

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 May Revision includes total funding of \$13.9 billion (\$13.3 billion General Fund and \$603.2 million other funds) for CDCR in 2022-23. Of this amount, \$3.7 billion General Fund is 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.

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 and other factors have significantly impacted current population projections. The average daily adult incarcerated population for 2021-22 is now projected to be 99,590, a decrease of 5 percent since the Governor's Budget. By comparison, on December 15, 2021, the adult incarcerated population was 99,699 and as of April 27, 2022, the population was 96,581—a difference of 3,118, or 3 percent.

Spring projections indicate the adult incarcerated population is temporarily trending upward and is expected to increase by 3,342 individuals between 2021-22 and 2022-23, primarily because CDCR resumed intake of individuals sentenced to prison who remain in county jails awaiting transfer to state prison. The population is then projected to resume long-term downward trends in 2023-24, reaching 95,655 in 2024-25.

The Governor's Budget projected an overall parolee average daily population of 42,963 in 2022-23. The average daily parolee population is now projected to increase by 628 to 43,591 in 2022-23, an increase of 1.5 percent from the Governor's Budget projections. The parole population is projected to decline to 37,818 by June 30, 2026.

COVID-19 UPDATE

Active COVID-19 cases have declined significantly statewide since the peak of the Omicron surge in January, when CDCR reported 6,375 active incarcerated adult COVID-19 cases and 5,113 active staff cases. As of May, CDCR was tracking just 352 active incarcerated adult and 304 active staff cases, allowing CDCR to return to normal operations in nearly all of its facilities consistent with its Roadmap to Reopening, while continuing to monitor for and respond to outbreaks.

In light of improvements in the containment of COVID-19 and refined projections, the May Revision includes a total of \$240.1 million for COVID-19 prevention and response activities, a decrease of \$184.6 million compared to the Governor's Budget. These resources will enable CDCR to continue taking proactive measures and precautions to protect the incarcerated population and staff, which include testing, utilizing masks and other personal protective equipment, and providing extra cleaning and sanitation services.

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 2020 and in January 2022. Since February, CDCR has resumed intake while maintaining precautions including requiring testing and symptom screening prior to intake.

The Department also requires 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 May, around 1,500 incarcerated individuals

remained in county jails awaiting transfer to state prison; it is currently estimated that the backlog will be cleared by this June.

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 up to approximately \$44.9 million in additional reimbursements may be issued in 2021-22 as the backlog is reduced and then eliminated.

PRISON CAPACITY AND CLOSURE

The adult prison population has steadily declined over many years, which presented 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. 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 (CCI) and California Training Facility (CTF).

On September 27, 2021, CDCR closed 567 and 500 minimum security beds at CCI and CTF, respectively. As of April 2022, the incarcerated population at CCC was 1,758. The closure of CCC would result in estimated 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, prohibiting CDCR from taking any action to further the closure of CCC. The injunction remains in effect and the process of closing CCC is currently on hold.

Although the closure of CCC is currently on hold pending litigation, the Administration is committed to right-sizing California's prison system to reflect the needs of the state. Based on current projections that exhibit ongoing declines in the incarcerated population, and understanding that future policy changes may significantly affect long-range population projections, it may be possible to close three additional state prisons by 2024-25.

STAFF MISCONDUCT AND DISCIPLINARY PROCESS IMPROVEMENTS

The Governor's Budget included comprehensive resources for CDCR to improve and enhance the process by which the Department handles complaints filed by incarcerated individuals that include allegations of staff misconduct. CDCR began implementation of the new process using a phased approach in January 2022, and will roll out the new process to all institutions during 2022-23.

Additionally, the Governor's Budget included \$2.3 million General Fund in 2022-23 and \$3.6 million ongoing for the Office of the Inspector General (OIG) to oversee and monitor CDCR's new staff misconduct process. The May Revision includes \$5.6 million General Fund in 2022-23 and \$11.4 million ongoing for the OIG to monitor staff complaints that are handled by institutions and to reflect refinements to the staffing levels for the OIG to monitor CDCR's centralized screening process and investigations conducted by the Office of Internal Affairs. This augmentation will provide the OIG with a total of \$7.9 million General Fund in 2022-23 and \$15.1 million ongoing to monitor CDCR's staff misconduct process.

