

# AGENDA

## Assembly Budget Subcommittee No. 5 on Public Safety

Assemblymember Cristina Garcia, Chair

**MONDAY, FEBRUARY 22, 2021  
2:30 PM, STATE CAPITOL – ROOM 437**

*Due to the regional stay-at-home order and guidance on physical distancing, seating for this hearing will be very limited for press and for the public. All are encouraged to watch the hearing from its live stream on the Assembly's website at <https://www.assembly.ca.gov/todaysevents>.*

*We encourage the public to provide written testimony before the hearing. Please send your written testimony to: [BudgetSub5@asm.ca.gov](mailto:BudgetSub5@asm.ca.gov). Please note that any written testimony submitted to the committee is considered public comment and may be read into the record or reprinted.*

*A moderated telephone line will be available to assist with public participation. The public may provide comment by calling the following toll-free number: [877-692-8957](tel:877-692-8957), access code: [131 54 37](tel:1315437)*

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**5225 DEPARTMENT OF CORRECTIONS AND REHABILITATION****ISSUE 1: PRISON CLOSURE AND LONG TERM FACILITY INVESTMENT PLAN**

The Department of Corrections and Rehabilitation (CDCR) will provide an overview of its prison closure planning process, including the Deuel Vocational Institute, the budget proposal for the California Rehabilitation Center (CRC, a prison identified for closure in 2012 by CDCR), and the Department's response to the long term facility investment plan requested by the Legislature.

**PANELISTS**

- Dean Borg, CDCR
- Ed Vasconcellos, CDCR
- Caitlin O'Neil, Legislative Analyst's Office

\*Department of Finance is available for questions from members.

**BACKGROUND****Prison Closure**

The table below reflects CDCR's current occupied and available capacity:

	<b>Occupied</b>	<b>Available Capacity</b>
<b>State Prisons</b>	89,663	116,989
<b>State Camps</b>	1,410	3,690 <sup>1</sup>
<b>In-State Contract Beds</b>	2,339	2,550 <sup>2</sup>
<b>Department of State Hospitals</b>	212	212 <sup>3</sup>
<b>CRPP (community beds)</b>	780	1,500 <sup>4</sup>
<b>Total</b>	94,404	124,941

The 2019 Budget Act included trailer bill language requiring the identification of one state owned and operated prison for closure by January 10, 2021, and a second one by January 10, 2022. As a result, the Administration has identified Deuel Vocational Institute (DVI) for the first closure. DVI is one of the 12 oldest prisons in California, built in 1953, and has an estimated \$804 million in capital and maintenance needs that will be avoided

<sup>1</sup> This represents the design capacity. State camp beds are not subject to the 137.5% population cap which allows for greater flexibility.

<sup>2</sup> This represents the bed count at CA City Correctional Facility only—additional capacity is available through programs such as the Community Prisoner Mother Program.

<sup>3</sup> Assumes DSH beds remain constant but this number can fluctuate based on actual need.

<sup>4</sup> Estimated capacity based on pending bed expansions.

with its closure. It should be noted that there have been significant capital investments made into DVI in recent years. For example, \$29 million dollars was provided to create a Health Care Facility Improvement Project at the prison, \$11.67 million was provided for solid cell door fronts which were completed by 2019, \$835,000 for a medical distribution improvement project that was completed in 2017, and approximately \$2.1 million has been encumbered for a new boiler facility and a brine concentrator system.

The 2018 Budget Act included language in Penal Code 2067 that states in part:

“...the Department of Corrections and Rehabilitation shall accommodate the projected population decline by reducing the capacity of state-owned and operated prisons or in-state leased or contract correctional facilities, **in a manner that maximizes long-term state facility savings, leverages long-term investments, and maintains the sufficient flexibility to comply with the federal court order...**”

In addition, the Department considers the following factors, including, but not limited to, operation costs, workforce impacts, subpopulation and gender-specific housing needs, long term investment in state-owned and operated correctional facilities including previous investments, public safety and rehabilitation, and the durability of the state’s solution to prison overcrowding.

