

AGENDA

ASSEMBLY BUDGET SUBCOMMITTEE NO. 5 PUBLIC SAFETY

ASSEMBLYMEMBER REGINALD B. JONES-SAWYER SR., CHAIR

WEDNESDAY, APRIL 29, 2015
1:30 P.M. - STATE CAPITOL ROOM 437

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VOTE ONLY ISSUES**2720 CALIFORNIA HIGHWAY PATROL**

ISSUE 1: LIMOUSINE INSPECTION PROGRAM – SB 611 (HILL) CH. 860, ST. 2014 (SFL)

The California Highway Patrol (CHP) is requesting \$383,000 to purchase the equipment necessary to support a modified limousine inspection program in compliance with SB 611.

SB 611 requires all modified limousines, as defined, to be equipped with two fire extinguishers and requires the California Highway Patrol (CHP) to develop and implement an inspection program for modified limousines, as specified.

STAFF RECOMMENDATION

Approve as proposed.

ISSUE 2: REAPPROPRIATION OF RADIO CONSOLE REPLACEMENT PROJECT (SFL)

The California Highway Patrol (CHP) is requesting the reappropriation of \$5 million, from the Motor Vehicle Account, to support the first year of a five-year plan to replace CHP's entire inventory of radio dispatch consoles (177 dispatch consoles). This reappropriation is being requested due to a 5-month delay associated with identifying and re-writing specifications for the desired replacement system.

STAFF RECOMMENDATION

Approve as proposed.

VOTE ONLY ISSUES**0690 GOVERNOR'S OFFICE OF EMERGENCY SERVICES****ISSUE 3: SOUTHERN REGION EMERGENCY OPERATIONS CENTER**

The Office of Emergency Services is proposing \$613,000 from the General Fund for 2015-16 to fund the acquisition and preliminary planning phase for a new OES Southern Regional Emergency Operations Center (SREOC) to be built on leased land in Los Alamitos. The proposed building would bring OES' SREOC into compliance with the most basic requirements of the Essential Services Act for Seismic Safety.

The proposed facility would house emergency operations staff and would serve as the center for response activities in the event of an emergency. The total project, which would be completed in 2019, is estimated to cost \$24.6 million. The project is currently proposed to be entirely funded from the General Fund.

LAO COMMENTS

The administration informs us that it is attempting to secure lease terms for the land that would allow the project to be funded through lease-revenue bonds.

We find that the proposal merits consideration. However, we recommend modifying it to add provisional language that would allow OES to use the proposed funding only if the negotiated lease allows for the project to be funded through lease-revenue bonds. Funding through lease-revenue bonds has the benefit of spreading out the substantial construction costs over the useful life of the project and will create significant short-term savings for the state. Assuming a 25-year repayment period, we estimate that the annual debt service on the lease-revenue bonds would be about \$1.7 million annually. In contrast, if the project proceeds as proposed, it would create \$24 million in General Fund costs in 2016-17.

STAFF RECOMMENDATION

Adopt proposal.

VOTE ONLY ISSUES

5225

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

ISSUE 4: TECHNICAL ADJUSTMENT

The CDCR is requesting several no-cost technical changes to the budget display to correct coding errors and to properly display program funding in the new Financial Information System of California (FI\$Cal).

STAFF RECOMMENDATION

Approve as proposed.

VOTE ONLY ISSUES**5227 BOARD OF STATE AND COMMUNITY CORRECTIONS****ISSUE 5: TECHNICAL CORRECTION**

The Board of State and Community Corrections is requesting a \$410,000 reduction to reflect the removal of a one-time augmentation provided in fiscal year 2014-15 to fund a job analysis on local correctional and probation classifications.

STAFF RECOMMENDATION

Approve as proposed.

ISSUE 6: REAPPROPRIATION - MENTALLY ILL OFFENDER CRIME REDUCTION GRANT

The Board of State and Community Corrections is requesting authority to reappropriate current year funding for the Mentally Ill Offender Crime Reduction Grant.

