

PUBLIC SAFETY

The Budget includes the following changes related to California’s correctional system and local public safety.

DEPARTMENT OF CORRECTIONS AND REHABILITATION

The California Department of Corrections and Rehabilitation incarcerates the most violent felons, supervises those released to parole, and provides rehabilitation programs to help them reintegrate into the community. The Department provides safe and secure detention facilities and necessary support services to inmates, including food, clothing, academic and vocational training, as well as health care services.

The Budget includes total funding of \$11.4 billion (\$11.1 billion General Fund and \$308 million other funds) for the operation of the Department in 2017-18. Including capital outlay, General Fund spending for the Department represents 8.9 percent of total General Fund spending, compared to a peak of 11.4 percent in 2011-12.

The Budget reflects a projected average daily adult inmate population of 127,693, average daily parolee population of 47,274, and average daily juvenile population of 736 in 2017-18. These estimates include the anticipated population changes resulting from the implementation of Proposition 57, the Public Safety and Rehabilitation Act of 2016.

PROPOSITION 57 — PUBLIC SAFETY AND REHABILITATION ACT OF 2016

In November 2016, the voters approved Proposition 57, which reforms the juvenile and adult criminal justice system in California by creating a parole consideration process for non-violent offenders who have served the full term for their primary criminal offense in state prison, authorizing the California Department of Corrections and Rehabilitation to award credits earned for good conduct and approved rehabilitative or educational achievements, and requiring judges to determine whether juveniles charged with certain crimes should be tried in juvenile or adult court. The implementation of Proposition 57 is expected to provide a durable solution for the state to maintain compliance with the court-ordered population cap of 137.5 percent of design capacity, thereby avoiding the court-ordered release of inmates.

The Budget estimates that Proposition 57 will result in a population reduction of 2,675 adult inmates in 2017-18, growing to an inmate reduction of approximately 11,500 in 2020-21. These figures are preliminary and subject to considerable uncertainty. The anticipated inmate reduction will allow the Department to remove all inmates from one of two remaining out-of-state facilities in 2017-18, and begin removing inmates from the second facility as early as January 2018.

Overall, the Budget estimates that Proposition 57 will result in net savings of \$38.8 million in 2017-18, growing to net savings of approximately \$186 million in 2020-21.

The Budget also includes \$6.7 million General Fund to implement Proposition 57. These resources will be used for additional case records staff to review and make various changes to inmate classification files related to the new credit earning structure and parole process, address parole workload due to additional releases from prison, and Board of Parole Hearings workload for the increased number of inmates considered for release.

CONTINUED FOCUS ON INMATE REHABILITATION

The Budget includes approximately \$445 million General Fund for the Division of Rehabilitative Programs. The Division prepares offenders for their release by offering various programs and services that promote positive in-prison behavior and support rehabilitative efforts by providing a better opportunity for them to reintegrate into society upon release. The core of these services is cognitive behavioral treatment programming, which includes the major areas of substance use disorder treatment, criminal thinking, anger management and family relationships. While offenders are prioritized if they are within four years of release and have a moderate-to-high risk to reoffend and a

moderate-to-high criminogenic need for services, the expansion of rehabilitative programs and reentry services to all prisons has allowed more inmates to participate in programs to help them prepare for reintegration to the community.

Significant Adjustments:

- **Drug and Contraband Interdiction**—The Budget includes \$6.7 million General Fund to add 42 canine teams to the existing 28, providing two canine teams at each institution. The canine teams will conduct routine searches of housing units, classrooms, offices, buildings and primary entrance points for contraband, including incoming mail and packages, as well as the institution perimeter, parking lots and vehicles. The Budget also directs the Department to consider using passive canines at prison entrances and throughout institutions. These efforts are intended to reduce inmate violence, increase safety for staff and inmates, and promote a drug-free rehabilitative environment.
- **Prison Infrastructure**—California experienced record levels of rainfall in the past year, and severe storms caused significant damage to prison roofs. Failing prison roofs have resulted in damage to electrical systems and housing units, and interruptions in rehabilitation programs, education programs, and mental health treatment. The Budget includes \$34.9 million to replace roofs at institutions with the greatest need—Salinas Valley State Prison, Pleasant Valley State Prison, and the California Correctional Institute.
- **Segregated Housing Unit Conversions**—As a result of the agreement in the *Ashker v. Brown* lawsuit related to conditions of confinement at Pelican Bay State Prison, the Department has implemented changes that focus on fixed segregated housing terms for behavior-based violations. In addition, the Department has made changes to its step-down program to allow inmates to transition from segregated housing into the general population more quickly. These changes reduced the need for 992 segregated housing beds at Pelican Bay State Prison and California State Prison, Corcoran. The Budget includes resources to convert the beds at Pelican Bay to level II housing and the beds at Corcoran to level IV housing, beginning in July 2017. The Budget also includes \$539,000 for the design of a yard to provide space for recreational and physical education programs.

INMATE HEALTH CARE AND MENTAL HEALTH SERVICES

The Budget continues the state’s significant financial commitment to improve the Department’s delivery of health care services to inmates. The Budget dedicates \$2.9 billion General Fund to health care services programs resulting in inmates having continued access to mental health, medical and dental care that is consistent with the standards and scope of services appropriate within a custodial environment.