### **Long Term Facility Planning**

CDCR’s prisons encompass 24,000 acres of land, including 4,000 buildings that comprise 42 million square feet and an estimated 22,000 individual pieces of equipment and utility system components. Penal Code Section 7003.5 requires regular reporting of CDCR’s funded and planned projects but it does not require any information on how projects are selected, how they are prioritized, and or a long term strategy. In addition, CDCR, among other state program areas like transportation and natural resources, is included in the state’s Five Year Infrastructure Plan (“Plan”) pursuant to the “California Infrastructure Planning Act.” The 2021-22 Plan included \$494.5 million to CDCR over five years. Much like the “Master Plan Annual Report,” it is unclear how projects are selected and how they are prioritized. As part of its annual operations budget, CDCR receives \$26 million annually for deferred maintenance, including periodic one-time General Fund augmentations to address the backlog. This year, the Governor proposes a one-time General Fund augmentation of \$50 million for deferred maintenance to the Department.

**Capital and Infrastructure Needs.** The 2016 Budget Act provided funding for a state-wide study for the renovation/replacement of CDCR’s twelve oldest prisons. Twelve individual reports were finalized in 2019 indicating a total need for \$11.24 billion for repairs/replacement.<sup>5</sup> In addition, CDCR’s Master Plan Annual Report for Calendar Year 2020 (“master plan”) indicates an overall deferred maintenance need of \$13 billion statewide, an increase of \$5 billion since the 2018 master plan. CDCR has a \$1 billion list of deferred maintenance projects that have been scoped but it is unclear how this list was created or prioritized.

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<sup>5</sup> The pending closure of Deuel Vocational Institute will reduce the \$11.24 billion estimate to \$10.44 billion in capital outlay and maintenance needs for the remaining 11 oldest prisons.

In prior years, the master plan included an assessment of each prison using a Facility Condition Index (FCI)<sup>6</sup>. FCI is used in facilities management to provide an objective assessment of a facility's condition. It is often used to provide a benchmark to compare the conditions of a group of facilities. The Judicial Branch uses FCI to assess its portfolio of 200 court houses throughout the state. Mathematically, the FCI is represented by the total cost of maintenance, repair/replacement divided by the estimated replacement value. When a prison's FCI score reaches a value of 50% or more, it is "an indicator that a significant portion of the asset's constituent systems can no longer reliably sustain their design level of function" and are deemed 'very poor to extremely poor.'" The 2018 master plan indicated that 26 of the 34 prisons had an FCI of over 50%. The average FCI of all prisons was 60 at that time.

### **Supplemental Reporting Language: Prison Infrastructure Improvement Strategy.**

As part of the 2020 Budget Act, the Legislature adopted supplemental reporting language that directs CDCR to provide a report on the Department's long term infrastructure investment plan of all repair/deferred maintenance projects estimated to cost over \$5 million and all major capital outlay projects that are likely to be needed over the next ten years or more, by January 10, 2022. Projects that were funded for construction in the 2020-21 fiscal year or prior are excluded and the Department was provided a list of factors to consider to rank each project in the following manner:

**(i) Immediate:** Projects specifically required by court order and projects related to fire/life/safety that are needed to remedy conditions that pose an extraordinary immediate risk to inmates and staff.

**(ii) Critical:** Any remaining court order-related projects and projects focused on gaining departmental efficiencies and reducing ongoing state costs.

**(iii) High:** Projects focused on inmate rehabilitation and projects related to fire/life/safety that are needed to remedy conditions that pose a substantial risk to inmates and staff.

**(iv) Low:** Projects related to department-driven needs.

### **Proposed Funding**

**1. Closure of Deuel Vocational Institution:** The Governor's Budget requests a reduction of \$95.4 million and 660.9 positions General Fund and \$390,000 and 4.6 positions Inmate Welfare Fund in 2021-22 and \$126.4 million and 871.6 positions General Fund and \$517,000 and 6 positions Inmate Welfare Fund in 2022-23 and ongoing to reflect the closure of Deuel Vocational Institution (DVI). In addition, savings associated with the incarcerated population are captured within the standard adjustments totaling \$18.2 million and 73.5 positions General Fund and \$370,000 Inmate Welfare Fund in 2021-22 and \$24.2 million and 98.1 positions General Fund and \$494,000 Inmate Welfare Fund in 2022-23 and ongoing. In total, the closure will result in a reduction of \$113.6 million and 739.0 positions General Fund and \$760,000 and 4.6 positions Inmate Welfare Fund in 2021-22 and \$150.6 million and 969.7 positions General Fund and \$1 million and 6 positions Inmate Welfare Fund in 2022-23 and ongoing. This request assumes savings

<sup>6</sup> The 2020 report does not include FCI assessments.

effective October 1, 2021. CDCR will refine these costs as a housing unit closure plan is developed and will provide updated savings with the 2021-22 May Revision.

