

## AGENDA

### ASSEMBLY BUDGET SUBCOMMITTEE NO. 5 PUBLIC SAFETY

ASSEMBLYMEMBER REGINALD B. JONES-SAWYER SR., CHAIR

WEDNESDAY, MARCH 4, 2015  
1:30 P.M. - STATE CAPITOL ROOM 437

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## ITEMS TO BE HEARD

### 5225 CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

#### **ISSUE 1: CDCR POPULATION TRENDS**

The issue before the subcommittee is the California Department of Corrections and Rehabilitation's population update and the trends driving current projections.

#### **PANELISTS**

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

#### **BACKGROUND**

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

As one of the largest departments in state government, CDCR operates 37 youth and adult correctional facilities and 43 youth and adult camps. CDCR also contracts for multiple adult parolee service centers and community correctional facilities. CDCR operates an adult prisoner/mother facility, adult parole units and sub-units, parole outpatient clinics, licensed general acute care hospitals, regional parole headquarters, licensed correctional treatment centers, hemodialysis clinics, outpatient housing units, a correctional training center, a licensed skilled nursing facility, and a hospice program for the terminally ill. CDCR has six regional accounting offices and leases approximately two million square feet of office space. CDCR's infrastructure includes more than 42 million square feet of building space on more than 24,000 acres of land (37 square miles) statewide.

For the CDCR's 2015-16 budget, the Governor proposes total funding of \$10.283 billion (\$10 billion General Fund and \$275 million other funds). This amount is \$160 million, or two percent, above the amount budgeted in 2014-15. The primary driver of CDCR's costs is inmate population and the associated healthcare, facilities, and guarding costs. To the extent that California wishes to redirect more of its limited resources from incarcerating its citizens to other priorities, the state must continue the current trend of finding effective alternatives to incarceration.

The table immediately below reflects the CDCR's most recent population figures.

CDCR Adult Inmate Population

<b>Housing Category</b>	<b>2014-15</b>	<b>2015-16</b>
CDCR Facilities	118,972	116,647
California City	2,331	2,381
Community Correctional Facilities	4,193	4,523
Out of State Correctional Facilities	8,922	8,988
Department of State Hospitals	308	308
Elderly Parole	26	26
Medical Parole	27	27
Female Rehabilitative County Corr. Center	52	52
Non Violent 2nd Striker 50%	248	1,556
Prisoner Mother Program	22	24
Reentry Bed Expansion	186	186
SB 260 (sentence review for youth after 15yrs)	89	89
Proposition 47	470	1,915
2 for 1 credits for min. custody	51	280
<b>Total Adult Inmate Population</b>	<b>135,897</b>	<b>137,002</b>

Subsequent to the release of the above population data, the CDCR announced its success in meeting the federal Court's order to reduce the state's prison population to 137.5 percent of design capacity. This announcement comes roughly a year ahead of the deadline set by the federal court. Staff assumes this change is heavily attributable to an underestimation of the impact Proposition 47 (2014) would have on California's prison population.

**What Changes Have Enabled California To Reduce Its Prison Population?**

In recent years, California's public safety system, along with the role state government plays in it, has evolved at a rapid pace. Although there have been numerous changes to state law in the public safety realm, none are projected to have as much system wide impact as AB 109 (The Public Safety Realignment of 2011), Proposition 36 (Three Strikes Reform), and Proposition 47 (Sentencing and Penalty Reform).

**AB 109 (The Public Safety Realignment of 2011)**

This piece of legislation has been instrumental in helping California close the revolving door of low-level inmates cycling in and out of state prisons. This piece of legislation also serves as the cornerstone of California's solution for reducing the number of inmates in the state's 33 prisons to 137.5 percent of system-wide design capacity by 2016, as ordered by the U.S. Supreme Court. Contrary to some media reports, no inmates were transferred from state prison to county jails or released early.

AB 109 can be divided into two components, Custody and Community Supervision.

### Custody

Effective October 11, 2011, the Public Safety Realignment shifted funding and responsibility for housing non-violent, non-sexual, and non-serious offenders and parole violators from the state to county jurisdictions.

