

PUBLIC SAFETY

This Chapter describes items in the Budget related to California's correctional system and the local public safety system.

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 proposes total funding of \$12 billion (\$11.7 billion General Fund and \$313 million other funds) for the Department in 2018-19.

The 2017 Budget Act projected an overall adult inmate average daily population of 127,693 in 2017-18. The average daily adult inmate population is now projected to be 130,317, an increase of 2.1 percent in 2017-18. Compared to the 2017 Budget Act, the 2018-19 population is projected to decline by 0.2 percent to 127,412, primarily as a result of the implementation of Proposition 57, the Public Safety and Rehabilitation Act of 2016.

The 2017 Budget Act projected an overall parolee average daily population of 47,274 in 2017-18. The average daily parolee population is now projected to be 46,971, a decrease of 0.6 percent in 2017-18, and an increase of 5.1 percent to 49,794 in 2018-19, compared to 2017 Budget Act projections.

In comparison to 2017 Budget Act projections, the Division of Juvenile Justice's average daily youth population is projected to decrease by 121 in 2017-18 and by 91 in 2018-19, for a total population of 615 in 2017-18 and 645 in 2018-19. The decrease in the 2017-18 and 2018-19 youth population is attributable to Proposition 57 population increase not materializing as projected.

ACHIEVING DURABLE POPULATION REDUCTIONS AND IMPROVING PUBLIC SAFETY

In 2011, the U.S. Supreme Court upheld the federal three-judge panel's order requiring the Department to reduce the prison population to 137.5 percent of the prisons' design capacity by June 2013, which was subsequently extended to February 28, 2016. In January 2011, the adult inmate population totaled 162,000 and the state prison population was approximately 178 percent of design capacity. As this Administration's first major prison reform, the state passed Chapter 15, Statutes of 2011 (AB 109), to meet the court-ordered population cap. This landmark legislation helped ease prison crowding and reduced state spending on prisons by shifting responsibility for lower-level offenders to counties.

AB 109 reduced prison population in a manner that avoids early release and gives offenders the best chance at successful reintegration into their communities. Keeping offenders closer to their communities and linking them to post-release services is pivotal to reducing the offender population and maintaining a durable solution to the prison population cap set by the three-judge panel. In the first six months following passage of AB 109, the California Department of Corrections and Rehabilitation's inmate population dropped by more than 21,000 inmates.

Upon implementation, the Department carefully examined its inmate classification and custody designation system, and modified its processes to reclassify offenders into lower housing levels. This change allowed more inmates the opportunity to access programs and enabled the Department to house inmates in less restrictive environments, resulting in safer and more efficient prisons. Gymnasiums are no longer used to double or triple-bunk offenders and have been returned to activity centers that now serve as recreational and rehabilitative programming space for inmates. The alleviation of prison crowding has allowed rehabilitative programs to become a key focus of the prison system, and the construction of three infill housing projects allows level II inmates to be housed in dorm-style facilities that are more conducive to the Department's rehabilitation efforts. The ongoing construction of new space associated with the Healthcare Facility Improvement Project also allows for significant improvements in the delivery of health care in a custodial setting.

In addition to AB 109, other efforts were undertaken to reduce the prison population, including population reduction measures ordered by the federal three-judge panel on February 10, 2014, voter-approved initiatives aimed at reducing the prison population such as Proposition 36 in November 2012 and Proposition 47 in November 2014, and the Governor signing into law a youthful offender parole hearing process for offenders who committed their crime before the age of 26. The court's February 10, 2014 order reaffirmed that the Department would remain under the jurisdiction of the court for as long as necessary to continue compliance with the final benchmark of 137.5 percent of design capacity and establish a durable solution. The prison population has been below the court-ordered cap since February 2015.

Despite all the changes above, the fall 2016 adult inmate population projections estimated that the population would continue to increase by approximately 1,000 inmates per year, making it difficult for the state to maintain compliance with the court-ordered cap.

The Governor sponsored Proposition 57, the Public Safety and Rehabilitation Act of 2016, to maintain compliance with the court-ordered population cap—establishing a durable solution to end federal court oversight, and create more incentives for inmates to participate in rehabilitative programs. Proposition 57 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 Department 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 Department implemented emergency regulations in April 2017 to exercise its authority to award credits provided by the proposition. Proposition 57 is now estimated to reduce the average daily adult inmate population by approximately 6,300 in 2018-19, growing to an inmate reduction of approximately 11,500 in 2020-21. These figures remain subject to considerable uncertainty.