**Warm Shutdown.** The Governor’s Budget includes \$1.6 million General Fund and 9.3 positions in 2021-22 and \$2.2 million and 12 positions in 2022-23 and ongoing to provide for the warm shutdown of DVI.

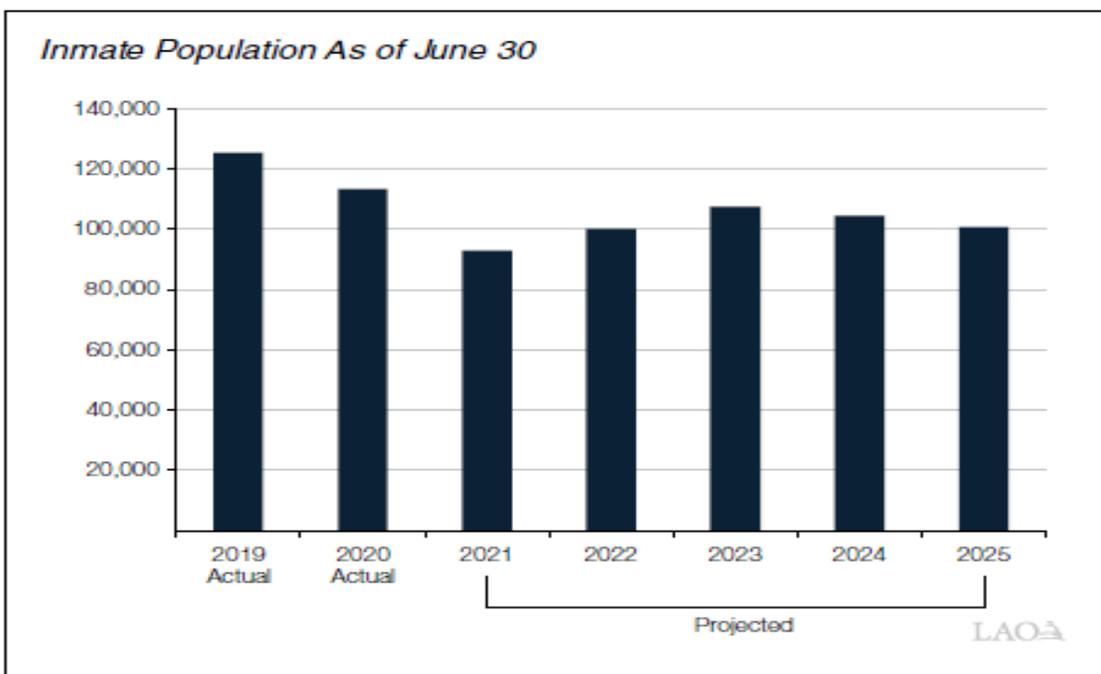
**2. Health Care Facility Repairs at the California Rehabilitation Center (CRC):** The Governor’s Budget requests \$6.8 million General Fund in 2021-22 for health care facility repairs at the California Rehabilitation Center (CRC). This request is a resubmittal of a request originally submitted in the 2020 Governor’s Budget but which was withdrawn before the passage of the 2020 Budget Act. The requested amount is approximately \$900,000 higher than the original request. According to the Department, this increase is due to increased costs for casual labor, materials, contracts, and the erroneous omission of funding for telecommunications upgrades.

In 2012, CDCR identified CRC for closure. Also in 2012, CDCR implemented the Health Care Facility Improvement Program (HCFIP) to improve treatment and clinic space across the state in its prisons. However, due to the anticipated closure, a HCFIP project was not implemented at CRC. Since 2012, there have been no significant capital investments made into CRC.

