

## AGENDA

## ASSEMBLY BUDGET SUBCOMMITTEE NO. 5

## PUBLIC SAFETY

ASSEMBLYMEMBER NORA CAMPOS, CHAIR

WEDNESDAY, MARCH 16, 2016

1:30 P.M. – CALIFORNIA STATE CAPITOL ROOM 437

| ITEMS TO BE HEARD |  |          |
|-------------------|--|----------|
| ITEM              | DESCRIPTION  |          |
| <b>5225</b>       | <b>CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION</b> | <b>1</b> |
| ISSUE 1           | POPULATION OVERVIEW  | 1        |
| ISSUE 2           | ALTERNATIVE CUSTODY PROGRAMS                                   | 3        |
| ISSUE 3           | EXPANSION OF PROGRAMS AND SERVICES FOR LIFER POPULATION        | 6        |
| ISSUE 4           | MALE COMMUNITY REENTRY PROGRAM                                 | 10       |
| ISSUE 5           | SEX OFFENDER MANAGEMENT  | 12       |
| ISSUE 6           | ENHANCED DRUG AND CONTRABAND INTERDICTION PROGRAM              | 14       |
| ISSUE 7           | SUBSTANCE USE DISORDER TREATMENT EXPANSION                     | 19       |

## ITEMS TO BE HEARD

**5225 CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION****ISSUE 1: POPULATION OVERVIEW**

The California Department of Corrections and Rehabilitation will open this issue with a description of recent cost and population trends and discussion on the primary drivers of those trends.

**PANELISTS**

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

**BACKGROUND****Funding**

The Governor's budget proposes total funding of \$10.5 billion (\$10.3 billion General Fund and \$300 million other funds) in 2016-17. This is an increase of approximately \$500 million (\$470 million General Fund) over 2014-15 expenditures. The following table shows CDCR's total operational expenditures and positions for 2014-15 through 2016-17

(Dollars in Millions)

|                          | 2014–15 Actual  | 2015-16 Estimated | 2016–17 Proposed |
|--------------------------|-----------------|-------------------|------------------|
| Prisons                  | \$8,956         | \$9,138           | \$9,278          |
| Adult parole             | 450             | 554               | 554              |
| Administration           | 461             | 473               | 473              |
| Juvenile institutions    | 173             | 186               | 188              |
| Board of Parole Hearings | 37              | 44                | 48               |
| <b>Totals</b>            | <b>\$10,077</b> | <b>\$10,395</b>   | <b>\$10,540</b>  |

## **January 2016 Population Projections**

The average daily prison population is projected to be about 128,800 inmates in 2016-17, an increase of about 1,200 inmates (1 percent) from the estimated current-year level. This increase is primarily due to the fact that CDCR is projecting a slight increase in the number of inmates sentenced to prison by the courts.

The average daily parole population is projected to be about 42,600 in 2016–17, a decrease of about 1,400 parolees (3 percent) from the estimated current–year level. This decrease is due to a decline in the number of individuals being paroled after being resentenced under Proposition 47.

### **CDCR Adult Institution Population**

The adult inmate average daily population is projected to increase from 127,681 in 2015-16 to 128,834 in 2016-17, an increase of 1,153 inmates. This constitutes a slight decrease from the 2015-16 projection and a slight increase from the 2015 Budget Act's 2016-17 projection.

### **CDCR Parolee Population**

The average daily parolee population is projected to decrease from 43,960 in 2015-16 to 42,571 in 2016-17, a decrease of 1,389 parolees. This is a decrease from the 2015 Budget Act projections.

### **CDCR, Division of Juvenile Justice (DJJ) Population**

The DJJ's average daily ward population is increasing, when compared to 2015 Budget Act projections. Specifically, the ward population is projected to increase by 37 in 2015-16, for a total population of 714; and 42 in 2016-17, for a total population of 719.

### **Mental Health Program Caseload**

The population of inmates requiring mental health treatment is projected to be 35,743 in 2015-16 and 36,825 in 2016-17. This is an increase of 571 and 1,653, respectively, over the 2015 Budget Act projections.

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**Staff Recommendation: Withhold action pending May update.**

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**ISSUE 2: ALTERNATIVE CUSTODY PROGRAMS**

The California Department of Corrections and Rehabilitation will open this issue with an overview of the existing Alternative Custody Programs and a discussion on the proposal to expand the programs and shorten the program participation duration.

