

PUBLIC SAFETY

This Chapter describes items in the Budget related to California’s correctional system and local law enforcement.

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 \$10.5 billion (\$10.3 billion General Fund and \$248 million other funds) for the Department in 2016-17.

The 2015 Budget Act projected an overall adult inmate average daily population of 127,990 in 2015-16. The average daily adult inmate population is now projected to decrease by 0.2 percent to 127,681 in 2015-16 and increase by 0.7 percent to 128,834 in 2016-17 compared to the 2015 Budget Act projection.

The 2015 Budget Act projected an overall parolee average daily population of 44,570 in 2015-16. The average daily parolee population is now projected to decrease by 1.4 percent to 43,960 in 2015-16 and by 4.5 percent to 42,571 in 2016-17, compared to 2015 Budget Act projections.

The Division of Juvenile Justice’s average daily ward population is increasing compared to the 2015 Budget Act projections. Specifically, the ward population is projected to increase by 37 in 2015-16 and by 42 in 2016-17, for a total population of 714 in 2015-16 and 719 in 2016-17.

CONTINUED FOCUS ON INMATE REHABILITATION AND REENTRY

The Budget includes approximately \$400 million General Fund for the Division of Rehabilitative Programs. The Division continues to operate 13 prison-based reentry hubs which provide reentry services to targeted populations. The reentry hubs target offenders who 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 core of reentry hub programming is cognitive behavioral treatment programming, which includes the major areas of substance use disorder treatment, criminal thinking, anger management and family relationships.

The Budget includes \$15.2 million to continue the expansion of substance use disorder treatment programs to the remaining 11 institutions currently without a program.

The Budget includes \$32.1 million to continue the community reentry program. Reentry programs link offenders to a range of community-based, rehabilitative services that assist with substance use disorders, mental health care, medical care, employment, education, housing, family reunification, and social support. The program is voluntary and allows eligible male inmates committed to state prison to serve the end of their sentences in the community in lieu of confinement in state prison. To date, the Department has contracts to house 220 inmates in community reentry facilities. The Budget includes resources for a total of 680 beds in 2016-17 and proposes to increase the eligibility criteria from 120 days prior to release to 180 days. The Budget also includes \$25 million for incentive payments to local governments to aid in the siting of these community-based facilities.

DRUG AND CONTRABAND INTERDICTION

The Budget includes \$7.9 million General Fund to continue and expand efforts to reduce illegal drugs and contraband entering prisons. Specifically, the Budget proposes to continue drug and contraband interdiction efforts at 11 institutions, including intensive interdiction at Calipatria State Prison; California State Prison, Solano; and California State Prison, Los Angeles County. The expansion will enable the Department to search more staff, visitors and vendors entering these prisons on a daily basis, as well as packages received by these prisons.

These efforts are intended to reduce inmate violence, increase safety for staff and inmates, and promote a drug-free rehabilitative environment. Additionally, these efforts complement the expansion of substance use disorder treatment to the remaining prisons that are not reentry hubs by allowing the Department to prioritize placement of inmates who test positive for illicit drug use into substance use disorder treatment programs. The Department will contract with an independent entity to analyze and evaluate data collected by the institutions, which will help inform a potential future expansion of this program.

EXPANSION OF PROGRAMS AND SERVICES FOR LIFER POPULATION

In recent years, the number of long-term offenders being released after serving lengthy periods of incarceration has steadily increased. The Board of Parole Hearings indicates that approximately 80 percent of life-term offenders released to parole require or request transitional housing as part of their parole plans. Furthermore, the needs of offenders incarcerated for long terms are unique and better served by programs tailored to their needs. To better serve long-term offenders, the Budget includes \$10 million General Fund for the following program expansions:

