

**AGENDA****ASSEMBLY BUDGET SUBCOMMITTEE NO. 5  
ON PUBLIC SAFETY****Assemblymember Gilbert Cedillo, Chair****WEDNESDAY, JANUARY 26, 1:30 PM  
STATE CAPITOL, ROOM 444**

<b>ITEMS TO BE HEARD</b>		
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## ITEMS TO BE HEARD

### **5225 CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION**

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The mission of the California Department of Corrections and Rehabilitation (CDCR) is to enhance public safety through safe and secure incarceration of offenders, effective parole supervision, and rehabilitative strategies to successfully reintegrate offenders into our communities. The CDCR is organized into the following programs:

- Corrections and Rehabilitation Administration
- Corrections Standards Authority
- Juvenile: Operations and Offender Programs; Academic and Vocational Education; Parole Operations; Health Care Services
- Adult Corrections and Rehabilitation Operations: Security; Inmate Support; Contracted Facilities; Institution Administration
- Parole Operations: Adult Supervision; Adult Community Based Programs; Administration
- Board of Parole Hearings: Adult Hearings; Administration
- Adult Health Care Services
- Adult: Education, Vocation, and Offender Programs: Education; Substance Abuse Program; Inmate Activities; Administration

#### **ISSUE 1: ARMSTRONG EFFECTIVE COMMUNICATION**

The Governor's budget proposes \$279,000 General Fund for Sign Language Interpreter contract services pursuant to the *Armstrong* court order. These services are for hearing impaired inmates participating in Educational and Substance Abuse Treatment Programs.

#### **BACKGROUND**

The California Department of Corrections and Rehabilitation (CDCR), Office of Correctional Education (OCE) and Office of Substance Abuse Treatment Services (OSATS), are requesting a General Fund augmentation for Sign Language Interpreter services. These services are for the hearing impaired inmates participating in Educational and Substance Abuse Treatment Programs at California Institution for Men (CIM), California Medical Facility (CMF), High Desert State Prison (HDSP) and Substance Abuse Treatment Facility (SATF). In order to provide Sign Language Interpreter services to the hearing impaired inmates, OCE and OSATS are requesting:

Budget Year (2011-12) and on-going Funding:	OCE	\$119,000
	OSATS	<u>\$160,000</u>
<b>TOTAL CY</b>		<b>\$279,000</b>

In October 2009, the United States District Court of California mandated through the *Armstrong* court order that CDCR must provide sufficient certified sign language interpreters at institutions where hearing impaired inmates are housed. This court order enforces compliance with the Americans with Disabilities Act (ADA).

The CDCR provides Educational Programs and Substance Abuse Programs in the institutions throughout California. CDCR houses hearing impaired inmates that require these Educational and Substance Abuse services at CIM, HDSP, CMF and SATF.

The CDCR believes that it is important that there is a plan to provide sufficient certified Sign Language Interpreter services at prisons that do not have interpreters in Educational and Substance Abuse Programs. The OCE and OSATS believe strongly that the inclusion of Sign Language Interpreter services into CDCR Educational and Substance Abuse Programs for hearing-impaired participants is essential to reducing recidivism and remaining compliant with the ADA.

**ISSUE 2: AB 1844 CHELSEA KING PREDATOR PREVENTION ACT**

The Governor's budget proposes \$1 million (\$98,000 General Fund and \$925,000 Special Deposit Fund) and 6 three year limited term positions for the CDCR to meet provision of Assembly Bill 1844 (Fletcher), Chapter 219, Statutes of 2010.

**BACKGROUND**

Assembly Bill 1844 also known as the Chelsea King Child Predator Prevention Act of 2010 or Chelsea's Law was introduced by Assembly Member Nathan Fletcher (R-San Diego) in collaboration with the King family in response to the murder of their 17-year-old daughter Chelsea by registered sex offender John Albert Gardner III. Gardner pled guilty to the murder of both Chelsea King and 14-year-old Amber Dubois, both resided in the San Diego area.

The legislation targets the most dangerous of sexually violent criminals. It toughens prison sentences, including a "one strike" provision for life without chance of parole, for many serious sex crimes against those 17 and younger. It lengthens the time that violent sex offenders who are released from prison must remain on parole with GPS monitoring. It improves methods used by the state to determine sex offenders posing the greatest threat to commit new sexual violence if released. It requires polygraph tests of all sex offenders on parole or probation and significantly improves the state's online sex-offender database, making it more informative for concerned citizens.

Governor Schwarzenegger directed the California Sex Offender Management Board (CASOMB) to determine where systemic changes or improvements can be made in order to protect the public. Following their review, the Governor directed his Administration to take action on the recommendations provided by the board including the implementation of the sex offender containment model included in Chelsea's Law.

This proposal includes the following request for the enhancement to the current CASOMB:

- The development of standards for certification of sex offender management professionals.
- Research, develop and implement a database to record, store and transfer certification documents, appeals and fees collected to the Department of Justice.