**PANELISTS**

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

**BACKGROUND (PROVIDED BY LAO)****Alternative Custody Program (ACP)**

Chapter 644 of 2010 (SB 1266, Lieu) created the ACP to allow certain inmates to be released from prison early and serve the remainder of their sentences in the community in a private residence or residential treatment facility under the supervision of a state parole agent. The program was initially intended to serve (1) female inmates, (2) pregnant inmates, and (3) inmates who were primary caretakers of dependent children prior to their incarceration. Eligibility was limited to inmates who (1) had no current or prior serious or violent crimes, (2) had no current or prior registerable sex offenses, (3) had not been assessed as posing a high risk to commit a violent crime, and (4) had not attempted to escape from custody within the last ten years. The Legislature enacted subsequent legislation, which (1) excluded male inmates from the program and (2) amended the criminal history eligibility requirements. Specifically, Chapter 41 of 2012 (SB 1021, Committee on Budget and Fiscal Review) allowed female inmates with *prior* serious or violent crimes to participate in the program. (Inmates with current offenses for such crimes were still excluded.) Statute does not specify how much of their sentence inmates must complete in order to be eligible for ACP, but CDCR's current regulations require that program participants must be within two years of their scheduled release date.

**Enhanced Alternative Custody Program (EACP)**

In 2014, a federal court ordered CDCR to expand the ACP in order to reduce prison overcrowding. In response, the department created the EACP. The EACP is similar to the ACP except that (1) inmates who have a current serious or violent offense are eligible and (2) participants are required to reside in one of three designated residential treatment facilities located in San Diego, Sante Fe Springs, and Bakersfield.

In 2015, a federal court found that the state was unlawfully discriminating against male inmates by excluding them from the ACP and ordered CDCR to make male inmates eligible for the program. This court order did not apply to the EACP.

### Governor's Proposal

The Governor's budget includes three proposals related to the department's alternative custody programs:

- **Expand EACP.** The Governor's budget proposes a \$390,000 General Fund augmentation to expand female participation in EACP by 72 beds (36 beds at each of the existing facilities in San Diego and Sante Fe Springs). This would expand the total program capacity to 311.
- **Extend ACP Eligibility to Male Offenders.** The Governor's budget proposes \$3.3 million from the General Fund and 20 positions in 2015–16 to extend eligibility for the ACP to male inmates. Under the proposal, these levels would increase to \$6 million and 40 positions beginning in 2016–17. According to the administration these resources are needed to (1) review applications from inmates to determine eligibility, (2) develop rehabilitation plans for eligible inmates, and (3) notify stakeholders (such as local law enforcement and victims) when inmates are scheduled for early release.
- **Reduce Program Duration From Two Years to One.** The administration also proposes to reduce the length of time inmates can participate in both the ACP and EACP from within two years of their scheduled release date to within one year from being released.

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| <b>LAO ASSESSMENT AND<br/>RECOMMENDATION</b> |
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### LAO Assessment

**Proposals to Expand EACP and ACP Align With Court Orders . . .** The Governor's proposals to expand the EACP and allow male inmates to participate in the ACP appear to be aligned with recent court orders. For example, as discussed above, the federal court recently ordered CDCR to make male inmates eligible for the ACP.

**. . . But Proposed Reduction in Program Length Not Justified.** CDCR has not provided a rationale for why the alternative custody programs would operate more effectively as one-year programs rather than as two-year programs. Nor has the department fully evaluated the potential impact on the female alternative custody

programs that would occur from the reduction in length. For example, the administration has been unable to provide data on the average time that female offenders currently spend in the alternative custody programs and how many female inmates could be affected by the change. Without the above information it is difficult for the Legislature to determine whether a reduction in the length of the alternative custody programs is appropriate.

### **LAO Recommendation**

***Withhold Action.*** In view of the above, we recommend that the Legislature withhold action on the Governor's proposal to reduce the length of the alternative custody programs pending additional information to determine whether the proposed change is warranted. Accordingly, we also recommend that the Legislature direct the department to report at budget hearings on (1) why it believes the male ACP would operate more effectively as a one-year program and (2) its assessment of the impact of reducing the program length on female offenders.

While we find that the Governor's proposal to expand the ACP and the EACP are aligned with recent court decisions, we recommend the Legislature hold off on approving the expansion pending resolution on the proposed change to program duration as a different level of funding may be required if program length is not reduced to one year. As part of the above report, CDCR should also provide information on the fiscal effects (relative to the Governor's budget) of maintaining the current length of the program at two years

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**Staff Recommendation: Approve as budgeted**

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**ISSUE 3: EXPANSION OF PROGRAMS AND SERVICES FOR LIFER POPULATION**

The California Department of Corrections and Rehabilitation will open this issue with a description of the proposal to expand programs and services for the state's Lifer population.