**LEGISLATIVE ANALYST’S OFFICE (LAO)**

The LAO provides the following analysis:

**Prison Closures.** Based on CDCR’s population projections, the state is likely able to close three additional prisons by 2023-25.



The reduction in the prison and parole populations and the total closure of five prisons and the DJJ facilities is estimated to save \$1.5 billion General Fund dollars annually. This reduction in costs will slow down the significant growth in CDCR's total costs that is expected increase by \$2.5 billion between 2020-21 and 2024-25. This increase is largely driven by future increases in employee compensation costs. This is because current employee compensation costs are temporarily low due to a plan approved as part of the 2020-21 budget package to reduce statewide employee compensation cost by 10 percent. For example, an agreement signed with the bargaining unit representing correctional staff will reduce 2020-21 costs by \$381 million largely through the deferral of a previously planned 3 percent general salary increase and a 4.62 percent reduction in pay in exchange for 12 hours of paid leave per month. However, when these temporary pay reductions expire, CDCR's employee compensation costs are likely to increase substantially. The closure of 5 prisons and reduction in population-related costs will result in CDCR's budget growing by \$1 billion by 2024-25.

**Long Term Strategy.** In the report, *The 2020-21 Budget: Effectively Managing Prison Infrastructure*, the LAO recommended that the Legislature direct CDCR to develop a strategy for upgrading its prison facilities to meet their infrastructure needs and achieve other operational or programmatic goals. Developing such a strategy would require the Department to assess its portfolio of prison facilities (along various dimensions, such as their age, condition, design, operational utility, and location) in the context of its overall vision for the future of the state prison system. For example, as a part of this strategic planning process, the Department might identify an opportunity to achieve better operational outcomes at lower costs, such as by closing a prison in a remote location and rebuilding the housing capacity as infill on the grounds of other existing prisons in better locations. The lack of such a long-term plan makes it very difficult for the Legislature to evaluate the Governor's proposals related to prison infrastructure. **Moreover, if the state continues funding infrastructure projects without a long-term view, it risks: (1) wasting money (such as by paying to modify facilities that are subsequently closed or rebuilt); (2) missing opportunities to achieve operational benefits (such as by redesigning, consolidating, or relocating facilities); and, (3) failing to sufficiently mitigate risk of infrastructure failure, which can have significant implications for cost and safety.**

**Closure of Deuel Vocational Institution.** The warm shutdown positions requested are not fully justified as other closed prisons have far fewer maintenance positions. In addition, the LAO states the need for a long-term plan for closed prisons. For example, it is unclear whether the administration plans to sell the properties—after which it would no longer need to pay for their warm shutdown—or if there will continue to be a state need for them. Given the need to provide resources indefinitely while these facilities are in warm shutdown, it is important for the state to have a long-term plan for each closed prison.

**Health Care Facility Repairs at the California Rehabilitation Center (CRC).** The LAO recommends **rejecting** the proposed \$6.8 million for facility repairs at CRC unless the Administration provides a long-term plan for the facility demonstrating that the repairs will be completed sufficiently in advance of any potential future closure date. This action would free up \$6.8 million that the Legislature could redirect to high-priority prison repairs needs at prisons not planned for closure. Special repair and deferred maintenance

projects can take a couple years to complete. CDCR expects that the repairs proposed at CRC would not be completed until the Fall of 2023.

<b>STAFF COMMENT</b>
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This Subcommittee has requested a long term facility investment plan from CDCR every year since 2018, in order for the Subcommittee to evaluate CDCR's capital and maintenance budget proposals against other legislative priorities. Regardless of any prison closures, such a plan would provide critical information to the Subcommittee in evaluating budget proposals and providing oversight of the Department's spending priorities. In addition to the condition of the aging institutions, the prison system that was established many decades ago may no longer be in line with the state's view on penal systems and public safety. For example, the prisons were not built with the goal of providing rehabilitation and treatment, nor were they designed with a public health lens to mitigate against infectious diseases. Most prisons do not have sufficient space to provide rehabilitative programming. CDCR has struggled with recruitment and retention of staff, particularly medical staff, due to the remote locations of the majority of the prisons. The prisons remain under a federal receivership for the foreseeable future. In addition, despite a reduction of more than 68,000 fewer prisoners in the last decade, the CDCR operations budget has increased by about 35% and is set to increase by another \$2.5 billion by 2025 due to increases in employee compensation. CDCR will be announcing one additional prison closure in 2022 and the LAO has assessed that the state can safely close a total of 5 prisons by 2025.