Additionally, the following enhancements need to be implemented to the current State Authorized Risk Assessment Tool for Sex Offenders (SARATSO):

- Contract with experts to research, create and implement a dynamic risk assessment instrument for sex offender parolees.
- Contract with experts to research, create and implement a future sexual violence assessment instrument for sex offender parolees.
- Research, develop and implement training for the use of dynamic and future sexual violence assessment instruments.

Newly added PC Section 9003 requires the CASOMB on or before July 1, 2011, to develop standards for certification of sex offender management professionals who enter into contracts with probation departments and CDCR to provide sex offender management programs and risk assessments

pursuant to PC Section 290.09. The professionals shall also be certified by the CASOMB and these certification standards shall be published on the CASOMB internet site.

### **Staffing**

Expansion of the CASOMB to provide sex offender management programs and risk assessment pursuant to PC Section 290.09 will require a minimum of 6 additional staff. These staff include (1) Staff Services Manager 1; (3) Associate Governmental Program Analysts; and, (2) Office Technicians, clerical support. These positions will be used to develop, implement, supervise and manage the certification process required to carry out this mandate and will be funded by the revenues received through the \$180 fee for sex offender treatment certifications less the \$79 live scan fingerprint cost. This request assumes that approximately 5,100 service providers will apply for certification through CASOMB. If fewer providers apply for certification, the CDCR will be required to reduce its certification staff relative to the actual workload and fees generated by that workload.

### **SARATSO**

PC Section 290.04 has been amended to require the SARATSO shall, on or before January 1, 2012, select an actuarial instrument that measures dynamic risk factors and an actuarial instrument that measures risk of future sexual violence.

### **Training**

#### **Dynamic risk assessment training for trainers**

With full implementation of dynamic risk assessments, dedicated staff will require twelve (12) hours of intensive training on the proper administration of the dynamic risk assessment instrument and, in turn, the training of others. Based on this requirement, additional funding will be required of \$33,986 annually for training sites, supplies, and experts in the field of risk assessment to conduct the training.

#### **Future sexual violence assessment training for trainers**

With full implementation of dynamic risk assessments, dedicated staff will require twelve (12) hours of intensive training on the proper administration of the future sexual violence risk assessment instrument and, in turn, the training of others. Based on this requirement, additional funding will be required of \$33,986 annually for training sites, supplies, and experts in the field of risk assessment to conduct the training.

### **Technical advice**

Based on the requirement to obtain empirical data to determine performance measurements and assist department managers in making sound public policy, technical advisors will be needed at an estimated cost of \$29,970 annually.

**ISSUE 3: CORRECTIONAL TREATMENT CENTER FOR MENTAL HEALTH CRISIS BEDS AT CALIFORNIA MEN'S COLONY**

The Governor's budget proposes \$1 million General Fund and 9.1 positions in 2011-12 (growing to \$18.9 million General Fund and 182.8 positions in 2012-13) for rollout implementation of a 50-bed licensed Correctional Treatment Center (CTC) at California Men's Colony (CMC) in compliance with a *Coleman* Court order.

**BACKGROUND**

This funding request will staff a 50-bed licensed CTC Mental Health Treatment Program commonly referred to as Mental Health Crisis Beds (MHCB) at CMC. The CTC is currently under construction with a completion date of July 2012. It is expected that it will obtain CTC licensure in September 2012 and will immediately initiate the admission process of inmate-patients. On March 31, 2009, the *Coleman* Court ordered CDCR to file detailed activation schedules for completion of court-ordered construction projects. Per the June 18, 2009 Court Order, "The activation schedules proposed by the defendants are approved and that the timelines set forth in the schedules shall be met. To the extent that defendants can accelerate any of these projects they are instructed to do so." Positions are necessary in order to meet mandated licensing requirements for this facility within court ordered timelines. This will enable CDCR to comply with the March 31, 2010 *Coleman* Court order to reduce or eliminate the wait lists for inpatient care and, in the interim, to better serve the treatment needs of *Coleman* class members placed on such list.

The goal of the MHCB program is to provide services for conditions which require an inpatient setting to improve mental health symptoms in the least restrictive environment. The MHCB program operates 24 hours a day, 7 days a week. An inmate-patient admitted to the MHCB for mental health treatment may have acute symptoms of a serious mental disorder or may be suffering from a significant or life-threatening disability. Many conditions may precipitate a mental health crisis during institution confinement. At reception, the loss of the existing support system the individual had on the outside and/or the stress of initial imprisonment may lead to suicidal behavior, self-harm or other symptoms. In mainline settings within institutions, stress factors unique to imprisonment may cause a pronounced degree of emotional strain and/or physical and interactive tension, and often compound existing stress factors inherent in everyday life. Such factors as the restrictions of confinement, pressures to conform to the prison lifestyle, and fear of more predatory inmates may disrupt an inmate's coping abilities. An inmate with no known mental health history may suffer acute symptoms, while another with mental illness in remission may have recurring symptoms. Prior to release, fears of delayed release or inability to cope with the outside world or loss of the institution support system of food, shelter, clothing and structure of time may lead to crisis reactions.

