

AGENDA

ASSEMBLY BUDGET SUBCOMMITTEE NO. 5

PUBLIC SAFETY

ASSEMBLYMEMBER SHIRLEY N. WEBER, PH.D., CHAIR

MONDAY, MARCH 6, 2017
2:30 P.M. – CALIFORNIA STATE CAPITOL ROOM 437

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ITEMS TO BE HEARD

5225 CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

ISSUE 1: CDCR 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

The Governor's budget includes \$11.3 billion (\$11 billion General Fund and \$307 million other funds) for the California Department of Corrections and Rehabilitation (CDCR) in 2017-18, an increase of \$358.8 million or 3.3 percent from the current year. Most of CDCR's funding comes from the General Fund, with a smaller portion coming from various funds such as the Federal Trust Fund and Inmate Welfare Fund. The Governor's Budget provides resources to implement court orders, chaptered legislation, and ballot initiatives.

The 2016 Budget Act projected an overall adult inmate average daily population of 128,821 in 2016-17. The average daily adult inmate population is now projected to increase by 0.2 percent to 129,015 in 2016-17. Absent the passage of Proposition 57, the Public Safety and Rehabilitation Act of 2016, at the November election, the population would have increased by 1.0 percent to 130,118 in 2017-18 compared to the 2016 Budget Act projection.

Proposition 57 brings three major changes to sentencing:

- Allows individuals convicted of nonviolent felonies to be considered for parole after completing the sentence for their primary offense.
- Allows CDCR to award additional sentence reduction credits for rehabilitation, good behavior or educational achievements.
- Requires a judge's approval before most juvenile defendants can be tried in an adult court.

CDCR is currently working on regulations to implement the proposition and anticipates that they will be in place by October 1, 2017. The January Budget assumes that Proposition 57 will result in 1,959 fewer inmates in 2017-18, growing to 9,656 fewer in 2020-21. In addition, they assume that there will be 1,038 more parolees in 2017-18, growing to 4,550 by 2020-21.

Proposed Funding

	2015-16 Actual	2016-17 Estimated	2017-18 Proposed	Amount Change From 2016- 17	Percent Change From 2016- 17
Prisons	\$9,118	\$9,631	\$9,959	\$328	3%
Adult parole	534	575	584	9	2
Administration	451	465	483	18	4
Juvenile institutions	177	193	198	5	3
Board of Parole Hearings	40	49	47	-2	-3
Totals	\$10,321	\$10,913	\$11,272	\$359	3%

(dollars in millions)

January 2017 Population Projections

CDCR Adult Institution Population. The adult inmate average daily population is projected to decrease from 129,015 in 2016-17 to 128,159 in 2017-18, a decrease of 856 inmates, or 0.7 percent. The decrease in the adult inmate population is due to a projected reduction related to the implementation of Proposition 57, the Public Safety and Rehabilitation Act of 2016, which offsets a projected increase in felon admissions.

CDCR Parolee Population. The average daily parolee population is projected to increase from 43,686 in 2016-17 to 44,761 in 2017-18, an increase of 1,075 parolees, or 2.5 percent. The increase in the parolee population is largely attributed to the implementation of Proposition 57. When compared to the projected average daily population at the 2016 Budget Act, these changes result in a decrease of \$42.8 million General Fund in 2016-17 and an increase of \$11.3 million General Fund in 2017-18.

CDCR, Division of Juvenile Justice (DJJ) Population. Compared to the 2016 Budget Act projections, the ward population is projected to decrease by 4 in 2016-17 and increase by 70 in 2017-18, for a total population of 705 in 2016-17 and 779 in 2017-18. The increase in the ward population is attributable to the projected impact of Proposition 57. When compared to the projected population at the 2016 Budget Act, these changes result in a decrease of \$297,000 General Fund in 2016-17 and an increase of \$4.6 million General Fund in 2017-18.

Mental Health Program Caseload. The population of inmates requiring outpatient mental health treatment is projected to be 36,283 in 2016-17 and 36,571 in 2017-18. This is an increase of 320 inmates in 2016-17 and 608 inmates in 2017-18 in comparison to the projected mental health population at the 2016 Budget Act. Based on the Mental Health Staffing Ratios, these changes will result in a reduction of \$682,000 General Fund in 2016-17 and an increase of \$761,000 General Fund in 2017-18.

STAFF COMMENTS

The Subcommittee is in receipt of various letters from advocates, which express concern with the projected increases to the Juvenile Justice population. Specifically, the Center on Juvenile and Criminal Justice states that the following three premises are reasons for their concern:

1. DJJ is fundamentally unsuitable for youth because it fails to provide for their basic care, education, or rehabilitation;
2. Given predicted declines in violent felony arrests of youth through 2020, a shrinking pool of youth will be eligible for commitment to DJJ in the coming years;
3. DJJ fails to report meaningful outcome measures despite an annual state investment of up to \$271,000 per youth.

Given concern from advocates, the Subcommittee may wish to have the Department provide a more detailed overview of the DJJ population estimate.

The Subcommittee may also wish for the Department to address the following:

1. As we have decreased our overall prison population, costs have continued to increase. Please provide justification for this.
2. Please provide an overview of our out-of-state prison population, as well as information regarding any proposed changes.

Staff Recommendation: Hold open pending May Revision update.

ISSUE 2: VARIATIONS TO STANDARDIZED STAFFING

The California Department of Corrections and Rehabilitation (CDCR) will open this issue with an overview and description of this proposal, which requests an additional 44.1 positions.

PANELISTS

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

BACKGROUND**Usage of Standardized Staffing by CDCR**

In 2011, Governor Brown signed prison realignment legislation, the "Public Safety Realignment Act," also known as Assembly Bill (AB) 109, to ease prison crowding and reduce state spending on prisons. Subsequently, in 2012, the Administration published "The Future of California Corrections: A Blueprint to Save Billions of Dollars, End Federal Oversight, and Improve the Prison System," often referred to as the Blueprint. This plan identified how the prison budget would be reduced and how the prisons would operate with a significantly reduced population. Among other things, the Blueprint included implementation of standardized staffing which replaced the outdated ratio-driven staffing model and was based on each facility's physical plant design, inmate classification levels, perimeter security, inmate programming opportunities, and daily operational timelines (feeding, medication distribution, education) while taking into account specialized missions.

Governor's Proposal

The Governor's budget includes \$5,874,000 (\$19,000 one-time) General Fund and 44.1 positions in 2017-18 to augment custody standardized staffing levels at three adult institutions. This proposal would provide additional resources to the three institutions as specified below:

- ***Deuel Vocational Institution.*** The Governor's budget proposes \$686,000 and an additional 5.1 Correctional Officer positions for Deuel Vocational Institution (DVI) in order to staff an additional recreation yard at the facility. Within the requested funding for Deuel, \$19,000 would provide funding for activation and improvement of an existing, but unused yard at the facility.

