studies focused upon juvenile justice, which is not an area of research for the capstone project. In addition, studies focused upon the absence of Latinos in higher education, instead of the critical area of high school. The primary theme of the researched articles stated

that Latino males are more likely to remain in socially disorganized neighborhoods, although this statement does not accurately address or state the correlation between incarceration rates and education.

Characteristics of African American and Latino male offenders, especially socioeconomic factors are another area of research that is rather fragmented and lacking in formal research. To the contrary, data on the issue of socioeconomic factors exists in the form of studies for specific areas: healthcare, alcoholism, drug abuse, and mental health to name a few.

#### California's Proposition 36

There exists a sizeable amount of articles surrounding California's Proposition 36. In terms of locating objective, neutral sources, there were few sources that addressed the issue as it was presented to voters on the November 2000 ballot. The result was data and articles that addressed the issue as it appealed to either proponents and/or opponents. The article that addresses the proposition in an objective manner is the state of California's website and SACPA fact sheet. The Substance Abuse and Crime Prevention Act (SACPA) was a proposition approved by Californian voters in 2000 as a collaborative effort between the states' criminal justice system and public health agencies to promote treatment and alternatives to illegal drug use. With SAPCA, first or second time nonviolent offenders apprehended for possessing, transporting drugs for personal use will receive drug treatment as an alternative to incarceration. Strategically, the proposition was designed to free jail

cells for violent offenders incarcerated under the Three Strikes law. The fact sheet also outlines the requirements of participation, which are:

- a. Up to one year of direct drug treatment and six months aftercare
- b. Possible vocational training, family counseling, and literacy classes
- c. Ability to petition sentencing court for dismissal of charges

In addition, the article provides concise data outlining the sources of funding for the proposition, as well as lead agencies and partners, which is an important factor to determine if community based non profits are audited for delivery of the aforementioned requirements of participation.

Data of opponents are largely in the form of pre-voting initiative literature. California's Republican and Democratic Parties joined forces to oppose the proposition (National Families in Action: *A Guide to Drug-Related State Ballot Initiatives*, 2001). The key argument against passage was the philosophy that the proposition would "wreck" Drug Court and provide little incentive for addicts to address their addiction. The article's opponent's state that their disapproval is not over the factor of jail vs. treatment, but rather an issue of treatment that works and what doesn't work. California Assemblyman Jim Batten states that Proposition 36 is "dangerous and misleading, " will undermine legitimate drug treatment in California, " and "will threaten public safety by effectively decriminalizing dangerous and highly addictive drugs like heroin, PCP, crack cocaine, and methamphetamine."

The opponents of Proposition 36 also included the "star-power" of actor Martin Sheen, whose son Charlie Sheen was recovering from addiction to an undisclosed drug(s).

With proponents of Proposition 36, there was an apparent great deal of research into the phenomenon of drug abuse, addiction, and the reality of those individuals traditionally incarcerated for possession of drugs for personal use. According to Claude Meltzenhelmer (2001), "societies' heaviest drug users are currently incarcerated." As the director of a drug treatment program at Corcoran State Prison, Meltzenhelmer elaborates upon the difference between incarcerated drug abusers and the recreational, typically middle class abuser:

"Inmates are society's heaviest drug abusers, round-the-clock junkies and tweakers whose drug use is so all-consuming it makes holding a job, being a parent or living a normal life utterly impossible . . . The middle-class casual drug experience might be smoking a joint before a Bruce Springsteen concert, then going back to work on Monday. The criminal addict drug experience is snorting crystal meth every day for three weeks, smoking pot and drinking a gallon of cheap wine each day to take the edge off, and in the meantime robbing a gas station, driving while extremely intoxicated and beating up his girlfriend."

Proponents make the statement that "drug addiction and drug abuse is a medical problem, not a criminal justice problem (Chiu, Alexis, Pope, Ed, Romano, Bill: San Jose Mercury News, 8/6/00). In addition, proponents state that opponents are often uninformed that the potential diversion programs administered by Proposition 36 are for first-time offenders. If an offender commits a non-drug crime along with drug possession, they are not eligible.

Fundamentally, proponents report that California taxpayers will save \$7 for every \$1 invested in drug treatment, with the individual expenditure of \$24k annually to incarcerate.

### Diversion Programs

Diversion typically refers to criminal justice programs designed to divert individuals within the criminal justice system from serving traditional jail time to community-based treatment and supportive services to combat issues (United States Department of Health and Human Services: Substance Abuse and Mental Health Services Administration, 2005). The field has garnered support through policymakers, alarmed at the increasing costs associated with justice and the subsequent increased rates of recidivism. Communities and stakeholders working within the system feel disconnect between the approach of administering justice and the rehabilitation of the individual. Typically, there are two recognized forms of diversion programs:

**Pre-booking diversion-** Individuals are identified by police before formal charges are brought. This category is often used for individuals with apparent mental illness and substance abuse issues. Diversion typically occurs at the point of contact with law enforcement officers specially trained. Individuals are taken to a 24-hour crisis center with a no-refusal policy available to those identified by the police.

**Post-booking diversion-**These programs identify individuals for programs after they have been booked. The most prevalent type of diversion, the referrals occur early in the criminal justice process. In some cases, the individual is diverted later in the process, at dispositions/sentencing.

In collaboration with the capstone, the article offers the type of diversion offered to inmates at the San Francisco County Jail:

- At or immediately after booking, before filing formal charges
- Release from pretrial detention, under the mandatory condition of a treatment program
- Under the prosecutor's offer of deferred prosecution
- At disposition or hearing, including sentencing or release on probation with the mandatory condition of treatment in a diversion program
- When at risk of, or following, a violation of probation related to a prior conviction

In light of pending budgetary cuts, there remains a question of how government manages the effectiveness or success of community-based drug diversion programs.

A relevant article surrounding the evaluation of drug treatment policy is entitled:

*Diversion Programs* (Joan Petersilia, Ph.D, 1999). The author poses the question of measuring the success of diversion programs. According to Petersilia (1999):

"The most important finding from the intermediate sanctions literature is that programs must deliver high "doses" of both treatment and surveillance to assure public safety and reduce recidivism."

This is a critical finding in a research that champions increased community-based handling of drug diversion programs, especially as a tactic to increase cultural competency. Essentially, the author states that treatment independent of surveillance, and vice versa are not effective modes of dealing with addiction. In addition, the prevalent characteristic of a successful community-based drug diversion program and recidivism is one that provides officer-to-offender contact.