### Community Supervision

Effective October 2011, county-level agencies assumed supervisory responsibilities for new non-violent (irrespective of prior convictions), non-serious (irrespective of prior convictions), and some sex offenders upon release from state prison. The California Department of Corrections and Rehabilitation (CDCR) continues to have jurisdiction over all current parolees who were released on state parole prior to October 2011. For state prison inmates released after October 2011, county-level supervision responsibilities do not include the following offender populations as they continue to be supervised by the CDCR:

- Inmates paroled from life terms to include third-strike offenders:
- Offenders whose current commitment offense is violent or serious, as defined by California's Penal Code §§ 667.5(c) and 1192.7(c).
- High-risk sex offenders, as defined by the CDCR.
- Mentally Disordered Offenders.

### **Proposition 36 (Three Strikes Reform)**

Proposition 36, passed by the voters in November 2012, offers an opportunity for eligible California prison inmates sentenced under California's prior Three Strikes law for non-serious, non-violent crimes to seek a sentence reduction from their sentencing courts.

- Revises the three strikes law to impose life sentence only when the new felony conviction is "serious or violent."
- Authorizes re-sentencing for offenders currently serving life sentences if their third strike conviction was not serious or violent and if the judge determines that the re-sentence does not pose unreasonable risk to public safety.
- Continues to impose a life sentence penalty if the third strike conviction was for "certain non-serious, non-violent sex or drug offenses or involved firearm possession."
- Maintains the life sentence penalty for felons with "non-serious, non-violent third strike if prior convictions were for rape, murder, or child molestation."

As of December 10, 2014, 1,939 of those eligible have been resentenced and released from prison.

### **Proposition 47 (Sentencing and Penalty Reform)**

On November 4, 2014, California voters passed Proposition 47, which requires misdemeanor rather than felony sentencing for certain property and drug crimes. Proposition 47 also permits inmates previously sentenced for these reclassified crimes to petition for resentencing.

As of December 4, 2014, 132 inmates had been resentenced and released from prison. Under Proposition 47, it is estimated that the 2015-16 institution average daily population will be reduced by approximately 1,900 inmates as a result of resentencing and avoided new admissions.

Proposition 47 requires that state savings resulting from the proposition be transferred into a new fund, the Safe Neighborhoods and Schools Fund. The new fund will be used to reduce truancy and support drop-out prevention programs in K-12 schools, increase victim services grants, and support mental health and substance use disorder treatment services. The Director of Finance is required, on or before July 31, 2016, and on or before July 31 of each fiscal year thereafter, to calculate the state savings for the previous fiscal year compared to 2013-14. Actual data or best estimates are to be used and the calculation is final and must be certified to the State Controller's Office no later than August 1 of each fiscal year. The first transfer of state savings to the Safe Neighborhoods and Schools Fund will occur in 2016-17 after the Department of Finance calculates savings pursuant to the Proposition.

#### LAO RECOMMENDATIONS

**Withhold Action Pending Additional Justification.** We find that the Legislature could reduce the Governor's proposed contract bed funding level by at least \$20 million by directing CDCR to move inmates from contract beds into state prisons. We note, however, that the amount of savings could exceed our preliminary estimate depending on (1) the timing of the activation of the infill beds, (2) how the court counts the infill capacity, and (3) how the actual inmate population level compares to the administration's projections. As such, we recommend that the Legislature not approve the proposed contract bed funding until the department can provide additional information demonstrating what level is necessary to meet the court-ordered population cap. Specifically, we recommend the Legislature direct the CDCR to report at budget hearings on (1) how the administration's population projections for the current year compare with actual population levels, (2) whether the infill facilities are on track to be activated on schedule, and (3) the status of negotiations with plaintiffs related to how the court will count the additional capacity resulting from the activation of the infill facilities. Based on this information, the Legislature would be able to assess the amount of contract bed funding needed and adjust the budget for 2015-16 accordingly.