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. DJJ is scheduled to close on June 30, 2023, pursuant to Chapter 18, Statutes of 2021 (SB 92). The May Revision reflects an estimated average daily population of 641 youth in 2021-22 and 430 youth in 2022-23, which represents a decrease of 16 and 114 youth in 2021-22 and 2022-23, respectively, compared to the Governor's Budget estimates.

Currently, DJJ estimates there will be approximately 300 youth remaining in its care on June 30, 2023. DJJ released its transition plan for these youth on February 9, 2022. Through the transition process, DJJ will work with youth, their Interdisciplinary Treatment Teams, their families, state and county officials, and community stakeholders to develop individualized transition plans and ongoing treatment strategies.

The May Revision population-related adjustments reflect a decrease of \$6 million General Fund and 32.5 positions in 2021-22, and a decrease of \$15.7 million and 95 positions in 2022-23, as compared to Governor's Budget estimates. Additionally, the May Revision reflects a decrease of \$87.8 million and 554.7 positions in 2023-24 and ongoing in recognition of DJJ's closure at the end of 2022-23.

TRANSITIONAL HOUSING

One of the 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 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. The Governor's Budget included \$10.6 million General Fund annually for three years to continue Returning Home Well while providing the opportunity to assess the ongoing needs of the released population.

The May Revision builds on this investment by adding \$3 million one-time General Fund to provide transitional housing to youth discharged by the Board of Juvenile Hearings in 2022-23. Transitional housing will be available to youth who are at risk of homelessness upon their release to support them in successfully reentering their communities.

SIGNIFICANT IMPROVEMENTS

- **Data Collection and Evaluation**—The May Revision includes \$6 million one-time General Fund to enhance CDCR's data collection and evaluation capabilities regarding the outcomes of formerly incarcerated individuals.
- **Utilities and Waste Disposal Funding Update**—CDCR has recalculated utilities and waste removal expenditures using the methodology proposed in the Governor's Budget. Therefore, the May Revision includes a funding increase of \$6.9 million ongoing General Fund to prevent a budget shortfall in 2022-23. This increase will establish sufficient funding based on current expenditures.

LOCAL PUBLIC SAFETY

CRIMINAL JUSTICE INVESTMENTS FOR SAFE AND SECURE COMMUNITIES

The May Revision adds various criminal justice investments to improve community policing; increase access to services; and add to the efforts of locating, identifying, and preventing missing Indigenous persons from tribal lands.

OFFICER WELLNESS GRANTS

Supporting peace officers' physical, mental, and emotional health is fundamental to creating safer communities and building meaningful relationships. The May Revision includes \$50 million one-time General Fund to fund grants intended to improve general officer health and well-being, build resiliency, decrease stress and trauma, and improve community trust and relations.

These funds build on \$5 million one-time General Fund included in the Governor's Budget for the Commission on Peace Officer Standards and Training to develop a Law Enforcement Wellness Program to support officers' overall health. The grants will be distributed by the Board of State and Community Corrections to counties and cities to support eligible programs.

MOBILE PROBATION CENTERS

Increasing access to probation services, particularly among individuals who are unhoused and struggling to meet supervision requirements, is critical to enhance public safety and successfully support their reintegration. The May Revision includes \$20 million one-time General Fund to establish a competitive grant program for counties to create mobile probation centers, modeled after a program established by Placer County.

Grant funding will help with one-time investments, such as the purchase of vehicles and technology, including computers, internet, phones, televisions, and video communication. The mobile service centers will facilitate court appearances and pre-trial check-ins; complete needs assessments; and identify housing, employment, and other related services.

