

AGENDA

ASSEMBLY BUDGET SUBCOMMITTEE NO. 5 ON PUBLIC SAFETY

ASSEMBLYMEMBER CRISTINA GARCIA, CHAIR

MONDAY, FEBRUARY 28, 2022
2:30 PM, STATE CAPITOL – ROOM 437

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. Please note that any written testimony submitted to the committee is considered public comment and may be read into the record or reprinted. The Capitol will be open for attendance of this hearing. Any member of the public attending a hearing in the Capitol will need to wear a mask at all times while in the building.

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, access code: 131 54 37

ITEMS TO BE HEARD		
ITEM	DESCRIPTION	PAGE
5225	CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION	3
ISSUE 1	STATEWIDE CORRECTIONAL VIDEO SURVEILLANCE CONTINUATION	3
ISSUE 2	INTEGRATED SUBSTANCE USE DISORDER TREATMENT PROGRAM (ISUDTP)	5
ISSUE 3	BACHELOR'S DEGREE EXPANSION	9
ISSUE 4	VARIOUS BUDGET CHANGE PROPOSALS	12
ISSUE 5	DIVISION OF JUVENILE JUSTICE REALIGNMENT	16
5227	BOARD OF STATE AND COMMUNITY CORRECTIONS	17
ISSUE 6	JUVENILE FACILITIES GRANT	17
ISSUE 7	GUN BUY BACK PROGRAM	21
	PUBLIC COMMENT	

Non-Discussion Items

ITEM	DESCRIPTION	PAGE
5225	CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION	24
Issue 8	VARIOUS BUDGET CHANGE PROPOSALS	24

5225 CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION**ISSUE 1: STATEWIDE CORRECTIONAL VIDEO SURVEILLANCE CONTINUATION**

The Department of Corrections and Rehabilitation (CDCR) will provide an overview of the statewide correctional video surveillance continuation budget proposal.

PANELISTS

- Marion Spearman, Associate Director of Division of Adult Institutions, CDCR
- Anthony Franzoia, Department of Finance

*The Legislative Analyst's Office is available for questions from members.

BACKGROUND

In 2016, CDCR installed an Audio-Video Surveillance System (AVSS) with 207 high definition cameras in designated high traffic and large congregation areas at HDSP. This served as a technical pilot, enabling CDCR to test the viability of operating this type of equipment on CDCR's network. In 2017-18, CDCR received funding to complete the AVSS at HDSP and install the AVSS at Central California Women's Facility (CCWF). These locations were determined to have an immediate need for AVSS based on criteria such as the number of violent incidents in 2015-16. Also in 2016, a Coleman Special Master monitoring team recommended CDCR install video surveillance cameras at California State Prison, Sacramento (SAC) to increase observation and provide transparency in areas where actions leading to allegations commonly occur. In 2018-19, CDCR received funding and installed 178 video surveillance cameras at SAC.

In September 2020, the United States District Court ordered CDCR in *Armstrong v. Newsom* to install surveillance cameras in specified areas of Richard J. Donovan Correctional Facility to which incarcerated people have access in court-directed timelines. CDCR activated 966 high definition cameras in designated high traffic and large congregation areas, in accordance with the Armstrong court directive. In March 2021, the United States District Court ordered CDCR in *Armstrong v. Newsom* to implement the same remedial measures that were required at RJD at five prisons—California State Prison, Los Angeles; California State Prison, Corcoran; Substance Abuse Treatment and State Prison at Corcoran; California Institution for Women; and Kern Valley State Prison.

In 2021-22, the Administration proposed implementing fixed video surveillance at 24 prisons. The Legislature agreed to fund a portion of the proposal. Specifically, the 2021 Budget Act included \$37.6 million and 7 positions in 2021-22, and \$1.9 million ongoing to install cameras at Salinas Valley State Prison, Mule Creek State Prison, California State Prison Sacramento, and California Correction Institution in Tehachapi.

Proposed Funding

Statewide Correctional Video Surveillance Continuation. The Governor's Budget requests \$80.3 million General Fund and 32 positions in 2022-23, and \$7.6 million General Fund in 2023-24 and ongoing to deploy fixed cameras at ten institutions, body-worn cameras at four institutions, and manage/maintain recorded video. Statewide installation of AVSS to ten additional institutions and an expansion of BWC technology to CCI, SAC, CCWF, and SVSP will increase CDCR's accountability to by adding a powerful tool to address potential concerns of staff and incarcerated individual misconduct. In addition, it is also an effective tool for contraband interdiction and investigations for CDCR.

STAFF COMMENT

Current CDCR policy requires the retention of video footage for 90 days only. CDCR notes the usefulness of video recordings for use as evidence during investigations of discovered or reported incidents. CDCR provided the following data from two prisons where video footage was available and made an impact in rules violations reports, staff complaints, and incidents reports.

	Rules Violations			Staff Complaints			Incident Reports		
	Video Available	Impact	No impact	Video Available	Impact	No Impact	Video Available	Impact	No Impact
CCWF prison	1,927	1,250	851	932	582	179	1,219	630	560
High Desert	2,645	2,205	1,772	406	332	37	1,301	999	308
Totals	5,572	3,455	2,623	1,338	914	216	2,520	1,629	868

Based on this data, video footage was impactful in 62% of rules violations, 68% of staff complaints, and 65% of incident reports. Further, CDCR's new staff complaint process removes the time constraints for when a staff complaint can be filed. As such, 90 days of video footage retention is likely an insufficient period of time to retain what may be critical evidence. The Subcommittee may wish to require CDCR to retain the video footage for a longer period of time and direct CDCR to provide an estimate of costs related to extended video retention. In addition, the Subcommittee may wish to direct the CDCR to establish a policy to track when cameras are not in operation to prevent incidents where cameras are intentionally turned off. Finally, the Subcommittee may wish to consider where the collected video footage should be maintained. A centralized location, outside of the individual prison chain of command, and readily accessible for the purposes of investigation and inquiry may be factors the Subcommittee may wish to consider.

Staff Recommendation: Hold Open.

ISSUE 2: INTEGRATED SUBSTANCE USE DISORDER TREATMENT PROGRAM (ISUDTP)

The Department of Corrections and Rehabilitation (CDCR) will provide an overview of the ISUDTP expansion proposal.

PANELISTS

- Lisa Heintz, Director, Legislation and Special Projects, Health Care Services, CDCR
- Orlando Sanchez Zavala, Legislative Analyst's Office
- Brian Cote, Department of Finance

BACKGROUND

The 2019 Budget Act provided \$71 million General Fund and 280 positions (increasing to \$165 million and 431 position in 2021-22 and ongoing) for CDCR to implement the ISUDTP. When fully implemented, the program is intended to provide a continuum of care to inmates to address their substance use disorder (SUD) treatment and other rehabilitative needs. ISUDTP changed the way CDCR assesses incarcerated persons' need for SUD treatment, provides SUD treatment and rehabilitation programs, and conducts the inmate release planning process. At the time ISUDTP was established, CDCR indicated that its goal was to make the program available to all inmates in need of treatment upon full implementation. As part of the 2020 Budget Act, the ISUDT program was reduced by \$30 million due to COVID-19 impacts on CDCR's ability to roll out the program.