- DVI serves as one of CDCR's Reception Center facilities, which house unclassified inmates. The security, programming, and safety needs of these inmates have not yet been identified, and as such, these inmates require separate yard time from other inmate populations, including General Population.
 - DVI currently operates a single recreation yard, and most Reception Center inmates only receive approximately five hours of yard time per week. Comparatively, per Title 15, Section 3343 (h) of the California Code of Regulations, inmates housed within the Administrative Segregation Units are to be afforded ten hours of yard access per week. This means that inmates under California's most restrictive setting are currently receiving twice the amount of yard time as the Reception Center Inmates at DVI.
 - The \$19,000 for yard activation and renovation would repair plumbing drains, faucets and toilets, walls, fence lines, paths of travel, basketball courts, pull up and exercise bars, and painting of the walls and paths of travel.
 - This request would establish one posted Correctional Officer (CO) position to provide armed security coverage and two CO positions to provide security coverage and inmate supervision.
- **California Institution for Women.** The Governor's budget proposes \$4.8 million and 36.5 positions for California Institution for Women (CIW) in order to increase inmate supervision and provide necessary functions.
 - Due to the design of the housing units at CIW, the one CO currently assigned to each housing unit cannot adequately observe all living areas while conducting counts or security checks. Aside from the design, increased population and higher security level inmates coupled with low staffing have raised concerns about security.
 - Incident reports and Rule Violation Reports have also increased. More specifically, stimulant and sedative disciplinary reports, inmate-on-inmate assaults and batteries, assaults and batteries on staff, incidents necessitating the use of force, and increases in attempted and completed suicides have all increased during this time. Six women have died by suicide at CIW since July of 2012; in contrast with the one woman who had died by suicide from 2007-2012.
 - This request would establish six posted CO positions for Housing Units, eleven posted CO positions for Security Patrols, two posted CO positions for Yard Officers, and three posted Sergeant positions for supervision of Cos and inmates.
- **California Health Care Facility.** The Administration also proposes \$327,000 and 2.5 CO positions for California Health Care Facility (CHCF) in order to staff and operate a new visiting center currently under construction.
 - Currently, all visiting at CHCF is provided in a single visiting center. The inmate population consists of varying custody levels, and due to this

diversity and limited space, the institution has limited the number of inmates that can receive visits on a regular basis.

- This request will establish 2.5 CO positions for the new visitation center and will allow for a full visiting program for all inmates in the institution, with the exclusion of inmates in Mental Health Crisis Beds.

STAFF COMMENTS

CDCR states that standardized staffing provides for "like facilities, like standards," meaning that facilities with similar composition and layout would have similar staffing standards. According to the Legislative Analyst's Office (LAO), CDCR's previous model utilized a 6:1 ratio, for inmates to staff. During this time, custody costs per inmate were approximately \$25,000 per adult inmate. Today, however, under the standardized staffing model, per inmate costs are closer to \$10,000.

Since standardized staffing was first introduced, there have been many proposals to increase staffing as concerns have been raised about security and adequate staffing. Although staff notes concern regarding the continual need for additional positions at CDCR, the resources pertaining to the activation of additional yard space and additional inmate supervision appear reasonable.

The Subcommittee may wish for the Department to report back to the Subcommittee after the May Revision, on the current progress on the construction of the visiting center at CHCF and provide any updates to this request at that time.

Staff Recommendation: Hold Open.

ISSUE 3: INFORMATION SECURITY OPERATIONS CENTER

The California Department of Corrections and Rehabilitation will open this issue with a description of the proposal to establish a new Security Operations Center.

PANELISTS

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

BACKGROUND**CDCR's Usage of Information Technology**

CDCR currently has an Information Security Office, located within its Enterprise Information Services Division. The goal of CDCR's Agency Information Security Office is to provide the working environment where all data is held with correct confidentiality controls, maintaining data integrity, and assuring data accessibility when and where required. The office recently started an effort to classify all electronic data and has been focused on high risk and confidential information controls. The Office also works to stay ahead of quickly changing technology and a huge increase in data consumers, including the addition of several thousand inmates and parolees as users of the in-prison and community-based automated rehabilitative programs.

According to CDCR, technology is increasingly incorporated into the Department's business and the lack of expansion in cybersecurity operations and personnel to support secure integration into CDCR's business has resulted in a current department gap. As CDCR increases its position to implement and support necessary access to department services which rely on IT access security operations, there is a clear need for dedicated staffing to increase proportionally to secure the digital realm. The security operations staffing are intended to operationalize security by mitigating and controlling the impact of any system and application abuse, and malicious misuse by internal and external threats. Existing positions are designated to support critical department systems and are allocated for existing application programming. These positions cannot be redirected or designated to perform full-time duties at the SOC without adverse impact to their current assigned areas.

Given the significant increase in the Department's internet-enabled devices in recent years, especially in support of CDCR programming goals, active network monitoring is essential to verify that inmates and wards are not communicating outside of the facility or potentially re-victimizing the public via the internet or email access. Giving inmates

and wards more direct public domain access poses significant risk without active monitoring.

Governor's Proposal

The Governor's budget requests \$2.6 million General Fund (\$635,000 one-time) and 8 positions beginning in 2017-18 to establish a new Security Operations Center (SOC) to proactively address information security threats on a 24/7 basis. This proposal includes \$1.1 million for 8 Information Technology (IT) positions and \$1.5 million for hardware and software, as well as security professional services, to aid in continuous security monitoring operations.

Approximately \$1.5 million of the request is contract dollars to provide security remediation, network, and security operations tools. The 8 new positions will enhance the safety of the CDCR network and information using the new security tools and services. These positions include:

- 1 Systems Software Specialist III (Supervisory)
- 2 Systems Software Specialist III (Technical)
- 3 Systems Software Specialist II (Technical)
- 2 Systems Software Specialist I (Technical)

These staff will perform security operational activities such as threat and vulnerability hunting, and incident response to adapt with the evolution of new threats and technology. With the number of new exploits, attacks, and alerts, existing CDCR security staff are not able to keep up with the analysis and remediation efforts on a manual basis on events to decipher whether they are credible threats.

LAO ASSESSMENT AND RECOMMENDATION
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The LAO provided the following comments on the Governor's general proposal to improve information security statewide:

- **Budget Proposals Seem Reasonable on an Individual Department Level.** The LAO does not raise any particular concerns with each of the 12 budget proposals across various departments to strengthen information security. The LAO understands it is California Department of Technology's (CDT) practice to review IT-related budget proposals, including these security-related proposals. Although CDT did not initiate these proposals, it indicates that as part of its review, it validated the security issue identified by the department proposing its own proposal and assessed whether the department was taking a reasonable approach towards addressing the issue. This review is valuable given that CDT was created to provide IT-related expertise and the individual departments may not always know the best practices for addressing a security vulnerability that they face.

- **But Unclear Whether Proposals Address the State's Most Critical Security Risks.** Although the LAO does not raise any particular concerns about this proposal, they state that it is unclear whether the package of collectively address the state's most critical security risks - the IT systems with the most significant vulnerabilities and the most sensitive information. The individual departments do not have a comprehensive view of the entire state's security needs and therefore whether their individual information security needs are the most critical to address across state government. While CDT reviewed these individual requests to verify that there was some level of information security need, it did not determine whether the requested resources addressed the state's most critical information security issues. For example, a department may have high vulnerability but the associated information that would be released in the event of a security breach is not particularly sensitive. Consequently, this may not be the most critical vulnerability to resolve when other departments may have vulnerabilities that may lead to catastrophic consequences should information be breached or confidentiality not protected. Additionally, it is possible that departments that did not come forward with a budget request might have more critical security risks but are unaware of their own vulnerabilities. Ideally, the Legislature would want to make sure the state is focusing its attention and resources on addressing the IT systems that present the most critical security risks—those in the upper right quadrant of the figure.