Similar projects that have been funded and staffed include the new San Quentin 17 MHCB, and the California Medical Facility 50 MHCB. The facilities were built to address the statewide lack of MHCB and have allowed the Department to lower the number of inmate-patients on the waiting list.

**ISSUE 4: CUSTODY AND MENTAL HEALTH COLLABORATION TRAINING**

The Governor's budget proposes \$1.2 million General Fund in 2011-12 (growing to \$1.9 million General Fund in 2012-13) to provide relief coverage for CDCR and Health Care Services Mental Health staff to attend court ordered training.

**BACKGROUND**

The *Coleman* lawsuit resulted in a finding against the State and the appointment of a Special Master to monitor mental health services delivery in CDCR to achieve a constitutional level of care as determined by the court. The *Coleman* Court Monitors have consistently, over sixteen years, noted discord between custody and mental health staff. This is not uncommon within prison systems based on the different missions of custody and mental health treatment providers. Based on these ongoing concerns, the Court ordered the CDCR to develop a training program to enhance collaboration between custody and mental health staff who assess needs and provide care for inmate-patients with mental illness.

To comply with the court order, funding is required to:

- Provide relief coverage for the regularly assigned duties of custody and nursing staff at seven institutions so they can attend the eight-hour training (approximately 9,964 of the 11,090 staff to be trained are in posted positions);
- Cover the travel expenses that must be incurred by Division of Correctional Health Care Services (DCHCS) and the Mental Health Program; and,
- Provide for necessary supplies and course materials.

The court order mandates training for custody, nursing and mental staff at the following institutions: California State Prison, Corcoran (COR), California State Prison, Los Angeles County (LAC), Richard J. Donovan Correctional Facility (RJD), California State Prison, Sacramento (SAC), Substance Abuse Treatment Facility (SATF), California State Prison, San Quentin (SQ) and Salinas Valley State Prison (SVSP).

*Coleman* Court Monitors have consistently noted dysfunction in the relationship between custody and mental health staff in CDCR's adult institutions. Although there are improvements in the delivery of mental health services to inmates, progress has been slow. Recurring and systemic issues between custody and mental health staff have a significant impact on the successful delivery of mental health treatment for CDCR inmate-patients. Therefore, on October 7, 2008, the Court ordered the CDCR to develop a plan at SVSP to combat the troubled relationship between these two disciplines so the needs of inmate-patients with mental illness would be addressed more effectively.

As part of CDCR's response, a training program was developed and presented at SVSP. On June 18, 2009, the Court issued an order approving CDCR's plan to provide training to custody and mental health staff assigned to work or provide coverage in the Mental Health Programs identified in the Short-Term Bed Plan submitted to the Court on May 26, 2009. The Court did not approve the initial training program and directed CDCR to develop a more comprehensive course

On October 26, 2009, the CDCR submitted the new eight-hour "Custody and Mental Health Staff Collaboration Training" proposal to the Special Master, and arranged for qualified subject matter expert instructors to provide Training for Trainers (T4T) sessions to certify selected custody and mental staff at each institution. On November 30, 2009, a letter from the Special Master approved the training materials with the caveat that institution-based instructors receive an additional training session. This additional session was completed February 2 and 3, 2010.

**ISSUE 5: SAN QUENTIN CONDEMNED EXTENDED EOP**

The Governor's budget proposes \$603,000 General Fund and 5.7 positions to extend the Enhanced Out Patient (EOP) Program to seven days a week for condemned inmates at San Quentin State Prison (SQ).

**BACKGROUND**

The EOP Condemned program in the Condemned Housing Unit at SQ consists of inmate-patients with serious and persistent mental illness. This request will provide intensive EOP services that include psychiatric stabilization that improves their ability to meaningfully participate with outpatient Mental Health Services Delivery System (MHSDS) programming and to better adapt to life within the Condemned Housing Unit. Presently, this population is served at the EOP level of care which does not adequately serve their needs. However, the needs are not such that they require a higher level of care, they merely require an extension of the present level of care to 7 days per week with increased services based on individual treatment needs. Six out of the last seven suicides at SQSP occurred in this population. When not treated appropriately, this population frequently requires suicide watch and/or admission to higher levels of care.

Inmates' needs can be provided without requiring 24 hour nursing services within a licensed facility but their needs are more than what has historically been designed and resourced at an EOP level of care. This initiative is not a new program but rather CDCR's attempt to develop a more robust individualized treatment plan for condemned inmate-patients with severe and persistent mental illness.