GRANTS FOR MISSING AND MURDERED INDIGENOUS PERSONS

President Biden proclaimed May 5, 2022, as Missing or Murdered Indigenous Persons Awareness Day. California has one of the largest Native American populations in the United States, and research has found that Indigenous people experience violence and trauma disproportionately higher than the general population.

To address these disparities, the May Revision includes \$12 million General Fund over three years to establish a competitive grant program to help California tribes locate and identify missing Indigenous persons. These funds will be available to provide resources for tribal police and prosecutors, counseling services, education, and other activities.

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 \$161.1 million in the 2022-23 May Revision. This is an increase of \$13.8 million over the 2022-23 Governor's Budget projection, due to updated diversion impact estimates. 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 \$608.4 million General Fund since the passage of Proposition 47.

Post Release Community Supervision—The Governor's Budget estimated \$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. Based on updated estimates, the May Revision includes \$20.9 million one-time General Fund, or a decrease of \$2.3 million from Governor's Budget projections, corresponding with fewer releases of incarcerated individuals than had been projected in Fall 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. In recent years, the pandemic has dramatically affected prison populations and the criminal legal system, skewing existing SB 678 metrics and not necessarily reflecting actual county performance.

Due to these ongoing issues, the May Revision contains a total of \$123.8 million General Fund annually through 2024-25 to provide county probation departments with a consistent level of funding based on prior performance, so county probation departments are not unduly impacted by lingering impacts of the pandemic on probation populations, law enforcement practices, or court processes.

VICTIM SERVICES

Crime victims and their families bear significant physical, emotional, and financial burdens. The May Revision 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:

- **Innovative Pilot Program for Victim Services**—\$30 million one-time General Fund, to be spent over three years, to establish an innovative pilot program to provide victim services across California. This could include operating satellite offices for trauma recovery centers or other victim services providers in hard-to-reach and/or rural areas.
- **Media Outreach to Victims of Violent Crime**—\$3 million one-time Restitution Fund to conduct an outreach campaign to raise awareness of statewide victim support services, while targeting hard-to-reach populations.

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 May Revision includes total funding of approximately \$1.2 billion, including \$443.5 million General Fund, to support DOJ.

FENTANYL ENFORCEMENT

The Governor's Budget included \$6 million annually through 2024-25 and \$500,000 ongoing to support regional task forces combating organized retail theft, and \$5 million ongoing General Fund to support DOJ participation in anti-crime task forces around the state. The May Revision builds upon these investments by providing an additional \$7.9 million General Fund in 2022-23, and \$6.7 million ongoing, to establish the Fentanyl

Enforcement Program. This brings the total additional resources for DOJ task forces to \$18.9 million in 2022-23.

SIGNIFICANT ADJUSTMENTS

In addition to these augmentations, the May Revision includes the following additional significant adjustments to DOJ's budget:

- **Medi-Cal Fraud and Elder Abuse: Medicaid Patient Abuse Prevention Act**—\$7.8 million (\$6.1 million Federal Trust Fund, \$1.2 million False Claims Act, and \$474,000 General Fund) in 2022-23, and \$7.1 million in 2023-24 and ongoing to fully maximize DOJ's federal grant award to support increased Medicaid fraud and elder abuse investigation and enforcement pursuant to changes in federal law.
- **Reparations Task Force**—\$1.5 million one-time General Fund for external consultants to develop and finalize task force recommendations, and cover travel and per diem costs for task force members pursuant to Chapter 319, Statutes of 2020 (AB 121). This investment is in addition to \$2.2 million General Fund over two years for the task force provided in the 2021 Budget Act.

CALIFORNIA MILITARY DEPARTMENT

The Governor's Budget included \$20 million General Fund in 2022-23 to expand the California Military Department's existing drug interdiction efforts supporting the four High Intensity Drug Trafficking Areas in California. The May Revision increases this investment to a total of \$30 million General Fund (\$15 million in 2022-23 and \$15 million in 2023-24) to bolster the Department's existing efforts to prevent drug-trafficking transnational criminal organizations throughout the state, with a particular focus on assisting federal, state, local, and tribal law enforcement agencies in combatting fentanyl.