

PUBLIC SAFETY

DEPARTMENT OF CORRECTIONS AND REHABILITATION

The California Department of Corrections and Rehabilitation (CDCR) incarcerates people convicted of the most violent felonies, supervises those released to parole, and provides rehabilitation programs to help them reintegrate into the community. The Department strives to facilitate the successful reintegration of the individuals in its care back to their communities equipped with the tools to be drug-free, healthy, and employable members of society by providing education, treatment, rehabilitative and restorative justice programs. The Budget proposes total funding of \$13.4 billion (\$13.1 billion General Fund and \$306.5 million other funds) for the Department in 2020-21.

The 2019 Budget Act projected an overall adult inmate average daily population of 125,871 in 2019-20. The average daily adult inmate population is now projected to be 124,655, a decrease of 1 percent from spring projections. Current projections show the adult inmate population is trending downward and is expected to decrease by 939 offenders between 2019-20 and 2020-21. 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 8,600 in 2020-21, and by approximately 13,000 in 2022-23. The estimated impact of Proposition 57 has been incorporated into the population projections.

The 2019 Budget Act projected an overall parolee average daily population of 50,442 in 2019-20. The average daily parolee population is now projected to be 50,453 in 2020-21, an increase of less than 1 percent from spring projections.

PRISON CAPACITY

The adult prison population has steadily declined over many years, presenting opportunities for CDCR to reduce its reliance on contract prison capacity. After over a decade, CDCR terminated its final remaining contract to house inmates out-of-state in June 2019. In addition, CDCR terminated a contract with a private in-state facility for male inmates in September 2019. Given the projected continued decline in the inmate population throughout 2019-20 and 2020-21, the Budget reflects ending all private in-state contract correctional facilities for male inmates by April 2020. Moreover, the Budget reflects phasing out two of the remaining three male, public in-state contract correctional facilities by 2021, and the third is projected to be closed no later than July 2022. The Department projects that the population will decline by approximately 4,300 inmates between June 2021 and June 2024. If these population trends hold, the Administration will close a state-operated prison within the next five years.

FOCUS ON INMATE REHABILITATION AND REENTRY

The Administration is committed to improving outcomes for incarcerated individuals and enhancing public safety by improving rehabilitation and reentry programs. The 2019 Budget Act made critical near-term investments to support this long-term goal, such as improving inmate literacy, expanding substance use disorder treatment, and establishing new community reentry facilities. The Budget builds upon those investments by providing incarcerated individuals with additional tools to prepare themselves to reenter society, including funding for new and expanded programs. The Department is also considering options for increasing the number of inmates receiving a high school diploma in lieu of a California High School Equivalency Certificate, also known as a General Educational Development Test. In total, the Budget includes \$552.7 million General Fund for rehabilitative programs—nearly double the funding level in 2012-13.

YOUTH OFFENDER REHABILITATIVE COMMUNITIES

The landscape of youthful offender rehabilitation policy is changing. New advances in brain development research have revealed important differences in how young adult offenders can respond to rehabilitation, relative to older offenders. For example, research suggests that young offenders are more impressionable and amenable to

treatment than older offenders. The Budget includes \$6.2 million General Fund in 2020-21, and \$10.1 million ongoing, to establish Youth Offender Rehabilitative Communities. These are programs that house offenders under the age of 26 together at select adult institutions in campus-style environments conducive to positive behavioral programming. These communities will serve to connect youth offenders to positive mentors, as well as rehabilitative and educational programs targeted to their unique needs. A model program will be established at Valley State Prison in Chowchilla.

ACADEMIC INFORMATION TECHNOLOGY MODERNIZATION

Finding gainful employment is a significant challenge for many ex-offenders. While CDCR currently provides academic and vocational training to thousands of inmates to help prepare them with the skills demanded by employers, these programs lack access to technology, such as laptop computers, that facilitate learning and familiarize inmates with tools they will need to succeed in the modern workplace. The Budget includes \$26.9 million General Fund in 2020-21, eventually declining to \$18 million ongoing to provide increased access to modern technology for inmates participating in academic and vocational training to address this gap and better prepare inmates for reentry.