**Direct CDCR to Provide Long-Term Population Projections.** In addition, we recommend that the Legislature direct CDCR to resume its historical practice of providing long-term population projections biannually. This information would allow the Legislature to better assess and plan for the long-term implications of Proposition 47, as well as court-ordered population reduction measures, and determine how best to adjust the state's prison funding and capacity accordingly.

**QUESTIONS FOR CDCR**

- 1) How has/will recent population reducing measures (enacted since 2010) impact CDCR's population?
- 2) What is the Administration's long term plan for maintaining compliance with the court ordered population reduction?
- 3) What is the current contract bed usage (population and costs) and how will recent population trends impact contract bed usage?
- 4) Are there any additional population trends the Legislature should be monitoring?

**STAFF RECOMMENDATION**

Staff recommends the SubCommittee adopt the LAO's recommendations to:

- 1) Withhold Action Pending Additional Justification and
- 2) Direct CDCR to Provide Long-Term Population Projections.

**ISSUE 2: BUDGETARY CHANGES AFTER ENACTMENT OF THE 2014 BUDGET ACT**

The issue before the subcommittee is budgetary changes after enactment of the 2014 Budget Act.

**PANELISTS**

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

**BACKGROUND**Transfer of funding between programs (August 2014)

On August 13, 2014, the Joint Legislative Budget Committee was notified of CDCR's intent to transfer funds between various programs funded in the 2013-14 budget. This request was submitted to address several "budget alignment" issues related to: 1) security vacancies and overtime, 2) security personnel costs, 3) administrative savings, 4) Division of Juvenile Justice, 5) Division of Adult Parole Operations, 6) dental services, 7) rehabilitative programs, and 8) Board of Parole Hearings (Please see Attachment I for additional details).

\$13 million Deficiency Spending (November 2014)

On November 13, 2014, an Unanticipated Cost Funding Request for \$13 million (General Fund) was submitted to the Joint Legislative Budget Committee. This request was submitted in response to a federal court order relating to CDCR's use of force, segregated housing, and mental health training policies. (Please see Attachment II for additional details).

**QUESTIONS FOR CDCR**

- 1) Why were these requests made after the close of the fiscal year?
- 2) When did CDCR become aware of these issues and were the requests submitted immediately thereafter?
- 3) Is the Administration taking any steps to ensure the Legislature is made aware and can have meaningful input on similar issues in the future?

**STAFF RECOMMENDATION**

Direct CDCR to adopt new notification procedures to ensure the Legislature is expeditiously made aware of and can have meaningful input on similar issues in the future.

**ISSUE 3: ENHANCED DRUG INTERDICTION UPDATE**

The issue before the subcommittee an update on CDCR's Drug Interdiction Efforts.

**PANELISTS**

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

**BACKGROUND**

The Governor's budget for 2014–15 included a proposal to expand efforts related to drug and contraband interdiction. In recent years, the department has supplemented its base funding of \$3 million for drug and contraband (such as cell phones) interdiction with one-time funds from asset forfeitures. According to CDCR, its current interdiction efforts have been hampered by a lack of sufficient permanent funding. In recognition of this, the Governor's budget for 2014–15 proposes an augmentation of \$14 million in General Fund support and 81 positions to expand CDCR's interdiction program. Under the proposal, these levels would increase to \$18.5 million and 148 positions in 2015–16.

The Administration's proposal consists of four separate initiatives aimed at deterring the smuggling of drugs and contraband into prison and deterring inmates from using drugs. These initiatives involve:

- (1) increasing from 29 to 100 the number of trained canines to detect contraband possessed by inmates;
- (2) increasing from 7 to 35 the number of ion scanners available to detect drugs possessed by inmates, visitors, or staff;
- (3) purchasing an additional 240,000 urinalysis kits to randomly drug test inmates; and
- (4) equipping inmate visiting rooms with video surveillance technology and requiring inmates in visiting rooms to wear special clothing intended to prevent the smuggling of drugs and other contraband.