Outside of CDCR, in addition to significant sentencing reforms, the state has made significant investments in areas such as mental health diversion and youth diversion programs, because of the significant number of individuals that enter the justice system with an underlying mental health condition, and youth whose trauma and needs could be better served through services rather than incarceration. One could argue that such investments are provided to decrease the state's reliance on its prisons and jails in recognition of other effective public safety interventions. Considering all of these factors, a focused, thoughtful strategy is urgently needed to direct resources in a manner that maximizes public safety outcomes and reduces the risk of waste. The Subcommittee may wish to ask:

Should some facilities be closed and others consolidated?

Should there be more mental health crisis beds?

Should prisons be relocated?

How would the state incorporate more space for treatment and rehabilitation programs?

What should the state's portfolio of penal institutions look like in the long term?

**Recommendations:**

1. The Subcommittee may wish to require CDCR to provide a report that includes all of the information contained in the SRL. The Subcommittee may also wish to require CDCR to submit an alternative proposal to the SRL that the Subcommittee can consider.

2. As demonstrated with the announced DVI closure, while the closure of a prison itself is warranted, the Subcommittee may wish to inquire as to why another facility, like the California Rehabilitation Center (CRC) was not selected. There have been no significant capital investments in CRC since it was identified for closure in 2012 by CDCR in its blueprint “**The Future of California Corrections: A Blueprint to Save Billions of Dollars, End Federal Oversight, and Improve the Prison System.**” Staff also notes that since the release of the blueprint eight years ago, CDCR’s budget has actually increased by more than \$4 billion and federal oversight remains in place. In addition, the Subcommittee may wish to adopt the LAO’s recommendation rejecting the proposed repairs for CRC unless the administration provides a long-term plan for the facility demonstrating that the repairs will be completed sufficiently in advance of any potential future closure date
3. At the February 8, 2021 Assembly Budget Sub 5 hearing, the Department of Finance stated they would not be able to comment on the selection of the second prison for closure as its identification is not statutorily required until, on, or before January 10, 2022. Nevertheless, the Subcommittee may wish to ask CDCR to provide a detailed, written description of how prisons are selected for closure, including the weight given to each factor and how the Department is mitigating against waste associated with capital and other facility investments that have been made.
4. The Subcommittee may wish to adopt trailer bill language to close three additional prisons within the timeframe identified by the LAO based on CDCR’s population projections in a manner that does not compromise public safety, public health, or risk of violating a federal court ordered limit on prison overcrowding within state-owned prisons.
5. Lastly, the Subcommittee may wish to adopt trailer bill language regarding what may be done with closed facilities in order to avoid paying maintenance and staffing fees indefinitely.

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**Staff Recommendation: Hold Open.**

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<b>ISSUE 2: VARIOUS CAPITAL OUTLAY AND MAINTENANCE PROPOSALS</b>
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The Department of Corrections and Rehabilitation (CDCR) will provide an overview of its capital outlay and maintenance proposals.

<b>PANELISTS</b>
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- Chris Lief, CDCR
- Caitlin O'Neil, Legislative Analyst's Office

\*Department of Finance is available for questions from members.

### **Proposed Funding**

**1. One-Time Deferred Maintenance Allocation:** The Governor's Budget requests \$50 million General Fund in 2021-22 for CDCR for various deferred maintenance projects across multiple institutions. The projects are listed below:

Facility	Description	Estimated Funding Need
ASP	Replace Hydronic Loop System (2021-22 phase)	\$3,400,000
ASP	Upgrade Fire Suppression Exhaust Hood Systems (UL 300 Compliance)	\$3,234,000
CAL	Replace Condenser Water Supply and Return Piping - Chiller Plant	\$3,081,000
CAL	Repair and Upgrade Lethal Electrified Fence	\$1,473,000
CCI	Repair and Upgrade Lethal Electrified Fence (partial funding amount)	\$1,466,000
CCWF	Repair Housing Unit Showers (14 Buildings)	\$4,660,000
CEN	Repair and Upgrade Lethal Electrified Fence	\$1,382,000
CMC	Upgrade Fire Suppression Exhaust Hood Systems (UL 300 Compliance)	\$3,700,000
CMF	Upgrade Fire Suppression Exhaust Hood Systems (UL 300 Compliance)	\$2,800,000
COR	Upgrade Fire Suppression Exhaust Hood Systems (UL 300 Compliance)	\$3,700,000
CVSP	Renovate Water Tanks	\$4,500,000
CVSP	Repair and Upgrade Lethal Electrified Fence	\$946,000
ISP	Repair and Upgrade Lethal Electrified Fence	\$1,418,000
LAC	Repair and Upgrade Lethal Electrified Fence	\$1,407,000
RJD	Repair and Upgrade Lethal Electrified Fence	\$1,433,000
SCC	Repair Showers - Facility C (5 Buildings)	\$1,600,000
SOL	Repair Water Treatment Plant Filter Trains	\$1,100,000
SOL	Replace Hydronic Loop System (2021-22 phase)	\$4,000,000
SOL	Upgrade Fire Suppression Exhaust Hood Systems (UL 300 Compliance)	\$2,400,000
WSP	Upgrade Potable Water Well Treatment and Pumps	\$2,300,000
<b>Total:</b>		<b>\$50,000,000</b>

**2. Roof Replacement Design and Construction:** The Governor's Budget requests \$1 million General Fund in 2021-22 for the design phase and \$32.6 million General Fund in 2022-23 for the construction phase of roof replacements at California State Prison, Los Angeles.

**3. AB 900 General Fund Appropriation:** The Governor's Budget requests a reappropriation of \$6 million General Fund for CDCR's Health Care Facility Improvement Projects to ensure the balance of this appropriation remains available for encumbrance or expenditure until June 30, 2022 for completion of these projects.

**4. Statewide: Minor Capital Outlay Program:** The Governor's Budget requests \$1.52 million General Fund to CDCR for the design and construction of minor capital outlay improvements at the California Health Care Facility (CHCF).

**5. California Institution for Men, Chino: Air Cooling Facility A:** The Governor's Budget requests \$13.89 million General Fund to fund the construction phase of the installation of air cooling systems at the California Institution for Men. Total project costs are estimated at \$15.75 million, including Preliminary Plans (\$935,000), Working Drawings (\$931,000), and Construction (\$13,886,000). The construction amount includes \$8.84 million for the construction contract, \$619,000 for contingency, \$1.29 million for architectural and engineering services, \$764,000 for agency retained items, and \$2.37 million for other project costs. The Preliminary Plans began in July 2018 and were completed in January 2020. The Working Drawings began in January 2020 and will be approved in May 2021. Construction is scheduled to begin in September 2021 and will be completed in July 2023.

**6. CA State Prison, Los Angeles: Medication Preparation Room Unit D5:** The Governor's Budget requests \$328,000 General Fund for Working Drawings for the Medication Preparation Room Unit D5 at California State Prison, Los Angeles. The project includes medication preparation improvements in housing unit D5. Total project costs are estimated at \$3.4 million including Preliminary Plans (\$300,000), Working Drawings (\$328,000), and Construction (\$2,768,000). The construction amount includes \$2.13 million for the construction contract, \$128,000 for contingency, \$60,000 for architectural and engineering services, \$93,000 for agency retained items, and \$355,000 for other project costs. The current project schedule estimates Preliminary Plans began in July 2020 and will be completed in June 2021. The Working Drawings are estimated to begin in July 2021 and will be approved in July 2022. Construction is scheduled to begin in November 2022 and will be completed in April 2024.