EXPANDING HIGHER EDUCATION OPPORTUNITIES

To further assist inmates with finding gainful employment and prepare them to enter the workforce, the Department is expanding post-secondary educational opportunities to inmates who have completed an associate's degree. The Department is planning to partner with the California State University system to establish bachelor's degree programs at several prisons, including Valley State Prison in Chowchilla. The Budget includes \$1.8 million General Fund in 2020-21, and \$3.5 million ongoing for tuition, books, materials, training, and equipment for students participating in the program.

EXPANDED INMATE VISITATION

Another challenge faced by many inmates upon release is the loss of family and community connections during their time of incarceration. Visitation provides inmates with the opportunity to establish and maintain a continuum of social support, including parent-child relationships, which are critical for successful reentry. The Budget includes \$4.6 million ongoing General Fund to add an additional visitation day at nine institutions.

STAFF DEVELOPMENT AND SUPPORT

Creating a prison environment that is safe and secure for staff, inmates, and visitors, and that is conducive to rehabilitation, requires a professional, well-trained workforce. Correctional officers and counselors play an especially important role in the rehabilitation efforts of the Department. The Budget includes \$21.4 million General Fund in 2020-21, declining to \$19.8 million ongoing General Fund in 2023-24, to enhance staff development through new training for correctional officers and counselors. These new efforts will involve the repurposing of the former Northern California Women's Facility into a new hands-on training facility and will focus on giving staff the tools to effectively communicate with inmates and encourage them to participate in rehabilitative programs. In addition, the Budget includes \$1.8 million ongoing General Fund to centralize the Department's discrimination complaint process. This will promote objectivity and fairness in the investigation of equal opportunity complaints.

INFRASTRUCTURE SUPPORT AND MODERNIZATION

The state's prison infrastructure is old and requires investments for the safety of staff and inmates. Although the state has made significant investments in upgrading health care facilities, some of the Department's core infrastructure has significantly deteriorated and improvements must be made.

ROOF REPLACEMENT

Failing prison roofs have resulted in damage to electrical systems and housing units, and interruptions in rehabilitation and education programs, and mental health treatment. The Budget includes \$78.2 million General Fund over two years for roof replacement projects, including design funding at Pelican Bay State Prison and California State Prison, Sacramento. This is part of a broad, multi-year plan to replace aging and deteriorating roofs across the state prison system. To date, ten institutions have received one-time funding for major roof replacement and repair projects. With funding for these 2 prisons, 15 remaining institutions are scheduled for future roof replacement and repair projects over the next 6 years.

HEALTH CARE FACILITY UPDATES AT THE CALIFORNIA REHABILITATION CENTER

Existing health care facilities at the California Rehabilitation Center are located in buildings approaching 75 years old that do not have adequate storage for medication and medical supplies, which restricts workflow and makes it difficult to maintain inmate-patient privacy. The Budget includes \$5.9 million one-time General Fund to

replace damaged flooring, walls, wall-mounted air conditioning units, counters, and storage spaces in existing health care treatment areas. This project will also replace existing medication distribution windows with newer windows that are consistent with current standards and will allow for improved medication distribution. The California Rehabilitation Center is one of the older facilities in the state prison system. These upgrades are necessary to maintain this facility, which is better situated to recruit staff, including health care staff.

SUICIDE PREVENTION INTAKE CELL RETROFITS

The Department is currently engaged in a multifaceted effort to prevent inmate suicides, consistent with a federal court mandate to improve the safety of its facilities, particularly for inmates experiencing mental health crises. One important element in this effort is the modification of physical infrastructure to reduce the opportunity for inmates to commit suicide. To further this effort, the Budget includes \$3.8 million one-time General Fund to retrofit 64 intake cells across the state to provide a safer environment for inmates entering segregated housing.

VIDEO SURVEILLANCE

In recent years, the Department has expanded its use of video surveillance in adult institutions to deter violence and other prohibited activities such as the distribution of contraband. In addition, video evidence has been a critical tool for investigating inmate violence and staff misconduct allegations. Recognizing the important role video surveillance plays in increasing institutional security, the Budget includes \$21.6 million General Fund in 2020-21 and \$2.1 million ongoing General Fund to expand video surveillance capabilities at Richard J. Donovan Correctional Facility, Salinas Valley State Prison, and California Institution for Women.