In its current phase of implementation, ISUDTP targets individuals who: (1) are entering prison having started a form of SUD treatment known Medication Assisted Treatment (MAT); (2) have a history of SUD-related hospitalizations or overdoses; or, (3) are within 15 to 18 months of release from prison. The level of resources initially provided in the 2019-20 budget for this phase of the implementation was based on the estimated number individuals in this target population.

Prior to ISUDTP, CDCR generally assigned individuals to SUD treatment based on whether they had a "criminogenic" need for the program—meaning their SUD could increase their likelihood of recidivating if unaddressed through rehabilitation programs. In contrast, ISUDTP is designed to transform SUD treatment from being structured as a rehabilitation program intended to reduce recidivism into a medical program intended to reduce SUD-related deaths, emergencies, and hospitalizations. Accordingly, individuals who are part of ISUDTP are assigned to SUD treatment based on whether they are assessed to have a medical need for such treatment. To identify a medical need for SUD treatment, health care staff screen individuals for SUD with the National Institute on Drug Abuse (NIDA) Quick Screen. The NIDA Quick Screen consists of a series of scored questions about prior substance use. The total points accrued indicate whether a treatment plan needs to be developed to address an inmate's need. Treatment plans are developed utilizing the American Society of Addiction Medicine (ASAM) Criteria. The ASAM Criteria is a diagnostic tool that allows clinicians to assess various dimensions—such as the presence of other related medical and behavioral health conditions—that research has found can impact the effectiveness of SUD treatment types. By using

the ASAM Criteria, medical staff are able to assess what treatment options are most appropriate for each patient.

Cognitive Behavior Treatment (CBT) programs are designed to help individuals change negative patterns of behavior. As part of ISUDTP, CDCR revised and modified CBT programs in ways intended to better address SUD treatment and rehabilitative needs. For example, CDCR began requiring contractors who deliver CBT programs to use uniform, evidence-based curricula. CDCR also began requiring that counselors delivering CBT programs be certified Alcohol and Other Drug counselors, a requirement that was often waived before ISUDTP was implemented. In addition, CDCR had operated MAT pilot programs at three prisons. Under ISUDTP, MAT was made available at all prisons for those involved in the program.

Finally, as part of ISUDTP, CDCR has taken steps to modify the release planning process in order to better connect individuals to programs in the community based on their assessed need. For example, for individuals in MAT near their release date, a multidisciplinary team helps ensure treatment continues after their release.

Proposed Funding

The Governor proposes \$126.6 million General Fund and 310 positions in 2022-23 (increasing to \$163 million and 418 positions annually in 2023-24) to expand and modify ISUDTP in four key ways. First, the proposal extends assessment to all incarcerated persons. Second, the proposal adds to the types of treatment available through ISUDTP, such as a new aftercare program for those who have completed treatment but remain incarcerated and additional programs for those who are not improving or are worsening following treatment. Third, the proposal makes various modifications to existing ISUDTP services, including shortening from 12 months to 9 months the duration of certain CBT programs to allow CDCR to serve more individuals. Finally, CDCR plans to modify the way it assesses individuals for SUD treatment. According to the Administration, it plans to adjust the level of resources for ISUDTP annually based on changes in the prison population beginning in 2023-24.

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

The LAO provides the following analysis and recommendations.

Proposed Expansion and Modifications Merit Consideration. We find that the Governor's proposal to expand ISUDTP to the entire prison population has merit. While the effectiveness of the program is not clear, initial data show that SUD-related deaths, emergencies, and hospitalizations have decreased since the program began. Specifically, the department reports that overdose-related deaths declined by 64 percent and overdose-related emergencies and hospitalizations declined by 27 percent. We note that it is possible that other factors (such as fewer drugs entering the prisons due to pandemic-related restrictions on prison visiting) could have contributed to the reduction in overdose-related deaths, emergencies, and hospitalizations. The department intends to contract with the University of California to evaluate various aspects of ISUDTP in the

future. In addition, we find that the proposed modifications to the program merit consideration. For example, the new services the department plans to offer will be evidence-based and therefore likely to be effective if implemented as designed. Also, by shortening the duration of certain CBT programs and employing less time intensive assessment tools, CDCR would be able to serve more inmates at a lower cost than otherwise.

Level of Resources Requested Likely Too High. The projection of the prison population for 2022-23 as assumed in the Governor's budget is likely to be revised downward at the May Revision. This is notable because the overall level of funding being requested for ISUDTP is closely connected to the size of the prison population. For example, the department estimates it needs \$114 million for medication and other materials based on its estimate that 25,445 incarcerated people will require MAT. Similarly, estimates for the amount of resources necessary to assess individuals' SUD treatment needs assume that 3,000 individuals will be admitted each month. Accordingly, **to the extent the prison population or admissions are lower than projected, it would reduce the level resources necessary for the program.** While the Administration indicates it plans to adjust the resources for ISUDTP based on changes in the prison population beginning in 2023-24, no adjustment is currently planned for 2022-23.

Various Factors Could Limit Ability to Expand ISUDTP. There are various factors that could limit the department's ability to expand ISUDTP. For example, **it could take CDCR longer than anticipated to fill the requested 310 positions.** We note that in 2020-21—one year after ISUDTP was implemented—169 of the 431 positions approved for the program in that year were vacant. (The department reports only 43 of the 431 positions are currently vacant.) To the extent there are similar difficulties in initially filling the requested positions, it would correspondingly reduce the level of funding needed for ISUDTP in the budget year.

In addition, to expand ISUDTP beyond those it is currently serving, it will be necessary for CDCR to identify adequate space within its facilities, such as classroom space for CBT programs, to accommodate everyone in need of treatment. However, in recent years, CDCR has increasingly had difficulty having adequate classroom space. For example, last year, as part of its justification to provide incarcerated individuals with laptops to facilitate remote participation in academic programs, the department noted the challenge of physical space limitations at the prisons due to a lack of sufficient classrooms. We note that the department has initiated an analysis of its space needs, which is currently in the process of being revised to account for the impacts of COVID-19-related restrictions (such as limits on the number of people who can occupy the same room). However, it is unclear when this analysis will be completed. Accordingly, **it is questionable whether CDCR can accommodate the level of space necessary for the proposed expansion.** To the extent that the department is unable to expand ISUDTP as envisioned by the Governor, the department would not utilize all of the proposed \$126.6 million in 2022-23 for the program. Under the proposed budget, CDCR would have discretion on how to reallocate any unused ISUDTP funds, which could include funding programs and services outside of ISUDTP.

LAO Recommendations

- 1. Direct CDCR to Revise the Proposal at the May Revision to Reflect Updated Population Projections.** Given the possibility that the prison population—and corresponding need for ISUDTP funding—may be lower than currently projected, we recommend the Legislature direct CDCR to provide a revised ISUDTP proposal at the May Revision that is adjusted to reflect updated projections of the inmate population.
- 2. Approve Provisional Budget Language Requiring Unspent ISUDTP Funds to Revert to the General Fund.** To the extent the Legislature chooses to approve additional funding for ISUDTP, we recommend the approval of provisional budget language requiring that any budgeted funds not spent on the program revert to the General Fund. This would help facilitate legislative oversight of the planned ISUDTP expansion and allow the Legislature to reallocate any unused funds towards its General Fund priorities.
- 3. Require CDCR to Provide Planned Assessment of ISUDTP.** As previously mentioned, CDCR intends to contract with the University of California to evaluate various aspects of ISUDTP. We recommend that the Legislature require CDCR to provide the final evaluation report resulting from this effort. This would allow the Legislature to determine whether ISUDTP is effectively achieving its goals of reducing SUD-related deaths, emergencies, and hospitalizations.