This request is being made because grant funds will not be distributed until early 2015-16. The requested reappropriation authority would address this issue and allow the BSCC to allocate this grant to counties in the 2015-16 fiscal year. The amount proposed for reappropriation is roughly \$18 million (\$17.1 for grants and \$600,000 for administrative costs).

STAFF RECOMMENDATION

Approve as proposed.

ITEMS TO BE HEARD

0820 **DEPARTMENT OF JUSTICE**

ISSUE 1: CALGANG®

The issue before the Subcommittee is an overview of the CALGANG program.

PANELISTS

- Al Vernon, Lieutenant, Sonoma County Sheriff's Office
- Dennis Smiley, Sergeant, Sonoma County Sheriff's Office
- Department of Justice
- Legislative Analyst's Office
- Public Comment

BACKGROUND

Mission Statement:

The CalGang® Executive Board (CEB) and the California Gang Node Advisory Committee (CGNAC) oversee the operations of the CalGang® System, and participating law enforcement agencies' access, in an effort to provide an accurate, timely, and electronically generated database of statewide gang related intelligence information.

What is CalGang®?

The CalGang® system is a State of California funded, Local Law Enforcement maintained and controlled Criminal Intelligence System that targets specifically Members and Criminal Associates of Criminal Street Gangs. The CalGang® system operates pursuant to the United States Code of Federal Regulations, title 28, section 23 (28CFR23), ad seq. as a Criminal Intelligence System.

Calgang® is a wide area, low cost, easy to use, securely networked, relational, intelligence database, targeting specifically members of criminal street gangs, tracking their descriptions, tattoos, criminal associates, locations, vehicles, fi's, criminal histories and activities.

CalGang® has been in operation for over ten years, collecting Criminal Intelligence Information from Local, State, Federal and Tribal Law Enforcement Agencies in California.

Who is Responsible for CalGang®?

The CalGang® system is controlled by two oversight committees; the California Gang Node Advisory Committee deals with the day to day operations of the system, and the CalGang® Executive Board deals with the administrative, policy and sustainability issues. Members of both committees are from the Local and State stake holder agencies that operate the CalGang® system. Additionally, the CalGang® Executive Board includes non-voting members representing the California State Sheriff's Association, the California Police Chief's Association, the California District Attorney's Association.

Regional Databases are maintained by:

- Los Angeles County Sheriff's Department;
- Los Angeles Police Department;
- San Bernardino County Sheriff's Department;
- Riverside County Sheriff's Department; Riverside Police Department; Riverside

County District Attorney's Office:

- Orange County District Attorney's Office;
- Sonoma County Sheriff's Department;
- San Diego Police Department;
- Kern County Sheriff's Department;
- Fresno County Sheriff's Department;
- San Jose Police Department;
- Santa Barbara Police Department

Who has access to CalGang®?

Only specifically trained Law Enforcement Officers and Support Staff may access CalGang® information.

Release of CalGang® Criminal Intelligence Information is on a **Right-to-Know** (A Law Enforcement Officer) and **Need-to-Know** (Legitimate Law Enforcement Purpose) basis only.

Criminal Street Gang as Defined by CalGang®:

A gang is a group of three or more persons who have a common identifying sign, symbol or name, and whose members individually or collectively engage in or have engaged in a pattern of definable criminal activity creating an atmosphere of fear and intimidation within the community.

What are the criteria for inclusion in the CalGang® database?

An individual may be entered into the CALGANG® database when two of the following criteria are found through investigation, coupled with the officers training and expertise. (The only single criteria approved for entry is an in-custody jail classification interview):

- Subject has admitted to being a gang member.
- Subject has been arrested with known gang members for offenses consistent with gang activity.
- Subject has been identified as a gang member by a reliable informant/source.
- Subject has been identified as a gang member by an untested informant.
- Subject has been seen affiliating with documented gang members.
- Subject has been seen displaying gang symbols and/or hand signs.
- Subject has been seen frequenting gang areas.
- Subject has been seen wearing gang dress.
- Subject is known to have gang tattoos.
- In custody Classification interview. (All others require two criteria)

History of Shared Gang Databases in California:

