

CRIMINAL JUSTICE

DEPARTMENT OF CORRECTIONS AND REHABILITATION

The California Department of Corrections and Rehabilitation (CDCR) incarcerates people convicted of the most serious and 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, and rehabilitative and restorative justice programs. The Governor's Budget includes total funding of \$14.2 billion (\$13.8 billion General Fund and \$364.4 million other funds) for CDCR in 2022-23.

The COVID-19 Pandemic has affected every aspect of prison operations, and the state has taken swift action to mitigate the spread of the virus. These actions have significantly impacted current population projections. The average daily adult incarcerated population for 2021-22 is now projected to be 104,554, a decrease of 2 percent from spring projections. In comparison, on February 26, 2020, the adult incarcerated population was 123,105 and as of December 15, 2021, the population was 99,699—a difference of 23,406 or 19 percent. Current projections show the adult incarcerated population is temporarily trending upward and is expected to increase by 8,310 individuals between 2021-22 and 2022-23, primarily because CDCR has resumed intake of individuals sentenced to prison but who remain in county jails awaiting transfer

to state prison. The population is projected to resume long-term downward trends to 100,361 in 2024-25.

The 2021 Budget Act projected an overall parolee average daily population of 48,269 in 2021-22. The average daily parolee population is projected to decrease by 5,306 to 42,963 in 2022-23, a decrease of 11 percent from spring projections. The parole population is projected to decline to 38,284 by June 30, 2026.

COVID-19 UPDATE

In December 2020, CDCR reported as many as 10,600 active incarcerated adult COVID-19 cases and 3,250 active staff COVID-19 cases in its adult institutions. The number of active COVID-19 cases across CDCR's prison system decreased significantly throughout 2021. In early December, the number of active cases began increasing—as of December 31, 2021, CDCR reported 634 incarcerated adult cases and 1,101 staff cases in its adult institutions. Given the recent increase in cases and the ongoing risks posed by the pandemic within the prison environment, the Department will continue focused efforts and emergency actions to mitigate the impacts of COVID-19.

To protect the safety and wellness of the incarcerated population and staff, CDCR has continued to require regular system-wide COVID-19 testing, the use of masks and other personal protective equipment, observance of physical distancing protocols, and application of enhanced cleaning and sanitation services. Consistent with its “Roadmap to Reopening” Plan, CDCR has worked diligently to facilitate a safe, phased return to regular prison operations, including restoring access to family visitation and rehabilitative programming.

CDCR has continued to prioritize the roll-out of COVID-19 vaccines to combat the impacts of the virus and prevent and mitigate further community spread. Increasing vaccination rates for the incarcerated population and staff continues to be a primary focus, and CDCR has implemented a number of measures and strategies designed to achieve this goal.

CDCR expended an estimated \$1.1 billion in 2019-20 and 2020-21 to support COVID-19 prevention, mitigation, and response activities. The 2021 Budget Act included \$408 million for CDCR to continue these actions, and CDCR currently estimates it will spend an additional \$205.5 million for these purposes in 2021-22 (total of \$613.5 million). Given COVID-19 will continue to impact prison operations for the foreseeable future, the Budget includes \$424.7 million one-time General Fund in 2022-23 to enable CDCR to continue responding to and mitigating the impacts of the pandemic.

INCREASED INTAKE TO STATE PRISONS

In March 2020, the state halted intake of incarcerated persons from county jails to reduce the risk of COVID-19 entering the state prison system. CDCR resumed intake on a limited basis in August 2020, although public health conditions subsequently necessitated halting intake again in November. Since January 2021, CDCR has resumed intake while maintaining precautions including requiring testing and symptom screening prior to intake. The Department has also instituted a required quarantine of all new arrivals for a minimum of ten days in its reception centers. At the height of the pandemic, counties held 10,755 incarcerated persons on behalf of the state. As of the beginning of December 2021, 725 incarcerated individuals remained in county jails awaiting transfer to state prison, and it is currently estimated that the backlog will be cleared by January 2022.

The state has provided \$243.9 million General Fund to counties for holding incarcerated persons on behalf of the state, reflecting payments for individuals held in county jails between March 2020 and August 2021. Current projections suggest a total of approximately \$20 million in additional reimbursements will be issued in 2021-22 as the backlog is reduced and then eliminated.