Traditionally, the residual mental health problems of CDCR's EOP inmate-patients have been addressed at a higher level of care but they do not maintain the gains achieved when returned to prison. As a result, repeated admissions of these inmate-patients to an ICF is of little benefit, due to their low residual level of functioning, and creates significant adjustment problems since these inmates do not adapt well to change.

The Extended EOP Care Plan aims to provide Mental Health Services to inmate-patients who exhibit serious, persistent unresolved mental health symptoms, low level of functioning and are limited in their ability to participate in behavioral insight therapy utilized in the traditional EOP curriculum. This care plan is designed to address the individual treatment needs of these inmate-patients. It will focus on monitoring symptoms, providing assistance with and training in daily living skills, medication management and will provide structured opportunities for education, recreation, and socialization.

Services for increased treatment above the EOP level of care include, but are not limited to:

- a. Provision of structured social, psychological, recreational and vocational treatment services leading to improvements in the inmate's daily living skills and ability to better utilize outpatient mental health services;

- b. Assessment of the inmate's responses to a variety of treatment interventions leading to the development of a detailed treatment plan; and,
- c. Provision of medications to treat mental illnesses which contribute to serious difficulties for the inmate-patient to function in his environment.

### **Population Served**

Individuals who will receive these extended services are male Condemned inmates who have been diagnosed with a serious mental disorder with active symptoms and who are:

- a. Unable to adequately function within the structure of the CDCR EOP level of care, including impairment in Activities of Daily Living, unable to carry out adequately the normal routines of the institution, and/or unable to provide for his basic needs or use the supportive treatment resources available;
- b. Require highly structured inpatient psychiatric care with nursing supervision due to a major mental disorder, serious to major impairment of functioning in most life areas; requires stabilization or elimination of ritualistic or repetitive self-injurious/suicidal behavior, or requires stabilization of refractory psychiatric symptoms;
- c. Exhibit a pattern of inability to comply with Condemned Housing Unit policies resulting in serious 115 infractions;
- d. Global Assessment of Functioning indicates behavior that is considerably influenced by psychotic symptoms; or serious impairment in communication or judgment; or inability to function in almost all areas; and,
- e. Inclusion in an increased treatment program is recommended by the IDTT and approved by supervisory review.

### **Increased Treatment Services**

This extended service will provide interventions and supports as necessary based on their individual needs, consistent with the philosophy of developing individualized treatment plans and providing all necessary treatments within the condemned housing unit.

To provide for the widest range of services from crisis evaluation, individual therapy, medication management, extended and increased levels of treatment, staffing must maintain a continuous presence on the unit seven days a week.

Establishing a treatment team that works in the condemned housing area allows for inmate-patients to be evaluated at times of crisis locally and by providers who know them, instead of in the Treatment and Triage Area (Emergency Room), during times when regular programming is occurring.

**Staffing**

In order to provide the extended level of service in the condemned EOP program, the staffing complement must be extended to a seven day per week schedule. Existing staffing models were used to calculate staffing for a 5-day per week program level. This staffing level was increased to account for the increase from 5 to 7-day service and to maintain continuity of care. With the increase in number of days of service, and number of hours of programming, there is an increase in demand for guarding and escort officers. During the time that the Extended Condemned EOP Program is in operation custody staff must also ensure all mandated programs are being successfully met (e.g., legal appointments, religious services, medical appointments, showers, exercise yard and distribution of medication). Additionally, the designated physical location for the Extended Condemned EOP Program will not have staff available to escort or provide guarding coverage since the designated locations are outside of housing unit. Since the officers will be escorting condemned grade B inmates, 2 escorting officers are required.

**ISSUE 6: CORRECTIONAL INSTITUTE FOR WOMEN – 45 BED LICENSED CORRECTIONAL TREATMENT CENTER**

The Governor's Budget \$1.5 million General Fund and 11.6 positions in 2010-11 and \$10.1 million General Fund and 106.4 positions in 2011-12 (growing to \$12.5 million and 135.4 positions in 2012-13) to provide staffing required for a 45-bed inpatient accredited facility.

**BACKGROUND**

This facility, which is currently under construction at the California Institution for Women (CIW), will add 45 licensed Correctional Treatment Center (CTC) beds to an existing 18 bed CTC, for a total of 63 CTC beds, and provide both acute and intermediate level of care mental health treatment programs for female inmate-patients. On March 31, 2009, the *Coleman* Court ordered CDCR to file detailed activation schedules for completion of court-ordered construction projects. Per the June 18, 2009 Court Order, "The activation schedules proposed by the defendants are approved and that the timelines set forth in the schedules shall be met. To the extent that defendants can accelerate any of these projects they are instructed to do so."

The 45-bed inpatient facility is scheduled for completion in December 2011. In order to comply with the *Coleman* Court Order, the new staff must be hired no later than mid-October 2011 a minimum of 3 months prior to the Department of Public Health (DPH) conducting a mandated initial licensing survey. The facility must pass the initial licensing inspection prior to the housing of inmate-patients in the newly constructed building.