The final 2014-15 budget included \$5.2 million and no position authority in support of Enhanced Drug Interdiction efforts. This funding level was chosen to provide CDCR with resources to begin enhancing its drug interdiction efforts while allowing the Legislature to monitor implementation strategies, actual need, and program performance.



On October 17, 2014, CDCR introduced the following narrative as part of a regulation change package:

*The California Department of Corrections and Rehabilitation (CDCR) proposes to amend Section 3173.2, Searches and Inspections, and adopt Section 3410.1, Searches of Employees, of the California Code of Regulations (CCR), Title 15, Division 3, by implementing the use of Electronic Drug Detection Equipment (EDDE) and other available technology to search all persons who come onto institutional grounds.*

*Persons entering and exiting CDCR institutions sometimes employ extraordinary means to try and smuggle drugs and contraband into and out of prisons. These methods include secreting drugs and contraband in hidden pockets in clothing or in body cavities.*

*An ION Mobility Spectrometry (ION Scanner) unit is a trace detecting device that measures the deflection of particles after they are exposed to an electric field. Samples are collected by wiping an object and then placing the swipe into the unit. The results of the swipe are displayed within six seconds. ION Scanners can be employed as a non-intrusive search tool for inmates, staff, and visitors, as well as for incoming mail and parcels.*

*Recognizing the ongoing problem with drug use and trafficking within the institutions, CDCR must focus on undertaking a comprehensive approach to prevent the introduction of drugs and contraband into the institutions. Importing, trafficking, and drug use causes many problems in a prison setting including an increase in assaults, power struggles within the inmate population, establishment of an underground economy, and staff corruption.*

*There were over 4000 documented incidents recorded in 2013 related to drugs in California prisons. Of these 4000 drug related incidents in CDCR prisons, there were 382 arrests of non-inmates attempting to introduce drugs into an institution. Of the 382 arrests there were 10 staff, 320 visitors, and 52 non-visitor arrests. Tragically, from January 2012 to February 2014, there were a reported 29 inmate deaths attributed to illegal drug overdose.*

*In June 2013, CDCR conducted blind baseline urine testing of 25 percent of the inmate population. The results confirmed that nearly 23 percent of the inmates who voluntarily participated tested positive for one or more illicit drugs. Approximately 30 percent of inmates randomly selected to voluntarily test declined to do so even though there were no disciplinary actions taken against inmates testing positive.*

*Based on the 2013 drug related incidents and test results, the Department must do more to reduce the availability of and use of drugs in the prison system. Therefore, the Department seeks to implement various drug interdiction strategies, which includes the use of ION Scanners and other available technology.*

*ION Scanners, coupled with other drug and contraband interdiction strategies such as increased sanctions, will act as a deterrent to the use of illicit drugs.*

**QUESTIONS FOR CDCR**

- 1) Will you please provide a brief history on the department's drug interdiction efforts?
- 2) Will you please provide a brief history on the department's drug interdiction funding?
- 3) Has the department identified any successes resulting from its drug interdiction efforts supported by the 2014-15 funding?

**STAFF RECOMMENDATION**

No recommendation, discussion item.

**ISSUE 4: COLEMAN USE OF FORCE AND CONDITIONS OF CONFINEMENT**

The issue before the subcommittee is the Governor's Budget request for \$12.979 million (General Fund) and 56.9 positions in 2014-15 (already discussed in Issue 2) and \$41.992 million (General Fund) and 290.4 positions in 2015-16 and ongoing to implement and enhance CDCR programs and policies consistent with the Coleman v. Brown court orders concerning CDCR's mentally ill inmate-patient population.

**PANELISTS**

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

**BACKGROUND**

Coleman v. Brown is a class action lawsuit filed in 1990 in which the plaintiffs alleged CDCR provided an unconstitutional level of mental health care to inmate-patients. In 1995, following a trial before the magistrate judge, the District Court adopted the magistrate judge's findings, issued a permanent injunction, and appointed a Special Master to monitor CDCR's compliance with court-ordered relief. Since the initial Coleman lawsuit, the court issued hundreds of orders in the case. Following a series of enforcement motions in 2013, the court issued orders requiring changes to CDCR's policies regarding UOF and the conditions of confinement in segregated housing for mentally ill inmate-patients.