PRISON CAPACITY, CLOSURE, AND TRANSFORMATION

The adult prison population has steadily declined over many years, presenting opportunities for CDCR to eliminate its reliance on contract prison capacity. CDCR terminated its final remaining contract to house incarcerated persons out-of-state in June 2019. In addition, CDCR terminated its final in-state contract correctional facility in May 2021. In total, the termination of these contracts has saved the state hundreds of millions of dollars in annual expenditures. Consistent with the 2021 Budget Act, the Department closed Deuel Vocational Institution in Tracy in September 2021, achieving savings of \$150.3 million General Fund annually beginning in 2022-23.

On April 13, 2021, CDCR announced its intent to close a second prison, the California Correctional Center (CCC) in Susanville, as well as minimum security portions of the California Correctional Institution and California Training Facility, by June 30, 2022. On September 27, 2021, CDCR closed 567 and 500 minimum security beds at the California Correctional Institution and California Training Facility, respectively. As of December 15, 2021, the incarcerated population at CCC was 1,702. The closure of CCC is estimated to result in annual savings of \$122 million.

On July 28, 2021, the City of Susanville filed litigation in the Lassen County Superior Court challenging the closure of CCC, and a preliminary injunction was issued in September 2021, prohibiting CDCR from taking any action to further the closure of CCC. The injunction remains in effect and the process of closing is currently on hold.

REPURPOSE CONDEMNED HOUSING

In March 2020, CDCR began the Condemned Inmate Transfer Pilot Program, which allows eligible incarcerated persons in condemned housing to transfer out of condemned housing to other designated institutions and facilities that provide additional job placement opportunities.

As of December 17, 2021, 83 condemned individuals had transferred out of condemned housing at San Quentin and an additional 16 are in process to move by January 30, 2022. CDCR will draft regulations to make this program permanent. As these transfers continue, and the housing units are vacated, CDCR is presented with the opportunity for a new use for this space. The Budget includes \$1.5 million one-time General Fund to engage in a consulting contract to repurpose the condemned housing areas.

TRANSFORMING VALLEY STATE PRISON

The 2021 Budget Act included \$13.7 million General Fund in 2021-22, and \$3 million ongoing, to transform and create a rehabilitative environment within Valley State Prison (VSP) that better prepares people for release and life outside of the institution. These funds will expand programming and support facility improvements at VSP, guided by the Norway model. CDCR is leveraging these resources to establish two new baccalaureate degree programs, ramp up new vocational and career technical training opportunities, and purchase additional laptops that will be rolled out to support literacy development. CDCR is also in the process of utilizing these funds to construct two new modular buildings that will accommodate additional educational and rehabilitative programming. VSP will serve as a pilot for re-envisioning and transforming the state's correctional system.

PROMOTING REHABILITATION AND REENTRY

The Administration is committed to increasing access to rehabilitative and reentry programs with the goal of improving post-release outcomes for incarcerated individuals and reducing recidivism. CDCR's academic, vocational, and rehabilitative programs are integral to preparing incarcerated individuals to successfully reenter their

communities following their release from prison. The Budget includes targeted resources to further enhance these programs with the goal of improving public safety through rehabilitation.

RETURNING HOME WELL

One of the many challenges formerly incarcerated individuals face upon reentry is finding housing. This challenge is particularly acute for individuals who did not have stable housing prior to entering prison. The inability to secure housing can impede successful community reintegration upon release and can lead to increased recidivism.

CDCR established the Returning Home Well Program during the pandemic to provide emergency transitional housing services to individuals who would otherwise be at risk of being unhoused at the time of their release. As of November 2021, the Returning Home Well Program had served 5,293 individuals.

While this program was initiated in response to the pandemic, the need for emergency transitional housing for parolees will remain after the public health crisis subsides. The Budget includes \$10.6 million General Fund annually for three years for the Returning Home Well Program. These resources will support continuation of the program while providing the opportunity to assess the ongoing needs of the released population.

EXPANDING HIGHER EDUCATION OPPORTUNITIES

CDCR offers a variety of educational programs to incarcerated individuals to further their educational attainment and reduce recidivism following release. These programs include Adult Basic Education, secondary education (high school diploma or equivalency), and career technical education. CDCR has also expanded its community college programs in partnership with the California Community Colleges and now offers these programs at 33 of 34 institutions. These programs are not currently offered at the California Health Care Facility given the specific treatment and programming needs of its incarcerated population. CDCR served 6,246 community college students during the spring 2021 semester.