An article that was a precursor to the current debate was entitled: *Offender Rehabilitation: From Research to Practice 1997-2001* (James Bonta, Ph.D, 2001). Bonta chronicled the mistrust for offender treatment programs and the subsequent implementation of sanctions as the primary means for crime control. The primary focus point for championing programs is the philosophy of the Risk Principle and the Need Principle. Essentially, the Risk Principle states that the level of treatment must match the risk level of the offender i.e., high-risk offenders require intense levels of treatment, while low-risk offenders require minimal levels of treatment. The explanation of the theory leaves the reader with a reference point to gauge the argument in favor of offender rehabilitation.

Bonta expands the argument for rehabilitation by including four additional principles surrounding treatment and rehabilitation. Criminogenic refers to the needs of the offender that when changed, lead to recidivism. For example, substance abuse and employment needs are categorized, as Criminogenic needs. If these factors are successfully addressed, recidivism is effectively reduced. Noncriminogenic refers to factors such as anxiety and self-esteem. The decreases of these characteristics are not likely to impact future criminal behavior according to Bonta. The third theory is classified as the Responsivity Theory, which states that certain personality and cognitive characteristics of the offender, will influence how responsive they are to the types of treatment delivered. The fourth theory provided in



Bonta's research is Professional Discretion. This theory states that in some cases, offenders will present "unique characteristics and situations that are not adequately considered by the three other principles." The primary example given to explain the principle involved sex offenders such as a child molester. Typically, these individuals are classified as low-risk offenders, yet their position as a childcare worker may present a special risk. The fifth and final theory in Bonta's research is classified as Program Integrity. This theory supports supporting treatment in a structured environment, with enthusiastic and caring staff well versed and dedicated to the previous principles of rehabilitation.

Overall, the article argues that direct treatment services are effective in reducing the rates of recidivism. An important finding in the research states that while many agencies and correction managers state their desire to promote rehabilitation, efforts fall short due to the lack of time invested in actually working with offenders. The stigma attached to diversion programs as "free rides" for offenders lends little to the credibility and success of rehabilitation. In addition, Bonta states "treatment programs exist on paper, but not in practise." This statement is important, terms of my efforts to research the delivery of community-based services to offenders via drug diversion programs.

### Contracts vs. Grants

The Grantsmanship Center of Los Angeles publishes articles geared towards non-profits, in their efforts to secure funding for programs. In addition to locating the sources of funding, author Henry Flood (2005) states that the most common source of confusion to managers is the difference between contracts v grants. The article of the same name provides a concise comparison of the two vital sources of funding. In this case, both are identical in that they are:

- Authorized by law
- Regulated by program/procurement regulations
- Competitively awarded (although some are classified as "set-asides" for minorities or special classes of competitors
- Designed to accomplish a public purpose
- Renewable, in some cases

Contracts are unique to grants, in that they are more rigorous in the terms and conditions set forth by issuing agencies, typically at the federal or state level. Typically contracts are designed to acquire goods and services, such as managing a One Stop or Work to Welfare center in Ventura County, rather than the county managing the program and subsequently providing services to the public. Flood's article states that generally contracts are awarded to small businesses rather than non-profits and state/local government agencies. For the capstone and the specific area of drug diversion programs, contracts are explored in their application to community-based organizations. In terms of distinguishing characteristics, contracts and contracting agencies are subject

to a higher level of regulation, if any, and the possibility of legal and financial risk should the contract fail. In addition, the organization bidding for the contract must possess requisite appropriations for the program, as opposed to sole dependence upon a secured contract for funding basic operations.

An additional article located to demystify grants was provided by the 2004-2005 San Francisco Civil Grand Jury entitled: *What is the Difference Between a Contract and a Grant?* The actual investigation was in response to the misuse of city funds towards "for profit" entities, as opposed to non-profits designed to benefit and serve the general public. The primary distinction of a contract v grant is that grants are less structured in terms of regulation and competition. Grants are designed for community-based non-profits designed to benefit and serve the public. Grantors such as foundations or private donors will outline the requirements for securing the grant, such as a program summary, previous year operating budget, and a budget to outline the program needs that the grant would supply. Both articles succeed in addressing the differences, leaving the reader with a better understanding of the differences, similarities, and how either source of funding might be applicable to a community based drug diversion program.

## Restorative Justice

The *Centre for Justice and Reconciliation* at the *Prison Fellowship International* provides an introduction to the philosophy of Restorative Justice<sup>1</sup>. Restorative Justice is a theory of justice implemented worldwide that emphasizes repairing the harm caused or revealed by criminal behavior. The process of restorative justice involves the identification of taking of steps to repair harm. This process involves all stakeholders in the process of transforming relationships between communities and their government in responding to crime. The article lists outcomes and programs associated with the restorative justice movement:

- Victim/offender mediation
- Conferencing
- Circles
- Victim assistance
- Ex-offender assistance
- Restitution
- Community service

The website offers a wealth of information into restorative justice, in addition to a power point slideshow and online tutorial. The movement/philosophy is currently being implemented internationally, as well as nationally through Christian denominations such as Southern Baptist, Roman Catholics, Presbyterian Church USA, and the United Methodist Church. This may be a factor behind the reluctance to employ the movement to a greater degree in the United States, due to the Constitution's adherence to the separation of church and state. The *United States Department of Justice* also provides a website designed to promote the

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<sup>1</sup> <http://www.restorativejustice.org/about/>

understanding of restorative justice. Former Attorney Janet Reno made a speech in 1996 acknowledging that Americans were largely disillusioned with the justice system that became too bureaucratic and detached. Content for the website was extracted from a symposium held on restorative justice between June 1997 and January 1998. A notable distinction of the article is a detailed description of the difference between restorative justice and community justice. As previously mentioned, restorative justice is characterized as an alternative mode of thinking about crime, punishment, and criminal justice. The primary factor is an emphasis upon repair done to victims, communities, and offender accountability. With *Community Justice*, the community plays a visible role in the collaboration of government agencies and the private sector to facilitate dialogue and improve performance of functions traditionally carried out by extended family, neighborhood, and school. The descriptions of the two philosophies are critical to champion the cause for increased community-based diversion programs in African American and Latino communities. Factors that distinguish one philosophy from the other is applicable to creating a checklist or strategy in formulating best practices for potential organizations. Based on the information provided, it appears that there are a number of strategies available to fortify the infrastructure of community-based organizations in their professionalism and delivery of services to the target population of ex-offenders.

## Methodology

The primary research question within the capstone pertains to finding solutions to the increasing rates of incarceration and recidivism in the African American and Latino communities. The assumption for this capstone states that there is a necessity for the increased funding of community based non-profits delivering drug diversion programs to ex-offenders. In addition and with equal importance, funding must be allocated to allow a higher level of professional development of staff within community organizations. Overall, the increased funding and professionalism would aid in decreasing the level of recidivism with San Francisco's African American and Latino prison population. The assumption was evaluated by conducting interviews/conversations, questionnaires, and research of official documents to ultimately gauge the effect of recidivism within target communities affected and the overall effect of absent males.