In 1987, the Los Angeles County Sheriff's Department developed the Gang Reporting, Evaluation and Tracking System (GREAT), the nation's first gang database. "Before GREAT existed, police departments collected information on gang members in locally maintained files, but could not access information that had been collected by other law enforcement agencies." (Stacey Leyton, *The New Blacklists: The Threat to Civil Liberties Posed by Gang Databases* (a chapter in *Crime Control and Social Justice: The Delicate Balance*, edited by Darnell F. Hawkins, Samuel L. Myers Jr. and Randolph N. Stone, Westport, CT, 2003. *The African American Experience*, AB 829, Page 5 Greenwood Publishing Group, Mar. 27, 2013.) Using GREAT, local law enforcement could collect, store, centralize, analyze, and disperse information about alleged gang members.

In 1988, the Legislature passed the Street Terrorism Enforcement and Prevention (STEP) Act, asserting California to be "in a state of crisis... caused by violent street gangs whose members threaten, terrorize and commit a multitude of crimes against the peaceful citizens of their neighborhoods." (Penal Code Section 186.21 (1988).) The STEP Act established the nation's first definitions of "criminal street gang," "pattern of criminal gang activity," and codified penalties for participation in a criminal street gang.

In 1997, less than a decade after the regional GREAT database was first created, the regional GREAT databases were integrated into a new unified statewide database, CalGang, with the goals of making the database easier to use and less expensive to

access. CalGang operates pursuant to the 1968 Omnibus Crime Control and Safe Streets Act, which requires that “all criminal intelligence systems ... are utilized in conformance with the privacy and constitutional rights of individuals.”

Related Current and Prior Legislation:

AB 829 (Nazarian), Introduced on February 26, 2015, outlines procedural due process rights for persons designated for inclusion in a shared gang database.

SB 458 (Wright), Chapter 797, Statutes of 2013, required local law enforcement to notify a minor and his or her parent or guardian before designating that minor as a gang member, associate, or affiliate in a shared gang database and the basis for the designation.

AB 177 (Mendoza), Chapter 258, Statutes of 2011, expanded the authority of the juvenile court to order the parent or guardian of a minor to attend anti-gang violence parenting classes.

SB 296 (Wright), of the 2011-12 Legislative Session, would have created a process whereby a person subject to a gang injunction could petition for injunctive relief if the person met certain criteria. SB 296 was vetoed by the Governor.

AB 1392 (Tran), of the 2009-10 Legislative Session, would have established the Graffiti and Gang Technology Fund, in which vandalism fines were to be deposited, to be continuously appropriated to the Department of Justice exclusively for the costs of technological advancements for law enforcement in the identification and apprehension of vandals and gang members, as specified. AB 1392 was held on the suspense file of the Assembly Committee on Appropriations.

AB 1291 (Mendoza), Chapter 457, Statutes of 2007, authorized anti-gang violence classes for parents of juveniles found in violation of specified gang-related offenses.

AB 1630 (Runner), of the 2007-08 Legislative Session, would have required those who are convicted of a street gang crime and to annually register and re-register upon changing his or her residence. AB 1630 failed passage in Assembly Committee on Public Safety.

AB 2562 (Fuller), of the 2007-08 Legislative Session, would have increased the penalty from a misdemeanor to a felony punishable by 16 months or two or three years in the state prison for failing to register as a member of a criminal street gang under specified circumstances. AB 2562 failed passage in Assembly Committee on Public Safety.

QUESTIONS

Questions for DOJ

- 1) Will you please provide an overview/history of the CALGANG® program?
- 2) Will you please explain the DOJ's role in the CALGANG® program?
- 3) Is the board and its proceedings subject to the Brown Act?
- 4) Where does the funding come from and what is it spent on (for all DOJ expenditures)?
- 5) How many people are currently on the database?
- 6) What is the demographic breakdown of those included on the database?
- 7) Who oversees and ensure that the purges take place after five years?
- 8) How successful has CALGANG® been in reducing gang activity and how do you measure it?