To increase access to additional educational opportunities, the Budget includes \$5 million General Fund in 2022-23, and \$4.7 million ongoing, to permanently fund Bachelor's Degree Programs at seven institutions in collaboration with the California State University system. These programs will be available to students upon successful completion of their community college programs and will enable them to further prepare to enter the workforce and find gainful employment upon their release from prison.

TATTOO REMOVAL PROGRAM

Tattoos often present an obstacle to formerly incarcerated individuals seeking to reintegrate into society. The Prison Industry Authority currently operates tattoo removal programs, but these programs are limited in scope and additional resources are needed to expand availability.

The Budget includes \$567,000 General Fund in 2022-23 and \$1.1 million through 2025-26 to provide tattoo removal services to incarcerated persons preparing for release or leaving prison gangs. This funding will enable the Department to expand tattoo removal services to all adult institutions and serve approximately 1,400 individuals annually.

REHABILITATIVE PROGRAMMING ADMINISTRATIVE SUPPORT

CDCR offers several types of programs that provide credit-earning opportunities, including health and education learning options. As the Department expands these opportunities, CDCR needs additional administrative resources to support program delivery and credit tracking.

The California Correctional Health Care Services' (CCHCS) treatment model is based on the principle that every patient should be an active partner in their own health. One way in which CCHCS puts this principle into practice is by operating Nursing Led Therapeutic Groups, which provide incarcerated individuals with standardized education on medical conditions, positive health behaviors, and methods to improve patient health and wellness. CCHCS plans to run more than 1,300 groups at 19 institutions in 2022-23.

In response to Proposition 57, the Public Safety and Rehabilitation Act of 2016, CDCR revised the ways in which credits could be earned, and adopted new methods for incarcerated individuals to earn credits for completion of certain rehabilitative and educational programs. Rehabilitative Achievement Credits were part of this new system where individuals could participate in Inmate Activity Groups, which consist of self-help programs designed to promote rehabilitation or positive behavior change. CDCR implemented this program relying on self-help sponsor volunteers to operate the Inmate Activity Groups. However, CDCR has substantially expanded these groups in recent years and there are no longer enough volunteers to support the increased volume.

Administrative staff coordinate groups, arrange program availability, and provide opportunities to earn credits. Consequently, the Budget includes \$3.9 million General

Fund in 2022-23 and \$4.6 million ongoing to provide administrative support for the operation of these important rehabilitative services.

TEMPORARY MODIFIED WORK ASSIGNMENTS

The Budget includes \$9.5 million ongoing General Fund to continue providing modified work assignment posts for staff with medical conditions to provide them opportunities to continue working, or return to work earlier than would otherwise be possible. This program was established in the 2020 Budget Act with temporary resources and these ongoing funds will continue the Administration's commitment to the health and wellness of its correctional staff and continue promoting the recruitment and retention of a diverse workforce.

IMPROVING TECHNOLOGY INFRASTRUCTURE

CELLULAR INTERDICTION

Currently, CDCR uses technology called the Managed Access System to block contraband cell phone usage within its prisons. Cell phones pose a threat to the safety of incarcerated persons, staff, and the public as they can enable criminal activities both inside and outside the prison including contraband distribution, gang activity, fraud, and identity theft. However, this system's effectiveness will diminish over time if it is not updated to adapt to evolving cellular technology.

The Budget includes \$12.6 million General Fund (of a total \$52.7 million one-time funding through 2025-26, and an additional \$2.4 million ongoing) to establish an Enhanced Managed Access System at all institutions. This funding builds on resources provided in the 2021 Budget Act, which continued the use of the existing Managed Access System at 18 institutions. The enhanced technology will stop calls and texts, including on newer technologies such as 5G networks, which the existing system does not cover.

CONTINUED EXPANSION OF VIDEO SURVEILLANCE SYSTEMS

Audio-visual surveillance is integral to CDCR's ability to monitor activity within its institutions and maintain a safe environment for staff and the incarcerated population. The 2020 and 2021 Budget Acts included resources for CDCR to install new fixed video camera systems at ten institutions and deploy body-worn cameras at six institutions. CDCR has deployed body-worn cameras at all six institutions, and completed installation of new fixed camera systems at six institutions. CDCR will be working to

complete remaining fixed camera projects through the remainder of the 2021-22 fiscal year.