**7. Substance Abuse Treatment Facility and Corcoran: Air Cooling Facility F/G:** The Governor's Budget requests \$2.7 million General Fund for Preliminary Plans and Working Drawings for the California Substance Abuse Treatment Center and Corcoran State Prison: Air Cooling Facility F and G. Total project costs are estimated at \$14.9 million including Preliminary Plans (\$1.43 million), Working Drawings (\$1.28 million), and Construction (\$12.2 million). The construction amount includes \$10.22 million for the construction contract, \$715,000 for contingency, \$286,000 for architectural and engineering services, \$74,000 for agency retained items, and \$909,000 for other project costs. The current project schedule estimates Preliminary Plans will begin in July 2021 and will be completed in April 2022. The Working Drawings are estimated to begin in May 2022 and will be approved in September 2022. Construction is scheduled to begin in January 2023 and will be completed in January 2025.

**8. Calipatria State Prison: Health Care Facility Improvement Program (HCFIP)—Phase II:** The Governor’s Budget requests \$4.15 million General Fund (total estimated project cost is \$22.19 million) in additional funding for construction of the HCFIP project at Calipatria. During construction, it was determined that funding previously provided for construction was not adequate to complete construction.

**9. Fire Alarm Replacement and Fire Suppression Repair Reappropriation:** The Governor’s Budget requests the reappropriation of \$54.5 million General Fund in 2021-22 for the replacement of fire alarm systems and repair fire suppression systems at Mule Creek State Prison, Richard J. Donovan Correctional Facility, and California State Prison-Sacramento. In addition, provisional language is requested to extend the expenditure and encumbrance period through June 30, 2024.

<b>LEGISLATIVE ANALYST’S OFFICE (LAO)</b>
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**One-Time Increase of \$50 million General Fund for Special Repairs and Deferred Maintenance.** The LAO states that, given California’s significant prison infrastructure needs— many of which are urgent and relate to health, safety, or habitability concerns— additional funding for special repair and deferred maintenance of state prisons appears reasonable. Moreover, the costs for addressing these needs are largely unavoidable and will grow if not addressed.

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**Staff Recommendation:** The Subcommittee may wish to consider withholding action on these items pending a commitment from the department to submit a plan pursuant to the supplemental reporting language: Prison Infrastructure Improvement Strategy.

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**ISSUE 3: VARIOUS NON-CAPITAL OUTLAY PROPOSALS**

The Department of Corrections and Rehabilitation (CDCR) will provide an overview of various budget change proposals related to cellular interdiction, increasing canteen resources, and increasing healthy menu options.

**PANELISTS**

- Tammy Irwin, CDCR
- Amy Casias, CDCR
- Keith Robinson, CDCR
- Shannon Stark, CDCR
- Luke Koushmaro, Legislative Analyst's Office

\*Department of Finance is available for questions from members.

**Proposed Funding**

**1. Cellular Interdiction Program:** The Governor's Budget requests \$1.8 million General Fund in 2021-22 and ongoing to maintain the existing Managed Access System (MAS) at 18 institutions. Since 2012, MAS has been provided through the IWTS contract at no cost to CDCR, which ends in 2021. The MAS solution prevents the cell phone from connecting to cellular service effectively neutralizing communication capabilities inside the prison. Without additional funding, CDCR will deactivate the technology by June 2021. CDCR has consistently recovered over 10,000 contraband cellular devices annually in recent years. Decoupling the MAS from the offender communications contract is preferred and beneficial. It is anticipated the removal of the MAS services will ultimately reduce the cost per minute rate for inmate phone calls.

**2. Transgender Inmate Housing and Search Preferences (SB 132).** The Governor's Budget requests \$2.8 million General Fund and 5.5 positions in 2021-22, \$1.8 million General Fund in 2022-23, and \$1.2 million General Fund in 2023-24 and ongoing to implement Senate Bill 132. SB 132 requires CDCR to develop policies and practices that facilitate safe housing for the transgender population, house transgender people based on their gender identify, prohibit CDCR from consistently using the person's preferred pronoun and honorific, and also requires transgender people to be searched by a staff member of the gender to which they identify. CDCR notes that as of 2020, there are 1,144 incarcerated people that identify as transgender. CDCR also acknowledges that it has not been meeting the workload deadlines associate with the Prison Rape Elimination Act (PREA) due to insufficient resources, the increase in reported sexual assault/violence accusations, and the difficulty in maintaining consistency in implementation.