- Parolee Service Center Beds (\$3.1 million)—Parolee Service Centers provide residential and support services that focus on employment, job search and placement training, substance use disorder education, stress management, victim awareness, computer supported literacy and life skills. The Department will add 136 beds on a statewide basis for this purpose.
- In-Prison Long-Term Offender Program (\$3.4 million, of which \$2.1 million is one-time)—This voluntary in-prison reentry program is designed specifically for long-term offenders, providing substance use disorder treatment, criminal thinking, anger management, family relationships, victim impact, denial management and employment readiness. The Department will add a Long-Term Offender Program at a male level III or IV facility, increasing the number of slots by approximately 1,700.
- Offender Mentor Certification Program (\$423,000)—Long-term and life-term inmates who complete this voluntary 10-month program are trained and certified to become mentors for alcohol and drug counseling. Upon completion, inmates are assigned as mentors and obtain 4,000 hours of work experience in substance use disorder treatment programs. Once those hours are fulfilled, inmates are eligible to obtain a substance use disorder counseling certification that can be used to gain employment upon release. This augmentation will enable the Department to train an additional 64 inmates annually.

- Pre-Employment Transitions Program (\$3.1 million)—The Transitions Program offers employment preparation, teaching job-readiness, job search and prerequisite skills needed for the current job market. Participants learn about community resources and programs to help with transition and are linked to One-Stop Career Centers and social service agencies in their counties of residence. This program is currently available at all reentry hubs and will be expanded to all prisons. The Department will discontinue the use of contractors for this program and will hire teachers to serve approximately 23,000 inmates annually.

The Department will also begin efforts to develop a program that provides six-month transitional housing in locations closest to the communities in which life-term inmates will be released. Offenders serving long terms in prison are often unprepared for reentering society due to changes in technology and day-to-day living advances. Transitional housing will assist these offenders to successfully reenter society. Additionally, the Department has taken steps to allow offenders placed in transitional housing immediate access to community leave passes, phones and visitation, and to place these parolees in an appropriate service or treatment program based on their needs assessment. Lastly, the Budget includes \$480,000 for custody staff to oversee evening college courses offered in prisons, similar to the security provided in other educational and vocational programs. Life-term inmates are more likely to participate in college courses offered in the evening to enable them to retain their in-prison jobs. This augmentation will support the offering of additional in-prison college courses.

ASHKER V. BROWN SETTLEMENT

The Department recently reached an agreement in the *Ashker v. Brown* lawsuit related to conditions of confinement at Pelican Bay State Prison. The final agreement moves the Department away from a system of indeterminate terms for segregated housing to a system that focuses on determinate 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 than under previous policies. These changes are projected to reduce the need for several thousand segregated housing beds, which will be converted to the appropriate housing security level as the changes occur.

The Budget includes a reduction of \$28 million to account for these housing conversions. To maintain public and institutional safety, the Budget includes \$5.8 million for additional investigative staff to monitor gang activity in prisons as the new segregated housing policy changes are implemented.

COMPLIANCE WITH THE THREE-JUDGE PANEL POPULATION CAP

In 2011, the U.S. Supreme Court upheld the federal three-judge panel's order that the Department reduce the prison population to 137.5 percent of the prison's design capacity by June 2013. On February 10, 2014, the court granted the state's request for a two-year extension to meet the 137.5-percent population cap. The court ordered the state to comply with the population cap by February 28, 2016, and to implement several population reduction measures, all of which are currently underway.

The court also ordered that a Compliance Officer be appointed to ensure the state meets the interim benchmarks and the final benchmark of 137.5 percent by February 28, 2016. The Compliance Officer has authority to order the release of inmates should the state fail to meet or maintain the final benchmark.

As of December 9, 2015, the prison population was at 136.0 percent of design capacity, which is below the February 2016 benchmark. Projections indicate the inmate population will grow in the out years, but through the continuation of various population reduction measures, an infill bed expansion, and maintaining in-state and out-of-state contract beds at current levels, the prison system is projected to remain below the population cap. To maintain the in-state and out-of-state contract bed capacity, the Administration is seeking legislative authority to continue the use of these beds beyond December 31, 2016, which was the sunset date established in Chapter 310, Statutes of 2013 (SB 105). The Department will also negotiate an extension of the lease for the California City facility. These contract facilities provide critical capacity that will enable the Department to remain below the court-ordered population cap.