The implementation of Proposition 57 and other population reduction measures mentioned above will allow the Department to eliminate the use of out-of-state contract beds. Current estimates include the removal of all inmates from one of two remaining out-of-state facilities by the end of 2017-18. As the impact of Proposition 57 grows, the Department anticipates returning inmates from the remaining out-of-state facility by fall 2019.

PUBLIC SAFETY THROUGH INMATE REHABILITATION AND REENTRY

The goal of this Administration's prison reforms has been to not only reduce the overall population, but also to give offenders greater opportunity for rehabilitation, thereby improving

offender outcomes and increasing public safety. After years of recession-era cuts to offender rehabilitation programs, building population reductions around increased programming takes increased investments—especially given that much of Proposition 57 is premised around offenders earning their way out of prison through achievement credits. Over the last several years, programs have been reestablished to prior levels.

- Substance abuse treatment programs have been expanded to all state prisons.
- Other cognitive behavioral treatment programs, including criminal thinking, family relationships, and anger management, have been expanded to all state prisons.
- Academic education classes are offered at all state prisons.
- Career technical education is not only available in all state prisons, but recent budgets have included resources to expand programming slots to serve more offenders and to provide internet access in career technical education classrooms to maintain industry standards and certifications.
- There have been increased investments in Arts-in-Corrections with programs rolling out to all state prisons.
- Transitional preparation courses focused on job-readiness and financial literacy have been expanded to all state prisons.
- Local community colleges now offer in-person college courses at all state prisons, with the exception of the California Health Care Facility.
- The Department is implementing an innovative, television-based education program to reach offenders not traditionally eligible or capable of attending in-person programs.
- Innovative programming grants have been used to encourage non-profit providers to expand their programs and services to traditionally hard-to-reach and under-served institutions.
- Programs have been expanded that are specifically tailored to long-term offenders, including substance use disorder mentor certification training and cognitive behavioral treatment specifically for offenders subject to review and release by the Board of Parole Hearings.

While these programs and others are largely focused on the rehabilitative aspects of preparing for release, additional investments have been made to provide offenders with basic necessities prior to release and linking them with community services upon release.

- The Cal-ID program has expanded to all state prisons. Cal-ID establishes a process for inmates who are being released to obtain a California State Identification Card, which is

critical for inmates transitioning into the community. For example, a state-issued identification card is needed to enroll in Medi-Cal and obtain services.

- The state is also pre-enrolling state inmates into Medi-Cal prior to release, which makes them immediately eligible for these services upon release. The Department is estimated to have approximately 45,000 offenders on active parole in 2018-19 and approximately 85 percent of them will be Medi-Cal eligible.
- A voluntary community reentry program was established to allow eligible participants to serve the last year of their sentence in community-based reentry centers while being directly linked to a range of rehabilitative services, including substance use disorder treatment, mental health care, medical care, employment, education, housing, family reunification, and social support in their community of release in lieu of confinement in state prisons.
- A new transitional housing program was established for long-term offenders to provide housing, meals, support services, resources and peer-driven programming during the first 6 to 12 months after release.

The Budget includes \$454.4 million General Fund specifically for the Division of Rehabilitative Programs, compared to approximately \$300 million in 2012-13. As a per offender investment, this exceeds pre-recession era levels that were the peak of rehabilitation funding. The Division prepares offenders for release by offering various programs and services that promote positive in-prison behavior and support their rehabilitative efforts to provide a better opportunity for them to reintegrate into society. 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 community reintegration. The changes made under the authority provided by Proposition 57 encourage additional participation in programs and services, making for a safer prison environment and better success for inmates upon release.

To further build upon prior investments by this Administration, the Budget includes the following additional expansions:

- Career Technical Education—\$6.7 million General Fund to expand Career Technical Education programming to 13 additional sites and offer 338 additional programming slots and \$1.5 million General Fund for related equipment replacement. Career Technical Education programming provides participants with education aligned with state boards or national organization certifications. The Career Technical Education program can currently

serve approximately 9,100 offenders annually with a moderate-to-high employment need and focuses on offenders who are within four years of their expected release. Additional resources are provided for equipment replacement to maintain alignment with industry standards and equalize equipment across all institutions.