FEDERAL RECEIVERSHIP OVERSEEING PRISON MEDICAL CARE

The Budget includes \$2 billion General Fund for prison medical care. The Budget augments the inmate medical care program by \$38.1 million, including \$2.1 million to dedicate property controller positions to oversee all health care assets at the institutions, \$5.4 million for Registered Nurses to triage and remedy medical appeals, \$6.7 million for additional Licensed Vocational Nurses to distribute medication to inmates, \$13.8 million to expand California Prison Industry Authority janitorial services, \$3.1 million for Certified Nursing Assistants to provide one-on-one surveillance of inmates on suicide watch, and \$7 million to implement physician retention strategies to reduce the primary care provider vacancy rate. To date, the Receiver has transitioned oversight of 13 institutions back to the state. These resources are intended to support the full transition of medical care back to the state.

TRANSFER OF PSYCHIATRIC PROGRAMS TO THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

The Department of State Hospitals currently operates 1,156 inpatient mental health treatment beds at three California Department of Corrections and Rehabilitation prisons: California Health Care Facility, Salinas Valley State Prison, and California Medical Facility. The Department provides the inpatient services as part of a broader system of mental health care within the Department of Corrections and Rehabilitation. The Budget transfers these programs effective July 1, 2017, and redirects \$254.4 million and 1,977.6 positions from State Hospitals to the Department of Corrections and Rehabilitation for this purpose.

Transfer of these programs will streamline processes and improve timelines for inmate referrals for psychiatric inpatient treatment, and is intended to improve service delivery and reduce the review timeline for referrals to either intermediate or acute levels of care. The Budget also includes \$11.4 million to add 72 Intermediate Care Facility beds at the California Medical Facility. In addition, the Budget includes \$7.3 million for the initial design of two Capital Outlay projects to provide 100 additional mental health

crisis beds by summer 2021—50 at the California Institution for Men and 50 at the Richard J. Donovan Correctional Facility. These facilities will be constructed as flexible housing, allowing the beds to also be used for intermediate or acute levels of care, as needed. Combined, these proposals will help the Department mitigate inpatient treatment waitlist pressure that has been of significant concern to the Court in the *Coleman vs. Brown* lawsuit.

LOCAL PUBLIC SAFETY

The Budget addresses the following local public safety issues.

COMMUNITY CORRECTIONS PERFORMANCE INCENTIVE GRANT

The Community Corrections Performance Incentive Grant, Chapter 608, Statutes of 2009 (SB 678), was created to provide incentives for counties to reduce the number of felony probationers sent to state prison. The Budget includes \$114.6 million to continue this successful program.

POST RELEASE COMMUNITY SUPERVISION

The Budget includes \$15.4 million General Fund for county probation departments to supervise the temporary increase in the average daily population of offenders on Post Release Community Supervision as a result of the implementation of court-ordered measures and Proposition 57. This is an increase of \$4.4 million over the amount estimated in the Governor’s Budget as a result of the revised implementation schedule of Proposition 57.

FINES, FEES, AND ASSESSMENTS REVIEW

The court system and numerous programs rely on funding generated by fines, fees, and penalties assessed on court filings and citations. In recent years, these revenues have fallen dramatically. The Administration reviewed these revenues, which included an examination of court filings statewide, the revenues collected from these filings, traffic citations, and the collectability of delinquent court-ordered debt and determined changes were necessary.

STATE PENALTY FUND

The State Penalty Fund was created as a depository for assessments on specified fines, penalties, and forfeitures imposed and collected by the courts and counties

for criminal offenses. Based on a statutory formula, assessment revenues are then distributed among eight special funds to fund various programs.

State Penalty Fund revenues have decreased significantly over the past several years largely due to a significant decrease in cited traffic violations. Given that this decrease in revenue is projected to continue, the State Penalty Fund can no longer support all of the programs that receive this funding. In addition, while the costs of these programs have increased, the statutory formula has not been updated to account for these increased costs. As a result, many funds currently have structural deficits and some have received General Fund backfills to ensure solvency.

The Budget addresses the decline in State Penalty Fund revenues and the insolvency of various funds. The Budget makes various changes, including removing the existing statutory formula and making direct appropriations from the Fund for various departments. State Penalty Fund expenditures were prioritized for law enforcement training and victim services programs. See Figure SAF-01.

Figure SAF-01
State Penalty Fund Allocations
 (Dollars in Thousands)

Department	Program	2017-18
Commission on Peace Officer Standards and Training	Peace Officer Standards and Training Program	\$46,496
Board of State and Community Corrections	Standards and Training for Corrections	\$17,209
Office of Emergency Services	Victim Witness and Assistance Programs	\$11,800
Victim Compensation Board	Restitution Fund	\$9,100
Department of Justice	California Witness Relocation and Protection Program	\$3,277
Department of Rehabilitation	Traumatic Brain Injury Program	\$800
Department of Education	Driver Training Programs	\$838
Department of Fish and Wildlife	Fish & Game Preservation Fund	\$450
Office of Emergency Services	Local Public Prosecutors and Public Defenders Training Program	\$450
Total		\$90,420

REPEAL OF DRIVER'S LICENSE SUSPENSION

In the past, when the State Penalty Fund has faced shortfalls, the solution has often been to further increase fines and penalties. While this approach increases revenues generated by those who pay the amount owed, it places an undue burden on those who cannot afford to pay. This approach has led to an increasing amount of fines and penalties going uncollected. For example, in 2008-09, uncollected debt was \$5.5 billion and has grown to \$9.7 billion in 2015-16—a 76-percent increase.

One of the collection methods that courts can use to collect outstanding debt is to suspend driver's licenses for failure to pay. Often, the primary consequence of a driver's license suspension is the inability to legally drive to work or take one's children to school. Therefore, the Budget eliminates the statutory provisions related to suspending driver's licenses for failure to pay fines and penalties.