In addition, the DCHCS will seek provisional Joint Commission Accreditation to help ensure timely full accreditation. Requirements associated with obtaining accreditation by the Joint Commission far exceed those of State licensure. Preparation for accreditation is a complex and comprehensive process involving development of and/or significant changes in CDCR and DCHCS policies and procedures, and protocols affecting all areas of operations. DCHCS is also requesting nine headquarter positions that are necessary to obtain and maintain Joint Commission Accreditation for the CIW facility and for other inpatient facilities that will be constructed over the next four years, including the inpatient facilities at California Medical Facility (CMF) and Correctional Health Care Facility. Additionally, this Budget Change Proposal requests \$48,105 funding for Accreditation. According to the Joint Commission estimate, the required pre-activation costs for the CIW facility are \$19,300 in FY 2010-11, \$25,805 in FY 2011-12, and \$3,000 ongoing funding beginning in FY 11-12.

**ISSUE 7: NORTHERN CALIFORNIA RE-ENTRY FACILITY WARM SHUTDOWN**

The Governor's budget proposes a warm shutdown of the Northern California Re-entry Facility (NCRF), which was scheduled to be activated in December 2012. This request does not result in a net funding change.

**BACKGROUND**

NCRF is located on the previous site of the Northern California Women's Facility near the city of Stockton. The existing infrastructure, which includes 400 cells in four "270" design housing units is being repurposed to accommodate 500 male re-entry inmates. This project, which is scheduled to be the first re-entry facility activated under the authority of AB 900, will replace temporary beds currently in use, and it is included in CDCR's long range plan for medical and mental health beds provided to the *Coleman Court* in November 2009.

In order to maintain a warm shut down at the Northern California Re-entry Facility the following building component systems need to be nominally supported:

<b>Component / System</b>	<b>Warm Shut Down</b>
Potable Water Distribution	Maintain water treatment facility & systems w/ over 60 Acres of active distribution lines at a reduced capacity. This system supplies potable water for neighboring California Department of Forestry (CDF) Camps. This system should be maintained to prevent bacterial contamination resulting in the eventual disinfection of the system. All plumbing fixtures and valves should be cycled / serviced periodically to ensure proper functionality. All backflow devices should be maintained and AWWA tested for compliance with health and safety cross connection requirements.
Steam / Hot Water Distribution System	Maintain high pressure boiler operation to supply steam and hot water to all structures of the facility at a reduced capacity. This will ensure all steam systems are maintained throughout the institution to prevent equipment failure, corrosion and possible ruptured piping due to below freezing temperatures during winter months.
Wastewater / Sewage System	The system should be operated/flushed monthly to compensate for evaporation in pipelines that could result in methane gas build up. Prime and treat wastewater traps quarterly to prevent methane gas build up. Treat sewage lines for root intrusion quarterly. Service lift station pumps monthly.
HVAC & Refrigeration Systems	All buildings / housing units should have some form of air flow to deter mold growth as a result of moisture & stagnant air in a closed environment. HVAC units can be shut down but should be cycled / serviced at least semi-annually. Walk-in Refrigerator and Freezer units can be shut down but should be operated and serviced every 1-2 months. Electrical power should be maintained at all refrigeration compressors with oil heater to avoid potential oil migration.

Electrical Systems – Emergency Generators	The Paso Facility operates one (1) Emergency Generator with six (6) Back-up generators on hand. This unit should be tested monthly and is under contract for preventive maintenance and semi-annual service.
Electrical Systems – CCTV, Personal Alarm, LAN/WAN, Fiber Optics and Phones	The Paso Facility has a computerized alarm system with staff tracking capability, a CCTV extensive LAN/WAN, fiber optic and phone systems. All of these can be shut down with the exception of the repeaters due to FCC licensing requirements. Periodic service is recommended to ensure proper functionality prior to re-activation however some of the equipment may need to be replaced due to shortened life expectancy from non-use.
Fire Alarm Systems	State law requires a functioning fire alarm system be maintained on all buildings unless they are occupied with trained staff. These system's control panels should be serviced at least quarterly to resolve any trouble or false alarms and replace failed batteries.
Grounds Keeping and Vector Control	Maintaining grounds helps control insect and rodent / vector infestation of vacant areas and buildings.  A pest control contract would ensure insect & vector populations are maintained at a minimum.

Staffing required to maintain the outlined needs of Northern California Re-entry Facility:

- 1.0 Correctional Plant Manager I
- 1.0 Office Technician – Typing
- 1.0 Lead Groundskeeper, (CF)
- 1.0 Stationary Engineer, (CF)
- 1.0 Water and Sewage Plant Supervisor, (CF)

The maintenance and technical positions that would support the operations of this facility during the warm shut down are as follows:

- Correctional Plant Manager I is required for managing the maintenance of the facility to ensure the State's assets are protected.
- The Office Technician – Typing is required for the completion of facility correspondence, and record keeping of the existing preventive maintenance program.
- Lead Groundskeeper, (CF) is required to maintain grounds, sanitation, drainage, and erosion control for the facility.
- Stationary Engineer, (CF) is required to maintain the facility's mechanical systems.
- Water and Sewage Plant Supervisor, (CF) is required to maintain the facility's mechanical systems and water treatment system.