- **Self-Help Groups**—\$2.5 million General Fund to provide support for inmate activity groups now eligible for Rehabilitative Achievement Credits under Proposition 57. Participation and waitlists have grown significantly since the implementation of Proposition 57. This request supports the expansion of Inmate Activity Group programs from 1,100 programs in 2016-17 to over 3,000 programs by 2018-19. These programs are designed to enhance public safety by engaging offenders in self-improvement programs and personal preparation for reentry. Providing incentives to inmates to participate in rehabilitative programming also reduces inmate misconduct and violence in the prisons, yielding safer conditions for inmates and staff.
- **Rehabilitative Programming Grants**—\$4 million Inmate Welfare Fund to provide rehabilitative programming grants to non-profits that provide programs that have demonstrated success and focus on offender responsibility and restorative justice principles. The grant resources will improve access to rehabilitative programming, treatment, and services and increase the percentage of offenders served.

STATEWIDE PRISON TO EMPLOYMENT INITIATIVE

The Budget includes \$16 million General Fund for the Statewide Prison to Employment Initiative, a partnership of the California Workforce Development Board, California Department of Corrections and Rehabilitation, and California Prison Industry Authority that will provide services for regional and local planning and implementation to integrate reentry and workforce services and direct services to the formerly incarcerated. This initiative is designed to accelerate the alignment of correctional education, training, and increased workforce system collaboration.

FIREFIGHTER TRAINING AND CERTIFICATION PROGRAM

The Budget includes \$26.6 million General Fund to establish a Firefighter Training and Certification Program for ex-offenders to provide the necessary education and training to become a firefighter. The program creates a training center at the Ventura Conservation Camp for 80 ex-offenders with job skills to succeed post-incarceration. The California Conservation Corps will be the employer of record and provide the base wages and benefits consistent with other Corps members. The California Department of Forestry and Fire Protection (CAL FIRE) will be responsible for the administration of the facility, fire training, and certification.

The California Department of Corrections and Rehabilitation and CAL FIRE will jointly select participants for the program, and CAL FIRE will recommend individuals that are housed at fire camps while incarcerated. The 18-month program will consist of three phases: phase one is a three-month orientation training that includes completion of life skills training, any required treatment programs, and basic forestry and firefighting courses; phase two will include three months of firefighter training to complete advanced, comprehensive industry firefighter courses and certification; and phase three is a Type I Fire Crew assignment for 12 months, during which participants will gain the necessary hands-on work experience component of the program. Upon completion of the program, participants will be qualified through experience and certifications to apply for entry-level firefighting jobs with local, state, and federal firefighting agencies. In addition, the program will allow up to 20 California Conservation Corps members to participate in training courses at the facility.

SUPPORT FOR AGING INFRASTRUCTURE

A prison system that is safe for inmates and staff requires investments in infrastructure to provide the necessary space and tools to operate effectively. While the state has made significant investments in rehabilitation and health care, some of the Department's core infrastructure has deteriorated and improvements must be made. Accordingly, the Budget includes \$131.1 million for infrastructure investments.

ROOFS AND MOLD REMEDIATION

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; interruptions in rehabilitation programs, education programs and mental health treatment; and the development of mold. In continuation of the roof replacement funding provided in the 2017 Budget Act, the Budget includes \$60.7 million General Fund to replace roofs at the California Substance Abuse Treatment Facility, Salinas Valley State Prison, and Ventura Youth Correctional Facility and \$20 million General Fund for mold remediation efforts at various facilities in 2018-19. This continues a multi-year strategy to address failing roofs, with Calipatria State Prison and California State Prison, Corcoran being the next priorities.

PUBLIC SAFETY COMMUNICATION SYSTEM

The public safety communication radio system has been in operation for over 28 years and is no longer supported by the manufacturer. These systems have experienced failures, resulting in the inability to effectively communicate within the Department and externally with partner organizations. Over the past several years, the Department has prioritized the replacement of

handheld radio devices to the extent possible. The Budget includes \$32.9 million to replace the public safety radio communication system at the remaining nine adult institutions that have not been upgraded, two juvenile facilities, and various fire camps, and provide interoperability to the statewide transportation unit.

