

# PUBLIC SAFETY

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## DEPARTMENT OF CORRECTIONS AND REHABILITATION

The California Department of Corrections and Rehabilitation (CDCR) 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 \$12.6 billion (\$12.3 billion General Fund and \$303 million other funds) for the Department in 2019-20.

The 2018 Budget Act projected an overall adult inmate average daily population of 126,890 in 2018-19. The average daily adult inmate population is now projected to be 128,334, an increase of 1.1 percent over spring projections. However, current projections show the adult inmate population is trending downward and is expected to decrease by approximately 1,360 offenders between 2018-19 and 2019-20. Proposition 57, the Public Safety and Rehabilitation Act of 2016, established a durable solution to end federal court oversight and create more incentives for inmates to participate in rehabilitative programs. Proposition 57 is currently estimated to reduce the average daily adult inmate population by approximately 6,300 in 2019-20, growing to an inmate reduction of approximately 10,500 in 2021-22. The estimated impact of Proposition 57 has been incorporated into the aforementioned total population projections. The Budget assumes all inmates will be returned from out-of-state facilities by the end of the current year. However, due to the higher-than-expected population in 2018-19, all

inmates are now expected to return in June 2019 instead of January 2019 as projected in the 2018 Budget Act.

The 2018 Budget Act projected an overall parolee average daily population of 48,535 in 2018-19. The average daily parolee population is now projected to be 48,701, an increase of less than one percent over spring projections. Current projections show the parole population is trending upward and is expected to increase by 1,244 parolees between 2018-19 and 2019-20.

The 2018 Budget Act projected an overall average daily juvenile ward population of 646 in 2018-19. The average daily ward population is now projected to be 662, an increase of 2.5 percent over spring projections. Current projections show the ward population is trending upward and is expected to increase by 97 wards between 2018-19 and 2019-20, for a total of 759 wards. The increase in 2019-20 is driven by the activation of the Young Adult Program, and raising the age of jurisdiction to 25, as authorized in the 2018 Budget Act. These changes provide additional opportunities for young offenders to be housed in smaller, rehabilitation-focused juvenile facilities with other young offenders, in lieu of incarceration in adult prison.

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### **FOCUS ON INMATE REHABILITATION AND REENTRY**

A critical component of a well functioning correctional system is providing offenders greater opportunity for rehabilitation, thereby improving offender outcomes and increasing public safety. The Budget includes \$475.3 million General Fund specifically for the Division of Rehabilitative Programs, compared to approximately \$300 million in 2012-13. 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. Although 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, the Budget includes the following proposals.

## IMPROVING INMATE LITERACY

Literacy instruction is the primary focus of CDCR's Office of Correctional Education, serving over 26,000 literacy students daily in 35 accredited adult schools. Currently, 53 percent of California's adult inmates read above the 9th grade level, which represents a five-percent increase over the last three years. To build upon this progress, the Budget includes \$5.5 million General Fund for a package of programs specifically aimed at improving literacy rates among the offender population consisting of the following major components:

- Diagnostic remedial reading program—Reading Horizons is an evidence-based reading program focused on beginning reading literacy skills and English as a Second Language. This program presents both a teacher and computer-based learning platform able to assess and diagnose individual student literacy needs. Once assessed, each student receives an individualized learning plan.
- Computer-based learning—Aztec is a computer-based instructional program providing diagnostic and personalized learning experiences, with a focus on core academic subject areas preparing students for a high school equivalency examination. CDCR currently uses a desktop version of Aztec but will migrate to the cloud-based platform allowing for timely software updates and additional instructional features not available with the desktop version.
- English as a Second Language—CDCR currently offers literacy programs to those who speak a language other than English. This component will provide for specific training to literacy teachers in second language acquisition theory, with a strong focus on academic language. The program will begin with a pilot at three institutions to develop a model whereby CDCR-trained instructors will ultimately train other teachers statewide.
- Teacher mentor program—CDCR will deploy six teachers with extensive experience to provide coaching and mentorship for new teachers and teachers needing additional support in literacy instruction. The experienced teachers will work closely with each school principal from their respective region to determine specific teacher training needs.
- Literacy Coaches—Literacy Coaches will be established at each prison to teach, monitor, and supervise qualified inmate-tutors allowing for the expansion of literacy learning opportunities in classrooms, libraries, and day rooms when appropriate. The coaches will also provide a Milestone Completion Credit training curriculum and

internship for aspiring inmate-tutors. Inmate-students assigned to, or recruited by, the inmate-tutors will also earn existing Milestone Completion Credits as they meet educational attainment benchmarks. They are further eligible to earn Educational Merit Credits upon academic achievement of a high school equivalency.