The Budget includes \$80.3 million General Fund in 2022-23, and \$7.6 million ongoing, to install fixed camera systems at ten additional institutions and deploy body-worn cameras at four additional institutions—including three high-security prisons and one female institution. In addition, the Budget includes \$19.5 million General Fund in 2022-23, and \$1.4 million ongoing, for CDCR to procure new technology to support implementation of the new camera systems and to enable the Department to more effectively manage and store data and information.

STAFF MISCONDUCT AND DISCIPLINARY PROCESS IMPROVEMENTS

Over the past year, CDCR worked to improve and enhance the process by which it handles complaints filed by incarcerated individuals that include allegations of staff misconduct, with the goal of increasing accountability and transparency and responding to concerns raised by stakeholders. CDCR will begin implementation of the new process using a phased approach starting in January 2022, with the goal of rolling the new process out to all institutions during the course of 2022-23.

Under the new process, CDCR will establish a Centralized Screening Team within its Office of Internal Affairs (OIA), which will be responsible for reviewing all complaints made by incarcerated individuals and third parties to make sure they are routed to the appropriate entity for further review depending on the contents of the complaint. Additionally, OIA will conduct formal investigations into a greater number of complaints based on a clearly defined list of allegation categories created by CDCR in collaboration with various stakeholders. The Budget includes \$5.3 million General Fund in 2021-22, \$35.6 million in 2022-23, and \$34.2 million ongoing for CDCR to support successful implementation of the improved process, which includes resources to stand up the new Centralized Screening Team, address anticipated increases in investigatory workload, and provide legal counsel to inform investigations and manage discipline-related processes.

The Office of Inspector General (OIG) will provide oversight and monitoring of CDCR's new staff complaint process. The Budget includes \$2.3 million General Fund in 2022-23, and \$3.6 million ongoing, which will enable the OIG to review a portion of the complaints filed by incarcerated persons to determine if the new CDCR Centralized Screening Team is routing complaints involving allegations of staff misconduct for the

appropriate level of review, and to monitor a portion of the staff misconduct investigations handled by CDCR's OIA.

In addition, the Budget includes \$6.2 million General Fund in 2022-23, growing to \$11.8 million in 2024-25, to support the Department's ability to conduct thorough investigations within the context of its existing Central Intake process and to strengthen its disciplinary procedures.

INCARCERATED PATIENT MEDICAL CARE AND MENTAL HEALTH SERVICES

The Budget includes \$3.8 billion General Fund in 2022-23 for health care programs, which provide incarcerated individuals with access to mental health, medical, and dental care services that are consistent with the standards and scope of care appropriate within a custodial environment.

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 state is committed to the delivery of mental health services to the population, with continued efforts to provide proper staffing for those who require the highest level of care.

INTEGRATED SUBSTANCE USE DISORDER TREATMENT PROGRAM

The rate of substance use disorders among the incarcerated population is significantly higher compared to the general public. To address the unique needs of the incarcerated population, the 2019 Budget Act included resources for CDCR and CCHCS to implement the Integrated Substance Use Disorder Treatment (ISUDT) Program. This program was designed on a whole person care delivery model and structured to provide an interconnected series of treatments and interventions to help incarcerated individuals with substance use disorders.

Since the ISUDT Program was implemented in January 2020, nearly 14,000 patients have been provided access to medication-assisted treatment (MAT) and approximately 5,700 patients received cognitive behavioral interventions.

The Budget includes \$126.6 million General Fund in 2022-23, and \$162.5 million ongoing, to expand the ISUDT Program and enhance the Department's ability to treat individuals with substance use disorders. These resources will enable CDCR to serve an increasing number of program participants with MAT annually and make other

targeted enhancements, including increasing patient screening and adding an aftercare component for individuals who complete the core ISUDT programming.

Additionally, the Budget includes \$10.4 million ongoing (\$5.2 million General Fund and \$5.2 million in reimbursement authority) for the Department to implement California Advancing and Innovating Medi-Cal (CalAIM) services and supports for justice-involved individuals, as required by statute. The Budget also reflects a shift of approximately \$5.5 million in 2022-23, growing to \$25.6 million ongoing, from the General Fund to reimbursements in recognition of increased federal funding for health care services that is anticipated to become available to the state under CalAIM.