Staff Recommendation: Hold Open.

ISSUE 3: BACHELOR'S DEGREE EXPANSION

The Department of Corrections and Rehabilitation (CDCR) will provide an overview of higher education programs offered at CDCR and a description of their proposal to expand bachelor's degree programs. The Subcommittee will also receive an overview on Project Rebound's impact on supporting formerly incarcerated individuals to continue their higher education goals.

PANELISTS

- Shannon Swain, Superintendent, Division of Rehabilitative Programs, CDCR
- Orlando Sanchez Zavala, Legislative Analyst Office
- Anthony Franzonia, Department of Finance
- Brady Heiner, Ph.D., Chair of CSU Project Rebound Consortium and Associate Professor at CSU Fullerton

BACKGROUND

Higher Education in CDCR. Community college classes are available at 33 out of 34 state prisons for incarcerated people who have completed their high school graduation requirement or equivalency. (The only prison that does not offer such courses is the California Health Care Facility as the majority of the individuals there have health conditions that make it difficult to attend college courses consistently). Incarcerated individuals with a high school degree or equivalent also generally have access to college-level correspondence courses. In correspondence courses, lessons and assignments are provided through packets that are delivered through the mail. CDCR reports that statewide about 14,000 incarcerated individuals were enrolled in some sort of college-level course and 1,500 people held an associate's degree (either earned while in prison or before entering prison) as of July 2021. A total of 6,426 college students enrolled for the spring 2021 semester working toward obtaining an Associate of Arts (AA) degree.

Currently, five prisons have California State University (CSU) Bachelor's Degree programs. CSU Los Angeles began offering courses in 2016 at California State Prison, Los Angeles (LAC) and became the first university through its Prison Graduation Initiative to graduate 25 individuals with a Communications bachelor's degree in the fall of 2021. Within the last two years, four additional state prisons began offering in-person bachelor's degree courses through the CSU system: Folsom State Prison and Mule Creek State Prison (through CSU Sacramento) and Central California Women's Facility and Valley State Prison (through CSU Fresno). Four of the five existing in-prison bachelor's degree programs were established without dedicated funding being provided directly through the state budget. Instead, CDCR used alternative funding sources to establish the programs. For example, the CSULA program was a recipient of a philanthropic grant and obtained federal designation as a Second Chance Pell Institution. As a designated Second Chance Pell Institution, CSULA was able to receive federal funds to support the program.

Two years ago, as part of his January budget proposal for 2020-21, the Governor proposed General Fund resources to expand bachelor's degree programs to additional

prisons modeled on the CSULA program offered at LAC. However, the proposal was later withdrawn due to the expected fiscal impact of the pandemic. Despite this, CDCR reports that it has established bachelor's degree programs at three additional prisons since the original proposal was withdrawn by using existing funding in its budget associated with vacant positions. (When positions approved in the budget go unfilled, the funding received by departments associated with the positions—known as vacant position funding—is often redirected by departments for other purposes.) Accordingly, the state did not provide dedicated funds to establish these three bachelor's degree programs. The 2021 Budget provided \$13.7 million General Fund (decreasing to \$3 million in 2023-24 and ongoing) to expand rehabilitation programs available at Valley State Prison in Chowchilla, including establishing a bachelor's degree program. In December 2020, Congress passed a COVID-19 stimulus package, which included the resumption of federal financial aid for incarcerated individuals. This new opportunity will provide access to federal Pell Grant funds for all qualified CDCR students by July 2023, paying up to \$6,495 per year for college tuition.

Project Rebound. Project Rebound is a program that supports the higher education and reintegration of formerly incarcerated individuals who wish to enroll at a CSU campus. Based on data collected from 2016-2020, 0% of Project Rebound students have recidivated. Project Rebound students have a higher retention rate than other CSU students. Currently, 14 CSUs host a Project Rebound program on their campus. In addition to providing academic support including, provides housing support and employment support. The 2019 Budget Act provided \$3.3 million ongoing General Fund to support Project Rebound. The 2021 Budget Act provided \$5 million one-time General Fund to the Project Rebound Consortium to support housing and related supportive programs. The Subcommittee was provided with a handout that provides additional details about the program.

Proposed Funding

Bachelor's Degree Expansion. The Governor's Budget requests \$5 million General Fund in 2022-23, \$4.5 million in 2023-24, and \$4.7 million in 2024-25 and ongoing and 15 positions to expand the Bachelor's Degree Program to seven institutions.

LEGISLATIVE ANALYST'S OFFICE (LAO)

The Legislative Analyst's Office provides the following analysis and recommendations.

Expanding Higher Education Is Promising... The Governor's proposal to expand access to higher education opportunities is promising because various studies show that higher education—when well designed and implemented effectively—reduces the number of individuals who recidivate (or reoffend) and that the resulting correctional savings can more than offset program costs. For example, a study from the Urban Institute found that in three states recidivism rates were lower for people who participated in higher education programs, some of which included bachelor's degree programs (after accounting for several factors). In addition, the proposal could increase the number of individuals who obtain sentencing credits for earning bachelor's degrees, which would create state savings from reduced prison sentences.

...But Unclear Whether Level of Funding Requested Is Necessary. While we find that the proposal is promising, the department has not provided information on why the funding currently supporting four of the existing bachelor's degree programs will no longer be available. For example, it is unclear why the programs supported with vacant position funding will now require dedicated funds to continue to operate. This is because the department has not been able to explain: (1) how much funding from vacant positions was used to support the programs; (2) what the vacant positions were intended for; (3) why the positions were vacant; (4) why the funding from the vacant positions will no longer be available (including what the funding will now be used for); and, (5) what the operational impacts would be if the Legislature redirected the vacant position funding for other purposes, such as expanding bachelor's degree programs. Without this information, it is difficult for the Legislature to determine whether the amount of funding requested is necessary to offer the level of bachelor's degree programs proposed.

LAO Recommendation

Withhold Action Until the Department Can Provide Information on Current Program Funding. We recommend that the Legislature withhold action on the Governor's proposal to maintain and expand the number of prisons offering bachelor's degree programs, as well as direct the Administration to provide information, no later than April 1, 2022, on why the funding currently supporting four of the five existing bachelor's degree programs will no longer be available in 2022-23. This information would allow the Legislature to determine what level of state funding is necessary to the extent it wants to maintain and/or expand bachelor's degree programs for incarcerated people.

STAFF COMMENT

As higher education programs continue to expand in the state prisons, the Legislature may wish to provide additional funding on an ongoing basis to Project Rebound programs that currently exist to serve the growing number of formerly incarcerated individuals seeking to finish their higher education degrees. In addition, the Legislature may wish to provide funding to CSUs that currently do not have a Project Rebound program to establish one. Staff notes that while CSU is not part of this Subcommittee, the impact of higher education on reducing recidivism rates is a priority interest and should be considered part of a comprehensive reentry strategy to improve public safety.