LAO Recommendation

The LAO provided the following two recommendations:

1. **CDT Should Take Leadership Role Ensuring Future Proposals Address Critical Security Risks.** The LAO recommends the Legislature direct CDT to use the analysis from the new processes to inform future requests for budget augmentations to strengthen information security. As a next step, the LAO recommends that the Legislature direct CDT to consider the impact associated with a security breach and direct the administration to prioritize addressing high-vulnerability and high-sensitivity security risks for future budget requests. Requests from these departments would generally not benefit from CDT's strategic leadership and would have to be evaluated by the Legislature on a case-by-case basis. This recommendation addresses the current absence of a strategic approach on information security that makes it difficult for the Legislature to determine if these proposals address the most critical issues.
2. **Direct Administration to Report at Budget Hearings on Whether Current Proposals Address Reasonable Security Risks.** Although the LAO does not raise any particular concerns with the individual proposals, it is not clear that they address the areas where the state (1) is the most vulnerable and (2) has the most sensitive data. This is because the proposals did not benefit from CDT's new efforts to better assess IT security vulnerabilities. It is unlikely that CDT will be able to accomplish the type of comprehensive assessment the LAO recommends time for the 2017-18 proposals. Instead, the LAO recommends the Legislature use budget hearings to request that the departments make a convincing case to the Legislature that their proposals address reasonable IT security vulnerabilities that involve sensitive data.

STAFF COMMENTS

While staff recognizes the need for additional security for information technology solutions at CDCR, there are many outstanding concerns regarding the State's ability to implement the system and recruit the necessary positions to ensure success of the project. More generally, many IT projects have not been successful, which has led CDT to expand to provide better support to any state department that requires IT assistance. The Subcommittee may wish to urge CDCR to collaborate closely with CDT to ensure that this project truly increases security and is scoped correctly to ensure success.

Staff recommends holding this issue open pending further conversations.

Staff Recommendation: Hold open.

ISSUE 4: VIDEO SURVEILLANCE PILOT PROGRAM

The California Department of Corrections and Rehabilitation will open this issue with a description of the proposal to expand the Video Surveillance Pilot Program.

PANELISTS

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

BACKGROUND

In 2016, CDCR installed 207 cameras as well as Video Monitoring Software in designated high traffic and large congregation areas within the institution. Advanced video surveillance technology enables institutions to provide more comprehensive monitoring and a heightened level of safety and security. Since the transfer of women offenders from Valley State Prison for Women to Central California Women's Facility (CCWF), there has been an increase in violence, and/or attempted suicide, and drug and contraband trafficking. Although video surveillance enhancement is needed at all institutions, CDCR determined that CCWF and High Desert State Prison (HDSP) are the institutions with the greatest and most immediate need. While CDCR has policies and procedures in place to prevent suicides, physical incidents, staff misconduct, and contraband trafficking, the Department believes that video surveillance will give CCWF and HDSP the opportunity to use state-of-the-art technology to augment staff resources with objective, available as needed, video cameras.

Video surveillance technology gives CDCR the ability to provide 24/7 comprehensive coverage for all areas where inmate movement occurs. This constant coverage could deter crime and lead to a reduction in suicides, violence, and contraband. It will also provide objective evidence to substantiate or disprove claims of staff misconduct.

The data for fiscal year 2015-16 tracked the following cases:

Number of violent incidents

- HDSP - 173 violent incidents and 9 riots/melees
- CCWF-146 violent incidents and 1 riot/melee

Amount of contraband entering institution perimeters

- HDSP - 39 contraband (cell phones) inmate disciplinary actions
- CCWF - 47 contraband (cell phones) inmate disciplinary actions

Number of inmate allegations of staff misconduct

- HDSP - 469 staff complaints
- CCWF-120 staff complaints

Number of suicides and attempted suicides

- HDSP - 2 attempted suicides
- CCWF - 11 attempted suicides

Video surveillance can be utilized as an investigative tool to assist in identifying behaviors that can lead to attempted suicide by offenders, thereby helping to prevent such incidents. CCWF continues to experience interruptions of daily operations as a result of incidents involving inmate-on-inmate or inmate-on-staff violence. High quality visual recordings of incidents will serve to resolve conflicting accounts. Instead of relying on eyewitness accounts when investigating daily disturbances, staff will be able to use video surveillance footage to objectively identify all involved parties for just resolution. Drug and contraband trafficking causes many problems in a prison setting including an increase in assaults, power struggles within the inmate population, establishment of an underground economy, death from drug overdose, staff corruption, and hindering inmates' abilities to benefit from treatment programming.

Cell phone possession Rule Violation Reports increased at CCWF by 164% between 2012 and 2015. The use of video surveillance will make it more difficult for individuals to engage in trafficking. The filing of a staff complaint affords an inmate the opportunity to raise a specific issue with an individual for resolution. However, for occasions where staff has been wrongly accused, the use of video monitoring can be used to absolve staff of alleged wrongdoings. Video surveillance acts as a crime deterrent, identifies the need for interventions, provides documentation for those observing proper protocol, and acts as evidence when necessary for internal and external proceedings.

Requested Staff Positions. The requested 2 limited-term Correctional Officers, 1 limited-term Senior Information Systems Analyst (Specialist), and 1 limited-term Staff Information Systems Analyst (Specialist) will be instrumental in the implementation and utilization of the new video surveillance system.

The Correctional Officers will serve as the video surveillance liaison to local Information Technology and ensure all security patches and updates on all hardware and software are completed. The officers will also monitor inmate activity for suspicious behavior and complete follow-up investigation work pertaining to criminal conduct captured by video surveillance footage.

The Senior Information Systems Analyst (Specialist) will manage all aspects of changes to the system for initial implementation and ongoing which includes configuring the system to meet initial and changing business needs, managing processes and procedures for requesting access and changes to the system, providing ongoing training for users of the system and provisioning staff to access the system appropriately. The Staff Information Systems Analyst will contribute to project schedules for each institution implementation and coordinate video surveillance installation

activities with institution staff to ensure timely completion of tasks and mitigate negative impacts to institutional operations.

Governor's Proposal

The Governor's budget requests \$11,732,000 General Fund (\$10,516,000 one-time) beginning in 2017-18 to implement a comprehensive video surveillance pilot program at the Central California Women's Facility and High Desert State Prison. This request includes funding for four one-year limited-term positions.

Timeline for the project is as follows:

Date	Milestone
July 2017	Receipt of funding, beginning of project
September 2017	Video Surveillance Design Completed
September 2017	Positions Filled
December 2017	Procurements Completed and Equipment Received
February 2018	Equipment Configurations Completed
April 2018	Equipment Delivered to Sites
June 2018	Solution Implementation Complete

LAO ASSESSMENT AND RECOMMENDATION

Given that CDCR has not completed the initial pilot project underway at HDSP to assess the effectiveness of video surveillance, the LAO finds it premature to expand the project. Moreover, CDCR has not provided any evidence - from either its use of video cameras already installed in several of its institutions or from other prison systems' experiences with video surveillance - to suggest that the proposed expansion of video surveillance will address the problems it highlights at HDSP and CCWF.