HEALTH CARE VEHICLES

The Department's fleet consists of approximately 7,700 vehicles, including vans, buses and medical transport vehicles, many of which have exceeded mileage standards set by the Department of General Services. In 2012, the Receiver delegated health care access responsibilities to the Department, which includes providing timely transportation of inmates to health care appointments outside the prisons. Many of the vehicles used to provide transportation are in need of replacement, and the Department lacks a permanent and dedicated vehicle replacement budget. Since 2013-14, the Department has been able to redirect resources to replace some health care vehicles, but more needs to be done. The Budget includes \$17.5 million to replace and purchase additional high-priority health care vehicles. While this will allow for the purchase and replacement of some health care vehicles, it is a small fraction of the Department's overall fleet needs. The Department will work with the Department of General Services on a more comprehensive and long-term fleet acquisition plan for consideration next fall.

JUVENILE JUSTICE REFORM

AGE OF JURISDICTION

The *Farrell v. Brown* lawsuit began in the early 2000s, and resulted in complete reform of the state juvenile system, including several legislative changes that were implemented to dramatically reduce the Division of Juvenile Justice population from around 3,000 in 2005 to approximately 1,100 in 2011. To continue population reductions and generate savings, the 2012 Budget Act changed the age of jurisdiction from 25 to 23 for youths sent to the Division of Juvenile Justice.

New research on brain development and juvenile case law around diminished culpability of juvenile offenders has prompted the Administration to reevaluate this decision. Currently, juvenile court commitments are eligible to be housed at a juvenile facility until the age of 23, and superior court commitments are transferred to an adult prison at the age of 18 if they are not able to finish their sentence by the age of 21. To allow offenders to benefit from rehabilitative programming designed for young offenders and be more successful upon release, the Administration proposes to raise the age of jurisdiction to 25. While the exact population effects are unknown, prior to reducing the age of jurisdiction in 2012-13 from 25 to 23, the

Division of Juvenile Justice housed approximately 40 wards that were ages 23 or older.

YOUNG ADULT OFFENDER PILOT PROGRAM

As noted above, the landscape of juvenile sentencing and rehabilitation policy is progressively changing. In addition to juvenile brain development research, there is other research that indicates that emerging adult offenders released from adult prison recidivate at a higher rate than similarly aged offenders released from a juvenile facility. There appears to be widespread interest in treating the emerging adult offender group similar to today's juvenile offender population. In recognition of the changing philosophy related to the emerging adult population, the Legislature enacted Chapter 865, Statutes of 2016 (SB 1004), which authorized a five county pilot program to house youth aged 18 to 21 in juvenile halls rather than county jails.

All these recent changes, including changes made to juvenile sentencing under Proposition 57, have led the Administration to propose a similar pilot program at the state level. The Budget includes \$3.8 million General Fund to establish two housing units to support a Young Adult Offender Pilot Program that would divert a limited number of young adult offenders who have committed specified crimes from adult prison to a juvenile facility. This would allow these offenders to benefit from specialized rehabilitative programming designed for young offenders with the goal of reducing recidivism. The Department will develop criteria for placement in this program, initially targeting offenders committed to adult prisons between the ages of 18 and 21.

Both of the proposed changes divert young offenders from adult prison to the Division of Juvenile Justice to avoid the adult prison environment, especially gang activity.

INMATE MEDICAL 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 \$3.1 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

In 2005, a federal court established a receivership to oversee prison medical care. To date, the Receiver has transitioned oversight of 15 institutions back to the state. The Budget includes \$2.1 billion General Fund for prison medical care. The Budget augments the inmate medical care program by \$12.8 million, including \$8.3 million to complete the integration of an Electronic Health Records System throughout the state's prison system and \$4.5 million to lease automated drug cabinets for controlled substances and establish a Correctional Clinic Model

allowing non-patient-specific medications to be maintained at the clinics where they are distributed to patients. As noted above, the Budget includes \$17.5 million for new and replacement health care access vehicles to maintain timely access to health care provided outside the institution. These resources are intended to support a full transition of medical care back to the state.