JUVENILE JUSTICE REORGANIZATION

The 2019 Budget Act included resources to begin the transition of the Division of Juvenile Justice from CDCR to the new Department of Youth and Community Restoration, within the California Health and Human Services Agency, effective July 1, 2020. The Budget transfers \$264.3 million (including \$258.9 million General Fund) and 1,303.9 positions from CDCR to reflect the transition of the Division of Juvenile Justice to the Department of Youth and Community Restoration (see the Health and Human Services chapter for additional information).

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 \$3.6 billion General Fund for 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 \$9.9 million General Fund in 2020-21 and \$11.8 million ongoing General Fund in 2021-22, to enhance quality management and patient safety by providing staff to evaluate risks and implement best practices to improve the health care delivery system. The Budget also includes \$1.5 million General Fund in 2020-21, increasing to \$2.3 million ongoing General Fund by 2024-25, to establish dedicated funding for replacing and maintaining CDCR's medical imaging equipment. In addition, the Budget includes \$722,000 ongoing General Fund to support an electronic health care data exchange process to transfer health records to counties for inmates who are transitioning to county custody or the community. The timely sharing of electronic medical records will improve patient outcomes by allowing for enhanced continuity of care as inmates transition from prison. These improvements are intended to support the eventual full transition of medical care back to the state.

MENTAL HEALTH SERVICES

The Budget includes \$5.9 million General Fund in 2020-21, increasing to \$8.4 million ongoing General Fund by 2024-25, to support expansion of telepsychiatry, which uses secure videoconferencing to increase inmate access to mental health care services. The Budget also includes \$1.4 million ongoing General Fund for contract psychiatry services to meet the federal court order to fill at least 90 percent of the state prison system's psychiatry positions.

LOCAL PUBLIC SAFETY

ADULT PROBATION REFORM

The state can benefit from improved outcomes in the local probation system, as demonstrated in the California Community Corrections Performance Incentives Act of 2009 (SB 678). Research shows compulsory conditions are an effective way to connect justice-involved people with treatment and services to reduce their likelihood of cycling through the criminal justice system. However, the vast majority of offenders on probation for misdemeanor crimes are currently on banked caseloads, meaning they are not actively engaged in services and programs provided by probation. This lack of engagement creates churning in the criminal justice system where lower-level offenders do not receive the services and supervision they need to end the cycle of crime. More can be done to align existing evidence-based practices used with the felony probation population to the misdemeanor population, with a focus on supervision and services based on risk and needs assessments, and less on the singular factor of the offense category.

The Budget includes \$60 million General Fund annually for three years and \$30 million General Fund in 2023-24, to supervise and provide probation services for misdemeanants, with the aim of improving public safety by reducing recidivism of these individuals. The Budget also includes reforms to reduce felony and misdemeanor probation terms to two years, and allow for earned discharge for probationers. This conforms with research that suggests that the maximum time needed to engage probationers in behavior change and reduce the likelihood of reoffending is no more than two years, while also creating incentives for individuals to engage in treatment and services early on.

The Budget also includes \$11 million ongoing General Fund, in addition to baseline funding of \$113.8 million General Fund, to stabilize SB 678 funding provided to counties. SB 678 established a performance-based funding methodology to award counties that reduce the number of adult felony probationers they send to state prison by sharing a percentage of the savings the state accrues from not housing revoked offenders. However, the current funding methodology can result in significant year-to-year fluctuations and drive uncertainty in county probation spending. The Budget includes a stable ongoing amount to counties at a level consistent with their highest payment received from the state over the last three years, in addition to continued accountability measures.

POST-RELEASE COMMUNITY SUPERVISION

The Budget includes \$13.8 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

In November 2014, 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.