MEDICAL INSPECTIONS BY THE OFFICE OF THE INSPECTOR GENERAL

The OIG is responsible for periodically reviewing and reporting on the delivery of medical care provided to individuals incarcerated in CDCR. The Budget includes \$3.3 million General Fund annually for three years to support additional OIG staff to complete medical inspections at the institutions. These resources will reduce the full medical inspection cycle from approximately 36 months to 24 months. The Budget also includes \$589,000 ongoing General Fund for additional editors to facilitate timelier medical inspection reports and a Nursing Supervisor position to support general unit operations.

FACILITY AND INFRASTRUCTURE IMPROVEMENTS

Maintaining facility infrastructure is essential to the health, safety, and rehabilitative goals for those who live and work in state prisons.

ROOF REPLACEMENT

The Budget includes \$2 million General Fund in 2022-23 and \$71 million in 2023-24 for roof replacement projects at California Institution for Men and California Medical Facility as part of a multi-year plan to replace aging and deteriorating roofs across the state prison system. CDCR has a phased schedule for statewide institution roof replacements that prioritizes prisons housing significant high-risk medical populations and individuals with disabilities. With this Budget, 14 institutions will have received one-time funding for major roof replacement and repair projects, and 11 institutions remain scheduled for future roof replacement and repair projects over the next 6 years.

ACCESSIBILITY IMPROVEMENTS

In response to a federal class action lawsuit (*Armstrong v. Newsom*), the Department commissioned a survey in 2011 to identify infrastructure improvements needed to make its prison facilities accessible to individuals with disabilities. While CDCR has completed projects that have substantially improved access, further upgrades are necessary. As such, the Budget includes \$22.2 million one-time General Fund for accessibility improvements for individuals with disabilities at the California Institution for Men; California Institution for Women; California State Prison, Los Angeles County; and Richard J. Donovan Correctional Facility.

Beyond the physical facility repairs, the Budget also includes \$2.6 million General Fund in 2022-23 and \$2.7 million ongoing for staff to manage the increasing workload associated with maintaining compliance with *Armstrong* mandates and providing support to disabled individuals, such as fulfilling requests for reasonable accommodations, which have increased as the population ages.

As construction needs have increased over the years, projects have also increased in scope. To keep pace with the increase in the number and scale of projects handled by general contractors and CDCR's Inmate/Ward Labor Program, the Budget includes \$1.1 million ongoing in reimbursement authority to provide administrative staff at field offices to support the construction projects.

UTILITIES AND WASTE DISPOSAL FUNDING

Utilities and waste removal are basic components of operating CDCR's institutions. The methodology used to budget for these expenses has not kept pace with rising costs, resulting in annual budget shortfalls.

Therefore, the Budget includes \$22.2 million ongoing General Fund to align resources with actual expenditures. The updated methodology establishes a baseline of funding using a three-year average of expenditures and a Consumer Price Index adjustment, which will be applied annually. This change will establish more stable and accurate funding based on current expenditures.

JANITORIAL SERVICES

Since 2013, CCHCS has contracted with the California Prison Industry Authority (CalPIA) to provide healthcare-grade janitorial services at prisons statewide. The existing contract will expire on June 30, 2022. The Budget includes \$8.6 million General Fund in 2022-23 and \$10.5 million ongoing to renew the contract based on updated cost

estimates. The contract also updates the custodian staff supervision ratios to provide additional staff supervisors.

DIVISION OF JUVENILE JUSTICE

Consistent with Chapter 337, Statutes of 2020 (SB 823), the Division of Juvenile Justice (DJJ) ceased intake of new youth on July 1, 2021, with limited exceptions. However, DJJ took a number of precautions to protect youth and prevent the spread of COVID-19, which resulted in the intermittent pausing and staggering of intake. In June 2021, there was a backlog of approximately 100 youth awaiting transfer to DJJ at the county level. Accordingly, the DJJ youth population is expected to increase slightly in 2021-22, reaching a total of 657 youth as compared to the 2021 Budget Act estimate of 613 youth. However, DJJ projects the backlog will be eliminated by January 2022, and the youth population is expected to decline thereafter, decreasing to 544 youth in 2022-23. Consistent with Chapter 18, Statutes of 2021 (SB 92), DJJ is scheduled to close on June 30, 2023.