Staff Recommendation: Hold Open.

ISSUE 4: VARIOUS BUDGET CHANGE PROPOSALS

The Department of Corrections and Rehabilitation (CDCR) will provide an overview of various budget change proposals.

PANEL 1: REPURPOSING CONDEMNED HOUSING

- Chris Lief, Deputy Director, Facilities, planning, Construction and Management, CDCR
- Caitlin O'Neil, Legislative Analyst's Office
- Lynne Ishimoto, Department of Finance

The Governor's Budget requests \$1.5 million one-time General Fund for a consulting contract to repurpose condemned housing/support spaces at San Quentin State Prison. In January 2020, CDCR implemented a two-year voluntary Condemned Inmate Transfer Pilot Program (CITPP) to provide condemned individuals with additional job placement opportunities. This pilot was initiated to meet the provisions in Proposition 66 (approved by voters in 2016), which requires condemned individuals to participate in institution jobs in order to pay court-ordered restitution to their victims, and provide additional rehabilitative and educational opportunities.

LEGISLATIVE ANALYST'S OFFICE

Public Health Concerns Identified with San Quentin Facilities. Rapid spread of COVID-19 at San Quentin—particularly during a major outbreak in the summer of 2020—has raised significant public health concerns about the safety of housing facilities at San Quentin, including the condemned inmate housing facilities. This is because these facilities consist of five housing tiers stacked on each other with barred cell doors and generally poor ventilation. According to an infectious disease epidemiologist and professor at the University of California Irvine who testified in a court case related to CDCR's handling of COVID-19 at San Quentin, the architecture of these facilities presents a major problem. Specifically, barred cell doors allow air to flow between neighboring cells and stacked tiers allow infectious droplets to travel from the top to the bottom of the facilities, entering cells along the way. Moreover, there is very little outside air intake to these facilities, meaning that air containing the virus can be recirculated throughout the facility.

LAO Recommendation

Direct CDCR to Provide Additional Information. Although CDCR has not fully defined the scope of the proposed consultant's work, the department indicates that it does not plan to require the consultant to consider the above public health concerns. We note, however, that to the extent CDCR later modified the facility to address public health concerns—such as by improving outside air intake—such changes could require the department to remove or destroy the modifications made resulting from the work of the consultant. In order to ensure that the Governor's proposal is aligned with legislative priorities in assessing and addressing the needs of the housing facilities at San Quentin,

we recommend the Legislature direct the department to report the following information at spring budget hearings: (1) the defined scope of the proposed consultant's work; (2) the rationale for not having the consultant consider the public health concerns that have recently been identified; and, (3) the cost of requiring the consultant to make recommendations on how to address these concerns.

PANEL 2: CALPIA JANITORIAL EXPANSION

- Dave Lewis, Deputy Director, Facilities Planning, Health Care Services, CDCR
- Orlando Sanchez Zavala, Legislative Analyst's Office
- Cynthia Mendonza, Department of Finance

The Governor's Budget requests \$8.6 million General Fund in 2022-23, and \$10.5 million General Fund in 2023-24 and ongoing for expanded contractual services with the California Prison Industry Authority (CalPIA). The additional funding will allow CalPIA to clean newly constructed health care spaces and dental areas, and increase institution supervisory staffing levels.

LEGISLATIVE ANALYST'S OFFICE

Expansion Reasonable, but Additional Supervisors Appear Unnecessary. Given the quality of the services provided by HFM to date, we find the proposal to expand the contract to include additional health care facilities reasonable. However, the proposal to change the ratio of custodian supervisors to civil service and inmate custodians appears unnecessary. While CalPIA indicates that the custodian supervisors are necessary to address various problems they have identified (such as providing timely evaluations), the Healthcare Facilities Maintenance (HFM) program has been able to provide quality service without these additional positions. Accordingly, it appears that these problems are not significant enough to impact the quality of service. While we acknowledge that these problems could impact the program in other ways, CalPIA has not provided evidence that this is the case, including the extent to which the additional custodian supervisors proposed would in fact alleviate such impacts. For example, it possible that other actions—such as additional training—would address the identified problems in a more effective and efficient manner.

Lack of Detail on Break Out of Proposed Resources. We note that, at the time this analysis was being prepared, CalPIA was unable to provide information on how much of the requested resources would support the expansion of the HFM program into additional health care facilities versus changing the ratio of custodian supervisors to civil service and inmate custodians. (Based on the limited data available, we estimate that several million dollars of the requested funding is related to changing the supervisor to staff ratio.)

LAO Recommendation

Approve Funding Associated With Expansion, Reject Funding to Change Supervisor to Staff Ratio. In view of the above, we recommend that the Legislature only

approve the funding necessary for the HFM program to expand into new health care facilities and reject the funding necessary to change the ratio of custodian supervisors to civil service and inmate custodians. Additionally, we recommend that the Legislature direct CalPIA to report the amount of the requested funding associated with changing the custodian supervisor ratio separately. This would help the Legislature determine how much to reduce CDCR's budget in accordance with our recommendation.

PANEL 3 REDACTION WORKLOAD

- Madelynn McClain, Deputy Director, Office of Fiscal Services, CDCR
- Caitlin O'Neil, Legislative Analyst's Office
- Anthony Franzoia, Department of Finance

1. The Governor's Budget requests \$1.1 million General Fund and 7.6 positions in 2022-23 and ongoing for compliance with Chapter 402, Statutes of 2021 (SB 16). Chapter 988, Statutes of 2018 (SB 1421), amended Penal Code sections 832.7 and 832.8, making peace officer and custodial officer investigation and personnel records available for public inspection, pursuant to the California Public Records Act, when those records relate to reports, investigations, and findings of officer-involved incidents, including discharge of a firearm at a person; use of force resulting in death or great-bodily-injury; or sustained findings of sexual assault and acts of dishonesty directly relating to the reporting, investigation, or prosecution of crime, or misconduct by a fellow officer.

2. The Governor's Budget requests \$19.5 million and 10 positions in 2022-23 and \$1.4 million in 2023-24 and ongoing to develop an eDiscovery platform and increase staffing for the centralized video storage, and redaction unit. (A portion of the proposed resources are for redaction activities).

LEGISLATIVE ANALYST'S OFFICE

Staff Note: A number of budget proposals have components of staff redaction workload. In addition to the two proposals discussed above, resources related to redaction are also in the video surveillance budget proposal (Issue 1) and the contract bed unit premise in CDCR's population data. The LAO analysis and recommendation below is in reference to the follow proposed resources:

1. New Redaction Workload Created by Chapter 402 (\$1.1 Million). Under the Governor's proposal, Office of Legal Affairs would receive 7.6 positions and \$1.1 million to handle ongoing workload resulting from the implementation of Chapter 402.