- Literacy Mentor Program—Linked to the aforementioned Literacy Coaches, CDCR will formalize and expand its existing Literacy Mentor Program from two existing prisons to all 35 prisons. The Literacy Mentor Program uses Literacy Coaches to train inmates as literacy tutors for their fellow inmates. These inmate-tutors are then supervised by Literacy Coaches thereby expanding the influence of a single Literacy Coach. While one Literacy Coach can teach up to 120 students, under the Literacy Mentor Program, a single coach can monitor 20 inmate-tutors, who each work with 20 inmate-students, thus expanding the Literacy Coaches' student capacity to 400. Upon completion of the Literacy Coaches' training program, the inmate-tutors will also earn hourly wages while tutoring their inmate-students, with pay levels varying based on the mentor's level of education.

### **TATTOO REMOVAL PROGRAM**

Tattoos often present an obstacle to formerly incarcerated individuals seeking to reintegrate into society. The Prison Industry Authority and the Division of Juvenile Justice both operate tattoo removal programs, but these programs are limited in scope and additional resources are needed to expand the availability of this service. The Budget includes \$2.5 million General Fund for an expanded tattoo removal program for the adult offender population. Based on the existing Prison Industry Authority program model, this funding could allow the Department to remove tattoos from approximately 4,400 additional offenders per year.

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### **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. Although 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 substantial infrastructure investments.

## **PRISON MAINTENANCE**

The Department is responsible for maintaining 34 prisons with over 41 million square feet of space. These facilities require regular maintenance and repairs. The current model for funding such maintenance activities incorporates annual adjustments based on changes in the number of inmates. As such, funding for maintenance has decreased significantly in recent years as the inmate population has declined. However, maintenance costs are generally fixed. The Department has deferred critical maintenance projects, which have resulted in critical infrastructure systems deteriorating to the point of failure. The Department now has over \$1 billion in deferred maintenance projects.

The Budget includes \$18.5 million General Fund in 2019-20, growing to \$55.6 million beginning in 2021-22 to establish a new funding methodology and baseline budget for annual prison maintenance and repair costs. This new methodology establishes a funding rate of \$2.20 per usable square foot of building space, and incrementally raises the level of funding up to the new baseline by 2021-22. This funding will be provided in a new dedicated budget item, ensuring that the funds are consistently prioritized for maintenance and repairs. In addition, the Budget includes \$25 million in one-time General Fund in 2019-20 to address the Department's highest priority deferred maintenance projects.

## **ROOF REPLACEMENT**

In recent years, California experienced record levels of rainfall, 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 and 2018 Budget Acts, the Budget includes a total of \$71.7 million General Fund over two years for roof replacement projects, including design funding at High Desert State Prison and California State Prison, Solano. This is part of a broad, multi-year plan to replace aging and deteriorating roofs across the state prison system. To date, eight institutions have received one-time funding for roof replacement and repair projects. With funding for these 2 prisons, 18 remaining institutions are scheduled for future roof replacement and repair projects over the next 7 years.

## **FIRE ALARM SYSTEMS**

The Budget includes a total of \$59 million General Fund over two years to replace fire alarm systems and repair fire suppression systems at Mule Creek State Prison, R.J. Donovan Correctional Facility, and California State Prison, Sacramento. The State Fire Marshal identified several deficiencies during fire and life safety inspections at these institutions between 2014 and 2017. These funds will replace aging and outdated fire alarm systems and bring the existing fire suppression systems into code compliance.

## **ACCESSIBILITY IMPROVEMENTS**

In response to a federal class action lawsuit (known as *Armstrong*) the Department commissioned a survey in 2011 to identify infrastructure improvements needed to make its prison facilities accessible to inmates with disabilities. The 2014 and 2015 Budget Acts included a total of \$42.6 million to make improvements recommended by the survey. While the Department has made substantial improvements that have improved access considerably for inmates with disabilities, further improvements are necessary. As such, the Budget includes a total of \$8.4 million General Fund over two years to fund accessibility improvements for inmates with disabilities at the California Institution for Women and Mule Creek State Prison.

## **FLEET ASSET REPLACEMENT**

CDCR currently maintains a fleet consisting of over 7,000 vehicles such as fire trucks, buses, and other vehicles. However, the Department does not have a dedicated baseline budget for replacement and repair of vehicles and has redirected existing funding in the last several fiscal years from other areas to partially support fleet assets. The Budget includes \$24 million General Fund to establish a seven-year replacement schedule for fleet assets that serve mission-critical functions and meet the Department of General Service's replacement threshold criteria.