Questions for Sonoma County Sheriff's Office

- 1) Will you please discuss the Sonoma County Sheriff's Office's history with the CALGANG® program?
- 2) Will you please describe the Sonoma County Sheriff's Office's criteria and process for adding an individual to the CALGANG® database?
- 3) Does the Sonoma County Sheriff's Office have a policy for informing individuals and/or parents when an adult or juvenile is added to the CALGANG® database?
- 4) How is the CALGANG® executive board nominated/elected/appointed?
- 5) To whom is the CALGANG® executive board accountable?
- 6) Where does CALGANG® funding come from and what is it spent on (for costs associated with Sonoma County Sheriff's Office's participation in CALGANG®)?
- 7) Does the Sonoma County Sheriff's Office's make sure system purges take place after five years?
- 8) How successful has CALGANG® been in reducing gang activity and how do you measure it?

2720

CALIFORNIA HIGHWAY PATROL

ISSUE 2: MOUNTAIN PASS COMMERCIAL VEHICLE INSPECTION FACILITY STAFFING

The issue before the Subcommittee is the California Highway Patrol's request for \$1.866 million (from the Motor Vehicle Account) to fund 24 non-uniformed staff to conduct inspections of commercial vehicles at the new Mountain Pass Commercial Vehicle Enforcement Facility (located on Interstate 15 approximately 4.5 miles from the Nevada state line).

PANELISTS

- California Highway Patrol
- Department of Finance
- Legislative Analyst's Office
- Public Comment

BACKGROUND

In 1986, the National Governor's Association consensus agenda endorsed the concept of locating joint point of entry (JPOE) facilities near state borders and the usage of these facilities by neighboring states. By 1988, the California Department of Transportation (Caltrans), CHP, the Federal Highway Administration, and the bordering states of Nevada and Arizona began pursuing the idea of constructing JPOE facilities along the Southern California border. The California Transportation Commission supported the concept of JPOE facilities in its 1991 Annual Report to the Legislature in which one of the significant transportation issues addressed was the "Management and Enforcement of Overweight Trucks." This report describes how the deterioration of the highways increases when trucks are overloaded. As a result, identifying overweight trucks continues to be a top priority, at both the state and federal levels.

There are two primary reasons for the Commercial Vehicle Enforcement Facility (CVEF): infrastructure preservation and public safety. Highway pavement and structure life depends upon the weight and frequency of the traffic using the roadway. Heavy trucks cause far greater impact on pavement and bridges compared to passenger cars. To illustrate the difference between cars and trucks, a road test sponsored by the American Association of State Highway Officials, many years ago, established that it takes the passage of approximately 9,600 cars to equal the pavement damage caused by one legal truck weighing 80,000 pounds. More recent studies on pavement damage indicate that a 10 percent overload roughly increases the pavement damage by as much as 40 percent. It is important to monitor overweight traffic in order to preserve and extend pavement life.

The inspection program enhances commercial vehicle and driver safety. The presence of CVEF improves detection and apprehension of impaired and fatigued commercial vehicle operators, as well as oversized and overweight commercial vehicles, thus prolonging the useful life of the highway and enhancing the safety of the traveling public.

The CHP has primary regulatory responsibility over the commercial vehicle industry in California. Its importance to California's economy, and the severity of collisions involving commercial vehicles make the safe operation of commercial vehicles a vital element of the CHP's traffic safety efforts. Because of these enforcement responsibilities, CVEFs are operated by the CHP, not by Caltrans.

There are currently 51 CVEFs in 37 locations operating throughout the state, plus 73 mini-sites. Five classifications have been established to define existing and future facilities: A, B, C, D, and mini-sites. Of the 51 facilities in operation, there are 4 class A, 15 class B, 15 class C, and 17 class D. Mountain Pass CVEF will be a class A facility (refer to Attachments A and B).

Class A facilities are located at strategic ports of entry into the state and have independent CHP command identity. The facilities normally operate 24 hours per day, seven days per week, or match the hours of operation of federal ports of entry when located at international borders with Mexico. Mountain Pass CVEF will operate 24 hours per day, seven days per week due to its isolated nature and the anticipated volume of traffic.