On January 7, 2013, defendants filed to terminate the class action. The District Court denied the termination motion on April 5, 2013. Following that denial, the plaintiffs filed a series of enforcement actions. First, on April 11, 2013, plaintiffs filed a motion alleging, among other things, inadequate inpatient care for the condemned inmates. Second, on May 9, 2013, plaintiffs filed a motion alleging improper use of segregation for Coleman class members. Finally, on May 29, 2013, plaintiffs filed a motion alleging unconstitutional use of force and an inadequate discipline process against Coleman class members. The District Court held hearings on these motions between October 1, 2013, and December 19, 2013. The court issued an order regarding inpatient care of the condemned on December 10, 2013. On January 21, 2014, defendants filed a declaration submitting CDCR's new UOF policies. The court issued an order regarding segregation and UOF practices on April 10, 2014. That order was superseded in part, by orders issued on August 11 and 29, 2014.

**STAFF COMMENTS**

Failure to adequately address the issues identified in this proposal could result in California being found in contempt of court leading to further litigation and associated costs. To the extent that the requested resources are necessary to address the stated deficiencies, the subcommittee should consider adopting this proposal.

**STAFF RECOMMENDATION**

Withhold Action Pending Further Justification of resources.

**ISSUE 5: PAROLE CALCULATION CORRECTION**

The issue before the subcommittee is the Governor's Budget request for \$14.6 million (General Fund) and 92.6 additional positions in 2015-16 and ongoing to meet caseload ratios as collectively bargained and consistent with the California Parole Supervision and Reintegration Model.

**PANELISTS**

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

**BACKGROUND**Caseload Calculation

In October of 2006, the Office of Governor Schwarzenegger directed CDCR to perform an assessment of the DAPO. The report, titled "Parole Assessment 2006", recommended the conversion of Parole Agent (PA) II Specialists to Supervisors in order to enhance supervision and training of Parole Agent Is, improve implementation of evidence-based practices, and ensure program fidelity. On January 25, 2010, CDCR, as required by law, launched public safety reforms in order to improve supervision for parolees. As part of this concerted effort PA II Specialists were reclassified to PA II Supervisors. The reclassification resulted in PA II Supervisors being assigned a caseload that is 25 percent of the caseload assigned to a PA I, with the remaining workload consisting of supervisory and administrative duties.

Following the decision to convert PA II Specialists into PA II Supervisor positions and the corresponding reduction in caseload for PA II Supervisors, approximately 100 PA Is were added to DAPO to cover the workload previously absorbed by PA IIs. The reduction in PA II caseload, however, was not properly reflected in ratio worksheets, and in 2012 these supplemental PA I positions were inadvertently eliminated, thereby increasing the operational parolee to agent ratio.

Agent to Parolee Ratios

In 2009 DAPO developed the California Parole Supervision and Reintegration Model (CPSRM) in order to apply evidence-based practices to improve public safety, reduce recidivism, and promote reintegration of parolees into society. CPSRM began as a pilot at four sites in August 2010 and was expanded to include all parole units by November 2013. While designed based on best practices, CPSRM is time intensive and requires enhanced training and supervision. In order to accommodate the increased workload required by this model, the overall felon parolee to agent ratio was decreased from 70:1 in 2010 to 48:1 for felons and 45:1 for Second Strikers. The felon ratio was again adjusted in the 2012-13 Blueprint from 48:1 to 55.

Justification

Currently, the PA II Supervisor caseloads are calculated at 100 percent of the PA I caseload in ratio worksheets. However, in reality, PA II Supervisors only carry a caseload of 25 percent of PA Is, as outlined in BU6 MOU Section 19.08D. Correcting the ratio worksheet to reflect this change will reduce the operational parolee to agent caseloads for PA Is and allow PA II Supervisors to provide enhanced supervision and training to line level agents.