**PANELISTS**

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

**BACKGROUND**

The Governor's budget for 2016–17 proposes a \$10.5 million General Fund augmentation for CDCR to expand the availability of programs for long-term offenders. The proposed augmentation would increase to \$13.5 million in 2017–18 and \$16.2 million in 2018–19. The proposal includes both the expansion of existing programs and the establishment of new programs for long-term offenders. The proposed \$10.5 million increase in 2016–17 would be allocated for the following programs:

- **LTOP (\$3.4 Million).** The budget proposes \$3.4 million to expand the LTOP to a fourth prison yet to be determined. Of this amount, \$2.1 million is one-time funding for the installation of modular space for the program and \$1.3 million would support ongoing administrative costs.
- **PSCs (\$3.1 Million).** The budget proposes \$3.1 million to double the number of PSC beds dedicated to long-term offenders—from 136 beds to 272 beds.
- **Transitions Program (\$3.1 Million).** The budget proposes \$3.1 million to expand the Transitions Program to the remaining 21 state prisons that currently do not offer the program. In addition, the department proposes to terminate its existing contracts and instead hire 53 civil service teachers to deliver services. According to CDCR, this modification would help prisons address challenges they have faced procuring contract providers for the program.
- **Community College Programs (\$480,000).** The budget proposes \$480,000 to support overtime for custody staff to monitor inmates participating in community college courses.

- **OMCP (\$423,000).** The budget proposes \$423,000 to double the number of (1) annual OMCP training sessions from two to four and (2) potential annual program graduates from 64 to 128.

The Department is also requesting a \$5.1 million General Fund increase to expand the Transitional Housing Program in 2017-18, and an additional \$2.7 million General Fund in 2018-19 for an additional expansion of the Transitional Housing Program.

### **Parolee Service Center Beds**

CDCR is able to expand current Parolee Service Center (PSC) contracts to accommodate more life term offenders. PSCs provide residency and support services to enable successful reintegration by focusing on employment, job search and placement training, substance use disorder education, stress management, victim awareness, computer supported literacy and life skills. In recent years the number of life term offenders being released after serving lengthy periods of incarceration has steadily increased. Due to the length of time served on their sentences, these offenders are often unprepared for the significant changes in technology and day-to-day living advances that have occurred since they were first incarcerated. Per the Board of Parole Hearings (BPH), approximately 80 percent of the life term offenders who are granted parole are either in need of or mandated to have transitional housing services as part of their parole plans. In 2014, BPH granted parole to 902 life term offenders. Per the Division of Adult Parole Operations (DAPO) there are approximately 444 life term offenders currently in transitional housing.

### **Transitional Housing Program**

The Department currently places parolees in community-based programs according to the criminogenic needs assessed prior to release. Due to the length of time served on their sentences, these offenders are often unprepared for the significant changes in technology and day-to-day living advances that have occurred since they were first incarcerated.

### **Long Term Offender Program**

In 2014, CDCR implemented the long term offender reentry model at three institutions. The Department currently offers the program at one female Institution, one male level III institution, and one male level II/III institution. The LTOP is a voluntary program that provides evidence-based treatment similar to the reentry program model to offenders pending a parole suitability hearing. The LTOP modules include: Substance Use Disorder Treatment, Criminal Thinking, Anger Management, Family Relations, Victim Impact, Denial Management, and Employment Readiness. Per BPH, approximately 20,500 offenders will be eligible for a parole suitability hearing in the next 10 years.

### **Offender Mentor Certification Program (OMCP)**

The OMCP is a voluntary program for life term offenders that provides them with the training and certification needed to become certified mentors for alcohol and other drug counseling. Once participants graduate from the 10 month program, they are assigned as inmate mentors to obtain their 4,000 hours of work experience at the Substance Use Disorder Treatment programs. At the completion of the program, participants can obtain a substance use counseling certification from a certifying organization recognized by the



Department of Health Care Services. OMCP mentors currently earn their certification through the California Association for Alcohol/Drug Educators and use this certification to obtain employment upon release.

### **Transitions Program**

The Transitions Program offers offenders employment preparation skills, promoting successful reentry into society upon their release from prison. Transitions teaches job-readiness, job search skills, and other prerequisite skills needed for today's competitive job market. Through a series of modules, each participant learns about community resources and programs that can assist them in their transition back into the community.

The Transitions Program will link them to one-stop career centers and social service agencies in their counties of residence to ensure access to employment and resources upon release. Each participant is provided with the basic tools needed to present themselves in a positive light to prospective employers, retain a job once hired, and manage their personal finances.

### **College**

In March 2015, the Department entered into an interagency Agreement with the California Community Colleges Chancellor's Office following the passage of Senate Bill (SB) 1391. SB 1391 provided offenders easier access to college courses by making it possible to have instructors come into the prisons and deliver lectures. Approximately 250 inmates are currently receiving face-to-face instruction. Approximately 38 percent of CDCR college students are life term offenders.