CDCR has argued that the problems at HDSP and CCWF are crises that necessitate the expansion of video surveillance at the institutions before the evaluation of the current pilot at HDSP is available. However, CDCR has not presented any explanation of how video surveillance could yield all of the department's stated goals. The LAO finds it is reasonable that video surveillance could provide objective evidence to inform investigations into staff misconduct, it is unclear how video surveillance might reduce violent incidents, contraband, and suicides. This is for two reasons:

- First, CDCR is not proposing to monitor all cameras in real time or to watch all recorded video. As such, it is unclear how CDCR could use videos as a means to intervene in violent incidents, contraband smuggling, or attempted suicide.
- Second, CDCR argues that the mere existence of cameras could deter negative behaviors. However, the LAO finds it equally plausible that inmates or staff would simply move illicit activities or suicide attempts out of camera view.

The LAO concludes that "in light of these concerns, it is possible that the use of video surveillance cameras may not be an effective way to address most of the problems at HDSP and CCWF that CDCR intends to address. As indicated above, the OIG recommended the installation of cameras at HDSP specifically to address inappropriate use of force by staff. Until the results of the video surveillance pilot at HDSP are available, the department should focus on the OIG's other recommendations to address this concern, such as ensuring that supervisors are sufficiently scrutinizing incidents where inmates receive injury. In addition, the OIG's investigation at HDSP did not focus on inmate violence, contraband, or suicides, and did not recommend video surveillance cameras as a way to address those problems. Until the results of the video surveillance pilot at HDSP are available, the department should develop its own strategies for addressing its concerns about inmate violence, contraband, and suicides at HDSP and CCWF."

LAO Recommendation

The Legislative Analyst's Office provides the following three recommendations:

1. That the Legislature reject the Governor's proposal to implement comprehensive video surveillance at HDSP and CCWF given that a pilot is currently underway and the department has not provided evidence or an explanation as to how cameras can address all of the problems it describes at these institutions.
2. That the Legislature direct the department to provide it with the results of the pilot currently underway at HDSP once they are available in August 2017. If the pilot shows that video surveillance can effectively achieve some or all of the department's goals, CDCR can request funding to expand video surveillance as part of the 2018-19 budget process.
3. That the Legislature direct the department to report at spring budget hearings on other strategies that it is considering for addressing the problems at HDSP and CCWF.

Overall, the LAO recommends waiting until the completion of the pilot before expanding into further facilities.

STAFF COMMENTS

Staff recommends holding this issue open, as there are many unknowns at this time. Generally, program expansions occur after a pilot is completed, once outcome measures have been identified. Staff recommends that the Subcommittee ask the following questions of the Department:

- How will the video surveillance program reduce negative behaviors if the recordings are not constantly monitored?
- Please justify expansion of the pilot before the completion of initial approved pilot?
- How does this proposal increase safety and wellness for inmates and staff?

Staff Recommendation: Hold open.

ISSUE 5: PERMANENT POSITIONS FOR NON-VIOLENT SECOND STRIKER WORKLOAD

The California Department of Corrections and Rehabilitation will open this issue with a description of the proposal to establish permanent positions for non-violent second striker (NVSS) workload.

PANELISTS

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

BACKGROUND

As part of the Three Judge Panel Order in the Plata/Coleman class action lawsuit, the court's decision of February 10, 2014, ordered the Board to create a new parole process for NVSS inmates for possible release once they served 50 percent of their sentence. The NVSS process began in January 2015. In fiscal year 2014-15, the Board received funding authority to establish 5.0 two year limited-term positions for Deputy Commissioners to conduct hearings in compliance with the Three Judge Panel.

The 2015-16 Court Order Workload Spring Finance Letter authorized the establishment of one AGPA (limited term) and one OT (limited term) and four permanent Administrative Law Judges (ALJs) to process NVSS workload as well as other hearing actions. The Board sought and successfully received permanent funding of four ALJs performing the NVSS review through 2016-17 budgetary process. The initial estimate of monthly NVSS referrals the Board would receive was 125 referrals. Current statistics (January 1 - June 30, 2016) reveal an average of 404 monthly referrals.

2016 Referrals	Number of Monthly Referrals
January	401
February	381
March	500
April	372
May	388
June	380

Governor's Proposal

The California Department of Corrections and Rehabilitation (CDCR), Board of Parole Hearings (Board) requests permanent full-time position authority for 2.0 expiring two-year limited-term positions. This request includes one Associate Governmental Program Analyst (AGPA) and one Office Technician (OT), which were obtained through the fiscal year 2015-16 Court Order Workload Spring Finance Letter, to manage the ongoing workload associated with processing parole suitability for NVSS inmates in 2017-18.

The Board does not anticipate the NVSS program will be eliminated; therefore, this proposal requests permanent authority for the AGPA and OT positions in order to avoid unnecessary turnover and ensure timely processing of the NVSS actions.

STAFF COMMENTS

Staff recommends holding this proposal open pending any additions in May Revision.

Staff Recommendation: Hold Open.

ISSUE 6: AUGMENTATION FOR REIMBURSEMENT AUTHORITY

The California Department of Corrections and Rehabilitation (CDCR) requests an increase of \$51.4 million General Fund (GF) reimbursement authority, \$6.7 million Inmate Welfare Fund reimbursement authority, and \$815,000 Federal Trust Fund (FTF) in fiscal year 2017-18 and 2018-19. This proposal also includes \$30.0 million GF reimbursement authority, 6.7 million IWF reimbursement authority, and \$815,000 FTF in 2019-20 and ongoing fiscal years.

BACKGROUND

This proposal can be broken down into the following items:

- The Inmate Welfare Fund request for \$6,713,000.
- The Health Care Facility Improvement Program and AB 900 requests for \$21,421,000 and \$1,385,000 respectively.
- The CAL FIRE and LA County Fire requests for \$22,918,000 and \$1,443,000 respectively.
- The California Prison Industry Authority request for \$1,630,000.
- The DGS Water Conservation request for \$1,154,000.
- The Cities, Counties and Districts and FTF authority for the FBI requests for \$1,355,000 and \$15,000 respectively.
- The CAL-OES request for an additional \$133,000 GF reimbursement authority and \$800,000 FTF authority.

Inmate Welfare Fund. The Inmate Welfare Fund (IWF) was created in 1945 as a special trust fund for the benefit, education, and welfare of the inmates. IWF is a self-supporting fund totally dependent upon its generated revenues to provide inmates with activities and programs such as the canteen and photo project. IWF's sources of revenue include movie rentals, entertainment, handcraft materials and equipment, library books, and the canteen. Inmates can purchase from any of these sources using the Inmate Trust Fund; this fund solely consists of inmates' personal funds received from family, friends, and from job assignments within the prison.

The additional IWF authority request is driven by an increase in the cost of items purchased for resale and is directly related to increasing canteen sales. This request will be at no cost to the GF since IWF is completely dependent on revenues generated from inmate funds. This augmentation will allow IWF to have sufficient budget authority to cover its expenditures and operate at its fullest capacity. Increasing IWF authority also fits CDCR's current mission to lower recidivism by increasing educational opportunities for inmates.