**STAFF RECOMMENDATION**

Staff recommends the Subcommittee hold this item open pending further discussion.

**ISSUE 6: ARMSTRONG ACCESSIBILITY**

The issue before the subcommittee is a request for \$38 million from the General Fund; \$19 million in 2015-16 and \$19 million in 2016-17 to construct Americans with Disabilities Act (ADA) improvements at 14 prisons.

**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), 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**

##### 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**

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

**ISSUE 7: CAREER TECHNICAL EDUCATION**

The issue before the subcommittee is the Governor's Budget request for an ongoing augmentation in the amount of \$2.6 million (General Fund) for CDCR to continue contracts with the California Prison Industries Authority's (CALPIA) Career Technical Education (CTE) Program.

**PANELISTS**

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

**BACKGROUND**

The CALPIA CTE program began in 2006 and was the first in the nation to partner an offender rehabilitation program with trade unions to meet the rehabilitative needs of offenders. The CALPIA CTE program utilizes journeyman trade specialists to train offenders to perform various construction ironworking, and other career training activities such as computer-aided design, through intensive on-the-job and classroom training. Participants are job-ready upon parole and many become apprentices with the same trade unions that provide in-prison training. CTE has expanded to six separate training tracks: Pre-apprenticeship carpentry, facilities maintenance, apprenticeship labor, pre-apprenticeship ironworking, computer-aided design, computer coding and commercial diving.

To be eligible, participants must be within 12 to 18 months of release and have either obtained or are currently working towards a General Education Development (GED) certificate or high school diploma. Work skills are obtained through immersion in training exercises and real world projects that lead to a variety of industry certifications. Written tests, skill demonstrations and time length determine whether acceptable skill levels have been achieved within designated vocational fields. Participants who meet all the requirements receive certifications as proof of their proficiencies.

CALPIA established the CTE program in 2006 as a pilot on behalf of CDCR with the objective to reduce offender recidivism and lower facilities maintenance and construction costs for CALPIA, CDCR, and other state agencies. CDCR funded the program from 2007 through 2009 when funding was eliminated, but also funded the program in the most recent fiscal years 2013-14. From 2010-11 through 2012-13, the Prison Industry Board (PIB) appropriated sufficient funds to operate the program, however the authorization forced CALPIA to operate at a loss. The FY 2014-15 CALPIA budget provided \$2.9 million for 12 CTE programs with approximately 310 participants, up from 255 participants in FY 2013-14. CDCR will reimburse CALPIA \$2.2 million in FY 2014-15 for operation of the program. For 2015-16, there is no CDCR

excess funding available for this program, and the PIB has directed the CALPIA to secure alternative funding. Therefore this BCP seeks to ensure future funding for this program.

**STAFF COMMENT**

Staff notes that the proposed funding level would support CTE programming for 342 inmates (228 females and 114 males). The proposed funding would also allow the continuation of several CTE programs for inmates. These programs include: organized labor partnered/sponsored pre-apprenticeship programs in carpentry, construction labor, ironworking, and facilities maintenance. Additional programs proposed for funding by this request include marine technology, computer-aided design, and computer coding.

**STAFF COMMENT**

Staff recommends the Subcommittee hold this item open pending further discussion on expanding the CTE program beyond the requested level.

**ISSUE 8: YOUTH OFFENDER SECURITY PLACEMENT – AB 1276 (BLOOM) CH. 590, STATUTES OF 2014.**

The issue before the subcommittee is the inclusion of \$1.181 million (General Fund) and 8.0 positions to support implementation of AB 1276 (Bloom). Specifically, this request would support personnel and additional training costs.

**PANELISTS**

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

**BACKGROUND**

Existing law generally provides a statutory framework for remanding certain cases involving minors who are 14 years of age and older who are alleged to have committed a crime from the juvenile court to adult criminal court. It further provides that notwithstanding any other provision of law, no person under the age of 16 years shall be housed in any facility under the jurisdiction of the CDCR.