Data for the capstone took place at two San Francisco organizations. The Sheriff's Work Alternative Program (SWAP) is adjacent to the County Jail at 850 Bryant Street. According to the San Francisco Sheriff's Department, program capacity is 24 clients per week, with a 90-day duration<sup>2</sup>. With 50% of clients at risk of losing child custody, there is a strong component of family involvement and intervention to assist ex-offenders with the re-entry process. The length of field time at the SWAP program was a total of 10 hours, over the span of two weeks. Interaction with ex-offenders

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<sup>2</sup> [http://www.csattce.samhsa.gov/Project\\_Descriptions/Tce2002/TI13618\\_San\\_FranciscoCA.pdf](http://www.csattce.samhsa.gov/Project_Descriptions/Tce2002/TI13618_San_FranciscoCA.pdf)

was typically limited to an introduction by the program manager and a brief overview of the capstone research.

The second facility used for the research is the Multi-Service Center (MSC), at 525 5<sup>th</sup> Street. Operated by the Society of Saint Vincent De Paul. The center is a 146-bed shelter for men providing a range of services: showers, restrooms, referrals, and mail service, to name a few. Case management provides services from mental health referrals, substance abuse treatment, GED courses, and job training classes. Interaction at MSC was kept at a minimum, due to management's reluctance to interfere with classes and the urgent needs of case management. The instructor, prior to completion of daily computer instruction classes disseminated the questionnaire employed for the research. Participants were asked to fill out the questionnaire over a two-week period.

### Official Records/Documents

The ability to review official records was largely limited and barred from the public. The written request was set forth to the program managers of both SWAP and MSC. With MSC, the ability to view records of clients would breach confidentiality promised in the delivery of services. As a result, documents were limited to program summaries and the annual budget, which are available to the general public. SWAP officials, in the request to review official records, produced reports and statistics largely available through the Department of Justice, the California Department of Corrections, and the FBI Uniform Crime Report.

### Questionnaires

At the Sheriff's Work Alternative Program (SWAP) and the Multi Purpose Center (MSC), questionnaires were distributed to secure data. Fifty questionnaires were distributed at each facility, for a total population study of 100 individuals. The research design employed was an interval, non-probability sampling design, specifically convenience sampling. Questionnaire content contained a disclaimer stating the reason for the research, as well as the directive of a targeted male, repeat offender population. In addition, anonymity was confirmed strictly confidential, as participation is voluntary (Appendix D).



While the research targets African American and Latino males in San Francisco County, the questionnaire included a cross-section of ethnicities known to represent San Francisco:

- White/Caucasian (not of Hispanic origin)- Persons having origins in any of the original peoples of Europe, North Africa, or the Middle East
- Black (not of Hispanic origin)- Persons having origins in any of the Black racial groups of Africa
- Hispanic (persons of Mexican, Puerto Rican, Cuban, Central, South American, or other Spanish culture or origin, regardless of race)
- Asian or Pacific Islander (except Filipino)- Persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, and Samoa
- Filipino- Persons having origins in any of the original peoples of the Philippine Islands
- American Indian/Alaskan Native- Persons having origins in any of the original peoples of North America who maintain cultural identification through tribal affiliation or community recognition.

Supplemental data in the questionnaire confirmed the varying levels of participants:

- Record or "rap" sheet
- Participation in prior diversion programs
- Education prior to criminal justice system
- Education attained while in the criminal justice system
- Employment prior to criminal justice system
- Employment prior to release from last sentence

The final question was an open-ended one, which asked the opinion of barriers to a successful re-entry to society.

### Interviews/Conversations

Interviews and conversations were conducted with generations of stakeholders within target communities: grandparents, youth, educators, employers, neighbors, community activists/advocates, and the men who find themselves in and out of the system. Recording the interviews was during fieldwork decided against early in the process, as suspicion of an outsider would disrupt the candidness of our interactions. With all key informants except for community activists/advocates, interviews were transcribed through field notes during the course of the interview.

With the community activist, both a telephone interview and a formal questionnaire request were employed to secure data (APPENDIX D). The formal questionnaire consisted of an introduction of the researcher, breadth of the research, and a paragraph or two consisting mainly of the research question and sub-questions. Being that these individuals are familiar with community based non-profits, contracts, and grants, the following open-ended questions were posed:

- a) What components of non-profits and community-based organizations are lacking, in terms of delivering services to men to combat recidivism to the criminal justice system?
- b) What does the lack of opportunity do to the community at large?

### Researcher Values

While conducting research, I've made every effort to remain neutral and present my request for data to stakeholders in as neutral a manner as possible. In conducting field work, it was a temptation to "place words in the mouth" of those unable to articulate exactly what mechanisms kept them from reaching their full potential as a productive member of society.

Undertaking the topic of re-entry into society by targeted racial groups provides insight into my values of equality and opportunity for those traditionally shunned from mainstream society. Regardless of the outcome of assumptions or direction of the data, it is an undertaking of strategic importance to shed light into the subject: what is working, what is not, and possible strategies to combat the issue.

After reviewing answers from open-ended questions, transcribing interviews, and casual conversations with the elders of communities, I fortified my belief in incorporating both the attained academic discipline of research as well as seeking informal assistance in the communities of targeted research, as opposed to reliance upon written data and reports.

## Findings

From the 100 questionnaires distributed, 45 responses were collected from both sites in San Francisco. The following results are based upon questions that relate directly to the research question, in terms of criticality. Respondents were asked to identify their ethnic affiliation. The breakdown of the respondents state:

- American Indian= 1
- Filipino=3
- Caucasian/White=4
- Asian/Pacific Islander=7
- Hispanic/Latino=13
- African American/Black=17

(Appendix E)

Ex-offenders were asked about the number of times being processed through the criminal justice system since the age of emancipation (19):

- 1-5 times=8
- 6-10 times=12
- 7-15 times= 19
- 16+ times=6

(Appendix F)

Ex- offenders were asked to provide their educational background/level prior to entry into the criminal justice system:

- K-5= 41
- 6-8= 4
- 9-12= 32
- GED= 6
- Some college= 3

- College Graduate = 0
- Post Graduate= 0

(Appendix G)

Ex-offenders were asked to state their employment opportunities after their last criminal justice bid:

- 1-5= 6
- 6-10= 0
- 11+ = 0

(Appendix H)

The open-ended question posed to ex-offenders asked them: *what is/are the greatest barrier to re-entry into society as a gainfully employed individual, without the necessity to resort to illegal means of making money?*

In terms of the researcher's attempt to articulate a word here or there, the resounding answer was "jobs." Other responses stated "a chance," while others stated they receive General Relief free of the restrictions imposed through the fairly recent "Care Not Cash" Initiative. Others stated that they "hustle" which is vernacular for illegal means of making money.