Health Care Facility Improvement Program and AB 900. HCFIP projects improve the physical plant infrastructure, to complement the medical classification system, and improve the provision of outpatient medical care to the inmate population. AB 900 provides resources to improve public safety by reducing the rates at which inmates re-

victimize communities and return to prison. Assembly Bill (AB) 1468 (Chapter 26, Statutes of 2014) authorizes CDCR to utilize AB 900 funds for capital outlay to design and construct projects such as medical, dental, mental health treatment, and housing spaces in Health Care Facility Improvement Program (HCFIP) at state prison facilities. AB 1468 entered CDCR and the State Public Works Board into a construction agreement in order to acquire, design, and construct a local jail facility, as specified, using the proceeds of revenue bonds, notes, and bond anticipation notes. On January 13, 2014, the Public Works Board approved the scope, cost, and schedule for the HCFIP projects. These physical plant improvements to the infrastructure will develop the provision of outpatient medical care to the inmate population. As projects are completed in 2018-19 in accordance with the 2015 Master Plan, the requested authority for HCFIP is reduced in 2019-20 and ongoing.

The planned improvements primarily focus on providing exam rooms and other clinical spaces with appropriate confidentiality as prescribed by the Federal Health Insurance Portability and Accountability Act, adequate infection control systems, and medication distribution facilities. The additional HCFIP GF authority would allow CDCR to improve the treatment and clinic space at existing prison facilities.

CAL FIRE. The Conservation Camp Program was established in 1946. The California Department of Forestry and Fire Protection (CAL FIRE) and CDCR jointly operate 39 of the 44 Conservation Camps statewide that house approximately 4,400 adult inmates and Division of Juvenile Justice wards. There are approximately 200 fire crews serving California year round under this system. These crews are available to respond to all types of emergencies including wildfires, floods, search and rescue operations, and earthquakes. When not responding to emergencies, the crews are busy with conservation and community service work projects for state, federal, and local government agencies. On average, Conservation Camp crews perform seven million hours on community service work projects, and three million hours of firefighting and emergency response each year.

The additional CAL FIRE and Los Angeles County Fire GF reimbursement authority request correlates with the current drought crisis in California. With rain levels at an all-time low, the state is more prone to wildfires throughout the year increasing the workload for the Conservation Camp crews located statewide.

California Prison Industry Authority. California Prison Industry Authority (CALPIA) work programs reimburse victims, save taxpayer dollars, and manufacture quality products throughout the state. CALPIA is a self-supporting, customer focused business that provides productive work, training, and skill development opportunities which help reduce the recidivism of CDCR inmates. CALPIA provides numerous job training skills inside the prisons like eyeglass and lens manufacturing, dairy operations, egg production, laundry services, textile manufacturing, bakery, shoe manufacturing, dental laboratory, printing services, crops farming, and metal production.

CALPIA also creates developmental opportunities for inmates by offering numerous job training skills that can be used once an inmate is released. The various programs that CALPIA offers are a positive influence for offenders to successfully reintegrate into our communities.

DGS Water Conservation. The Water Conservation Grant correlates with rain levels being at an all-time low and the need to reduce our water usage. CDCR's Green Action Plan established long-term goals for addressing infrastructure issues. CDCR has implemented numerous projects to replace hydronic loops, steam pipes, toilets, and showerheads to reduce water usage throughout its facilities.

The Water Conservation Grant supports the Administrations 2014 Green Action Plan to reduce water usage by 10 percent by 2015 and 20 percent by 2020. The Green Action Plan has empowered CDCR to work with local water suppliers on conservation efforts necessary to achieve these goals.

Cities, Counties and Districts and the FBI. Cities/Counties/Districts (C/C/Ds) provide funding for guarding services to the Office of Internal Affairs (OIA), Los Angeles County Fire, CAL FIRE, and the Office of Correctional Safety. Program 4530 uses C/C/Ds GF reimbursement authority to provide guarding for Los Angeles County Fire, Fire Camp Beds, and various cities for municipal clean up. The need for C/C/Ds GF reimbursement authority has also increased due to the increased amount of Fire Camp Beds needed to operate the state fire camps.

OIA also has Special Agents assigned to an FBI Task Force that investigates allegations of child exploitation. These investigations include interviews, forensic analysis, surveillance, and serving of search and/or arrest warrants. CDCR requires an augmentation to its federal fund authority as it was unable to receive the full amount of federal funds due to the lack of federal fund authority in its budget.

CAL-OES. The Office of Correctional Safety's (OCS's) mission is to protect the public and serve CDCR investigative and security interests. The OCS is the primary departmental link with allied law enforcement agencies and the CAL-OES. CAL-OES is responsible for the coordination of overall state agency response to disasters and offers guidance to emergency managers, planners, and older adult service systems for planning and responding during disasters and recovery. CAL-OES is also accountable for traveling to each facility throughout the state to initiate training sessions, live exercises, and educational seminars in a wide variety of emergency management areas. Cal-OES reimburses CDCR for providing necessary emergency equipment and personnel needed to fight wildfire conditions and other emergencies.

CDCR receives federal funds from CAL-OES for providing emergency equipment and personnel necessary to fight wildfire conditions and other emergencies. CDCR requires an augmentation to its federal authority to receive these funds.

STAFF COMMENT

This proposal would provide various improvements to programs operated and co-operated by CDCR statewide, with no increase to the General Fund. Staff notes no concerns at this time.

Staff Recommendation: Hold Open.

ISSUE 7: TECHNICAL ADJUSTMENTS TO REALIGN RESOURCES FOR VARIOUS PROGRAMS AND DIVISIONS

The California Department of Corrections and Rehabilitation requests to permanently realign resources for a number of programs in 2017-18 and ongoing.

BACKGROUND

According to CDCR, changes in business practices in the past years and errors in scheduling budget authority by program have led to the need for CDCR to identify necessary technical adjustments among various programs. This proposal is the product of those technical adjustments, and the Department anticipates that the proposed changes will accurately align budget authority with anticipated expenditures.

California Correctional Health Care Services. The following five technical adjustments are requested for California Correctional Health Care Services (CCHCS):

1. California Correctional Health Care Services (CCHCS) requests a permanent realignment of \$2,835,000 from Subprogram 4650012 (Medical Administration - Adult) to Subprogram 4500035 (Support Services), specifically the Office of Employee Health (OEH). The realignment is necessary to facilitate OEH's full administration of the annual TB testing and Hepatitis B vaccination processes. OEH now has full responsibility for the administration and management of both programs and requires the requested technical adjustment to pay for the contracted services.
2. CCHCS requests a permanent realignment of position authority of 1.0 Staff Services Manager and \$125,000 in associated funding from Subprogram 4650012 (Medical Administration - Adult) to Subprogram 4500019 (Legislative Affairs). As of August 2016, the responsibility for medical care at six state prisons has successfully transitioned from the responsibility of the Federal Receiver back to CDCR. As a result, the Receiver's Office has agreed, as part of transitioning medical care back to CDCR, to transfer a Staff Services Manager I position to CDCR. This position will have responsibility for tracking and analyzing any health-care related legislation and will provide support to both the Receiver's Office and CDCR.
3. CCHCS requests a permanent realignment of \$200,000 in General Fund reimbursement authority from Subprogram 4650010 (Medical Contract - Adult) to Subprogram 4665 (Ancillary Health Services - Adult). This adjustment is to ensure there will be no deficit in the reimbursement authority for Subprogram 4665 based on the projected expenditures.
4. CCHCS requests a permanent realignment of position authority of 1.0 Associate Information Systems Analyst and \$104,000 in associated funding from Subprogram 4650014 (Medical Other - Adult) to Subprogram 4550072 (Adult Corrections and Rehabilitation Administration - Adult Facilities). This position was incorrectly coded in the 2016-17 May Revise process; this adjustment is to correctly align funding within Subprogram 4650014 and Subprogram 4550072.
5. CCHCS requests a permanent realignment of position authority of 1.0 Staff Service Manager, 3.0 Associate Budget Analysts, and their associated funding of \$465,000 from Subprogram 4500035 (Support Services), specifically the Budget Management