**ISSUE 8: STRUCTURAL SHORTFALL**

The Governor's Budget proposes \$395.2 million General Fund to address ongoing structural imbalances within CDCR's budget.

**BACKGROUND**

According to this proposal, since the early 1990s, the CDCR has seen significant growth and change a doubling of the offender populations, opening of many new prisons, large parole case loads, an increased emphasis on rehabilitation strategies, increased legislative oversight and mandates, reorganization, federal oversight of the healthcare operations and resource scarcity in all functional areas of the organization. The CDCR now has 58,000 employees in over 450 job classifications, 33 adult prisons and 5 juvenile institutions with over 167,000 offenders and over 120,000 parolees in the system.

The CDCR continues to be under funded in many areas for custody overtime. In prior years, the Department absorbed these ever-increasing costs by redirecting resources away from other programs and priorities. Redirected resources resulted in reductions in inmate education and/or work programs, reduction in non-custody staff, freezes placed on purchasing and training, increased equipment and physical plant failures as necessary maintenance is deferred, and non-custody positions being held vacant to use salary savings to cover unfunded expenditures. Due to unallocated budget cuts and reductions in program funding, the Department no longer has the ability to redirect existing resources to offset the unfunded expenditures.

**Salaries Funded at Mid-Range (\$266.5 million).** In 2003-04, the Department of Finance approved that new positions be funded at the Mid-Range level. However, nearly every custody position is currently at or near the top step of the salary range. A comparison of Mid-Range to current step for all institutions' reflects a \$266.5 million shortfall. It is critical that this funding be provided to the adult institutions to ensure that they begin each fiscal year with enough funding to cover the anticipated salary and wages of their custody staff. If this funding is not provided, CDCR will need to continue to find ways to redirect resources from other operational areas. However, this is becoming more difficult, if not impossible, as unallocated reductions have eliminated the prior sources of funding available for redirection.

**Medical Guarding and Transportation Workload (\$55.2 million).** The California Department of Corrections and Rehabilitation (CDCR) is mandated to provide appropriate, timely and adequate medical care to all inmates. Court decisions such as *Coleman v. Schwarzenegger* and *Plata v. Schwarzenegger* have resulted in court monitors determining how services are to be provided, which has resulted in significant expenditure increases in outside medical care. CDCR's 2010-11 base funding for Medical Guarding and Transportation is \$66,420,000. However, in order to meet the mandates of the court orders and the demands of the Receivership, CDCR has been incurring costs totaling \$137,629,000, or \$71,209,000 more than budgeted. And while the gap between base funding and incurred costs has been narrowing in recent years, it is projected that the shortfall in funding within this operational area will continue into the future. Therefore, after taking into consideration

continued declines in outside care/contract medical usage, it is projected that CDCR will need \$55,168,000 in 2011-12 and ongoing to fund this operational area.

**Unfunded Swing Space (\$17.3 million).** Due to the unique nature of the CDCR adult inmate population, inmates must undergo very strict screening policy in order to be placed in the safest housing, while meeting all court mandates and special needs the inmate might have.

The following are a list of screening criterion which must be addressed, before the inmate can be placed in the right bed:

- Classification Score, determining the Security Level of the inmate.
- Participation in the Mental Health Services Delivery System, as well as the level of mental health impairment. (Coleman Lawsuit).
- Medical Screening (certain medical conditions preclude placement at some institutions).
- Gang Affiliations (Some gangs may be housed not only at a specific institution, but within a certain housing unit within an institution). The CDCR inmate population that includes more separate and distinct gangs than any other state.
- Known enemies. Enemies cannot be housed at the same institution
- Communicable Infectious Disease Status.
- Developmental Disabilities (Clark Lawsuit)
- Physical Disabilities (Armstrong Decree)
- Sensitive Needs Yard Placement

All of the above screening criterion must be taken into consideration when placing an inmate at an institution, or within a specific yard. Under many circumstances these inmates may not be housed together in the same prison, or within the same yard. In addition, while CDCR is constantly attempting to keep swing space (empty beds) to a minimum, as CDCR becomes more driven by lawsuits and an unprecedented Prison Gang population, this task is becoming more difficult. Moreover, there will always be vacant beds in the system to facilitate movement. If this space did not exist, the backlog of inmates in Reception Centers and county jails would grow significantly.