### Community Stakeholders

*Parents/Grandparents:* Many African American and Latino male ex-offenders live with their parents, more often than not mothers or grandmothers. A number of the mothers and grandmothers reported that they receive some sort of rental subsidy in the form of Section 8 vouchers or subsidized units within the Public Housing Authorities. They acknowledged that many of their sons/grandchildren have no jobs and are "slinging" (another vernacular for drug dealing), which could force eviction

upon the entire household<sup>3</sup>. Parents/Grandparents generally blame the lack of opportunity upon the reliance of drug dealing on their young men. They find themselves in positions where they tolerate their choices or throw them out to the streets.

*Neighbors:* Neighbors, African American, Latino, and otherwise expressed a high level of disdain for male ex-offenders. A sentiment expressed was that they bring a gang/jail mentality to the neighborhood and influence the youth negatively. A resounding statement was that the choice to live a life of crime creates a true hardship for those who choose and attempt to live a law-abiding and productive lifestyle. Overwhelmingly, neighbors state that the city has little to offer male ex-offenders when they leave jail/prison, assuring they will return to the streets and illegal means to survive. When asked who is to blame, the city and corruption within the city was a prevalent factor.

*Youth:* Generally 9-15, found empathy with the ex-offenders. Many exhibited a "Robin Hood Syndrome" towards the males and law enforcement, representing the criminal justice system. Youth found a level of pride in the male that hustled and brought things such as clothes and shoes for the younger kids. Youth, especially males, also

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<sup>3</sup> <http://www.law.harvard.edu/faculty/jsinger/developments/chapter12.php>

In *Department of Housing & Urban Development v. Rucker*, 535 U.S. 125 (2002), the Supreme Court interpreted a federal statute to allow eviction of innocent public housing tenants when members of their households have engaged in illegal drug use or sales on or off the housing site. See 42 U.S.C. §1437d(l)(6) (requiring public housing authorities to use leases that provide that "any drug-related criminal activity on or off such premises, engaged in by a public housing tenant, any member of the tenant's household, or any guest or other person under the tenant's control, shall be cause for termination of [the] tenancy"). See also 24 C.F.R. § 966.4(e)(12). The Court found no constitutional problem with forfeiture of property owned by an innocent party even if that tenant had done everything possible to prevent family members from using or selling drugs on the ground that the government was acting as an owner-landlord placing conditions in the lease with which the tenants voluntarily concurred and not as a sovereign regulating the lease terms or punishing an innocent party because of the criminal acts of another.

took pride in naming a male ex-offender as an unofficial mentor in terms of surviving in the streets.

*Educator (Grade 5):* Found that youth in grade 5 exhibited behavior that could forecast their involvement in the criminal justice system, independent of present statistical research. Stated that a visit to the home often confirms that typically the male is an absentee parent. The youth find direction in the available community role models, often the male who is "ghetto rich" or earns a living through illegal means. The educator states that of African American and Latino parents, the Latino parents, even those with a limited command of the English language, will take part and show support for the teacher and education. Conversely, the educator states that African Americans exhibit a markedly low level of involvement and collaboration with the school and education process, unless there is an issue with behavior. The educator states also that this factor is influenced by the fact that a single parent heads many African American homes, and the interference with work are problematic. In addition, the educator noted that generational poverty has blighted the thinking of parents so they are unable to interact with others outside of their immediate surroundings

*Community Activist/Advocate:* Stated that intervention at the adult level is fine, but does relatively little to combat the root of the problem. Says that successful intervention should occur as young as 7-10, since the environment that surrounds them mandates a "be tough or be a punk" personality, which turns into a "kill or be killed" gang mentality. By age 12-13, it is common for initiation into gangs, where the most treacherous of crimes and criminal behavior is awarded with status and respect in blighted areas.

Another area of concern vocalized related to the leadership of community-based non-profits. The issue was the political appointments made by the mayor without consideration to cultural competency and ability to relate to target populations. Examples were given where an individual, a Caucasian female was appointed Executive Director to an intervention program for teens from the research target population and the individual felt concern for her safety and the safety of her automobile while working in the community. In addition, she made the comment on occasion that the case files and occurrences of death, sexual assault, and violence were "too much" to bear. According to the activist/advocate, this is the daily reality for all participants and mentors in the program, so if she cannot cope with the reality of their lives, she serves no purpose to the community.

*Employers:* Employers in larger settings express the level of liability incurred through lawsuits and punitive damage suits, where ex-offenders perpetrate crime(s) upon co-workers/employees. Small business employees showed a greater level of willingness to give a job to a male with a record. Both categories of employers stated that hiring decisions would be based ultimately upon the individual's personality and willingness to perform the duties as an employee.

*Male Ex-offenders-* State that society views them as criminals, treats them as criminals, and takes away all opportunity, forcing them to be criminals. A portion of respondents express a disdain for the 9-5 type lifestyle; states that the streets allow them to be themselves, rather than trying to fit into the business world and still be discriminated against. Another sentiment is that they have no real job-training program that follows through in training and helping to secure a job.



Ex-offenders correct my assumption that the diversion programs are designed for those with substance abuse issues. Many have been caught with amounts that qualify for "possession with intent to distribute," but public defenders enter a "no contest" plea or a plea to a lesser charge, which is possession for personal use. With this category, ex-offenders qualify for diversion programs, granting the charge was not in conjunction with another felony.

When asked of the sentiment of the diversion programs, the general response was an acceptance of anything that prevented serving jail time. There was an expression of cynicism that the program was another way of benefiting from prison labor without paying true wages, since a majority of the work provided was maintenance of city properties such as parks and streets. A quotation upon the structure of SWAP was: "if the city cared so much about keeping the family together, why don't they give the wages I should earn to my kids?"

## Conclusion

The capstone research endeavored to prove the assumption correct that African American and Latino males in San Francisco are within the criminal justice system at rates above average, in terms of population representation. Through questionnaires, literature, and fieldwork, the assumption surrounding sentencing practices was validated.

Through interviews with the ex-offenders and community activist/advocates, two critical factors became apparent. First and foremost, investment into intervention must occur before a male is within the system. The ability to quash a mentality bred in stakeholder communities with assist in decreasing the roles of future offenders; in essence, create a break in generational ties to the criminal justice system and subsequent recidivism. The second critical factor is the structure of community-based non-profits in the delivery of services to African American and Latino males. While cultural competency and affinity are desirable attributes of an organization that serves within target communities, the lack of structure and professionalism will deem the mission to serve negligent and incapable of serving. Collaboration with overarching agencies such as the Sheriff's department and private entities such as employers and foundations will assist in consensus building across racial and class divides, as the communities of ex-offenders are marginalized, disillusioned, and uneducated of communities beyond their immediate surroundings.