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| <b>LAO ASSESSMENT AND<br/>RECOMMENDATION</b> |
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### **LAO Assessment**

Targeting Higher-Risk Offenders Yields Greater Public Safety Benefits. Research shows that programs designed to reduce recidivism are most effective when they target offenders who have been assessed as a moderate-to-high risk to reoffend. This is because lower-risk offenders are much less likely to reoffend irrespective of whether they receive programming, resulting in little public safety benefits. Long-term offenders are typically considered lower-risk offenders compared to the general population. This is because they are (1) subject to an exhaustive review by BPH and are not granted release if they are deemed to pose a high risk to reoffend and (2) are on average older than most inmates who are released. Research has demonstrated that as offenders age they become less likely to commit crimes.

Only Portion of Proposed Funding Targets Higher-Risk Offenders. Since most of the increased funding proposed by the Governor would support programs that specifically target long-term offenders—which tend to be of lower risk—only a small portion of the funds would be available to help support higher-risk offenders. Specifically, we find that three of the programs proposed for augmentation would increase programming opportunities for higher-risk offenders. These include: (1) the expansion of the OMCP, (2) the expansion and modification of the Transitions Program, and (3) custody overtime

needed to support community college programs. We also note that these programs incorporate best practices that have been demonstrated through research to be cost-effective strategies for reducing recidivism, such as targeting rehabilitative needs including substance abuse treatment and job training. While the OMCP trains only long-term offenders as counselors, it increases programming opportunities for other inmates because the counselors are employed by CDCR to deliver substance abuse treatment disorder counseling to their peers.

**Many Higher-Risk Offenders Not Currently Receiving Needed Treatment.** Currently, many inmates who have been assessed as a moderate-to-high risk to reoffend do not receive rehabilitative programming. For example, in 2014–15, 44 percent of such offenders were released without having any of their rehabilitative needs met, despite having been assessed as having a need for programming. This is in large part due to limited resources. Given that most of the Governor’s proposal targets long-term offenders, it will do little to meet the needs of higher-risk offenders.

### **LAO Recommendations**

**Approve Proposed Expansion of Programming for Higher-Risk Offenders.** We recommend that the Legislature approve the portion of the proposal—totaling \$4 million—that would expand rehabilitative programming opportunities for higher-risk offenders that are consistent with programs shown to be cost-effective methods for reducing recidivism. Specifically, we recommend providing the requested funding to support (1) the expansion of the OMCP, (2) the expansion and modification of the Transitions Program, and (3) custody overtime needed to operate community college programs.

**Reject Remainder of Proposal.** We recommend that the Legislature reject the remainder of the Governor’s proposal to expand programs for long-term offenders. While we acknowledge that these programs may provide some benefit to long-term offenders, research suggests that the department could achieve greater benefits to public safety by instead targeting higher-risk offenders. To the extent that the Legislature is interested in further expanding rehabilitative programming, we recommend that it direct the department to come back with a proposal that targets higher-risk offenders and reduces the number of such offenders who are released from prison without receiving any programming targeted toward their identified needs.

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**Staff Recommendation: Approve as budgeted**

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**ISSUE 4: MALE COMMUNITY REENTRY PROGRAM**

The California Department of Corrections and Rehabilitation will open this issue with a description of the proposal to provide \$32 million (General Fund) in 2016–17 and \$34 million in 2017–18 to expand the Male Community Reentry Program (MCRP).

**PANELISTS**

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

**BACKGROUND (PROVIDED BY LAO)**

The 2014–15 Budget Act included \$20 million in one-time funding from the Recidivism Reduction Fund (RRF) for CDCR to establish the MCRP. (The RRF was supported by savings resulting from the underutilization of funding provided in 2013–14 for contract beds.) Under the MCRP, CDCR contracts with residential facilities in the community to provide rehabilitative programming (such as educational services, substance use disorder treatment, job training, and computer skills workshops) to male inmates who are within 120 days of completing their sentence. The program is voluntary and generally admits inmates on a first-come, first-serve basis if they meet certain criteria (such as not posing an escape risk). Currently, CDCR contracts with three facilities—one each in Los Angeles, Kern, and Butte Counties—to provide a total of 220 beds at an average annual cost of about \$58,000 per bed (including contract and administrative costs).

**Governor's Proposal**

The Governor's budget proposes \$32 million (General Fund) in 2016–17 and \$34 million in 2017–18 to expand the MCRP. The 2016–17 appropriation includes \$20 million to support existing contracts and \$12 million to expand the program. The proposed augmentation would allow CDCR to contract with four additional facilities—three in Los Angeles County and one in San Diego County—to provide an additional 460 beds. In addition, CDCR proposes to increase the amount of time participants can spend in the program from 120 days to 180 days. According to the department, this will help increase the amount of treatment received in the program and expand the pool of eligible participants.