DJJ is currently experiencing various challenges with regard to recruiting and retaining staff. The Administration plans to engage with the relevant stakeholders early in 2022 to identify solutions to address these challenges given the important role these positions play in supporting DJJ operations and the delivery of rehabilitative programming and treatment to youth housed at DJJ.

UPGRADING LOCAL JUVENILE FACILITY INFRASTRUCTURE

Upon the closure of DJJ, counties will be responsible for serving all justice-involved youth across the juvenile justice continuum. In 2020-21, to facilitate the realignment of youth from the state to counties, the Board of State and Community Corrections (BSCC) allocated \$9.6 million in one-time funds for the Regional Youth Programs and Facilities Grant Program as authorized by SB 823. These funds were available to counties for infrastructure-related needs and improvements to assist counties in the development of a local continuum of care. However, additional investment is needed to help counties prepare to serve and provide treatment to realigned youth.

The Budget includes \$100 million one-time General Fund for grants to be administered by the BSCC to support improvements to county-operated juvenile facilities to make these locations more conducive to serving justice-involved youth with a wide range of needs, with a focus on supporting trauma-informed care, restorative justice, and rehabilitative programming.

LOCAL PUBLIC SAFETY

PUBLIC SAFETY INITIATIVES

Personal safety is one of the most basic needs—and expectations—for all Californians. The Budget includes investments to support a multifaceted strategy to crack down on organized retail theft and get guns and drugs off of streets.

CRACKING DOWN ON ORGANIZED RETAIL THEFT AND OTHER CRIMES

The Budget includes a total of \$356 million General Fund over three years, including \$132 million in 2022-23, for the following proposals that bolster local law enforcement efforts to crack down on organized retail theft and other crimes, and support affected small businesses:

- \$85 million annually through 2024-25 in competitive grants for local law enforcement to combat organized retail crime so Californians and small businesses across the state can feel safe. Under the program, which will be administered by the BSCC, police departments, county sheriffs, and probation departments will receive funding to enforce theft-related laws, including participating in California Highway Patrol (CHP) task forces, increasing presence at retail locations, supporting increased diversion and supervision of people that commit retail theft, and training law enforcement personnel on identifying and combating retail theft. Priority will be given to localities that have seen the greatest increases in theft-related crimes and that do not already have a retail task force presence.
- \$10 million annually through 2024-25 for competitive grants to local District Attorneys to create dedicated retail theft prosecution teams. These grants will support District Attorneys employing vertical prosecution, whereby one prosecutor handles every part of the trial process, from arraignment to sentencing. Benefits of vertical prosecution include greater consistency throughout the case and the opportunity for prosecutors to develop a unique understanding of an entire case and specific expertise. These grants, administered by the BSCC, will prioritize localities involved in retail task forces and that have dedicated task force attorneys.
- \$6 million in 2022-23 to provide a total of \$15 million annually for CHP to expand and make permanent its Organized Retail Theft Taskforce. This unit will work with local law enforcement to crack down on organized theft in the Bay Area, Sacramento, San Joaquin Valley, Los Angeles, and San Diego regions.

- \$6 million annually through 2024-25 and \$500,000 ongoing for the Department of Justice (DOJ) to support regional task forces combating organized retail theft and to prosecute retail theft cases that span multiple jurisdictions. Resources will support investigations, legal prosecutions, and data analytics for coordinated efforts against retail theft.
- \$5 million for the DOJ to continue leading anti-crime task forces around the state, including High Impact Investigation Teams, Los Angeles interagency efforts, and task forces to combat human trafficking and gangs.

The Budget also contains \$20 million one-time for grants to small businesses that have been the victim of retail theft, or that have suffered damage caused during retail theft incidents, to assist with repairing or replacing infrastructure to resume business operations.

GETTING GUNS AND DRUGS OFF THE STREET

The Budget includes \$25 million one-time General Fund to establish a competitive grant program to support local gun buyback programs. This statewide effort will not only provide opportunities for the safe disposal of firearms, but will also serve to promote awareness about gun and youth violence.

The Budget also includes \$20 million one-time General Fund to expand the Military Department's existing drug interdiction efforts supporting the four High Intensity Drug Trafficking Areas in California. This will amplify the Military Department's focus on drug-trafficking transnational criminal organizations throughout the state.