INCREASES IN INPATIENT MENTAL HEALTH TREATMENT BED CAPACITY

The Budget includes \$20.1 million General Fund to address mental health treatment bed capacity issues as well as resources needed to monitor health care data reporting and patient referrals. The Budget addresses mental health treatment bed capacity issues by adding capacity for females and leveraging and relocating existing male bed capacity to maximize flexibility. Specifically, the Budget proposes:

- \$8.7 million to convert two existing housing units that only provide one level of care to housing units that can transition between different levels of care to accommodate unexpected spikes in the inpatient mental health treatment populations.
- \$6.8 million to add 15 Mental Health Crisis Beds and 5 Psychiatric Inpatient beds at the California Institute for Women to address the need for increased capacity.
- \$2.4 million to improve patient movement in and out of inpatient treatment beds, and resources for the Department to assume responsibility for the mental health population projections from a court-required consultant.
- \$1.2 million to perform utilization management reviews to maximize the use of the Department's inpatient mental health treatment bed capacity.
- \$1 million to transfer 20 Mental Health Crisis Beds from northern California to Southern California to help address the greater need for mental health treatment beds in Southern California.

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 \$106.4 million to continue this successful program.

POST-RELEASE COMMUNITY SUPERVISION

The Budget includes \$29 million General Fund for county probation departments to supervise the temporary increase in the average daily population of offenders on Post-Release Community Supervision (PRCS) as a result of the implementation of Proposition 57.

PROPOSITION 47 SAVINGS

Voters passed Proposition 47 in November 2014, which requires misdemeanor rather than felony sentencing for certain property and drug crimes and permits inmates previously sentenced for these reclassified crimes to petition for resentencing. The Department of Finance currently estimates net savings of \$64.4 million for Proposition 47 when comparing 2017-18 to 2013-14, an increase of \$18.8 million over the estimated savings in 2016-17. Ongoing savings are currently estimated to be approximately \$69 million. These funds will be allocated according to the formula outlined in the initiative.

TRANSITION FROM STATE CUSTODY TO LOCAL SYSTEMS

As a result of various criminal justice reforms over the years, it has become increasingly important to improve the transition of inmates from state custody to local supervision. The Administration has found the existing handoff between the California Department of Corrections and Rehabilitation and probation departments is in need of improvement. The Administration plans to strengthen local partnerships to enhance the process for release. By improving information transfer and sharing of resources to assist with a more seamless transition of offenders to the local system, the state can increase success of transition and reduce the likelihood of offenders returning to custody. To this end, the Department has undertaken several initiatives in cooperation with counties, such as:

- Pre-release video conferencing, which allows a probation officer to schedule a video teleconference appointment with an offender prior to release to PRCS. This will increase communication between offenders and their probation officers, allowing for more effective pre-release planning and dialogue related to housing and treatment program placement.
- In December 2017, the Department led web-based training for approximately 600 county probation staff to promote a better understanding of the Department's release process and the Department's protocols for determining PRCS eligibility.
- The Department, in collaboration with the Receiver's Office and the Chief Probation Officers of California, has developed a protocol for the release of offenders who are medically compromised and in need of specialized community care upon release. The protocols include communication requirements and expedited timeframes between internal and

external stakeholders who are impacted by the release of medically compromised inmates. The Department is also working on a protocol for the release of inmates with serious mental illness.

- In October 2017, the Department finished automation of the pre-release information to expedite the process and provide associated data to appropriate staff in real-time. The pre-release information includes offender data such as in-prison behavior and programming, residence and employment plans, reporting requirements, caseworker evaluations, and medical and psychiatric needs.

Since these efforts are in the early stages of implementation, the Administration will continue working with the Chief Probation Officers of California to discuss and evaluate their impacts on the handoff process.

Success for offenders comes from continuing partnerships with stakeholders at the local level on diversion, mental health, job readiness and workforce development, substance use disorder treatment, and health care programs that focus more on rehabilitation and reintegration into society. Initiatives undertaken by the Administration, such as implementation of the Affordable Care Act and workforce investments, give the state an opportunity to provide offenders with services necessary to end the cycle of crime and become self-sufficient and productive members of society.

DEPARTMENT OF JUSTICE

The Administration will continue working with the Attorney General's Office on a funding proposal expected in the spring to implement Chapter 541, Statutes of 2017 (SB 384), which will replace the existing lifetime sex offender registration system with a tiered registration system beginning January 1, 2021. Among other things, the Department of Justice will need to prepare information technology planning documents, update the California Sexual Assault Registry, and add staff to support new tiering, exclusion and termination requests associated with SB 384, which are expected to cost millions of dollars annually.