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## **JUVENILE JUSTICE**

### **REORGANIZATION OF THE DIVISION OF JUVENILE JUSTICE TO HEALTH AND HUMAN SERVICES AGENCY**

The Division of Juvenile Justice is projected to have a population of 759 young offenders in 2019-20 and focuses on providing rehabilitative programming designed for young offenders. Given the Division's focus on improving rehabilitation, the Budget proposes to move youth correctional facilities from the CDCR to a new department under

the Health and Human Services Agency. This change will enable the state to better provide youth offenders with services needed to be successful when they are released.

### **CALIFORNIA VOLUNTEERS PARTNERSHIP**

The Division of Juvenile Justice has been working with California Volunteers to develop an AmeriCorps program to assist youth with reentry and earning an Honorable Discharge from the Board of Juvenile Hearings. The Budget includes \$2 million to provide matching funds for a California Volunteers/AmeriCorps federal grant which will support 40 half-time AmeriCorps members in organizations assisting youth released from the Division of Juvenile Justice.

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### **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 \$3.3 billion General Fund to health care services programs, which provide 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 19 institutions back to the state. The Budget includes \$2.3 billion General Fund for prison medical care. This includes an augmentation of \$6 million General Fund to provide increased staffing, facilities, and information technology equipment for expanding utilization of telehealth, which uses audio-visual technology and other electronic means to connect patients with clinicians via the internet. This expansion will improve access to care and reduce costly transportation of inmates to health care providers outside prison walls. In addition, the Budget includes \$1.8 million General Fund on a limited-term basis to expand the Educational Partnerships Program. The program places students and recent graduates in medical professions in temporary residency and internship positions within state prisons to develop critical on-the-job skills and to address provider recruitment and retention issues. These resources are intended to support the eventual full transition of medical care back to the state.

## LOCAL PUBLIC SAFETY

The Budget addresses the following local public safety issues.

### COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

In 2014-15, funding for the Commission on Peace Officer Standards and Training (POST) began decreasing significantly, driven by a decline in criminal fine and fee revenues which were the primary funding source for POST. In response, POST has been forced to significantly scale back its support for local law enforcement training. For example, it has reduced or eliminated reimbursement payments for local law enforcement agencies to attend training courses. In addition, POST has also postponed updating curriculum that it believes need revision to reflect current best practices.

The Budget includes \$14.9 million General Fund to restore POST to its historical budget level prior to the decline in fine and fee revenues. This funding will allow POST to restore many of the program cuts it was forced to make in recent years. It will also be used to implement new, and update existing, training curriculum so that courses reflect current best practices in areas such as verbal communication and listening skills, cultural awareness and diversity, de-escalation techniques, and engagement with individuals suffering from mental health or homelessness issues. In addition, the Budget includes \$20 million General Fund to make permanent a one-time augmentation included in the 2018 Budget Act for training on use of force and de-escalation and engaging with individuals experiencing a mental health crisis.

### HUMAN TRAFFICKING PROGRAMS

The Budget includes programs aimed at identifying and serving victims of human trafficking.

Human Trafficking Victim Assistance Program—The Budget includes \$10 million ongoing General Fund for the Office of Emergency Services to continue funding for the Human Trafficking Victim Assistance Program. The program assists victims of sex and/or labor trafficking in recovering from the trauma they experience and reintegrating into society. Grant recipients provide comprehensive safety and supportive services, including a 24-hour crisis hotline, emergency shelter, temporary housing, emergency food and clothing, counseling, transportation, legal assistance, and referrals to existing local resources. The Office of Emergency Services, through a competitive grant process, currently funds 21 projects with \$10 million one-time General Fund.

Human Trafficking Task Forces—The Budget includes \$4.2 million General Fund to establish two regional task forces within the Department of Justice to address the statewide human trafficking epidemic by focusing on the worst sexual predators who are involved in human trafficking.

### **ORGANIZED RETAIL THEFT TASK FORCES**

The Budget includes \$5.8 million General Fund on a limited-term basis for the California Highway Patrol to coordinate with the Department of Justice in the creation of regional task forces aimed at reducing organized retail theft activities as required by Chapter 803, Statutes of 2018 (AB 1065).

### **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 \$116.4 million General Fund to continue this successful program.

### **POST-RELEASE COMMUNITY SUPERVISION**

The Budget includes \$11.8 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 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 General Fund savings of \$78.5 million from Proposition 47 when comparing 2018-19 to 2013-14, an increase of \$13.8 million over the estimated savings in 2017-18. These funds will be allocated according to the formula outlined in the initiative.