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| <b>LAO ASSESSMENT AND<br/>RECOMMENDATION</b> |
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**LAO Assessment****Proposal Unlikely to Be Most Cost-Effective Approach for Reducing Recidivism**

The MCRP is a relatively new program and its effectiveness at reducing recidivism has not been evaluated. However, given that the current program does not target higher-risk offenders and is relatively expensive, we find that the program is unlikely to be the most cost-effective approach to reduce recidivism.

***Program Does Not Target Higher-Risk Offenders.*** As discussed earlier in this report, research has shown that rehabilitative programs are generally more effective at reducing recidivism if they target offenders who have been assessed as having a moderate-to-high risk to reoffend. However, CDCR does not target higher-risk offenders for admission to the MCRP and instead admits inmates into the program on a first-come, first-serve basis regardless of their risk level. Data provided by the department indicate that over one-fifth of MCRP participants are considered low risk. This suggests the program is not being operated in a manner that would maximize reductions in recidivism. The fact that a significant proportion of the MCRP capacity is being used for low-risk offenders is particularly concerning given that many higher-risk offenders are being released from prison without having any of their rehabilitative needs met.

***Program Is Very Costly.*** Even if the MCRP were shown to be effective in terms of reducing recidivism, it is a relatively expensive program. Research suggests that there are a variety of programs—such as substance use disorder treatment and academic education—that could reduce recidivism at a much lower cost. Accordingly, it appears unlikely that the MCRP is the most cost-effective approach for reducing recidivism.

**LAO Recommendation**

***Reject Funding Proposed for MCRP.*** We recommend that the Legislature reject the administration's proposed funding for the MCRP. The program is unlikely to be the most cost-effective approach to reduce recidivism given that it (1) currently does not target higher-risk offenders and (2) is very costly. To the extent the Legislature is interested in further expanding rehabilitative programming, we recommend that it direct the department to come back with a proposal that targets higher-risk offenders.

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**Staff Recommendation: Approve as budgeted**

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**ISSUE 5: SEX OFFENDER MANAGEMENT**

The California Department of Corrections and Rehabilitation will open this issue with a overview of the request for \$212,000 and two new positions intended to aid in the supervision of sex offenders.

**PANELISTS**

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

**BACKGROUND**

The California Sex Offender Management Board (CASOMB) was established as a result of Chapter 338 of the Statutes of 2006 (AB 1015). As a result, the California High Risk Sex Offender Task Force was formed and demonstrated the benefits of bringing multi-jurisdictional stakeholders together to discuss issues of common concern relative to high risk sex offenders. AB 1015 contained a sunset clause effective January 1, 2010, which resulted in a funding request and approval only for the period leading up to the sunset date. However, Chapter 191 of the Statutes of 2009, (SB 588), eliminated the sunset date, thus making CASOMB a permanent board.

The State Authorized Risk Assessment Tools for Sex Offenders (SARATSO) Review and training Committees were established as a result of Chapter 336 of the Statutes of 2006 (SB 1178). The duties and responsibilities of these committees are contained in Sections 290.04-290.07 of the Penal Code. While the majority of the original mandates were continued. Chapter 582 of the Statutes of 2009 (SB 325) made changes to the mission of the SARATSO committees, such as ordering sex offender management resources be located under one department for efficient cooperation and communication. Since implementation, SARATSO has trained hundreds of probation, parole, and sex offender treatment providers, who have in turn conducted over 30,000 risk assessment evaluations. The results of these evaluations have shaped the policies, best practices, and programs used by supervision agencies throughout the state. On September 9, 2010, Chapter 219 of the Statutes of 2010 (AB 1844), also known as the Chelsea King Child Predator Prevention Act of 2010, or Chelsea's Law, was signed by Governor Schwarzenegger. This legislation required SARATSO to choose two new sex offender risk assessment instruments to assess dynamic risk and future violence. Regular review and evaluation of all risk assessment instruments is the ongoing responsibility of the SARATSO Committee.

Section 290.05 of the Penal Code mandates the static SARATSO may be performed for purposes authorized by statute, only by persons trained pursuant to that section, and that the staff conducting these evaluations be provided training every two years.

Section 290.09 of the Penal Code requires that CASOMB certify sex offender management programs and providers who will communicate with probation and parole officers on a regular basis, and that SARATSO provide annual training on dynamic and violence risk assessment tools to certified sex offender management professionals.

Section 9003 of the Penal Code states that CASOMB shall:

- Develop and update standards for certification of sex offender management professionals.
- Develop and update standards for certification of sex offender management programs.
- Develop and update standards for certification of polygraph examiners.

Sections 290.04-290.09 of the Penal Code states that the SARATSO Review Committee shall:

- Periodically evaluate the SARATSO static, dynamic, and risk of future violence assessment tools.
- Administer training on the static SARATSO tool no less frequently than every two years.
- Administer training on the SARATSO dynamic and risk of future violence tools annually.