2. Other Redaction Workload (\$2.6 Million). With the expansion of cameras in prisons, CDCR reports that PRA requests have increased—nearly tripling from 134 in 2020 to 473 in just the first half of 2021—and are expected to continue to increase. To address this increased workload, CDCR has temporarily redirected existing staff. However, the department reports that these redirections are not sustainable because they have caused delays in other important workload, such as audits of corrective action plans to ensure compliance with the Americans with

Disabilities Act. Under the Governor's budget, DAI would receive a total of 19 positions and \$2.6 million to handle this workload on an ongoing basis. This would allow existing staff to return to the workload they were redirect from.

Need for Ongoing Resources Unclear. We find that the level of resources requested for redaction workload appear reasonable in the near term. However, because CDCR is currently implementing software that it expects to significantly improve the efficiency of redaction work, it is possible that the department will not need all of the requested resources on an ongoing basis.

LAO Recommendation

Approve Resources on Limited-Term Basis. Given that CDCR's ongoing need for the requested resources for redaction is unclear, we recommend the Legislature approve the proposed positions and funding on a two-year, limited-term basis (rather than on an ongoing basis as proposed by the Governor). After CDCR has fully implemented the new redaction software, its ongoing resource needs should become clearer. The Administration can submit a request for ongoing resources for legislative consideration as part of the 2024-25 budget process.

Staff Recommendation: Hold Open.

ISSUE 5: UPDATE ON DIVISION OF JUVENILE JUSTICE (DJJ) REALIGNMENT

The Department of Corrections and Rehabilitation (CDCR) shall provide an update on DJJ realignment, including an update on COVID-19 in DJJ facilities, the DJJ transition plan and staff retention issues.

PANELISTS

- Dr. Heather Bowlds, Director, Division of Juvenile Justice
- Anthony Franzoia, Department of Finance

*The Legislative Analyst's Office is available for questions from members.

BACKGROUND

By January 1, 2022, Welfare and Institution Code Section 736.5 required DJJ to develop a plan for the transfer of jurisdiction of youth remaining at DJJ who are unable to discharge or otherwise move prior to the final closure of DJJ on June 30, 2023. The report was eventually received on February 9, 2022. According to the report, there are currently 660 youth from 40 counties who are currently housed at DJJ. As a part of realignment, youth could not be committed to DJJ after July 1, 2021 unless a motion to transfer the minor from juvenile court to adult court was filed. Since July 1, 2021, 24 youth were committed to DJJ (11 cases have not been accepted, 8 cases are being processed for acceptance, and 5 were rejected due to not meeting the criteria). As of December 2021, DJJ estimates approximately 250 youth who are ineligible for discharge prior to closure. DJJ plans to work in partnership to establish individual transfer plans. The transfer plan outline is provided on pages 3-5 of the DJJ Transition Plan handout.

Please see the background for Issue 6 for additional information.

Staff Recommendation: Hold Open.

5227 BOARD OF STATE AND COMMUNITY CORRECTIONS**ISSUE 6: JUVENILE FACILITIES GRANT**

The Board of State and Community Corrections (BSCC) will provide an overview on the juvenile facilities grant proposal.

PANELISTS

- Katie Howard, Executive Director, BSCC
- Orlando Sanchez Zavala, Legislative Analyst's Office
- Allison Hewitt, Department of Finance
- Frankie Guzman, Director of Youth Justice Initiative, National Center for Youth Law

Background

Youth crime has been trending downward for the last several decades. Youth arrests for violent crime have dropped by nearly 70% since 1994 and juvenile felony arrests overall have declined by 71% since 1999. Even so, between 1996 and 2007, 41 counties spent nearly \$500 million to add juvenile beds to their capacity. In 2007, the Legislature realigned youth (SB 81) adjudicated for non-Welfare and Institutions Code 707(b) offenses to the counties which resulted in a second round of juvenile bed expansion. As of 2018, out of 43 counties, 39 county juvenile halls were at less than 50% capacity and at least 7 counties were less than 25% full. These reductions in youth crime and fewer occupied beds in local juvenile facilities have resulted in skyrocketing costs as juvenile operations and bed capacity have not been reduced in a commensurate manner. Grand juries in Nevada and Marin County have recommended closing their juvenile halls due to the excessive costs, and in Nevada County, the Grand Jury recommended Nevada County to contract with other county partners, a typical practice of many rural counties. A subsequent report from the Nevada County Grand Jury indicated the county will be reducing costs to operate the juvenile hall by ways to repurpose and expand its use to a general "hub for youth activities serving a much wider community."¹

The 2020 Budget Act included plans to realign youth committed to the Division of Juvenile Justice (DJJ) to county placements and close the state DJJ facilities by June 30, 2023. Since July 1, 2021, to be eligible for placement in DJJ, youths must: (1) have committed certain significant crimes listed in statute (such as murder, robbery, and certain sex offenses); and, (2) have had a transfer request filed in their cases. However, such placements may not occur after June 30, 2023, the date by which current law requires DJJ to close. As of December 2021, there were about 660 youth housed in DJJ.

Counties currently have an overabundance of physical capacity to absorb the DJJ realigned population. The annual commitments to DJJ are approximately 250 youth. In addition, counties have had a long standing practice of forming partnerships and contracting with one another, a practice that would likely continue upon DJJ's closure.

¹ <https://www.theunion.com/news/nevada-county-grand-jury-juvenile-hall-is-being-transformed/>

Proposed Funding

The Governor's Budget proposes \$100 million one-time General Fund to provide counties with grants for juvenile facility improvements. The purpose of the grants is to repair county youth facilities and/or enhance counties' ability to provide rehabilitation programs and services for realigned youth, including youth who will be assigned to secure youth treatment facilities. The Administration states that the funding would be prioritized for counties that were not awarded facility-related funding under SB 81 and for projects that would provide rehabilitative programming for youth and/or modernize units and sleeping rooms to comply with existing building standards. Counties would not be able to fund projects that would increase the capacity of their facilities. The proposed facility grant program would be administered by BSCC and of the \$100 million proposed, up to \$5 million would be available for BSCC's administrative costs.

LEGISLATIVE ANALYST'S OFFICE (LAO)

The Legislative Analyst's Office provides the following analysis and recommendations.

Proposal Not Based on Thorough Assessment of County Facility Needs. While the Administration conducted a survey to determine whether counties would be interested in receiving additional facility funding, no assessment has been carried out to detail the extent to which existing county facilities are currently in need of repair or not adequate to provide rehabilitative programs or other services for realigned youths. Moreover, the Administration has not provided detailed cost estimates for addressing any identified deficiencies—making it difficult for the Legislature to evaluate the appropriateness of the proposed \$100 million.

Newly Constructed Beds Should Be Accounted for. Due to the facility grant funds that the state has provided to counties in recent years, a significant number of newly constructed beds have become or will become available. Specifically, 614 new beds have been constructed since 2013 and 318 new beds are expected to become available over the next several years, for a total of 932 new beds—more than the number of youths expected to be realigned to counties in 2024-25. In assessing whether existing county facilities are adequate, it is important to consider the availability of the new beds, as they could be more conducive to programming and in better condition than a county's existing beds.

Counties With Facility Needs Can Contract for Needed Facilities. We also note that while it is possible that some counties—particularly smaller counties—may have some facility needs, such counties can contract with other counties to house realigned youths. A survey conducted by BSCC following the passage of SB 823 found that several counties would be willing to take realigned youths from other counties.