### Implementation of Restorative Justice

The philosophy of restorative justice is a positive strategy and holistic approach in healing the target population of ex-offenders and surrounding stakeholders. The ability to incorporate a system of retribution based upon a communal, inclusive process will decrease the stigma and hardships imposed through traditional sentencing guidelines and philosophies of crime and punishment. In addition, restorative justice champions a focus upon the individual, rather than a bureaucratic "one size fits all" mode of criminal justice. Restorative justice is a philosophy with close ties to the cultural characteristics of the African American and Latino communities, where the extended family is heralded as a source of unlimited strength, inclusion, and well-being for all within its' boundaries.

Employers and nonprofits participating in restorative justice programs and outcomes such as mediation, conferencing, ex-offender and community services will open avenues of collaboration and consensus building, in addressing issues that plague the community. Besides the benefit of exposure to varying communities and gaining community trust, non-profits create an avenue of collaboration with for-profit organizations in terms of private funding and sponsorship. Conversely, for-profit organizations create philanthropic tax shelters in the form of grants, hiring of ex-offenders, and volunteering professional services and trainings to non-profits.

### Areas for Further Research

The original direction of the research was a focus upon California's Three Strikes law and its effect, in terms of the lack of viable diversion programs. The result of such a massive undertaking was an avalanche of data that went into a number of directions. For the sake of time, I was advised to narrow the research into a specific area or niche. Having worked within the foster care system, the area of criminal justice, specifically incarceration and substance abuse, was an ideal focus, since a large majority of the children were removed from homes of substance abusers and/or incarcerated parents.

As the research progressed, the literature review produced data from public policy institutes, prison reform groups, opponents, proponents, to families of inmates incarcerated under Three Strikes. Data, in terms of validating the assumption of race within sentencing was readily available. An area well documented is the discrepancy between powder v. crack cocaine sentencing guidelines and the subsequent effect upon African American males. Further reading and studying of statistics and tables produced another phenomenon: the incarceration of women and methamphetamines. The two subjects are strongly inter-related, as women are increasingly turning to the production of methamphetamines in makeshift laboratories, typically in homes. In addition, women are employed as "mules" to transport drugs to various locations, both intra-state and across state lines. The results are stiff penalties of "possession with intent to distribute."

The larger picture regards children. Many of the incarcerated female offenders are mothers, choosing the methamphetamine trade due to addiction and or economic reasons. Due to professional exposure to the foster care and education system, a number of questions arise: Who has custody of the children? What is the emotional impact of a mother in prison, being that mothers usually fulfill the role of nurturer in a child's formative years? What are the neurological effects of in-utero exposure to methamphetamines? Within data secured regarding the growing female prison population, there were not many sources, especially statistical data that correlated the rising population to the explosion of methamphetamine as the number one illegal substance abused within the United States. This is a pertinent area of research to undertake and formulate policies around. The crack cocaine explosion of the 1980's and its effect upon children and families continue to reverberate in communities affected by the epidemic.

Another possible area of future research involves the revenue produced through the exploitation of prison labor. The research introduction states that the California Prison Authority contributes \$151 million to the state budget through products and services. In keeping with the appeal for funding of increased diversion programs, it would be of interest to see what, if any, portion of the labor is allocated to community based non-profits and job training. The work, generally of an assembly-line/production nature, does little in terms of job training for re-entry into society, since a large portion of these jobs are being outsourced to Central America and Asia.

The fact that minority populations constitute the majority of prison population creates a higher level of mistrust and suspicion of sentencing policies of African Americans and Latinos, as well as evidence of an existing prison industrial complex. While literature exists for both proponents and opponents, data that shows the allocation of prison labor to rehabilitation is notably absent. In addition, there is a question of prison labor as it applies to the increasingly privatized prison industry in California: Is there a clause that permits private prisons to retain earnings on prison labor, or is revenue funneled back into state coffers? Also, is there a separate system of accounting for labor produced in privatized prisons v. public prisons?

Overall, it is critical for society to rethink notions of crime, punishment, and justice. As California's population is slated to increase by 10 million in 30-40 years, creating a major shift in the demographic landscape, growth of prison economies versus a shift towards strategies of rehabilitation must be considered in development of best practices.

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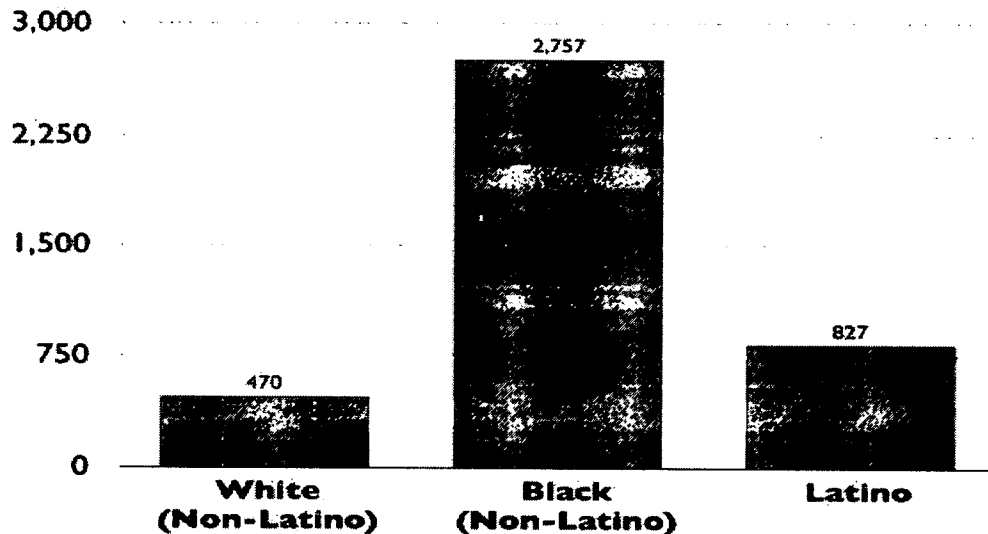
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## APPENDIX A

### **Racial Disparity in California** Incarceration rates per 100,000 population



Source: BJS, *Prison and Jail Inmates at Midyear 2001*.