**2. Increased Canteen Resources:** The Governor's Budget requests \$2 million Inmate Welfare Fund and 7.0 positions in 2021-22 and \$1.8 million Inmate Welfare Fund and 7.0 positions in 2022-23 and ongoing to meet growing demand for canteen items and provide increased and equal access to canteen for the incarcerated population.

**3. Increased Healthy Menu Options:** The Governor's Budget requests to increase the statewide feeding rate by \$0.22, per incarcerated person per day for food and supplies to update the food menu to provide healthy food options consistent with the *2015-2020 Dietary Guidelines for Americans*. Funding for this proposal would be made through the standard unallocated population adjustment, which is currently estimated at approximately \$7.5 million annually (based on an institution only population of 93,662). CDCR would redirect \$11.6 million in vacancy savings from plant operations positions in the budget year to fully cover the actual cost of inmate meals—\$3.74 per prisoner, per day. A total of \$20 million is being redirected in the current year.

**LEGISLATIVE ANALYST'S OFFICE  
(LAO)**

The LAO provides the following analysis regarding the **Increase Health Menu Options** budget change proposal:

We notes that at the time of our analysis, CDCR has not provided a complete accounting of the total vacancy savings expected in the budget year. As such, it is unclear (1) how much total savings the department expects in 2021-22 from vacant plant operations positions, (2) how it arrived at that estimate, and (3) how the total estimated savings would be used in the budget year. Without such information, it is difficult for the Legislature to evaluate the Governor's proposal to provide an increase in General Fund support for inmate meals, as well as provide oversight of the department's vacancy savings.

**Given the historical difficulty of filling plant operations positions as well as the current General Fund condition, redirecting plant operations vacancy savings on a temporary basis to support inmate meal costs appears reasonable but should not be a long-term strategy.** Using plant operations funding to support inmate meals on an ongoing basis is inconsistent with the Legislature's original intent for the funds. This is particularly important given that the vacant positions were initially approved by the Legislature to help maintain CDCR's infrastructure, which is in a state of great disrepair. Not filling these positions could further increase these infrastructure needs and costs. We note that as these positions are filled over time, the state would need to backfill the level of vacancy savings supporting inmate meals with additional General Fund support.

**Further Action Needed to Fill Vacancies and Address Plant Operations Workload.**

As of June 2019, CDCR reported taking several steps to fill plant operations vacancies such as increased recruitment efforts through advertisements on various websites, newspapers, and radio stations. However, additional actions could be necessary to either fill these positions or use alternative approaches to addressing the unmet workload. For example, CDCR could potentially consider increasing the pay rate at institution's with historically high vacancy rates; using the existing vacancy savings to hire contractors; or making greater use of inmates to perform plant operations functions, including by training inmates in the necessary skills.

**STAFF COMMENTS**

**Contraband Interdiction.** CDCR has indicated that all 35 adult institutions have drug and contraband interdiction devices and in addition, each prison has two canine teams. The

Subcommittee has requested data on contraband for the 2017, 2018, 2019, and 2020 to evaluate the effectiveness of contraband interdiction efforts. In addition, the stoppage of visitation from March 2020 and ongoing allows for a unique opportunity to continue assessing the entry points for contraband into the prisons. The following table was provided by CDCR. It should be noted that all visitation was stopped on March 11, 2020 and all family visits and tours were stopped on March 24, 2020.

**Contraband Discovered in Institutions from  
January 01, 2017 - December 31, 2020.**

Type of Contraband	2017	2018	2019	2020
Cellular Telephones	16,175	16,091	13,450	11,778
Heroin (lbs)	30.5	34.8	37.5	27.6
Marijuana (lbs)	104.9	147.7	73.3	100.8
Methamphetamines (lbs)	45.4	51.3	54.0	60.3
Tobacco (lbs)	730.1	649.5	481.2	544.1

*Data obtained from CDCR's Office of Research*

**Transgender Inmate Housing and Search Preferences (SB 132).** Both the Assembly and Senate appropriations analysis note one-time costs only and no staffing needs. In response, CDCR states that the fiscal estimates were initial estimates based on known costs. The CDCR Transgender Workgroup has since identified the workload associated with the implementation of this policy, including the need for additional staffing resources.

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**Staff Recommendation: Hold Open.**

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