As such, in recognition of the fact that it is unreasonable to assume that every bed is filled each day of the year, funding for swing space beds must be provided. Therefore, we are proposing to fund swing space beds based upon the prior year's Average Daily Population (ADP) for each adult institution. General Population (GP) institutions will be funded based upon 0.5 percent of their prior year ADP, while Reception Center (RC) institutions will be funded at 1 percent of their prior year ADP. Moreover, CDCR will include an annual adjustment in their population estimate (beginning in the fall of 2011) to reflect the estimated amount of swing space beds each adult institution will need in the upcoming fiscal year. Swing space beds will only be funded for the personnel services associated with each bed, as inmate OE&E is not incurred when beds are vacant. The current overcrowding marginal rate associated with Program 25 personnel services is approximately \$18,956 per bed. Based on the ADP of each institution in 2009-10, the CDCR needs 913 beds designated as swing space (22 beds per GP institution and 50 beds per RC institution). This results in an unallocated funding need of \$17,313,000 million.

**Overtime Funding Not Adjusted for Employee Compensation (\$35.7 million).** Although significant increases (34.23%) to BU 6 base salaries have occurred over the past several fiscal years, the declared base budget for overtime in Program 25 has not been adjusted to reflect those increases.

In 2001-02 the base for overtime was \$104,300,000 and in 2007-08 the base continued to be \$104,300,000 even though salaries have increased by 34.23 percent and staffing increased by 5,365 during this time period for Correctional Officers, Sergeants, and Lieutenants. We have calculated an overtime factor based on staffing in 2001-02 and the base overtime. This factor is increased to reflect the increase in salaries. By applying this methodology, the base overtime funding should be increased by \$35,702,000 for a total of \$140,003,000.

**Legal Settlements and Outside Counsel (\$20.5 million).** It is estimated that CDCR needs \$20,476,000 for 2011-12 and ongoing to account for shortfalls in their Office of Legal Affairs (OLA) Budget. This request is due to the significant increases in the cost of legal settlements and judgments, outside counsel, special master and expert witness fees from class action lawsuits. Specifically, unfunded court mandates in various class action lawsuits are driving significant shortfalls. Because the class action cases are under remedial orders and the continuing jurisdiction of the court, the additional expenses affect both contracts for professional services, as well as settlements/judgments.

OLA's current budget is \$60,367,000, of which \$36,575,000 supports its 167.8 staff. That leaves \$23,792,000 in OE&E to cover legal settlements and judgments, outside attorney fees, special master/expert witness fees, and regular operating expenses. When reviewing CDCR's actual expenditures for settlements and judgments and attorney/special master/expert witness fees, these combined costs clearly exceed the available OE&E resources within OLA's budget by \$20,476,000. Therefore, in order to appropriately fund the CDCR for costs they incur within these areas, and to prevent the constant redirection of funding from other programs to cover these yearly expenses, an augmentation must be provided.

**ISSUE 9: ACADEMY AND OPOS SUPPORT**

The Governor's Budget proposes \$13.3 million and 18 positions in 2010-11 (growing to 13.9 million in 2011-12) to increase Cadets to meet the projected Correctional Officer hiring needs.

**BACKGROUND**

In order to meet the California Department of Corrections and Rehabilitation (CDCR) projected Correctional Officer (CO) hiring needs in fiscal years 2010-11 and 2011-12, the following is being requested:

- Requesting \$11.4 million for the Office of Training and Professional Development (OTPD) to increase the budgeted capacity of Basic Correctional Officer Academy (BCOA) cadets. The number of cadets will be increased from 799 to 1484. This expansion will address the CO hiring needs for the AB 900 facilities as outlined in the Integrated Long Term Strategy Plan, and help address the critical statewide CO needs of the Department.
- Requesting 18.0 positions and \$1.9 million in 2010-11 and \$2.4 million in 2011-12 for the Office of Peace Officer Selection (OPOS) to process approximately 26,000 CO applications annually through the 7 entry level peace officer selection components including online application, written examination, background investigation, psychological written, psychological oral examination, pre-employment medical clearance, and physical ability testing.

In June 2010, the CDCR received approval from the Public Works Board for three major infill projects planned as part of the Long Range Integrated Strategy Plan for AB 900, including the California Health Care Facility in Stockton, the DeWitt Conversion in Stockton, and the Estrella Conversion in Paso Robles. The projected hiring need for the AB 900 facilities includes approximately 1,081 peace officer staff beginning in July 2012 through June 2016. This information along with the revised projected hiring needs from Division of Adult Institutions (DAI) was utilized to determine that 2,968 Correctional Officers needed to be hired over the next two years. In order to meet these needs, CDCR will need to hire 1,484 cadets per year.

In 2009-10, the number of CTC cadets was reduced from 1940 to 799, with a subsequent reduction in funding (\$20 million). With the planned activation of AB 900 projects, current and projected inmate population increases, attrition rates, and exacerbated by the enhanced retirement benefits for Bargaining Unit 6 employees, CDCR's projections for CO needs are much higher than the current cadet funding level of 799.