Prison Policy Initiative

## APPENDIX B

### FEDERAL BUREAU OF PRISONS STATISTICS (September 2004)

#### INMATES BY RACE

White: 101,955 (56.5%) Black: 72,433 (40.2%) Asian: 2,890 (1.6%) Native American: 3,040 (1.7%)

#### ETHNICITY

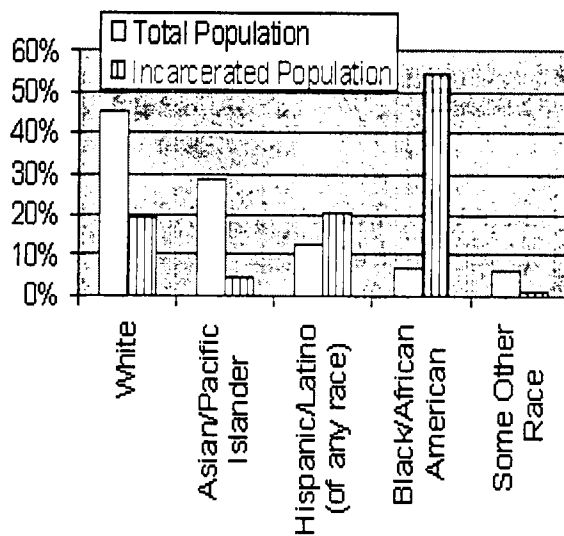
Hispanic: 57,863 (32.1%)

#### TYPES OF OFFENSES

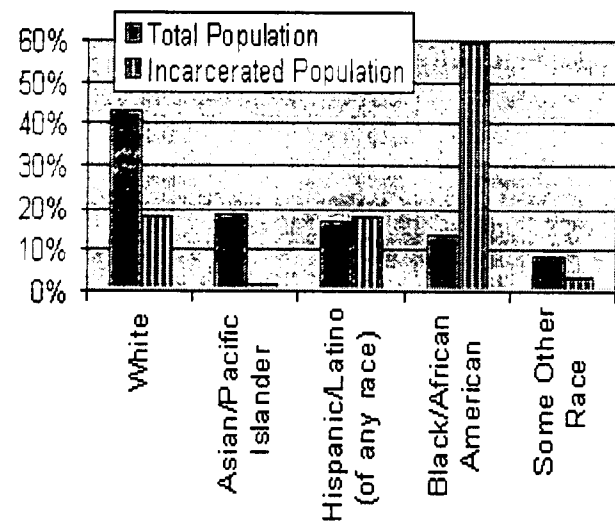
Drug Offenses: 88,619 (54.1%)

## APPENDIX C

**Chart 1: San Francisco Profile --  
Total vs. Incarcerated Population**  
Census 2000, June 2002 SFSD Data



**Chart 2: Alameda County Profile --  
Total vs. Incarcerated Population**  
Census 2000, June 2002 ACSO Data



## APPENDIX D

### Questionnaire of 3 Strikes Sentencing Laws and Proposed Crime Diversion Programs

Your responses are included in a graduate capstone presentation at Golden Gate University, addressing California's Three Strikes law and the necessity to implement crime diversion programs that cater to the greater barrier issues experienced by ex-offenders and their attempts at re-entry into society.

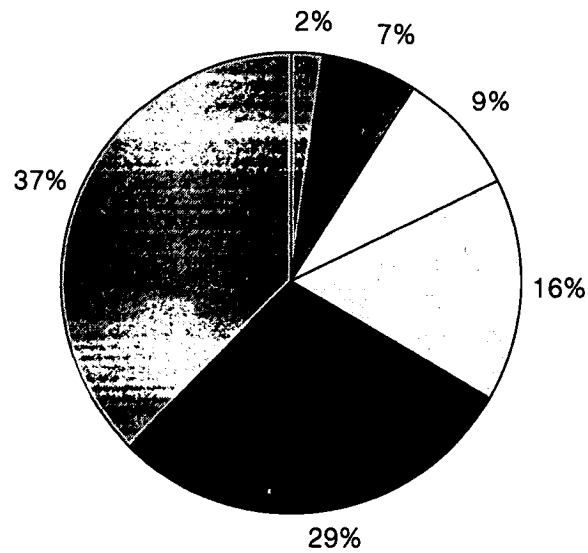
This questionnaire is targeted towards male, repeat offenders in the criminal justice system. All information collected in this survey is kept strictly confidential and used for statistical purposes only. While participation is voluntary, your assistance is essential if the results are to be accurate.

1. Which ethnicity best describes you?
  - a. White (not of Hispanic origin)- Persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
  - b. Black (not of Hispanic origin)- Persons having origins in any of the Black racial groups of Africa.
  - c. Hispanic (Persons of Mexican, Puerto Rican, Cuban, Central, or South American or other Spanish Culture or origin, regardless of race).
  - d. Asian or Pacific Islander (except Filipino)- Persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands. This area includes, for example, China, Japan, Korea, and Samoa.
  - e. Filipino- Persons having origins in any of the original peoples of the Philippine Islands.
  - f. American Indian or Alaskan Native- Persons having origins in any of the original peoples of North America who maintain cultural identification through tribal affiliation or community recognition.
2. Since reaching the age of emancipation (19), about how many times have you been processed through the criminal justice system?
  - a. 1-5
  - b. 6-10
  - c. 7-15
  - d. 16+
3. Upon release from correctional facilities, about how many programs geared toward job/vocational training, drug/alcohol counseling, continuing education, and mental health have you participated in?

- a. 1-5
  - b. 6-10
  - c. 7-15
  - d. 16+
4. What is your educational background prior to entry in the criminal justice system?
- a. K-5
  - b. 6-8
  - c. 9-12
  - d. GED
  - e. Some college
  - f. College graduate
  - g. Post graduate +
5. After release from the last criminal justice bid, what is your educational background?
- a. K-5
  - b. 6-8
  - c. 9-12
  - d. GED
  - e. Some college
  - f. College graduate
  - g. Post graduate+
6. Before introduction into the criminal justice system, how many employment opportunities have you experienced?  
(tax paying, legitimate, in terms of state/federal reporting)?
- a. 1-5
  - b. 6-10
  - c. 11+
7. After release from the last criminal justice bid, how many employment opportunities have you experienced?
- a. 1-5
  - b. 6-10
  - c. 11+
8. In your opinion, what is/are the greatest barriers to re-entry into society as a gainfully employed individual,  
Without the necessity to resort to illegal means of making money?