Proposition 47 requires the Department of Finance to annually estimate savings to the state resulting from the measure in the preceding fiscal year and that an equivalent amount from the General Fund be deposited into a special fund for specified purposes. The Department of Finance currently estimates net General Fund savings of \$122.5 million, an increase of \$44 million over the estimated savings in 2019-20. This increase is attributable primarily to increased savings resulting from the state's reduced reliance on contract facilities to house prison inmates. These funds will be allocated according to the formula outlined in the initiative, which requires 65 percent be allocated for grants to public agencies to support various recidivism reduction programs (such as mental health and substance use services), 25 percent for grants to support truancy and dropout prevention programs, and 10 percent for grants for victims' services.

LOCAL JAIL OVERSIGHT

The Administration proposes to strengthen the state's oversight of county jails. The Board of State and Community Corrections will more actively engage counties regarding deficiencies identified as part of its inspections through its public board meeting process and by more frequent follow-up inspections. The Board will also provide additional technical assistance to those counties where issues are identified. Also, as part of the Title 15 jail standards review, the Board will make sure the standards are consistent with national best practices.

VICTIM SERVICES

The 2019 Budget Act included significant augmentations for several programs designed to improve victims' services and reduce victimization, including the California Violence Intervention and Prevention Program, the Family Violence Prevention Grant Program,

and restorative justice programs in state prisons. In addition, the Administration indicated its intent to consolidate victims' programs operated by the California Victim Compensation Board (CalVCB) and the Governor's Office of Emergency Services (Cal OES) as part of the 2020-21 Budget. While the Administration still intends to pursue this consolidation, the plan has been temporarily paused. Given the complexity of this consolidation and Cal OES' role in coordinating response and recovery efforts related to recent disasters, the Administration is reassessing the initially proposed timeline.

In the meantime, the Administration is taking steps to increase collaboration between CalVCB and Cal OES to enhance the quality of victims' services. For example, CalVCB is redesigning its website to centralize information about victims' programs offered throughout the state. In addition, CalVCB, in partnership with Cal OES, is conducting a public awareness and educational campaign through printed notices, television, radio public service announcements, and regional educational seminars to provide information for victims and service providers on how to apply for compensation through CalVCB's new online portal. The online portal allows victims to apply for compensation, check the status of their application and bills, submit documents, and communicate directly with CalVCB staff.

The Budget builds on the above efforts already underway by making the following additional investments in victims' services:

- Restitution Fund Backfill—\$23.5 million one-time General Fund to backfill declining fine and fee revenues in the Restitution Fund. This funding will allow CalVCB to continue operating at its current resource level.
- Legal Services for Victims—\$476,000 General Fund in 2020-21 and \$448,000 annually thereafter for the Department of Justice to provide legal services to victims. The Department of Justice served 326 victims in 2018-19, compared to 26 in 2015-16, largely due to the increased public awareness of the availability of legal services for victims.
- Victim Notification by the California Department of Corrections and Rehabilitation—\$354,000 ongoing funds (\$223,000 General Fund and \$131,000 other funds) to locate and notify affected victims of their rights during parole hearings, and to disburse restitution payments to eligible individuals.

IMPROVING INDIGENT DEFENSE

Currently, the Office of the State Public Defender's mission is focused on assisting individuals sentenced to death with post-conviction appeals. The Budget includes \$4 million General Fund in 2020-21 and \$3.5 million annually thereafter to expand the Office's mission to include improving the quality of indigent defense services provided by counties. The Office will use these resources to provide training and technical assistance for attorneys providing indigent defense, with the goal of promoting more effective representation statewide.

The Budget also includes \$10 million one-time General Fund for the Board of State and Community Corrections to administer a pilot program, in consultation with the Office of the State Public Defender, to supplement local funding for indigent criminal defense. This funding will also support the completion of an evaluation to determine the effectiveness of the grants in improving indigent defense services.

DEPARTMENT OF JUSTICE

As chief law officer of the state, the Attorney General 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 (DOJ). The Department 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 California's criminal justice community. The Budget includes total funding of approximately \$1.1 billion, including \$370.2 million General Fund, to support the DOJ.