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## **CALIFORNIA PENAL CODE REVIEW**

The California Penal Code has dramatically increased in size from about 234,000 words in 1965 to 1.2 million in 2018. There are more than 5,000 separate criminal provisions specifying criminal behavior, penalties for convictions, additional enhancements, and credit earning once incarcerated. This complex statutory structure requires study and

recommendations to revise the Penal Code. The Budget includes \$576,000 to begin an effort under the California Law Revision Commission to simplify and rationalize criminal law and criminal procedures included in the Penal Code.

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## **DEPARTMENT OF JUSTICE**

The Attorney General, as chief law officer of the state, has the responsibility to see that the laws of California are uniformly and adequately enforced. This responsibility is fulfilled through the diverse programs of the Department of Justice. The Department of Justice provides legal services on behalf of the people of California; serves as legal counsel to state agencies; provides oversight, enforcement, education, and regulation of California's firearms laws; provides evaluation and analysis of physical evidence; and supports data needs of the California criminal justice community. The Budget includes total funding of approximately \$1 billion, including \$330.9 million General Fund, to support the Department of Justice.

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### **BUREAU OF FIREARMS**

#### **ARMED PROHIBITED PERSONS SYSTEM**

The focus of the Armed Prohibited Persons System (APPS) program, administered by the Department of Justice, is to disarm convicted offenders, individuals experiencing mental illness, and dangerous individuals. The APPS database, which went into effect in December 2006, cross-references firearms owners across the state against criminal history records, mental health records, and restraining orders to identify individuals who have been, or will become, prohibited from possessing a firearm subsequent to the legal acquisition or registration of a firearm or assault weapon.

Over the past several years, the number of individuals added to the armed and prohibited persons list was significantly greater than those being removed. Annual increases in the number of new APPS offenders due to long gun records being added to the system, increased firearm sales, and newly prohibited offenses has led to a backlog in the number of cases in APPS. In addition, the fund source for APPS, the Dealers' Record of Sale Account, currently has a structural deficit and cannot sustain additional expenditures for this program. Therefore, the Budget includes a total of \$16.9 million General Fund for APPS—\$11.3 million to shift the existing APPS program from the Dealers' Record of Sale Account to the General Fund and \$5.6 million General Fund to support increased APPS workload. Shifting these costs to the General Fund provides a

more stable fund source for APPS and allows the Dealers' Record of Sale Account to maintain solvency to continue to support additional Bureau of Firearms workload.

### **BUREAU OF FIREARMS WORKLOAD**

The Bureau of Firearms regulates and enforces the manufacture, sale, ownership, safety training, and transfer of firearms. In recent years, there have been several laws enacted that affect the purchasing and ownership of a firearm in California, which has impacted the workload of the Bureau. The Budget includes \$6.9 million Dealers' Record of Sale Account to address increasing workload related to firearm sales.

### **LEGAL SERVICES**

The Department of Justice administers the Legal Services Revolving Fund, which is used for investigation and litigation activities by the Department, and for legal representation of state agencies and employees in any judicial or administrative adjudicative proceeding. To recover costs for legal services, client agencies are assessed a corresponding hourly billing rate which is currently set at \$170 per hour for attorney services, \$120 per hour for paralegal services, and \$99 per hour for legal analyst services. These rates have not increased since 2009-10 despite numerous employee compensation increases.

Historically, the Department of Justice's billing rate structure, as well as a relatively high fund balance from settlement revenues, has been sufficient to sustain the ongoing costs of legal services. However, the fund balance has significantly declined in recent years, placing the Legal Services Revolving Fund in an operational deficit. The Administration is committed to working with the Attorney General to modify the current billing rate structure to more accurately reflect current costs and to determine the impact on state agencies and departments that rely on the Department of Justice for legal services. The Administration will also work with the Attorney General regarding the oversight and approval of the use of settlement funds.

### **OTHER SIGNIFICANT INVESTMENTS IN THE DEPARTMENT OF JUSTICE**

The Budget also includes the following significant investments in the Department of Justice:

- Sex Offender Registry, Chapter 541, Statutes of 2017 (SB 384)—\$17.2 million General Fund to continue the state's commitment to implementing SB 384, which requires tiered registration of sex offenders.

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- Bureau of Forensic Services—\$15 million General Fund and \$10 million Fingerprint Fees Account to backfill the continued decline in fine and fee revenues in the DNA Identification Fund. This funding will enable the Department of Justice to continue processing forensic evidence for client counties. The Budget also includes \$5.8 million General Fund to establish a replacement schedule to regularly maintain and replace forensic laboratory equipment.