Class A facilities may be used by other state or local agencies as well as jointly used by bordering state representatives at the CHP commander's discretion. Therefore, they include administrative office space designated for agencies such as the Air Resources Board, Board of Equalization, Department of Motor Vehicles, and the county court clerk. The California Department of Food and Agriculture may co-locate at identified sites.

Class A facilities generally have weigh-in-motion and static scales for weighing vehicles, and covered areas for inspection of vehicles and equipment. The covered inspection areas are constructed with three or more bays, as determined by the average daily truck traffic and projected long-term needs for the location. The facility has an open storage area for legalizing loads, a parking area and an area to permit the turning of trucks for reweighing. Class A facilities are designed and staffed for a primary focus on the inspection of vehicle size, weight, equipment, and loads during all hours of operation.

Class A facilities are typically commanded by a Lieutenant and staffed by Sergeants, Officers, Commercial Vehicle Inspection Specialists, clerical staff, maintenance workers and/or custodians and may include automotive technicians.

Mountain Pass CVEF

On July 28, 1992, Caltrans District 8 approved a Project Initiation Proposal at the request of the Federal Highway Administration to construct a truck scale and CVEF near the Nevada/California border on Interstate 15. The proposal allowed for continued highway investment protection in part by significantly reducing future maintenance costs to the Federal Highway Administration. A Project Study Report was approved in

October 1995, and the Project Report/Environmental Document was approved in March 2006. During the creation of these documents, it was decided to add an agriculture inspection facility operated by the California Department of Food and Agriculture. Design and right-of-way efforts began in 2006. The project reached the Ready to List milestone June 30, 2011 with a construction capital cost estimate of \$61.972 million.

A leasehold interest was granted to Caltrans by the Bureau of Land Management (BLM) via the Recreation and Public Purposes Act Patent process, dated December 12, 2011. Discussions with the BLM led to 133 acres of land being granted to the State of California on August 13, 2012, via the patent. However, the patent contained several clauses that were deemed to be risky by the California Department of Finance (Finance). Legal counsel at Finance determined the patent created a situation whereby the California Department of Food and Agriculture lease/revenue bond was "unmarketable." Therefore, at the request of Finance, Caltrans returned the patent to the BLM in October 2012. However, rights of entry for the property are intact with the existing leasehold interest of October 4, 2012. With the land secured, Federal Highway Administration agreed that \$28.1 million in construction funding was eligible for federal reimbursement. With the securement of the land, construction began December 2013.

QUESTIONS FOR THE CHP

- 1) What are the classifications of the 24 positions being requested and what would their rolls be?
- 2) How does the staffing level requested compare to other CVEFs (please explain any anomalies)?

STAFF RECOMMENDATION

Approve as proposed

5225

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

ISSUE 3: BOARD OF PAROLE HEARINGS WORKLOAD ADJUSTMENT

The issue before the Subcommittee is CDCR's request for 10 additional positions to accommodate increased workload associated with (1) the new parole process for non-violent, non-sex registrant second-strike offenders and (2) changes to the parole hearing process being implemented in response to a recent federal court decision.

PANELISTS

- California Department of Corrections and Rehabilitation
- Department of Finance
- Legislative Analyst's Office
- Public Comment

BACKGROUND

On January 1, 2014, SB 260 took effect mandating that the Board conduct parole suitability hearings for youthful offenders after they have served 15, 20, or 25 years depending on their commitment offense. The bill also mandated that the Board conduct consultations with all inmates approximately five years prior to their initial suitability hearing. On February 10, 2014, the federal court in the *Plata/Coleman* class action litigation ordered CDCR to implement measures to reduce the inmate population. Two of the measures ordered by the court were (1) to develop and implement a parole process for inmates who are age 60 years or older and who have served 25 years of their sentence and (2) to develop and implement a parole process for Non-Violent Second-Strikers (NVSS).