The 2012 Budget Act authorized the construction of three level II dormitory housing facilities at existing prisons. Two of these new dormitory housing facilities will be located adjacent to Mule Creek State Prison in Lone, and will be activated in February 2016. The third is located at the Richard J. Donovan Correctional Facility in San Diego and will be activated in late spring 2016. Upon activation, these facilities will add 2,376 beds to the prison's design capacity and expand the number of educational and vocational programming slots by 1,266.

The state first contemplated the closure of the California Rehabilitation Center in 2012 due to its design and decaying infrastructure. While the closure of this facility remains a priority, based on the projected inmate population and the need to maintain compliance with the prison population cap, the Department will continue operating the facility for the next few years. The Budget includes a one-time General Fund augmentation of \$6 million

to address critical special repairs and deferred maintenance projects at the facility. The Administration will engage the Receiver on a workable plan to address physical plant needs to improve health care access at the facility. The state will continue to monitor the total inmate population and compliance with the population cap to assess the earliest date when the facility can be closed.

ADDITIONAL POPULATION REDUCTION MEASURES

As required by Chapter 312, Statutes of 2013 (SB 260), the Board of Parole Hearings implemented the Youth Offender Parole Program, which provides youth offender parole hearings for specified offenders who were convicted of a crime prior to their 18th birthday and sentenced to state prison. This program was further expanded by Chapter 471, Statutes of 2015 (SB 261), by increasing eligibility to those convicted of a crime committed before the age of 23. An inmate is eligible for a youth offender parole hearing during the 15th year of their sentence if they received a determinate sentence; 20th year if they received a sentence that was less than 25 years to life; and during the 25th year if they received a sentence of 25 years to life. Those with an indeterminate sentence immediately eligible for a youth offender parole hearing on January 1, 2016, are required to have their hearing completed by January 1, 2018. Determinately sentenced offenders immediately eligible are required to have their hearing before December 31, 2021. The Budget includes \$3.7 million General Fund to implement the expanded Youth Offender Parole Program.

The Budget includes \$3.3 million in 2015-16 and \$6 million beginning in 2016-17 to comply with the *Sassman v. Brown* lawsuit, which requires the state to expand the existing female Alternative Custody Program to males. Alternative custody participants can be placed on home detention or other available residential placement one year prior to their release. Although the female Alternative Custody Program is currently available for inmates two years prior to their release, it will be modified to one year. At this time, it is unclear how many males will ultimately qualify for an alternative placement. Consequently, future budget adjustments may be necessary to capture the full impact of this program expansion.

PROPOSITION 47

On November 4, 2014, the voters passed Proposition 47, 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. Concurrently, the Department was implementing other population reduction measures,

most of which were court-ordered. Combined, Proposition 47 and these other measures reduced the average daily inmate population by approximately 8,700. Proposition 47 accelerated the scheduled release of many offenders and it is estimated that the 2015-16 average daily inmate population will be reduced by approximately 4,700 as a result of resentencing and avoided new admissions. This estimate will be further refined as more data become available. These measures allowed the Department to reduce overcrowding and its use of some contract beds.

Proposition 47 requires state savings resulting from the proposition to be transferred into a new fund, the Safe Neighborhoods and Schools Fund. The new fund will be used to reduce truancy and support drop-out prevention programs in K-12 schools, increase victim services grants, and support mental health and substance use disorder treatment services. The Director of Finance is required, on or before July 31, 2016, and on or before July 31 of each fiscal year thereafter, to calculate the state savings for the previous fiscal year compared to 2013-14. Actual data or best estimates are to be used. The calculation must be certified to the State Controller's Office no later than August 1 of each fiscal year. The first transfer of state savings to the Safe Neighborhoods and Schools Fund will occur in August 2016.