Branch (BMB), to Subprogram 4650012 (Medical Administration - Adult). When the Receivership was created in 2006, a decision was made to separate a significant portion of the administrative functions from CDCR. This resulted in the establishment of separate and distinct administrative services functions for CCHCS, while fiscal services continued to be partially supported by CDCR's BMB. An agreement has been made to move these 4.0 positions and associated funding in order to transition all fiscal service responsibilities to CCHCS's Health Care Policy and Administration Division.

Dental Services. CDCR requests a permanent realignment of \$2,651 million from the general Dental and Mental Health Services Administration-Adult Program 4670 to Subprogram 4655014, Dental Services - Adult. Historically, savings from Program 4670 have been moved to Subprogram 4655014 with a Section 26.00 to cover salary costs due to a low turnover rate. This adjustment will better align authority with Subprogram expenditures.

Division of Adult Parole Operations. The following two technical adjustments are requested for the Division of Adult Parole Operations:

1. The Division of Adult Parole Operations (DAPO) requests a permanent realignment of \$1,838,000 from Subprogram 4555022 (Supervision - Case Services) and \$1,278,000 from Subprogram 4560067 (Psychiatric Outpatient Services) to Subprogram 4565015 (Headquarters). This funding is associated with actual step salaries that were built into the CDCR Blueprint. This adjustment will better align authority with Subprogram expenditures.
2. DAPO requests a permanent realignment of 1.0 position authority for Nursing Consultant Program Review (NCPR) and associated funding of \$195,000 from Subprogram 4560067 (Psychiatric Outpatient Service) to Subprogram 4650012 (Medical Administration - Adult). The NCPR position is being permanently redirected to perform duties related to medical placement assistance.

Division of Rehabilitative Programs. The following five technical adjustments are requested for the Division of Rehabilitative Programs:

1. A permanent realignment of 1.0 Staff Services Manager I, 2.0 Associate Governmental Program Analysts, and their associated funding of \$313,000 from Subprogram 4590015 (In-Prison Program) to Subprogram 4600036 (Office of Offender Services). This funding was coded to the incorrect program in the 2016-17 Substance Use Disorder Treatment Expansion BCP. This adjustment will correctly align authority with subprogram expenditures.
2. Realignment of 2.0 Staff Services Manager I's, 3.0 Associate Governmental Program Analysts, and their associated funding of \$527,000 from Subprogram 4590031 (Reentry Services) to Subprogram 4600036 (Office of Offender Services). This funding is associated with the Male Community Reentry Program, and was initially coded to the incorrect program. This adjustment will correctly align authority

with subprogram expenditures.

3. A permanent realignment of 12.0 Vocational Instructors (Auto Body and Fender Repair) and associated funding of \$1,461,000 from Subprogram 4600028 (Office of Correctional Education) to Program 4585019 (Vocational Education - Adult). This funding was coded to the incorrect program in the 2016-17 Rehabilitative Programs Expansion BCP. This adjustment will correctly align authority with subprogram expenditures.
4. A permanent realignment of 1.0 Associate Governmental Program Analyst and associated funding of \$100,000 from Subprogram 4590015 (In-Prison Program) to Subprogram 4600036 (Office of Offender Services). This funding was coded to the incorrect program in the 2016-17 Rehabilitative Programs Expansion BCP. This adjustment will correctly align authority with subprogram expenditures.
5. A permanent realignment of \$4,223,000 from Subprogram 4590015 (In-Prison Program) to Subprogram 4560015 (Day Reporting Center). In the 2015-16 Technical BCP, CDCR requested to move all parolee community programs funding from Program 4590 to Program 4560. However, this funding was inadvertently left out. This adjustment will correctly align authority with subprogram expenditures.

STAFF COMMENT

This proposal seems to increase funding transparency within various programs and subprograms, making it easier to understand exactly how state funding is spent within CDCR's budget.

Staff Recommendation: Hold Open.

ISSUE 8: CAPITAL OUTLAY: HEALTH CARE FACILITY IMPROVEMENT PROGRAM - CALIPATRIA

The California Department of Corrections and Rehabilitation requests \$16,079,000 General Fund to remedy physical plant deficiencies in the health care facilities at Calipatria State Prison in order to comply with court requirements (Plata, Coleman, and Perez).

PANELISTS

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

BACKGROUND

This project is part of CDCR's Health Care Facility Improvement Program (HCFIP) to remedy deficiencies to health care facilities statewide. The purpose of the HCFIP is to provide a facilities infrastructure within CDCR that will support a timely, competent, and effective health care delivery system with appropriate health care diagnostics and treatment, medication distribution, and access to care for individuals incarcerated within CDCR.

Currently, inmate patients housed in Facilities A, B, C, and D receive their primary care at the existing facility clinic located within each respective facility. Each of the existing clinics has a Licensed Vocational Nurse (LVN)/Office Technician (OT) workstation that is shared with medication distribution, a dental suite which includes an operatory and sterilization room, two medical exam rooms, and one mental health treatment room.

Due to a shortage of space, nurses take vitals and perform patient pre-exam interview/screening in the corridors, raising security concerns and compromising compliance with the Health Insurance Portability and Accountability Act (HIPAA). Lab draws are also performed in the corridors. There is a shortage of clinical offices. There are no clean utility or soiled utility rooms to support proper clinical infection control practices. Also, there are not dedicated spaces for wheelchair storage or telemedicine equipment storage.

Based on these deficiencies these primary care clinics do not have the clinic support spaces needed to serve inmate-patients at the required level of care. Inmate-patients housed in the ASU receive their primary health care in an existing exam room shared by both medical providers and nurses. This room is also where ASU medications are prepared. The current practice of using the exam room within the ASU housing unit as

the location where medication is also stored and used for preparing medications for distribution compromises the security of the medication.

Additionally, there are no dental facilities at any of the existing ASU housing units. All ASU inmate-patients are escorted to the Central Health Services Building for dental treatment. The escorting of ASU inmate-patients to the Central Health Services Building for dental services requires lengthy escorting and increases security risks for staff and other inmates as well as disrupting health care services to the General Population inmate-patients.

The design and construction for Phase I of the CAL HCFIP project was funded pursuant to authority provided in AB 900 (Chapter 7, Statutes of 2007). AB 900 authorized CDCR to design and construct new buildings, renovate existing buildings, and make necessary ancillary improvements at facilities under the jurisdiction of the Department to provide medical, dental, and mental health treatment.