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**Staff Recommendation: Approve as budgeted**

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**ISSUE 6: ENHANCED DRUG AND CONTRABAND INTERDICTION PROGRAM**

The California Department of Corrections and Rehabilitation will open this issue with a brief overview of the Drug and Contraband Interdiction Pilot Program authorized in 2014-15 (including budget, statistics and findings).

The California Department of Corrections and Rehabilitation will then summarize the current request to make the pilot program permanent, increase annual funding to \$7.9 million and create 50.5 permanent positions.

**PANELISTS**

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

**BACKGROUND**

The Department has long recognized the ongoing challenge of drug use, trafficking, and contraband within its institutions. To be successful in its interdiction program, the Department has implemented various strategies.

Prior to the drug interdiction pilot funding received in 2014-15, the Department's drug interdiction efforts in 2013-14 consisted of:

- 28 canine teams, each consisting of 1 canine and 1 canine correctional officer.
- 5 ion scanners used on inmates only.
- 46 X-ray machines (for baggage and personal property) located in mailrooms and Receiving and Release (R&R) buildings to scan incoming mail, packages, and inmate property.
- A minimum of three cell searches per day on second and third watches conducted by correctional officers.
- Visual inspection of identification and personal items upon entering the secured perimeter.
- Enhanced Inspections: In 2013, CDCR began conducting a more thorough inspection for staff, visitors, and contractors entering institutions in response to Senate Bill 26 (Chapter 500, Statutes of 2010).

Effective in 2014-15, the Legislature approved two-year limited-term funding of \$5.2 million per year for the Department to implement an EDCIP pilot. CDCR elected to place the EDCIP pilot at 11 institutions; three identified as an intensive level of interdiction and eight as a moderate level of interdiction. The pilot placement is intended to gather the best overall understanding of the effectiveness of the pilot program through the

Department's varying designs and custody levels, including male, female, camp, and Reception Center facilities. The Department's statewide canine program is currently comprised of 49 canine teams located regionally in Northern, Central and Southern California with an emphasis at moderate and intensive interdiction institutions.

As discussed above, the Department has identified the following institutions to be the focus of the interdiction pilot program: Moderate Institutions:

1. Central California Women's Facility (CCWF)
2. Centinela State Prison (CEN) –
3. California Institutions for Men (CIM)
4. High Desert State Prison (HDSP)
5. Kern Valley State Prison (KVSP)
6. Substance Abuse Treatment Facility at Corcoran (SATF)
7. Sierra Conversation Center (SCC)
8. Salinas Valley State Prison (SVSP)

Intensive Institutions:

1. Calipatria State Prison (CAL)
2. California State Prison, Los Angeles County (LAC)
3. California State Prison, Solano (SOL)

Moderate Institutions have been equipped with the following interdiction staffing and strategies:

- (2-3) canine teams consisting of 1 canine and 1 canine correctional officer, including supplies
- Drug Interdiction Officer
- ion scanners
- X-ray machines (mail, packages, and property) in mailrooms and R&R buildings for scanning of inmate mail, packages and property.
- X-ray machines (mail, packages, and property) for staff, visitors, and contractors at each entrance area. When in use no less than 30-40% of staff, visitors, and contractors entering the institution will place their personal belongings through the machine.
- Mandatory Random Urinalysis Program (MRUP) contract for Urinalysis testing on 10% of the inmate population per month.

Intensive institutions have been equipped with all of the moderate strategies described above plus the following:

- additional canine team (total 3) .
- additional ion scanner (total 3)
- millimeter wave full body scanner at each entrance; utilized for those who have a positive alert on one of the Drug Interdiction strategies for entrance into the secured perimeter. Additionally, this scanner is used in conjunction with X-ray machines. ,



- Low-dose X-ray full body scanner for inmate use only.
- Video Camera Surveillance in visiting rooms.

Additionally, the pilot program implemented a minor headquarters staffing component for oversight and monitoring of the interdiction pilot program, including a Captain, Canine Lieutenant, Associate Governmental Program Analyst (AGPA), and Research Program Specialist II. All interdiction-staffing duties, including both those in the field and headquarters will be discussed in detail below.

The Office of Research has developed preliminary reports related to urinalysis testing (Attachments B-1 and B-2) and contraband discoveries (Attachment C). Initial urinalysis data indicates a 3.4 percent reduction in positive test results at the intensive interdiction institutions between July 2014 and June 2015.