The Department of Finance currently estimates net savings of \$29.3 million when comparing 2015-16 to 2013-14. This estimate assumes savings from a reduction in the state's adult inmate population, and increased costs due to a temporary increase in the parole population and trial court workload associated with resentencing. The estimate also takes into consideration the savings associated with fewer felony filings and more misdemeanor filings, and the number of offenders resentenced and released from the Department of State Hospitals. Pursuant to the proposition, funds will be allocated as displayed in Figure SAF-01. Ongoing savings are expected to be approximately \$57 million.

INMATE HEALTH CARE AND MENTAL HEALTH SERVICES

The state has made a significant financial commitment to improve the Department's delivery of health care services to inmates. The Budget dedicates \$2.8 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.

Figure SAF-01

Proposition 47 Estimated Allocation

<i>Department</i>	<i>Purpose</i>	<i>Percentage</i>	<i>2016-17 Estimated Allocation</i>
Board of State and Community Corrections	Mental Health Treatment	65%	\$19,039,487
	Substance Use Disorder Treatment		
	Diversion Programs		
State Department of Education	Improve Outcomes for K-12 Students	25%	\$7,322,879
	Reduce Truancy		
	Support Students at Risk of Dropping Out of School or who are Victims of Crime		
California Victim Compensation and Government Claims Board	Support Trauma Recovery Centers that Serve Crime Victims	10%	\$2,929,152
Total		100%	\$29,291,518

FEDERAL RECEIVERSHIP OVERSEEING PRISON MEDICAL CARE

The Budget includes \$1.9 billion General Fund for prison medical care. At the request of the Receiver, this amount includes \$26.8 million for increased pharmaceutical costs, \$12.1 million to expand the janitorial services program at the California Health Care Facility, and \$11.9 million to establish executive health care management teams at prisons that currently share management oversight and create supervisory ratios for certain health care classifications. These augmentations support inmate health care and the transition of medical care back to the state.

In addition to the Receiver’s proposals, the Budget includes \$9.4 million for the Department to provide additional health care access staffing due to physical plant changes made by the Health Care Facility Improvement Program and insufficient security coverage in health care areas that provide emergency response services. Health Care Access Units are one of the areas of operation that was delegated back to the Department by the Receiver in 2012. Additionally, the Budget includes \$2 million to increase health care staffing in in-state contract facilities to improve medical care.

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. Based on the revised formula established in 2015-16, the Budget includes \$129.7 million to continue this successful program.

CITY LAW ENFORCEMENT GRANTS

The Budget includes \$20 million General Fund to increase positive outcomes between city police and the homeless community, persons with mental health needs, and high-risk youth populations. The Board of State and Community Corrections will allocate funds to individual cities acting as a fiduciary agent within each county receiving the funds.

The Budget also continues \$6 million General Fund for grants to local law enforcement agencies for programs and initiatives intended to strengthen relationships between law enforcement and the communities they serve.

CONTINUUM OF CARE REFORM

The Budget includes \$26.8 million (\$18.1 million General Fund) for county probation departments to implement Continuum of Care reforms codified in Chapter 773, Statutes of 2015 (AB 403), that support the foster youth system as discussed in the Health and Human Services chapter.

RACIAL AND IDENTITY PROFILING ACT OF 2015

Chapter 466, Statutes of 2015 (AB 953), revises the definition of racial profiling and, among other things, requires the Attorney General to report on citizen complaints alleging racial or identity profiling for each state and local agency that employs peace officers. Beginning in 2018-19, these local agencies will also have to report data on all stops conducted by the agency's peace officers, including the time, date, and location of the stop, and the reason for the stop. The Budget includes \$10 million General Fund to allocate to local law enforcement agencies for costs incurred through June 2017 related to increased citizen complaint reporting activities. The Administration will work with law enforcement entities during the spring to develop an allocation methodology for these funds and the overall program that limits future mandate reimbursement claims related to AB 953.