Additionally, the Budget includes an increase of \$2 million ongoing General Fund to support research conducted by the Firearm Violence Research Center at the University of California, Davis. The firearms market is evolving rapidly and traditional firearm investigations are increasingly undermined by non-traditional means of acquiring illicit firearms, such as privately-owned three-dimensional printers. There is more need than ever for new scientific research and evidence to inform policies that are adaptive to this changing landscape.

VARIOUS ADJUSTMENTS

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 incarcerated persons previously sentenced for these reclassified crimes to

petition for resentencing. Proposition 47 established a fund to invest savings from reduced prison utilization to prevention and support community programs.

The Department of Finance estimates net General Fund savings of \$147.3 million in 2022-23. This is an increase of \$31.1 million over 2021-22, due to the inclusion of savings associated with the closure of Deuel Vocational Institution in Tracy in September 2021. These funds will be allocated according to the formula specified 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 treatment services), 25 percent for grants to support truancy and dropout prevention programs, and 10 percent for grants for victims' services. This additional funding will bring the total allocated for these programs to approximately \$555 million General Fund since the passage of Proposition 47.

Post Release Community Supervision—The Budget includes \$23.2 million one-time General Fund for county probation departments to supervise the temporary increase in the average daily population of individuals on Post Release Community Supervision (PRCS) as a result of the implementation of Proposition 57. This is a decrease of \$400,000 when compared to last year's Proposition 57 funding, attributable to fewer releases of incarcerated individuals than had been projected in spring 2021.

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 contains \$115 million one-time General Fund to support the incentive program.

VICTIM SERVICES

Crime victims and their families bear significant physical, emotional, and financial burdens. The Budget reflects the Administration's continuing commitment to both assist crime victims and their families in recovering from such traumas, and to proactively make strategic investments to protect those who face a high risk of victimization by including the following proposals:

- **Increased Federal Authority and Benefit Limit Adjustment**—The Budget includes an additional \$7 million ongoing Federal Trust Fund to reflect the Federal Victims of Crime Act reimbursement rate increase from 60 percent to 75 percent. The additional federal funding will be used, in part, to support an increase in benefit

limits for crime scene cleanup costs (from \$1,000 to \$1,700), funeral/burial costs (from \$7,500 to \$12,800), and relocation claims (from \$2,000 to \$3,400) to adjust for inflation since these limits were set in 2000.

- **Erroneous Conviction Compensation**—The Budget includes \$7 million ongoing General Fund and statutory changes to provide resources and an expedited process for compensating individuals who have been erroneously convicted of a crime.
- **Erroneous Conviction Claims Program (SB 446)**—The Budget also includes \$535,000 General Fund in 2022-23 and \$471,000 ongoing to process compensation for individuals erroneously convicted of a crime in cases where a court did not provide a finding of factual innocence, pursuant to Chapter 490, Statutes of 2021 (SB 446).
- **Office of Victim and Survivor Rights and Services (OVSRS)**—The Budget includes position authority for six additional staff to support CDCR's OVSRS Unit. These staff provide services to victims, support restitution collection and distribution, and assist with locating and notifying victims for whom restitution has been collected.

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 the data needs of California's criminal justice community. The Budget includes total funding of approximately \$1.2 billion, including \$433 million General Fund, to support DOJ.

BUREAU OF FIREARMS

The Bureau of Firearms regulates the manufacture, sale, ownership, safety training, and transfer of firearms. In recent years, several laws have been enacted that affect the purchase and ownership of a firearm in California, thereby increasing the Bureau's workload. The Budget continues the Administration's commitment to keep guns out of the hands of dangerous individuals by including the following significant investments:

- **Firearm Information Technology Modernization**—\$5.2 million one-time Dealer Record of Sale (DROS) Special Account to continue the planning and development phase of combining and modernizing existing firearms tracking systems. DOJ currently tracks firearms using 11 unique information technology databases that are antiquated, costly to update, and inefficient at gathering data. This builds upon the \$2.4 million one-time DROS Special Account in the 2020 Budget Act for the modernization of the systems.
- **Firearm Transfers**—\$2.3 million (\$6,000 General Fund and \$2.3 million DROS Special Account) in 2022-23, increasing to \$3.5 million in 2023-24, and \$973,000 ongoing, to implement modifications to DOJ's firearms databases to align with firearm transfer laws pursuant to Chapter 250, Statutes of 2021 (SB 715).
- **Firearm Precursor Parts**—\$223,000 ongoing General Fund to support accelerated implementation and ongoing workload associated with tracking the sale, possession, and transfer of precursor parts in California, pursuant to Chapter 730, Statutes of 2019 (AB 879). Given the increased risk to public safety associated with illegal possession of firearms constructed through precursor parts kits ("ghost guns"), Chapter 29, Statutes of 2020 (SB 118) accelerated the implementation timeline of AB 879 by three years. These resources build upon the \$5.9 million General Fund in 2020-21 and \$8.3 million in 2021-22 provided by the 2020 Budget Act to track the sale of firearm precursor parts.
- **Firearms Tracing**—\$327,000 General Fund in 2022-23, and \$306,000 ongoing, to analyze and report information submitted by local law enforcement agencies to DOJ related to firearms that were illegally possessed, used in a crime, or suspected of being used in a crime pursuant to Chapter 683, Statutes of 2021 (AB 1191).