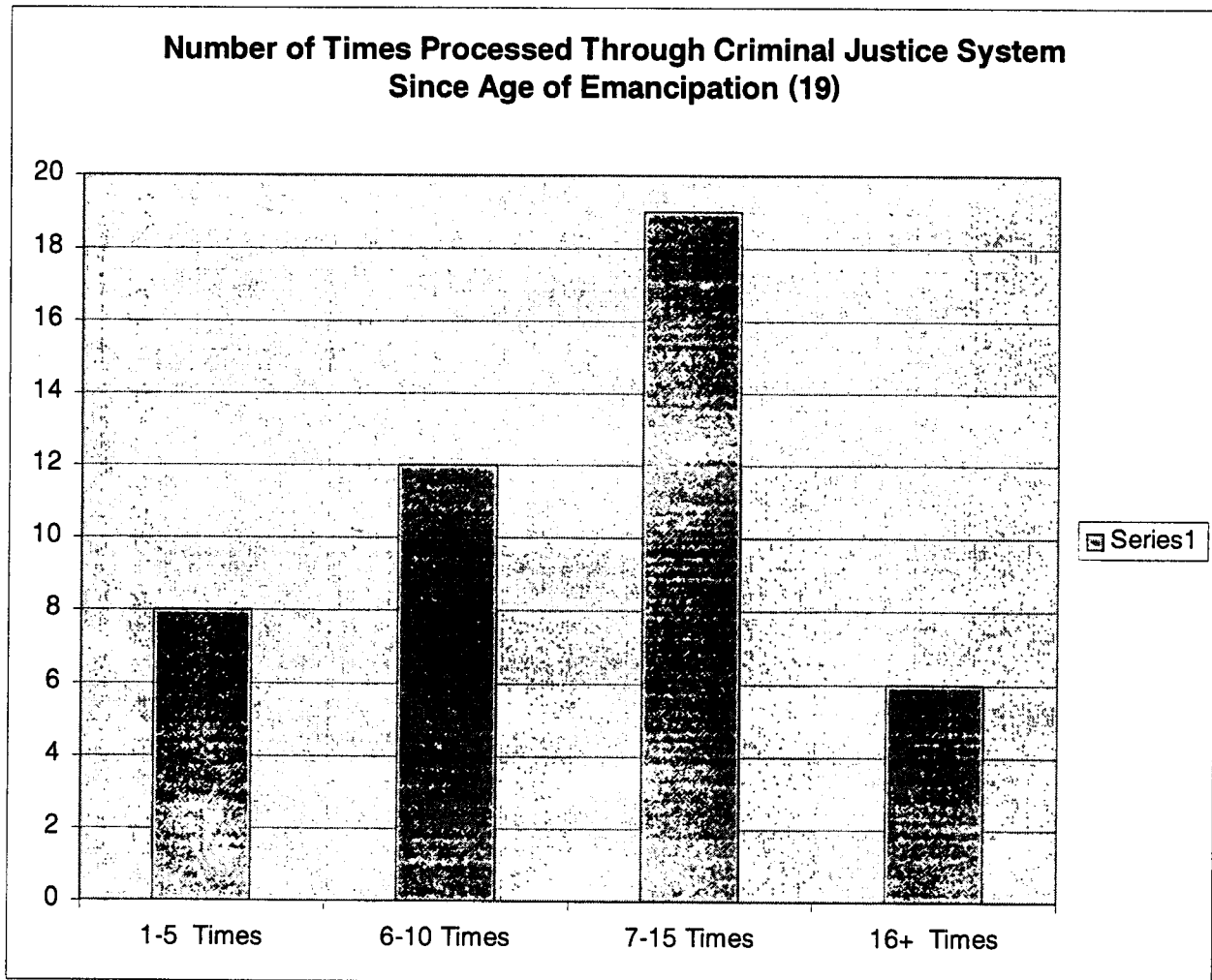
## APPENDIX E

**SWAP/Ethnic Breakdown**

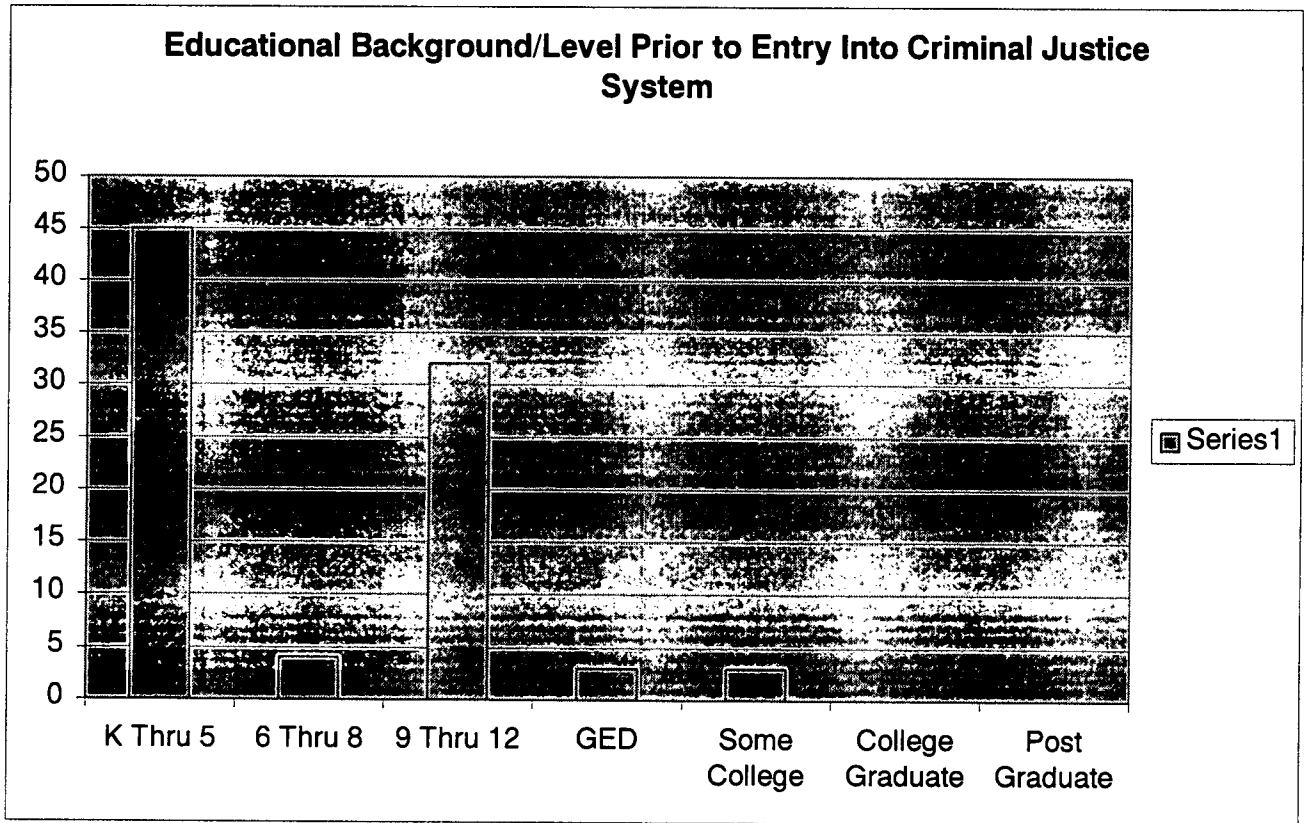


☒ American Indian  
☒ Filipino  
☐ Caucasian/White  
☐ Asian/Pacific Islander

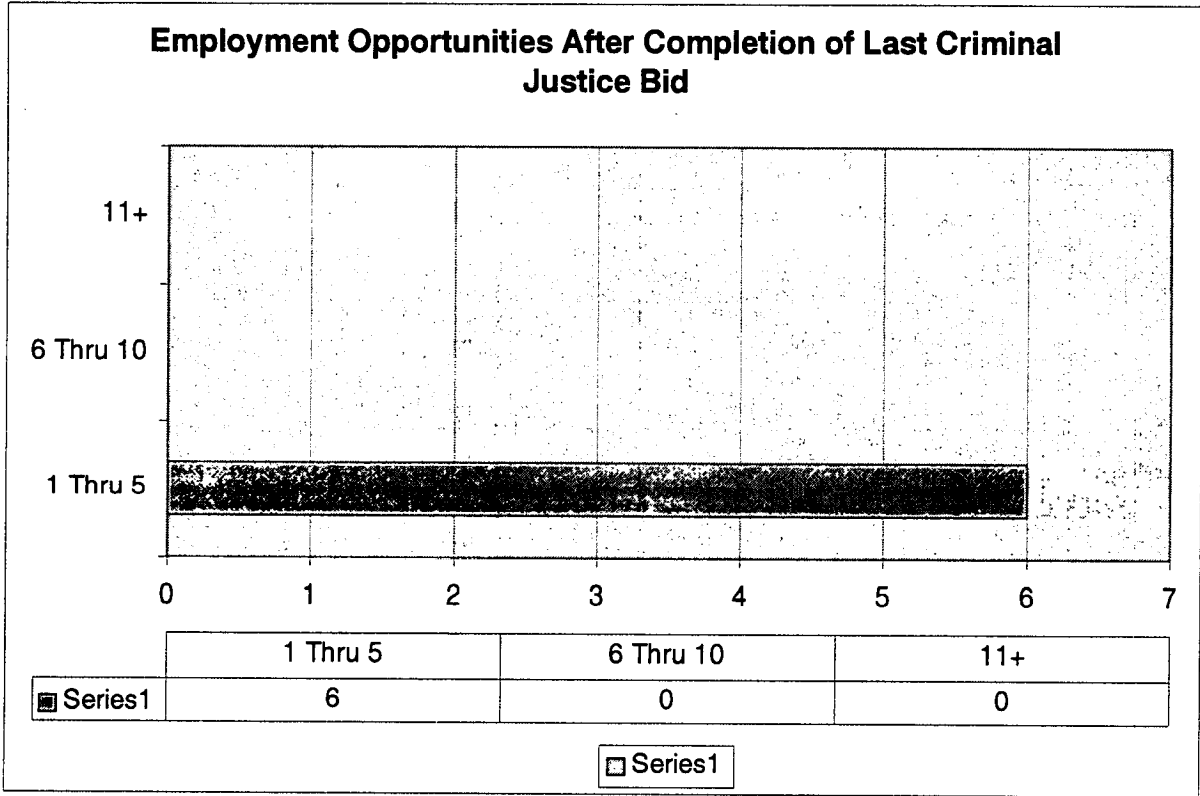
## APPENDIX F



## APPENDIX G



APPENDIX H





## APPENDIX I

### Key Informant Interview

The following interview took place 10/14 with H.L, a native San Franciscan and Bayview community/prison/youth activist/ advocate for 12+ years. H.L is employed with a local nonprofit that provides job training, continuation of education coursework, and ancillary referrals. In addition, H.L sits on several commissions regarding the youth of San Francisco. The following questions were posed to the informant:

**Q.** What components of community-based non-profits are lacking, in terms of delivering services to men to combat recidivism to the criminal justice system?

**Q.** What does the lack of opportunity do to the community at large?

Based on personal experience as well as my non-profit community involvement with residents of Bayview Hunters Point I would like to provide the following view on repeat incarceration and lack of services designed to reduce the number of first-time youthful offenders as well as provide services for ex offenders.

Bayview Hunters Point is a distressed neighborhood. Environmentally the community is comprised of a sewage treatment plant, PGE and the Naval Shipyard. All of which are toxic. This neighborhood has the highest incidence of breast cancer and asthma. The neighborhood also comprises more than 50% of out-of-placements, the highest percentage of youth incarcerated in juvenile hall, highest incidence of homicides, drug trafficking and a by-product of the drug trade which is prostitution, teenage pregnancy, high incidents of domestic abuse among teenagers and adults, and where most households do not have a father figure and for those that

do this figure is often abusive, and often incarcerated. Academically, many youth as well as adults are illiterate, do not complete high or go on to higher education.