On March 4, 2013, the California Supreme Court issued its decision in the matter of *In re Vicks*. The court's decision held that the longer parole denial lengths required by Marsy's Law could be retroactively applied to inmates who committed their crimes prior to the law's enactment if the Board had robust processes for allowing inmates to petition to advance their next parole suitability hearing dates ("Petition to Advance" process) and for the Board to advance inmate's next hearing dates on its own motion ("Administrative Review" process). The sufficiency of the petition to advance an administrative review process was challenged in federal court in the matter of *Gillman v. Brown*. The federal court ruled against the state, and an appeal is currently pending before the 9th Circuit Court of Appeals. As a result of the *Vicks* and *Gilman* cases, the Board is seeking additional resources to accommodate workload and promulgate regulations associated with petition to advance administrative review processes.

BPH is requesting 4.0 permanent ALJs, 1.0 two-year limited term AGPA, and 1.0 two-year limited term OT to address increases in workload associated with Non-Violent Second-Striker (NVSS) parole reviews (required by the Three-Judge Panel in the Coleman/Plata class action law suit – “3JP”) as well as inmate Petitions to Advance and Administrative Reviews to advance parole hearing dates, as required by the California Supreme Court’s decision in In re Vicks. In addition, the BPH is requesting 3.0 permanent full-time Clinical Psychologists to provide Comprehensive Risk Assessments for inmates every 3 years (when they have a scheduled hearing), which means more inmates whose hearings are advanced will have a new risk assessment for their hearings, and to address an increase in the volume of hearings coming before the Board. Finally, the Board is requesting to extend the 1.0 limited-term Attorney III position established in the 2014-15 Senate Bill (SB) 260 BCP for an additional 6 months.

LAO ASSESSMENT

According to the department, the positions will be funded by redirecting resources from within BPH’s existing budget authority. Specifically, the department indicates that BPH has had savings in the low millions of dollars in the last couple of years and that these savings will be redirected to fund the requested positions.

While the position request appears reasonable on a workload basis, we are concerned that CDCR is unable to identify the source or the precise amount of the recent savings in BPH’s budget. Such information is needed in order for the Legislature to ensure the full amount of savings are being captured and that BPH’s funding levels are appropriately aligned with its ongoing workload.

LAO RECOMMENDATION

We recommend that the Legislature ask the department to provide a full accounting of the recent savings in BPH’s budget so that it can make appropriate adjustments to its budget.

QUESTIONS FOR THE CDCR

- 1) Will you please provide a brief overview of the proposal?
- 2) Will you please address the LAO's recommendation?

STAFF RECOMMENDATION

Approve proposal and direct the CDCR to provide a full accounting of the recent savings in BPH’s budget by 5/10/2015.

ISSUE 4: ARMSTRONG ACCESSIBILITY IMPROVEMENTS UPDATE

The issue before the Subcommittee is an update on the Armstrong Accessibility discussion from March 3, 2015 and a proposed reduction of \$6.3 million from the January request for \$19 million for construction of Americans with Disabilities Act improvements in state correctional facilities.

PANELISTS

- California Department of Corrections and Rehabilitation
- Department of Finance
- Legislative Analyst's Office
- Public Comment

BACKGROUND

In response to a federal class action lawsuit (Armstrong), the CDCR created the Disability Placement Program (DPP) in the mid 1990's. The DPP is CDCR's set of plans, policies, and procedures to assure nondiscrimination against inmates with disabilities. One component of this plan was the selection of designated DPP prisons for individuals with mobility, hearing, visual and speech impairments. Limited physical plant upgrades to accommodate the needs of these inmates were performed; the scope of these upgrades was not intended to make the prison fully compliant with the ADA. The purpose of designating specific DPP prisons was to enable CDCR to best serve the housing, programming, and/or service needs of the disabled inmates in a cost effective manner, while maintaining the integrity of the security classification system and without compromising legitimate penological interests such as safety and security.

Prior to 2014-15, the Legislature provided two one-time appropriations for construction of ADA accessibility improvements. Assembly Bill 986 (Chapter 28, Statutes of 1998) appropriated \$6.6 million GF for construction of initial ADA modifications related to the establishment of the DPP. An additional \$3.7 million GF was appropriated in the 2008 Budget Act for construction of a specified list of ADA modifications. The 2008 Budget Act also contained an ongoing support appropriation of \$1.9 million GF annually, intended for maintenance and repair of existing accessibility features.