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| <b>LAO ASSESSMENT AND<br/>RECOMMENDATION</b> |
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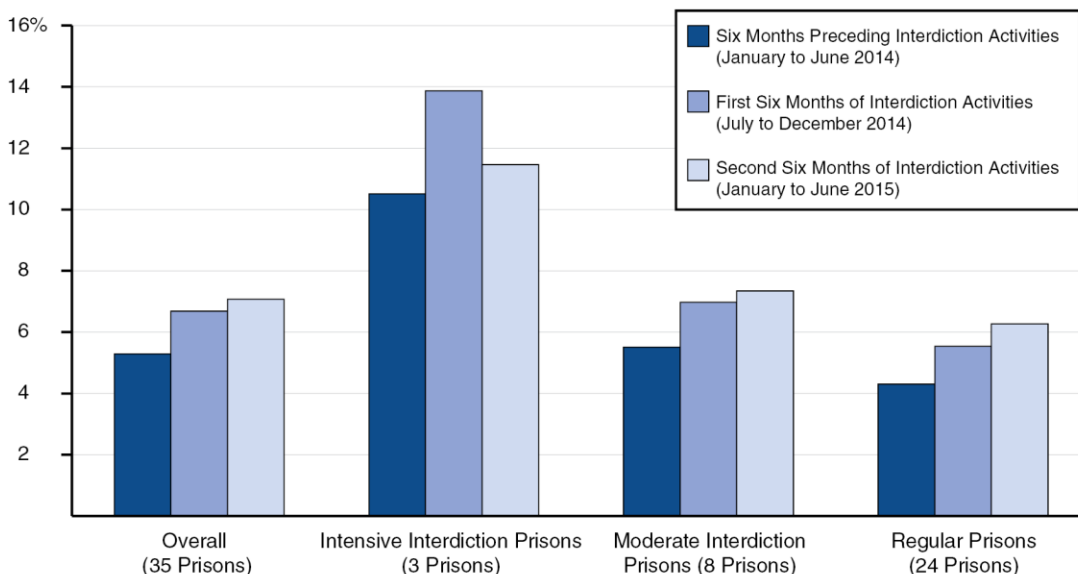
### LAO Assessment

***Interdiction Efforts Do Not Appear to Be Effective.*** According to CDCR, the goals of its drug interdiction efforts are to (1) reduce inmate drug use and (2) increase institutional security in various ways, such as by reducing inmate violence and lockdowns associated with the prison drug trade. Although a comprehensive analysis of the pilot program is not yet available, preliminary data suggest the pilot has not achieved the desired outcomes. Specifically, the data suggests:

- ***Drug Use Appears on the Rise.*** As shown in Figure 9, data provided by CDCR indicate that the overall statewide percentage of positive and refused tests increased from 5.3 percent in the six months preceding the implementation of the interdiction strategies to 6.7 percent in the first six months of the pilot. (Refused tests are likely an indication that an inmate has been using drugs.) The largest increase occurred at the prisons which received the most intensive interdiction. The percent of positive or refused tests also increased in the second six months of the pilot overall at prisons receiving moderate interdiction resources. While there was a decline at intensive prisons between the first and second six month period of the pilot, the percent of positive or refused tests still remained above that of the six months preceding the pilot.
- ***Institutional Security Improvements May Not Be Attributable to Interdiction Efforts.*** Data provided by CDCR indicate that the number of violent incidents in prison (such as assaults on staff and other inmates) declined by about 4 percent from 2013–14 to 2014–15 (the first year of the drug interdiction pilot). However, as shown in Figure 10, most of this decline occurred in prisons *without* enhanced interdiction. Prisons which were part of the pilot actually saw an *increase* in violence. In addition, data provided by CDCR indicate that lockdowns decreased overall from 2013–14 to 2014–15 but that the decline in prisons without enhanced interdiction (45 percent) was greater than the decline in prisons with enhanced interdiction (36 percent).