Role of OYCR. SB 823 specified that no juvenile grants shall be awarded by BSCC without the concurrence of OYCR. It also specified that all juvenile justice grant administration functions should move from BSCC to OYCR by January 1, 2025. For this proposal, the Administration has confirmed that OYCR would be involved, but their role is not clear from the budget proposal or budget bill language. OYCR is also in the process

of reviewing each county's plans for juvenile justice, as required by SB 823, which is supposed to include an outline of facilities. It would be useful for the Legislature to have more information about the facilities elements contained in the county plans to assess the need for this funding.

Lack of detail. The Administration has not provided any details on the grants themselves, including the size of the grants or number of awards, and an outline of the selection process, including how grants would be ranked and who would be on the selection committee. The proposal does not specify how much funding would go towards different types of facilities, such as SYTFs, or how the Administration will ensure that the facilities are aligned with the new vision for juvenile justice. For example, some counties may use this funding to upgrade their juvenile halls, which may not result in the desired types of space. The proposal also doesn't outline reporting requirements. The Legislature should consider defining more of these parameters in language.

LAO Recommendation. Because the Administration did not provide adequate justification for the level of facility funding requested and it is not clear why additional funding is necessary, we recommend that the Legislature reject the Governor's proposed County Operated Juvenile Facility Grant Program. To the extent the Administration is able to provide a detailed assessment of county juvenile facility needs that account for newly constructed beds in the future, the Legislature could consider providing facility grants to counties at that time.

STAFF COMMENT

Staff notes, similar to the LAO's analysis, very little information is known regarding the needs of counties, the appropriate level of state resources that should be provided, and the types of placements that are most conducive for improved youth outcomes and reduced recidivism. The Administration's proposal also lacks sufficient detail as to how, to whom, and for what specific purposes the funding will be allocated. In addition, it is unclear how much of this funding is dedicated specifically to address the youth that would otherwise be committed to DJJ vs funding for general juvenile facility improvements.

The following follow up questions regarding this proposal were sent to the Department of Finance and BSCC on January 25, 2022 but as of the drafting of this agenda, responses have not yet been provided.

1. What are the permissible uses for this grant? What restrictions will there be, if any? Will this funding be allowed to increase overall bed capacity?
2. How will you prioritize proposals? Are there minimum/maximum grant amounts?
3. What proportion of this funding is proposed for Secure Youth Treatment facilities? What proportion is intended for general modification of existing facilities for the non-realigned youth population?
4. Please describe in more detail the grant application process—which entities are permitted to apply? Will the process include input from the community (i.e. advocates, non-law enforcement county entities, etc.)?

5. Will you be including a report back on expenditures?
6. What is the justification for these proposed resources—Finance indicated a need to do a compressive state survey to understand capital needs prior to providing any significant resources to counties back when SB 823 was negotiated —was that information (specific to facility needs) collected to serve as the basis for the request? If so, can you please share that information?
7. BSCC will be making standards for secure facilities in conjunction with the Office of Youth Community Restoration. How will you ensure that funded facilities align with these standards?

Staff Recommendation: Hold Open.

ISSUE 7: GUN BUYBACK PROGRAM

The Board of State and Community Corrections (BSCC) will provide an overview of the Gun Buyback program proposal.

PANELISTS

- Katie Howard, Executive Director, BSCC
- Anita Lee, Legislative Analyst's Office
- Justin Adelman, Department of Finance

Proposed Funding

The Governor's Budget proposes \$25 million one-time General Fund to implement the Local Law Enforcement Gun Buyback Grant Program. This program will provide matching grants and safe-disposal opportunities to remove guns from the streets and raise awareness of gun violence. The Administration states that in one recent literature review, researchers found that gun buyback programs "are cost effective and have been successful at reducing the number of unwanted firearms at a national level, as seen in Australia in the 1990s to 2000s, in addition to the local level, as evidenced by the numerous cities that host annual buybacks."²

According to the BSCC, the Administration believes that the gun buyback grant program, in conjunction with other investments such as the \$2 million ongoing General Fund to support research conducted by the Firearm Violence Research Center at the University of California, Davis, will promote public safety by increasing scientific research, public awareness, and reducing the number of firearms in California. The BSCC plans to use an Executive Steering Committee process to determine the actual grant process, including grant amounts and allowable activities. The BSCC states it plans to administer the grant through a reimbursement model. The BSCC has also stated that it is difficult to associate a single metric to any buyback program to determine the impact reducing gun violence.

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

The Legislative Analyst's Office provides the following analysis and other policies the Legislature may wish to consider to reduce the number of firearms in the state.

The lack of details on how the BSCC grant funding would be allocated and used makes it difficult for the Legislature to assess whether programs are structured in the most effective manner, what outcomes could be achieved, and how likely the Governor's proposals are to be successful. For example, if the goal of the gun buyback program is specifically to reduce firearm crime-related violence, research suggests that such programs are more effective if they require firearms be working in order to receive an incentive, prioritize the types of firearms used in crimes (such as newer firearms or semiautomatic pistols), and/or focus on the types of individuals or locations more prone

² (Hazeltine, M.D., Green, J., Cleary, M.A. et al. A Review of Gun Buybacks. Curr Trauma Rep 5, 174–177 (2019).

to firearm violence. However, it is unclear whether BSCC will ensure the gun buyback program is structured effectively.

Gun Violence Reduction Program to Reduce Number of Armed and Prohibited Persons. APPS identified nearly 23,600 armed and prohibited persons as of January 2021. The 2021-22 budget provided \$10 million one-time General Fund to DOJ's Gun Violence Reduction Program for competitive grants to county sheriff's departments to reduce the number of armed and prohibited persons by seizing firearms and ammunition from them. To the extent the Legislature would like to further reduce the number of armed and prohibited persons, it could provide additional funding to the Gun Violence Reduction Program and make other law enforcement agencies (such as city police) eligible for grants.

Firearm Removal From Individuals Immediately When They Become Prohibited. Beginning in 2018, courts have been required to inform individuals upon conviction of a felony or certain misdemeanors that they must: (1) turn over their firearms to local law enforcement; (2) sell the firearms to a licensed firearm dealer; or, (3) give the firearms to a licensed firearm dealer for storage. Courts are also required to assign probation officers to report on what offenders have done with their firearms. Probation officers are required to report to DOJ if any firearms are relinquished to ensure the APPS armed and prohibited persons list is updated. To the extent the Legislature would like to limit growth in the number of armed and prohibited persons, providing funding to local law enforcement agencies and probation departments to ensure this process is followed can be effective as firearms would be surrendered at the time of conviction.

STAFF COMMENT

The research cited from Australia's National Firearms Agreement (NFA) indicated that nearly 650,000 guns were bought back in about a year. But it is worth noting that the gun buyback program was not a standalone policy but was accompanied by other measures including banning semi-automatic and automatic rifles and shotguns which made the buyback program "mandatory" for those banned weapons that were already in circulation. In addition, Australia significantly restricted legal ownership of firearms, established a registry of all guns owned in the country, and required a permit for all new firearm purchases. As a result of these policies, the firearm suicide rate decline by 57% and the firearm homicide rate went down by 42% in the 7 years after adoption of these policies. In addition, 22 years after the implementation of such policies (1996 to 2018), one mass shooting has occurred in Australia as compared to the 18 years prior to the adoption of these policies where a total of 13 mass shootings occurred. A subsequent 2018 RAND Corporation analysis noted that while "there is more evidence consistent with the claim that the NFA caused reductions in firearm suicides and mass shootings than reductions in violent crime generally, but there is also evidence that raises questions about whether those changes can be attributed to the NFA or to other factors that influenced suicide and mass shooting rates around the time the NFA was implemented."