During the 15 years since the DPP prisons were designated, the ability to find appropriate housing for DPP inmates has become increasingly complex. In addition to an inmate's security level, various factors to be considered include general population or sensitive needs yards, medical and mental health needs, and susceptibility to illnesses caused by environmental factors. Reception centers must provide housing and services for inmates newly committed to CDCR that require accessible accommodations, and high security housing such as condemned and Security Housing Units must be able to accommodate inmates requiring accessible housing. This

requires a broader range of disabled accessible housing (as well as services and path of travel) than presently exist at the DPP prisons.

In addition to these concerns, the Armstrong plaintiffs are contending that existing DPP prisons are non-compliant with ADA Accessibility Guidelines. The plaintiffs sent a consultant to several prisons to develop a list of accessibility deficiencies. The list developed by this consultant would have resulted in construction costs of between \$10 million and \$15 million per prison. CDCR was concerned that this report would potentially form the basis of an expensive court order, and that the consultant's report may require a greater degree of modifications than CDCR would agree was required.

To forestall a potential challenge in court, the Armstrong plaintiffs agreed to allow CDCR to conduct surveys to determine the post-realignment housing needs for disabled inmates requiring accessibility, and use this to determine the most appropriate prisons for designation as DPP facilities along with assessing each prison's physical plant to determine the scope of accessibility upgrades that would be required at the DPP facilities. Different types of accessibility upgrades are required at each prison; the types of upgrades include, but are not limited to, the following: cell modifications, housing unit modifications including bathrooms and accessible tables; path of travel sidewalk improvements from housing unit to programs and services; accessible chairs and tables at visiting; access ramps meeting grade requirements; and accessible gym and yard exercise equipment.

The 2014-15 Budget Act appropriated \$17.5 million GF to CDCR to begin implementing the results of these surveys. Of this funding, \$13.5 million was for construction of improvements at four prisons that had completed design plans and \$4 million was to complete design activities at 15 prisons. These prisons will be necessary to provide CDCR with the variety of housing and programs necessary to appropriately house inmates requiring accessibility accommodations. The conceptual construction cost for improvements to these additional prisons is approximately \$38 million GF.

LAO COMMENTS/RECOMMENDATION FROM MARCH 4TH DISCUSSION

Comments

Unlike when funding was requested for ADA improvements for 2014-15, the administration's proposal for 2015-16 currently lacks sufficient information for the Legislature to evaluate it. While the administration indicates that the proposed \$19 million would support projects at 14 prisons, it has not indicated (1) which prisons will receive modifications, (2) what specific problems exist at those prisons, (3) what specific projects will be undertaken at each prison to address the associated problem, and (4) the cost of each project and potential alternatives. Moreover, according to CDCR, the department has been working with Armstrong plaintiffs to achieve compliance. Based on those discussions, the department will identify the specific projects that would be funded from this proposal. The department stated that a list of accessibility improvements is not currently available. Without this information the

Legislature cannot assess whether the planned projects are the most cost-effective method of achieving ADA and Armstrong compliance.

Recommendation

While we recognize the need to provide ADA accessibility in all of CDCR's prisons and be in compliance with Armstrong standards, we are concerned that the Governor's proposal lacks sufficient detail for the Legislature to assess whether the proposed changes are appropriate and cost-effective. As such, we recommend that the Legislature withhold action on the Governor's proposal and require CDCR to provide additional information at budget hearings to justify the request. This information should include (1) an update on CDCR's discussions with Armstrong plaintiffs and how such discussions impact the department's request and planned projects, (2) which prisons will receive renovations, (3) the existing problems in those prisons, (4) the specific projects that will be undertaken in each prison, and (5) the cost of each project and any alternatives that were considered.

**STAFF RECOMMENDATION
FROM MARCH 4TH DISCUSSION**

Withhold action and direct the department to provide the subcommittee with the details identified in the LAO's recommendation (immediately above).

QUESTIONS FOR THE CDCR

- 1) Will you please provide responses to the issues raised by the LAO during the March 4th hearing on this issue (See LAO recommendation above)?
- 2) Will you please provide the reasons for the updated request?

STAFF RECOMMENDATION

Adopt updated request