Additionally, in 2009-10 OPOS's staffing level was reduced from 221 positions to 103 positions. At the time this decision was made, CO hiring projections were significantly reduced, decisions regarding the California Prison Health Care Receivership (Receiver) and Parole Reform efforts were not finalized, and other reductions in peace officer staffing including Juvenile Justice indicated an overall decrease in the level of candidates OPOS needed to process annually.

With the current staffing levels, OPOS can add 1,200 (100 per month) candidates to the certification list annually and process 300 Individual Service Requests (ISR), an expedited process utilized in the hiring of specific classifications including but not limited to Parole Agent I, Correctional Administrator, and Medical Technical Assistant – Psychiatric (MTA-P) for the Department of Mental Health (DMH). However, in practice OPOS has not been able to maintain the processing of Correctional Officer candidates at a level that keeps the certification list at 1200 candidates due to an increase in parole hiring via the ISR process, a Juvenile Justice Academy and three CO academies in Fiscal Year 2009-2010.

As of September 2010, there are 403 CO candidates on the certification list with OPOS hiring in mid-September 2010 for the October 2010 Academy of 338 COs. Additionally, OPOS will hire for 2 more academies in this Fiscal Year, which will reduce the number of CO candidates on the certification list to less than 50 as of February 2011.

**If the Local Jurisdiction for Low Level Offenders proposal is adopted, the funding and position authority requested in this proposal would be unnecessary.**

**ISSUE 10: IRONWOOD STATE PRISON, HEATING, VENTILATION, AND AIR CONDITIONING SYSTEM**

The Governor's budget proposes \$6.1 million General Fund for the working drawings phase of this project. Total estimated cost of this project is \$143.2 million.

**BACKGROUND**

This project will replace the evaporative cooling system with a Heating, Ventilation, and closed loop chilled water Air Conditioning, and closed loop chilled water Air Conditioning (HVAC) system at Ironwood State Prison (ISP) in support of 20 housing units and a majority of the other institutional support facilities, and to install an energy saving roof membrane with insulation. Also a new Central Chiller Plant and the installation of a dedicated emergency power back-up generator to operate the Central Chiller Plant during power outages. Preliminary plans were funded in the 2008 Budget Act and were approved by the Public Works Board in November 2010.

The institution "swamp cooler" type air handling units at ISP have deteriorated and prematurely reached the end of their useful life. Despite continued maintenance and repair efforts, the units continue to corrode and are unreliable. Corrosive salt laden water generated by and leaking from the air handling units has caused extensive damage to areas surrounding the units (roofs and walls).

From July to October, temperatures frequently range from 93 to 105 degrees Fahrenheit inside and 110 to 130 degrees Fahrenheit outside.

**ISSUE 11: STATEWIDE BUDGET PACKAGES AND ADVANCE PLANNING**

The Governor's budget proposes \$750,000 General Fund to perform advance planning and prepare budget packages for capital outlay projects.

**BACKGROUND**

The CDCR currently operates 33 adult prisons and 4 juvenile facilities, along with 45 adult or juvenile conservation camps. The development of well documented and justified capital outlay requests for funding consideration in the annual Budget Act requires the development of budget packages. Additionally, the need arises during the fiscal year to perform advance planning functions such as environmental reviews and site assessments to determine the feasibility of future capital outlay requests.

To perform these functions, the CDCR has been provided with a Statewide Budget Packages and Advance Planning appropriation in the annual Budget Act. Provisional language is included with this appropriation limiting it to projects that meet both of the following criteria: 1) the project being studied has not already received funding from the Legislature; and, 2) the project is being prepared for funding consideration in either of the next two state Budget Acts.

**COMMENTS**

Similar to Issue 1, the LAO has recommended that this project's funding come from the balance of the \$300 million AB 900 General Fund appropriation.

**ISSUE 12: STATEWIDE MINOR CAPITAL OUTLAY**

The Governor's budget proposes \$1.2 million for the construction of three minor capital outlay projects (a ten percent contingency fund is also included).

**BACKGROUND**

The three projects are:

1. **CSP – Solano, Closed Circuit Cooling Tower (\$352,000)**. This proposal requests funding to install a closed circuit cooling tower in parallel with the existing Steam Heat Exchangers in order to maintain indoor temperatures at or below 90 degrees Fahrenheit.
2. **N.A. Chaderjian Youth Group Recreation Area for Intensive Behavior Program (\$338,000)**. This proposal requests funding for the construction of a fenced outdoor group recreation area for the youth assigned to the Sacramento Intensive Behavior Treatment Program. The group recreation area will be constructed in a location adjacent to the living unit.
3. **Wasco State Prison, Additional Blast-Chill Units for Main Kitchen (\$396,000)**. This proposal requests funding to purchase and install two additional blast-chill units in the Main Kitchen at Wasco State Prison. These projects will resolve long-standing operational and equipment issues resulting from population increases.