Governor's Proposal

Phase II will reconfigure and renovate existing space and construct new Medical Treatment space additions to each of CAL's Facilities A, B, C, and D Primary Care Clinics, and construct a new, stand-alone Administrative Segregation Unit (ASU) Primary Care Clinic immediately adjacent to the ASU Housing Unit. These Primary Care Clinic renovations and additions at Facilities A, B, C and D will provide primary health care consultation and treatment consistent with the delivery of a basic level of care.

STAFF COMMENT

HCFIP has led to the correction of deficiencies at many of our State's correctional facilities, and this proposal seems to be in line with the goals and standards of the program. Staff agrees with CDCR's assessment that this proposal would assist the Department in providing constitutionally compliant and efficiently provided medical care to its inmate-patients. The proposal also provides physical plant modifications required by the courts.

Staff Recommendation: Hold open.

ISSUE 9: CAPITAL OUTLAY: MENTAL HEALTH CRISIS BEDS AT CALIFORNIA INSTITUTION FOR MEN AND RICHARD J. DONOVAN CORRECTIONAL FACILITY

The California Department of Corrections and Rehabilitation requests \$3,661,000 General Fund for California Institution for Men and \$3,597,000 General Fund for Richard J. Donovan Correctional Facility in order to construct licensed 50-bed Mental Health Crisis Facilities at each institution.

PANELISTS

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

BACKGROUND

Currently, CDCR has a need for additional mental health beds. The present waitlist, plus the projected Mental Health Crisis Bed (MHCB) inmate-patient population, combined with the need to eventually cease operation of unlicensed beds, indicates an increased need for licensed MHCBs within the Southern California region. To address this critical MHCB shortage, CDCR proposes the preliminary plan phase to construct two 50-bed Mental Health Crisis Facilities – one to be located at CIM, and the other at Richard J. Donovan Correctional Facility. The buildings will be designed to allow for operation at the ICF level of care if treatment acuity needs fluctuate.

CDCR's statewide MHCB capacity for males is 373 licensed beds, with an additional 54 unlicensed beds that do not meet the required Correctional Treatment Center (CTC) licensing requirements. MHCBs are required to be licensed as CTCs pursuant to California Code of Regulations, Title 22, Division 5, Chapter 12. These 54 unlicensed beds can only be operated while CDCR is under the Coleman Court's jurisdiction, and thus are not counted as permanent MHCBs. CDCR's Fall 2016 projections indicate that the number of MHCBs needed for CDCR's male population in 2017 will be 495, increasing to approximately 499 by 2018. In addition, there has been an average of 70 male inmate-patients on the MHCB waitlist in 2016. CDCR's efforts to exit from Coleman Court supervision will be negatively affected by an extensive waitlist for MHCBs.

In addition, CDCR would be unable to operate unlicensed MHCBs if CDCR was successful in removing itself from Court supervision. These two factors combine to indicate that additional MHCB capacity will be one necessary component of a larger strategy to exit Court supervision. In addition to a shortage of available licensed

MHCBS, the geographic location of existing beds also contributes to a statewide deficiency in providing timely treatment to this inmate-patient population.

This deficiency is especially prominent within the Southern California region. Of the 373 licensed MHCBS, 111 are located in the northern region, 236 in the central region, and 26 are in the southern region. In Fiscal Year 2015-16, southern region institutions referred 1,156 inmate-patients to a MHCBS at another institution due to the originating institution either not having a MHCBS facility or no MHCBS being available at the time of the referral. Out of these 1,156 inmate-patient transfers, 798 of these (69 percent) were transferred to an institution outside the southern region. These longer distance transfers result in inmate-patients in crisis experiencing an unnecessary delay in receiving critical treatment due to lengthy transport to a central or northern region institution.

California Institution for Men. This proposal requests funding to construct a licensed 50-bed Mental Health Crisis Facility at California Institution for Men (CIM), located in Chino. The current waitlist plus the projected Mental Health Crisis Bed (MHCBS) inmate-patient population, combined with the need to eventually cease operation of unlicensed beds, indicates an increased need for licensed MHCBS within the Southern California region. The building will be designed to allow for operation at the Intermediate Care Facility (ICF) level of care if treatment acuity needs fluctuate. This proposal requests funding for the preliminary plan phase of this project. The total estimated project cost is \$55,308,000.

Richard J. Donovan Correctional Facility. This proposal requests funding to construct a licensed 50-bed Mental Health Crisis Facility at Richard J. Donovan Correctional Facility (RJD), located in San Diego. The current waitlist plus the projected Mental Health Crisis Bed (MHCBS) inmate-patient population, combined with the need to eventually cease operation of unlicensed beds, indicates an increased need for licensed MHCBS within the Southern California region. The building will be designed to allow for operation at the Intermediate Care Facility (ICF) level if treatment acuity needs fluctuate. This proposal requests funding for the preliminary plan phase of this project. The total estimated project cost is \$56,508,000.

The Governor's budget also proposes \$11.4 million from the General Fund and 90 positions to convert 74 existing outpatient mental health beds into Intermediate Care Facility beds at California Medical Facility (CMF). This proposal will be discussed at one of this Subcommittee's future hearings, but the impact of the transition of CMF coincides with the MHCBS requested in this proposal.

LAO ASSESSMENT AND RECOMMENDATION
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According to the LAO, the Administration estimates that the annual cost to operate each facility will be \$24 million. The LAO notes that the proposed facility at CIM would require the construction and staffing of guard towers because the facility would be built outside the existing electric fence. The department indicates that staffing the guard towers would cost an additional \$3.9 million annually. Both facilities would be completed by the end of 2020-21.

Given the uncertain need for additional MHCBS, the LAO recommends the Legislature reject the Governor's proposal at this time to build two 50-bed MHCBS facilities at RJD and CIM. CDCR should monitor the effects of Proposition 57, the activation of the Intermediate Care Facility unit proposed for CMF, and any shift in mental health program responsibilities on the need for additional MHCBS. If this information shows a continuing need for additional MHCBS, the department can make a new request at that time. To the extent that the department determines there remains a need for the CIM project, it will have time to complete a project cost estimate for the CIM facility using an electric fence as opposed to manned guard towers. If it is more cost-effective to use an electric fence, the department could adjust its request accordingly.

STAFF COMMENT

The Subcommittee may wish to hold this item open in order for the Department to report back on the estimated impact of the ICF unit proposed for CMF, and whether or not the need for additional MHCBS would be necessary given approval of that proposal. The Subcommittee may also wish for CDCR to explain any impacts that Proposition 57 would have on this proposal.

Staff Recommendation: Hold open.

ISSUE 10: CAPITAL OUTLAY: POTABLE WATER RESERVOIR - CALIPATRIA

The California Department of Corrections and Rehabilitation requests \$6,939,000 General Fund to construct one new 1.25 million gallon (MG) potable water reservoir at Calipatria State Prison (CAL) and to repair and upgrade the existing 2.06 MG potable water reservoir.