SIGNIFICANT ADJUSTMENTS

In addition to the augmentations noted above, the Budget includes the following additional significant adjustments to DOJ's budget:

- **Police Officer Use of Force**—\$2.3 million General Fund in 2022-23, and \$1.6 million ongoing, to investigate officer-involved shootings that result in the death of an unarmed civilian pursuant to Chapter 326, Statutes of 2020 (AB 1506). These resources will support DOJ's ability to physically appear and respond to an event to determine whether it requires a full investigation pursuant to AB 1506. This builds upon \$15.6 million ongoing to implement AB 1506 provided in the 2021 Budget Act.

- **Peace Officer Release of Records**—\$7.4 million (\$3.4 million General Fund) in 2022-23 and \$6.5 million (\$2.7 million General Fund) ongoing to prepare records pertaining to police officer conduct for public disclosure pursuant to Chapter 402, Statutes of 2021 (SB 16).
- **Law Enforcement Misconduct**—\$1.3 million General Fund in 2022-23 and \$1.2 million ongoing to respond to additional investigations that fall within the expanded definition of “law enforcement gangs,” pursuant to Chapter 408, Statutes of 2021 (AB 958).
- **Bureau of Forensic Services**—\$46.4 million one-time General Fund to backfill a decline in fine and fee revenues to the DNA ID Fund. The backfill is needed to maintain current service levels to process forensic evidence for local jurisdictions.
- **Various Criminal Resentencing Efforts**—Overall, the Budget includes augmentations of \$4.8 million General Fund to implement recently enacted legislation pertaining to criminal resentencing. Specifically, the Budget includes \$396,000 in 2022-23 and \$382,000 ongoing to provide legal response to appeals when criminal resentencing is denied, or a defendant claims error occurred in resentencing, pursuant to Chapter 719, Statutes of 2021 (AB 1540); \$3.6 million in 2022-23 and \$3.5 million ongoing to address an increase in resentencing and vacatur appeals pursuant to Chapter 551, Statutes of 2021 (SB 775); and \$794,000 in 2022-23 and \$768,000 in 2023-24 to address increased resentencing hearings pertaining to initial sentence enhancements pursuant to Chapter 728, Statutes of 2021 (SB 483).
- **Reproductive Health Care Services**—\$879,000 General Fund in 2022-23 and \$671,000 ongoing to implement new data reporting requirements, prepare an annual report that details anti-reproductive healthcare rights violations and criminal offenses, and provide legal guidance to state and local entities pursuant to Chapter 191, Statutes of 2021 (AB 1356).

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

The Commission on Peace Officer Standards and Training (POST) has a long history of establishing selection and training standards. The Budget now includes resources to enable POST to hold peace officers accountable for serious misconduct as well as to emphasize wellness programs for a broad range of law enforcement professionals:

- **Implementation of SB 2**—The Budget includes \$22.7 million General Fund in 2022-23, and \$20.6 million ongoing, for POST to support implementation of

Chapter 409, Statutes of 2021 (SB 2). SB 2 authorized POST to suspend, revoke, or cancel any peace officer certifications under specified conditions. Among other things, SB 2 created the Peace Officer Standards Accountability Division within POST to review and conduct investigations into incidents of serious misconduct that may provide grounds for suspension or revocation of a peace officer's certification.

- **Officer Wellness**—The Budget includes \$5 million one-time General Fund in 2022-23, to be spent over three years, to support the physical, mental, and emotional health of local law enforcement personnel through sustainable wellness programs, training, and research.