BUREAU OF FIREARMS

INFORMATION TECHNOLOGY MODERNIZATION

The Department currently tracks firearms using 11 information technology systems that are antiquated, costly to update, and inefficient at gathering data. New firearms policies and reporting requirements are difficult to implement given the disconnected structure of these systems. The Budget includes \$2.4 million one-time Dealers' Record of Sale (DROS) Special Account to begin the planning and analysis phase of combining and modernizing the 11 existing firearms tracking systems. Modernizing these systems will

enable DOJ to respond to changing business needs and legislative mandates efficiently and in a cost-effective manner.

RECENTLY ENACTED LEGISLATION

The Budget also includes the following significant investments to implement recently enacted firearms legislation:

- Chapter 730, Statutes of 2019 (AB 879)—\$5 million General Fund in 2020-21 and 2021-22, to regulate and track the sale of firearm precursor parts. AB 879 requires the sale of firearm precursor parts to be conducted by or processed through a licensed firearm precursor part vendor beginning July 1, 2024. Precursor parts can be used to manufacture “ghost guns” that are untraceable due to a lack of serial numbers or identifying markers. Given the risk that such guns present to public safety, the Budget includes resources to accelerate the implementation of these requirements to July 1, 2022.
- Chapter 737, Statutes of 2019 (SB 61)—\$2.4 million DROS Special Account in 2020-21, \$1.4 million in 2021-22, and \$379,000 annually thereafter to implement and enforce the provisions of SB 61 that prohibit the sale of semiautomatic centerfire rifles to any person under 21 years of age, except a law enforcement officer or active duty member of the Armed Forces, and prohibit a person from making an application to purchase more than one semiautomatic centerfire rifle in any 30-day period.
- Chapter 738, Statutes of 2019 (SB 376)—\$981,000 DROS Special Account in 2020-21, \$306,000 in 2021-22, and \$232,000 annually thereafter to track and report annual firearms sales, loans, and transfers to enforce the provision under SB 376 that reduces the threshold for which a manufacturer’s license is required from 100 firearms manufactured annually to 50.

LEGAL SERVICES

HEALTHCARE RIGHTS AND ACCESS SECTION

In recent years, there has been an increase in healthcare litigation due to issues such as the opioid crisis, drug price-fixing, antitrust cases, and defenses of the Affordable Care Act. Currently, healthcare-related litigation is handled by separate units throughout the Department. The Budget includes \$9 million ongoing funds (\$2.2 million General Fund, \$3.7 million Attorney General Antitrust Account, and \$3.2 million Unfair Competition Law Fund) to establish a Healthcare Rights and Access Section to consolidate and

centralize healthcare litigation within DOJ. This approach allows the DOJ to handle the increase in healthcare litigation and develop expertise and specialization in this area of law.

OTHER SIGNIFICANT INVESTMENTS IN THE DEPARTMENT OF JUSTICE

The Budget also includes the following significant investments in DOJ:

- Bureau of Forensic Services—\$32 million one-time funds (\$22 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 to continue processing forensic evidence for client counties. The Budget also includes \$7.3 million ongoing General Fund to establish a replacement schedule to regularly maintain and replace forensic laboratory equipment, and to perform maintenance of state-owned laboratories.
- Tax Recovery in the Underground Economy (TRUE) Enforcement Teams (AB 1296)—\$5.7 million ongoing General Fund to bolster the two existing TRUE teams to fulfill requirements under AB 1296 to prosecute violations of labor, tax, insurance, and licensing laws by businesses and individuals in the underground economy.
- California Law Enforcement Telecommunications System (CLETS): Immigration (AB 1747)—\$2.8 million General Fund in 2020-21, \$3.3 million in 2021-22, and \$2.9 million annually thereafter to conduct investigations and audits to monitor compliance with AB 1747, which limits the use of CLETS for immigration enforcement purposes.
- Bureau of Gambling Control—\$5.4 million ongoing Gambling Control Fund to conduct field inspections, criminal investigations, and reviews of cardrooms and third party providers of proposition player services.
- Criminal Records: Automatic Relief (AB 1076)—\$3.6 million Fingerprint Fees Account in 2020-21, declining to \$1.9 million annually in 2023-24, to review records in statewide criminal justice databases to identify persons eligible to have their arrest or criminal conviction records withheld from disclosure and modify existing systems to grant such relief automatically.