Some critics have questioned the efficacy of gun buyback programs citing the very small number of firearms that are actually retrieved compared to the number of firearms in circulation. According to a factsheet published in 2018 by the Firearm Violence Research Center at UC Davis, there are approximately 4.2 million gun owners and 20 million firearms in California. The numbers have steadily increased. In 2020 alone, nearly 1.17

million new firearms were registered in California with handgun sales up by 65.5% and long gun sales up by 45.9% from the previous year. More importantly, while gun buyback programs may reduce the overall number of firearms in the state, it is unclear whether it will reduce the number of firearms that are used or will be used in crimes.

While research is inconclusive on the efficacy of gun buyback programs in reducing gun violence and related crime, some experts cite the strategy as an effective public education tool to raise awareness on gun safety. Further, should the Legislature wish to consider other policies such as the ones suggested by the LAO to support a more comprehensive strategy to reduce gun violence, the gun buyback program may be complementary.

Staff Recommendation. Should the Legislature wish to fund this program, staff recommends the inclusion of budget bill and trailer bill language to ensure that all guns collected through this program or any program funded with state monies be destroyed, except those weapons that are evidence in a crime. Current law, under Penal Code Section 18005(a) allows for surrendered firearms to be sold at public auctions. Collected firearms through gun buyback programs that are subsequently sold back to the public is contrary to the goal of reducing the number of firearms in circulation in the state.

Staff Recommendation: Hold Open.

NON-DISCUSSION ITEMS

The Subcommittee does not plan to have a presentation of the items at this time in this section of the agenda but the Department of Finance and the Legislative Analyst's Office are available to answer questions from members. Public Comment may be provided on these items.

5225 CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

ISSUE 8: VARIOUS BUDGET CHANGE PROPOSALS

1. Rehabilitative Programming Support. The Governor's Budget requests \$3.9 million General Fund and 62.5 positions in 2022-23 and \$4.6 million General Funding and 72.5 positions in 2023-24 and ongoing for workload associated with credit earning programs.

Staff Comment. The estimated workload was based primarily on information available prior to the pandemic when prison population was significantly higher and more programming was in operation. As a result of the pandemic, programs have either ceased or been reduced significantly. The Subcommittee may wish to direct CDCR to provide an updated proposal in a future budget year once programming has fully resumed, and also taking into account the reduced population. In addition, the Subcommittee may wish to get an update on vacancies of instructor or facilitator positions for all rehabilitative, vocational, and education programming in classes and programs in all prisons.

2. Additional Staff for Victim Restitution Collection Services: The Governor's Budget requests six additional positions in 2022-23 and 2023-24 utilizing remaining resources in the Restitution Administrative Fee Fund (RAFF). Beginning in 2024-25, CDCR proposes to shift all expenditures supporting Victim Restitution Collection Services from the RAFF to the General Fund, resulting in \$3.1 million General Fund and 21 positions in 2024-25 and ongoing.

Staff Comment. The Subcommittee is in receipt of public comment on this proposal from the UC Berkeley Law and Policy Advocacy Clinic:

"While CDCR's proposal is framed as providing for crime survivors via increased collections and distribution efforts, it does not accurately represent the duties performed by the Office of Victim and Survivor Rights and Services (OVSRS), nor does it require additional funds. Specifically, this proposal warrants a more thorough review for the following reasons:

- **CDCR can use existing resources to fund this workload.** CDCR's OVSRS does not actually disburse monies to survivors, but instead remits collected funds to the CA Victim Compensation Board for disbursement, or for deposit into the State Restitution Fund. In response to a public records request that our clinic submitted in December of 2020, they confirmed that after deducting 10% of funds collected, the remaining collected monies were remitted to the State Restitution Fund. In 2021, the CDCR reported that they have 10 staff working on restitution collections that allocate just 60%-80% of their time to this unit. The accounting staff do not work exclusively, or even mostly, with restitution cases and should not be

allocated Victim Services funds rather than using the department's existing operational budget. The garnishment process is largely automated and already employs a *considerable transaction fee* for each individual trust account deposit. The department admits that the RAFF fund balance is \$10.5 million dollars-enough to support their ten designated OVSRS staff at the highest salary point without general fund appropriations for the next 7.5 years.

- **Funding could support victims directly instead.** The proposed \$3.14 million could be used to fund over 1400 *additional* victim compensation claim awards, or fund an additional 1.5 Trauma Resource Center (TRC) Grant awards for the purposes of providing direct services to individuals and families. OVSRS analysts are effectively collections administrators according to the actual duties performed. Direct services for victims are already provided at TRCs within county victim services units, and through Cal VCB, and it does not make sense to replicate those services through a department that is unable to provide adequate, trauma-informed care. Because survivors are responsible for pursuing their restitution order with CDCR (to coordinate collections with their case) *and* their victim compensation claim (for actual disbursement), pursuing these orders is not only confusing for crime survivors, but expensive, time-intensive, and often re-traumatizing. The administrative burden placed on survivors to navigate through both agencies illustrates why only 1% of survivors receive the restitution they were ordered and 71% never receive any restitution at all (based on a survey and data and from the San Francisco District Attorney's Victim Services Unit).
- **Requested resources are not cost effective and will not lead to actual delivery of victim compensation and services.** The services performed by the proposed staff positions are unjustifiably cost-ineffective and mislead the budgetary staff to equate victim location and identification services with the actual delivery of compensation and services to those individuals. At current staffing and budget levels, OVSRS has spent their ~\$2 million budget to locate ~3500 survivors annually (approximately \$630 per person located), often to send just a few dollars to these survivors each month. CDCR claims to need \$3.1 million in general funds to "ensure the collection and disbursement of approximately \$30 million in restitution funds." In actuality, the department has used just \$2 million dollars in garnished funds to collect just \$20 million annually and disburse \$0."

3. Americans with Disabilities Act (ADA) Facility Improvements. The Governor's Budget requests \$22.2 million one-time General Fund for the construction of ADA accessibility improvements at the California Institution for Men, California Institution for Women, California State Prison – Los Angeles County, and Richard J. Donovan Correctional Facility.

4. American's with Disabilities Act (ADA) Staffing. The Governor's Budget requests \$2.6 million General Fund and 20 positions in 2022-23 and \$2.7 million ongoing to support court mandated ADA remedial measures for disabled incarcerated persons at various institutions. These resources will be used to provide the disabled population with increased access to programs, services, and activities consistent with the ADA. CDCR will monitor compliance by tracking litigation costs, decreases in the number of rules violations, and number of grievances and incident reports filed by the incarcerated population.