LOCAL CRIMINAL JUSTICE FACILITY CONSTRUCTION

Since 2011 Public Safety Realignment, county jails have been housing felony offenders with longer sentences. Older jails do not lend themselves to the kinds of treatment and programming space needed to run effective in-custody programs that lead to success once an offender is released. The state has provided \$2.2 billion in lease revenue authority for local jail construction over the last several years—with the most recent rounds of funding focused on treatment and programming space and better beds, rather than increased capacity. Using lease revenue bonds for local criminal justice facilities has been cumbersome. Many counties' projects have been delayed because of real estate issues that need to be resolved to be compatible with lease revenue bonds.

In the previous lease revenue programs, counties were designated as large (population greater than 700,000), medium (population 200,001-700,000) or small (population 200,000 or less). Funding was earmarked for each of these categories and counties were able to request a maximum amount of funding based on their size.

- Chapter 7, Statutes of 2008 (AB 900), authorized \$1.2 billion in lease revenue for local jail construction projects. Under the two phases of the program, 21 counties received awards, of which 6 were large counties, 7 were medium counties, and 8 were small counties. Funding went primarily to those counties operating under a court-ordered population cap. When all construction is completed, over 9,000 jail beds will be added.
- Chapter 42, Statutes of 2012 (SB 1022), authorized \$500 million in lease revenue bond funding and funded 14 county awards, of which 3 were large counties, 5 were medium counties, and 6 were small counties. This funding was primarily available to build better beds and treatment and programming space rather than increasing capacity. The program specified that counties seeking to replace or upgrade outdated facilities and provide alternatives to incarceration, including mental health and substance use disorder treatment, would be considered. The funding provided space for education and substance use disorder classes, day reporting centers and transitional housing.
- Chapter 37, Statutes of 2014 (SB 863), authorized an additional \$500 million in lease revenue bond financing and funded 15 county awards, of which 4 were large counties, 5 were medium counties, and 6 were small counties. Similar to SB 1022, funding was primarily available for improving existing capacity and treatment and programming space. The awarded projects included reentry programming space,

education and vocational classroom space, medical and mental health housing, and dental clinical space.

The state remains committed to helping counties more appropriately serve felony offenders to improve California’s overall criminal justice system. The Budget includes \$250 million General Fund for competitive grants to those counties that have previously received only a partial award or have never received an award from the state for replacing or renovating county jails to improve custodial housing, reentry, rehabilitative programming, mental health services, or treatment space. Consistent with SB 863, there will be a 10-percent county match requirement, but the match may be reduced to 5-percent for small counties. Counties that previously applied and submitted recent documentation to support the need for improved adult local criminal justice facility housing with an emphasis on expanded program and treatment space will not be required to resubmit such documentation.

By focusing on counties previously receiving a partial award or never receiving an award, the program proposed in the Budget will mainly fund projects in small counties (see Figure SAF-02). While 17 counties have never received an award, it is unlikely that all remaining counties will apply for funds.

Figure SAF-02
Local Criminal Justice Facility Construction Award History

	Large	Medium	Small
Total Number of Counties	15	13	30
Never Received an Award	3	1	13
Received only Partial Award	1	1	1

The state has made significant investments to support the local criminal justice system by addressing local infrastructure needs. This Budget proposal is intended to address remaining gaps at the local level, particularly in small counties, to provide appropriate programming and treatment space to better serve offenders sentenced to county jail and improve outcomes among this population. Given the state’s significant investment in this area, future consideration for additional funding for this purpose would require significant justification and a demonstrable need.

PUBLIC SAFETY

Los Angeles County received an AB 900 award of \$100 million for the Mira Loma facility to house female offenders. The County recently authorized the replacement of Men's Central Jail. The Administration has been in discussions with representatives of Los Angeles County about alternative ways the state might assist in the replacement of Men's Central Jail, which is estimated to cost \$2 billion. Although the Budget does not include funding to assist Los Angeles County, the Administration remains committed to working with the County to address alternative ways to create a more collaborative state and local corrections program to make the system more efficient. The Administration is considering options presented by Los Angeles County, such as a diversion program and finding alternative placements for inmates coming to state prison who have six months of time left to serve.