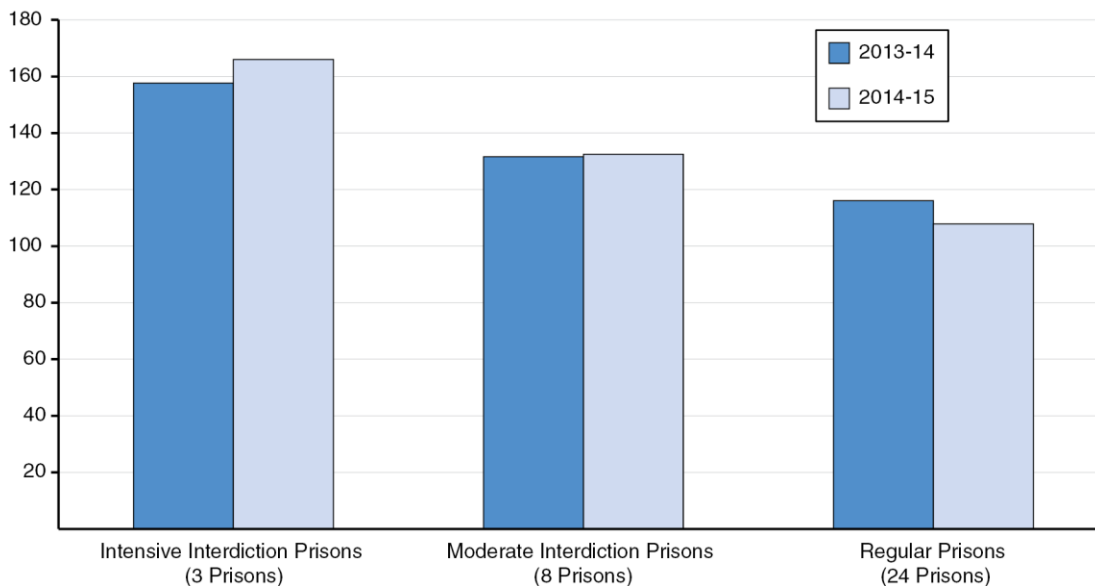
**Figure 9**  
**Inmate Drug Use Appears on the Rise**

*Percentage of Inmates Testing Positive or Refusing Drug Tests*



**Figure 10**  
**Violent Incidences on the Rise at Pilot Prisons**

*Average Violent Incidents Per Prison*



**Drug Testing Appears to Have Some Benefit.** Data provided by CDCR suggest that random drug testing has increased the rate at which the department is identifying inmates who are using illegal drugs. This increased rate of identification should allow the department to better target inmates who are in need of substance abuse treatment.

In addition, it is possible that the random drug testing is deterring some inmates from using drugs. However, further analysis is needed to determine whether this is the case.

### **LAO Recommendations**

***Approve Temporary Extension of Drug Testing.*** We recommend that the Legislature approve the portion of this request—\$750,000 from the General Fund—associated with continuing the random drug testing for one additional year. The drug testing program appears to have increased the rate at which CDCR is identifying inmates who use illegal drugs. In addition, the collection of additional drug test results should help the department to assess whether the removal of drug interdiction resources, as we recommend below, affects the rate of drug use in prisons. Based on the result of the department’s final evaluation, the Legislature could determine whether to permanently extend the drug testing program.

***Reject Remainder of Proposal to Extend Drug Interdiction Pilot Program.*** We recommend that the Legislature reject the remainder of the Governor’s proposal to extend and expand the drug interdiction pilot program. Extending the program now would be premature given that (1) preliminary data suggest that it is not achieving its intended outcomes and (2) CDCR has not yet fully evaluated its effectiveness. We also recommend that the Legislature direct the department to accelerate its timeline for evaluating the program so that it is completed in time to inform legislative deliberations on the 2017–18 budget, such as whether any of the interdiction strategies should be permanently adopted.

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**Staff Recommendation: Adopt LAO Recommendations**

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**ISSUE 7: SUBSTANCE USE DISORDER TREATMENT EXPANSION**

The California Department of Corrections and Rehabilitation will open this issue with a brief overview of the request for \$15.2 million and 51.6 positions to expand the Substance Use Disorder Treatment Program.

**PANELISTS**

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

**BACKGROUND**

Prior to public safety realignment, the Department was only able to provide rehabilitative programming for a small percentage of its target population due to budget reductions during the recession. Realignment has provided the opportunity to improve rehabilitative programs and to increase access to programming for more inmates. Population reductions resulting from realignment will allow the department to significantly increase the percentage of offenders served while also allowing the department to address a much broader array of factors that put offenders most at risk of reoffending.

Since realignment, the CDCR received ongoing funding to establish reentry hub programming at 13 institutions in 2013-14, with a goal of providing Cognitive Behavioral Treatment programming services to address offenders' criminogenic needs prior to release. Cognitive Behavioral Treatment addresses offenders' criminogenic needs in the areas of substance use disorder treatment, anger management, criminal thinking, and family relations. Additionally, the CDCR received on-going funding to establish four Multi-Level substance use disorder treatment programs and six Single-Level substance use disorder treatment programs at 10 non-reentry hub institutions beginning in 2014-15. The Multi-Level and Single-Level substance use disorder treatment programs are evidence-based programs that promote positive, pro-social behavior and prepare inmates for release by developing the knowledge and skills necessary to avoid substance abuse relapse. The CDCR also developed the Long Term Offender Pilot Program, which is a voluntary program that provides evidence-based programming to inmates who are serving long-term sentences. Substance use disorder is one of several major criminogenic areas addressed within the Long Term Offender Pilot Program. The aforementioned programs were developed with the goal of successfully reintegrating inmates back into the community, thereby reducing recidivism

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**Staff Recommendation: Approve as budgeted**

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