5. CalAIM Justice-Involved Initiative. The Governor's Budget requests \$10.4 million (\$5.2 million General Fund and \$5.2 million in reimbursement authority) in fiscal year 2022-23 and ongoing for 81.2 positions to support the implementation of the California Advancing and Innovating Medi-Cal (CalAIM) initiative. Additionally, the Budget requests to shift \$5.5 million in 2022-23, growing to \$25.6 million in fiscal year 2026-27 and ongoing, from the General Fund to reimbursements to reflect increased federal funding that is anticipated to become available for covered services under CalAIM. The CalAIM initiative is a framework that encompasses a broad-based delivery system, program, and payment reform across the Medi-Cal program, with the goal of improving health outcomes for Medi-Cal beneficiaries and other low-income people in the state.

6. Class Action Lawsuit Staff. The Governor's Budget requests \$2.4 million General Fund and 14 positions in 2022-23 and \$2.3 million ongoing to handle legal work involved in class action lawsuits. This proposal is aimed at decreasing litigation costs through targeted intervention, the development of proactive litigation strategies and policy change, and the promulgation of regulations and policies that will assist in future termination of expensive class action litigation.

7. DOJ Legal Service Fees. The Governor's Budget requests \$1.5 million ongoing General Fund for Department of Justice (DOJ) Legal Services fees. Although CDCR received base funding in 2012-13 to fund DOJ legal services costs, it was insufficient. Instead of using 2009-10 expenditures as the base for the augmentation, DOJ used CDCR's 2010-11 expenditures and applied a 15 percent reduction. The Legislature further reduced the proposed amount for CDCR by \$5.5 million to make the statewide proposal cost neutral. This resulted in an ongoing appropriation to CDCR below actual spending. The 2019 Budget Act included Control Section 5.00 to address the impact of updated DOJ legal service hourly billing rates on client agencies' appropriations, effective on September 1, 2019; CDCR's budget was augmented by \$14.4 million in 2019-20, and \$17.3 million in 2020-21 and ongoing. Over the years, CDCR has utilized internal resources to address the ongoing deficit and permanently redirected \$9.9 million from its Administrative budget on an ongoing basis in the 2019 Budget Act, bringing the total ongoing appropriation to \$67.8 million. However, there are no additional internal resources available to offset these increased costs.

8. Hepatitis C Virus Treatment Funding Augmentation. The Governor's Budget requests augmentation of \$47.1 million General Fund in 2022-23, \$76.3 million in 2023-24, and \$40.4 million in 2024-25 for the Hepatitis C Virus (HCV) treatment program. This supplemental funding will result in a total budget for treatment of HCV of \$107.1 million in 2022-23, \$136.3 million in 2023-2024, and \$100.4 million in 2024-25. These funds will allow CDCR the ability to treat an estimated 8,580 patients in 2022-23 and 2023-24, and 6,300 patients in 2024-25. The cost to treat 8,580 HCV infected patients in 2022-23 and 2023-24 is approximately \$136.3 million and 6,300 patients in 2024-25 is approximately \$100.4 million. CDCR has the appropriate medications on-hand to deploy in 2022-23, which accounts for the decreased request in 2022-23.

9. Light Duty and Modified Work Assignments Continuation. The Governor's Budget requests \$9.5 million General Fund and seven positions ongoing to support return-to-work programs, including the limited term light duty assignment and temporary modified work assignment policies.

10. Mental Health Data Analysis and Informatics. The Governor's Budget requests 22.0 positions and \$3.1 million from the General Fund in fiscal year 2022-23 and ongoing to support additional Mental Health reporting tasks, a new data validation project related to the *Coleman* court, and to address increased reporting requests from both internal and external stakeholders.

11. Microsoft End User Licensing Agreement. The Governor's Budget requests \$11.5 million General Fund in 2022-23, \$16.1 million General Fund in 2023-24, and \$17.5 million General Fund in 2024-25 and ongoing, to cover the increased cost of moving to a statewide contract for Microsoft End User Licensing Agreement. The new statewide agreement provides the state with enhanced licensing levels that offer access to upgraded software and security benefits that may ordinarily be out of fiscal reach.

12. Privacy Office Augmentation. The Governor's Budget requests 12.0 positions and \$2.1 million General Fund in fiscal year 2022-23 and ongoing for resources to enhance CDCR's ability to identify, prevent, manage, and mitigate privacy, information security, and cybersecurity risks and threats, and address key vulnerabilities consistent with recent Corrective Action Plans.

13. Roof Replacement Design and Construction. The Governor's Budget requests \$2 million General Fund in 2022-23 for the design phase and \$71 million General Fund in 2023-24 for the construction phase of roof replacements at the California Institution for Men (CIM) and the California Medical Facility (CMF). Roof replacements are necessary due to deteriorated conditions of existing roofs that severely impact housing conditions and incarcerated individuals' access to services and rehabilitation programs.

14. Security Solutions and Laptop End User Security. The Governor's Budget requests 9 positions and \$4.4 million General Fund in 2022-23 and \$5.2 million General Fund in 2023-24 and ongoing to address information security and cybersecurity vulnerability. Of this amount, \$1.8 million in 2022-23 and \$2.6 million ongoing will support endpoint protection software for the 37,000 thin-client laptops that will be deployed system-wide for use by incarcerated individuals in conjunction with educational programming consistent with the 2021-22 Technology for Inmates Participating in Academic Programs BCP.

15. Statewide: Budget Packages and Advanced Planning. The Governor's Budget requests \$1 million to perform advanced planning functions and prepare budget packages for capital outlay projects so that CDCR can provide detailed information on scope and costs on requests for planned projects statewide.

16. Support for Inmate-Ward Labor Construction Projections. The Governor's Budget requests \$1.1 million in reimbursement authority and 13 positions ongoing to support the Inmate/Ward Labor Program. These positions will provide administrative support in construction field offices by performing administrative tasks required for current construction projects.

17. Tattoo Removal Program. The Governor's Budget requests \$567,000 General Fund in 2022-23 and \$1.1 million General Fund through 2025-26 to implement a tattoo removal program. The 2019 Budget Act included resources to support the tattoo removal program;

however, these resources were cut in the 2020 Budget Act due to anticipated economic issues resulting from the COVID-19 Pandemic.

18. Technical Adjustments. The Governor's Budget requests a net-zero change to permanently realign budget authority by program. Each year, the Budget Act provides CDCR funding and CDCR makes adjustments through various Executive Orders and Budget Revisions. Due to changes in business practices in past years and previous errors in scheduling budget authority by program, CDCR has identified necessary technical adjustments among various programs. These technical adjustments will accurately align budget authority with anticipated expenditures.

19. Updating the Utilities and Waste Removal Funding Methodology. The Governor's Budget requests \$ 22.2 million ongoing General Fund to establish an updated funding methodology for utilities and waste removal expenditures. CDCR also requests ongoing authority to adjust these costs annually using the most current California Consumer Price Index (CPI) to reflect the price fluctuations for these services.

20. Returning Home Well. The Governor's Budget requests \$10.6 million General Fund annually on a three-year limited term basis (total of \$31.8 million) to continue the Returning Home Well Program. CDCR has projected a post-release housing need of 1,065 participants utilizing the average number of incarcerated individuals reporting that they were in need of housing at the time of release from 2016-17 through 2018-19. CDCR has estimated the average length of stay for housing to be 135 days.

Staff Recommendation: Hold Open.

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