Existing law begins the term of imprisonment upon the actual delivery of a defendant into the custody of the Secretary of the Department of Corrections and Rehabilitation and requires the place of reception to be an institution under the direction of the Secretary. Existing regulations require an inmate be assigned to a facility with a security level which corresponds to specified placement score ranges and establishes classification committees for making these determinations.

AB 1276 was signed by Governor Brown on September 26, 2014. The findings and declarations of AB 1276 state, "The purpose of this act is to establish a mechanism by which the CDCR will make individual assessments of people entering prison under 22 years of age and classify these individuals at lower custody level facilities whenever possible."

**STAFF RECOMMENDATION**

Adopt proposal

**ISSUE 9: CDCR CAPITAL OUTLAY**

The issue before the subcommittee is CDCR's request for

- 1) The Governor's Budget request for \$997,000 (General Fund) to support the *working drawings phase* for the replacement of two existing kitchen/dining buildings at the California Correctional Center, Susanville
- 2) The Governor's Budget request for \$792,000 (General Fund) to support the *working drawings phase* for the replacement of the barred cell fronts in the Administrative Segregation Unit (ASU) at Deuel Vocational Institution (DVI) with solid cell fronts.
- 3) The Governor's Budget request for \$18.071 million (General Fund) to support the *construction phase* for a new high pressure boiler at San Quentin State Prison (SQSP).
- 4) The Governor's Budget request for \$500,000 (General Obligation Bond Funds) to support workload associated with planning capital outlay projects at youth and adult correctional facilities.

**PANELISTS**

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

**BACKGROUND**

- **California Correctional Center, Susanville – Arnold Unit and Antelope Camp Kitchen/Dining Replacement.** The Governor's Budget proposal includes \$997,000 (General Fund) to support the *working drawings phase* for the replacement of two existing kitchen/dining buildings. The proposed projects would address identified need at the California Correctional Center, Susanville on the Arnold Unit and Antelope Camp living units (both built in the 1980's). The kitchens on these living units have surpassed their expected useful lifespan by 20 years and have exceeded the point of economical repair. The CDCR contends that these buildings also present a health and safety risk to inmates and staff. The overall cost of these two pre-engineered metal kitchen/dining buildings, along with a loading dock and related paving, is projected to be \$16.2 million.
- **Deuel Vocational Institution – Solid Cell Fronts.** The Governor's Budget proposal includes \$792,000 (General Fund) to support the *working drawings*

*phase* for the replacement of the barred cell fronts in the Administrative Segregation Unit (ASU) at Deuel Vocational Institution (DVI) with solid cell fronts. This project will also address heating/ventilation issues, electrical system issues, asbestos issues, lead paint concerns, and the addition of a fire/smoke detection system. The ASU at DVI contains 144 cells and six showers that do not currently have solid cell fronts. The proposed modifications would also address suicide risk concerns raised in the Coleman v. Brown court case. The overall cost of this project is estimated to be \$9.4 million.

- **San Quentin State Prison – New Boiler Facility.** The Governor's Budget proposal includes \$18.071 million (General Fund) to support the *construction phase* for a new high pressure boiler at San Quentin State Prison (SQSP). The proposed Boiler replacement is required for compliance with the Bay Area Air Quality Management District (BAAQMD) regulations for gas-fired boiler emission. Failure to move toward compliance with BAAQMD regulations could result in the CDCR being assessed upwards of \$5 million in fines and \$2.2 million in fines each year until compliance is met. The overall cost of this project is estimated to be \$18.671 million.
- **Statewide Budget Packages and Advance Planning.** The Governor's 2015-16 budget proposal includes \$500,000 (General Obligation Bond Funds) to support workload associated with planning capital outlay projects at youth and adult correctional facilities. This workload consists of site assessments, environmental reviews, and the development of scope, cost, and schedule projections.

#### QUESTIONS FOR CDCR

- 1) Will you please provide the business case for these three projects?
- 2) Will you please provide the Subcommittee with information on alternative solutions explored by the department (for each project)?

#### STAFF RECOMMENDATION

Withhold action on these items pending further justification of costs and exploration of alternatives.