When you consider a community with so many barriers it is easy to understand the lure of the streets. How then can we justify incarcerating a youth who is selling narcotics simply to provide food and clothing for themselves and their family?

So many of the youth are classified SED or ADHD at school and put in special classes or simply are ignored because of behavior issues which cause them to fall farther and farther behind academically and for many the only "real" schooling is received when they are incarcerated. The same is true of adult offenders – most who receive, vocational or GED training does so while incarcerated. Because these youth do not have a positive family structure they seek the nurturance that a "normal" family provides from gang affiliations.

We must start to address the needs of our children at younger ages. Youth as early as kindergarten should be encouraged to attend tutorial programs that not only provide educational enrichment but programs that also have a strong diversity program to help youth understand cultural differences and similarities. We need to begin in elementary school to teach youth the dangers of substance abuse and illegal activities and take the "glamour" from "Neighborhood Shot Callers" who the children strive to emulate. Because the San Francisco Unified District has eliminated arts, sports, and field trips from the regular school day, programs which want to reach the most children and youth must provide these options in addition to having a nutrition program. Non-profits also must develop a relationship of trust with their clients and include parents in the process.

Further, non-profits must service the entire family i.e. if a parent is a substance abuser, etc. this must be addressed in order to stabilize the youth. The non-profit community must first LISTEN TO THE RESIDENTS AND FUNDING SHOULD BE PROVIDED TO AGENCIES THAT MEET THE NEEDS OF THE COMMUNITY IN ACTUALITY. Far, too many programs are funded which do not provide the funded services to the community.