BACKGROUND

According to CDCR, Calipatria has an urgent need for the construction of a new potable water reservoir and upgrades to the existing potable water reservoir. CAL currently has one 2.06 MG water storage reservoir for the institution's water storage and system operation, which was installed in 1990. The existing reservoir has become corroded internally which poses a potential health risk to staff and inmates, as determined by the RWOCB. The existing reservoir must be emptied in order to make the necessary repairs. Specifically, there is a need for additional potable water storage capacity to supply uninterrupted safe drinking water and sufficient water flows for fire suppression to the institution during required maintenance to the existing potable water storage reservoir.

A failure in the existing potable water reservoir would prove to be catastrophic since there is limited ability to operate the potable water system for domestic water needs, and no ability to provide fire suppression flows, without a reservoir. Despite the temporary repairs to the existing reservoir that CAL has completed and/or contracted out to certified divers, the reservoir has deteriorated to the point that it must be emptied for a minimum of six months in order to make the required permanent repairs. During an inspection of the interior of CAL's existing potable water reservoir by certified divers, it was identified that heavy corrosion and rust are present in the reservoir. The corrosion damage was found to be extensive enough that draining the reservoir will be necessary to facilitate the required repairs.

On June 6, 2011, an inspection of CAL's potable water system was conducted by California Department of Public Health (CDPH). CDPH stated that "The March 16, 2009, March 26, 2010, and May 10, 2011 diver reported that the coating on the sidewalls has deteriorated significantly and the coating on the bottom has large rust nodules that are eating through the steel and could develop a leak in the near future." The reports recommended that the reservoir "should be taken down and out of service in the near future to be sand blasted and recoated." The State Water Resources Control Board completed a sanitary survey in June of 2015, and found that no progress had been made to address the deficiencies.

The purpose of this project is to construct one 1.25 MG potable water reservoir at CAL, and repair and upgrade the existing 2.06 MG potable water reservoir. The construction of one new reservoir will provide for the necessary everyday (domestic) and fire suppression water supply as required by the California Fire Code. In order to maintain constant adequate water flow to the institution, the reservoir will be designed with the

necessary piping and plumbing to allow isolated operation of each reservoir to allow for independent maintenance and repairs.

STAFF COMMENT

Staff notes no concerns at this time.

Staff Recommendation: Hold open.

ISSUE 11: CAPITAL OUTLAY: BRINE CONCENTRATOR SYSTEM REPLACEMENT – DEUEL VOCATIONAL INSTITUTION

The California Department of Corrections and Rehabilitation requests \$1,879,000 General Fund for the preliminary phase of the design and construction of a new Vibratory Shear Enhanced Process (VSEP) system to replace the existing brine concentrator system for Deuel Vocational Institution's (DVI) Reverse Osmosis Water Treatment Plant (ROWTP).

BACKGROUND

DVI's ROWTP began full-time operation in June 2009 and was permitted to operate in February 2010. It has proved to be unreliable due to failures of the brine concentrator system and the lack of redundancy of this system's components. Between February 2010 and March 2015, the ROWTP was out of service approximately 60 percent of the time due to various component failures within the brine concentrator system. In March 2016, failures of the brine concentrator's heat exchanger tubes and plate sheet were discovered during routine maintenance. Emergency repairs were completed and the brine concentrator was placed back in service in May 2016. As a result of this failure, the ROWTP was out of service for 56 days.

The past brine concentrator system component failures include:

- Vapor compressor (23 month shutdown from April 2010 to February 2012)
- Brine pre-heater (2 month shutdown from May to June in 2012)
- Heat exchanger plates (2 month shutdown from November to December 2013)
- Brine recirculation pump (6 month shutdown from October 2014 to April 2015)
- Heat exchanger tubes (2 month shutdown March 2016 to May 2016)

When the ROWTP is not operational, chlorinated and filtered well water is utilized for showering, flushing toilets, cooking, and laundry functions, while bottled water is provided to inmates and staff for drinking water as stipulated by SWRCB to meet secondary water standards. Additionally, when the ROWTP is not operational (and thus heavy metal contaminants are not removed), the water discharged from the WWTP is in violation with California Regional Water Quality Control Board's (CRWOCB) requirements. Both the ROWTP and Waste Water Treatment Plant's (WWTP) systems must work collectively to meet the WWTP's discharge requirements in removing contaminants.

This project is required for compliance with the State Water Resources Control Board (SWRCB) for violations of secondary drinking water standards, and with the CRWOCB and WWTP for the effluent exceeding discharge requirements.

STAFF COMMENT

The current Brine Concentrator System has suffered many component failures since its installation and no longer allows the facility to meet standards from the State Water Resources Control Board or the California Regional Water Quality Control Board. In order to comply with the standards set forth by SWRCB and CRWOCB, the Brine Concentrator System must be repaired in order to ensure that drinking water meets safety standards and that the water discharged from the facility does not exceed effluent water toxicity limits.

Staff notes no concerns with this proposal at this time.

Staff Recommendation: Hold Open.

ISSUE 12: CAPITAL OUTLAY: MEDICATION DISTRIBUTION IMPROVEMENTS

The California Department of Corrections and Rehabilitation requests \$2,569,000 General Fund for design and construction of two Medication Distribution Rooms (MDRs) at California Correctional Institution (CCI), one each in Facilities A and B, to provide the appropriate space with the proper infrastructure for secure medication distribution, infection control, environmental control and secure medication storage.

BACKGROUND

Currently, the distribution of medication to General Population (GP) inmates in Facility A and B is being performed on the dayroom floor by nursing staff. This method is inefficient for nursing staff because they must move from housing unit to housing unit, rather than being located in a single MDR. This is unsafe for nursing staff, as inmates are freely moving in the dayroom. There is a possibility that medications can be stolen or vandalized since the medication tote or cart is in the open dayroom rather than in a secured room. Data connectivity is also not available for connections to information management systems for review of inmate-patient medical records.

Nursing staff cannot access electronic health care records from the dayroom, which prevents nursing staff from resolving any discrepancies that could lead to medication errors. It also requires a separate activity after distribution is completed to record the medication that has been provided to each inmate. Medication errors can lead to deterioration of an inmate-patient's medical condition and subject the California Department of Corrections and Rehabilitation (CDCR) to medical liability claims.

Proper, efficient, and timely medication distribution is one of the core components for treatment of medical ailments. In order to provide safe, efficient, and effective medication distribution, physical plant modifications and improvements must be completed. The medication distribution improvements provided by this project will remedy existing deficiencies in medication distribution space and services, and provide medication distribution space consistent with other prisons with similar populations.

STAFF COMMENT

Originally, both Facilities A and B were utilized for the Administrative Segregation and Secure Housing Units. These Units were converted to General Population in May of 2015, but do not meet standards for serving GP. This proposal to construct two Medication Distribution Rooms allows for the most efficient and secure method of medication distribution for the General Population and aligns these facilities with other GP facilities. Staff notes no concerns at this time.

Staff Recommendation: Hold open.

ISSUE 13: CAPITAL OUTLAY: ADMINISTRATIVE SEGREGATION CELL DOOR RETROFIT

The California Department of Corrections and Rehabilitation requests \$783,000 General Fund to replace the existing 144 barred cell fronts with more secure cell fronts with vision panels in the O-Wing Administrative Segregation Unit (ASU).

BACKGROUND

The existing barred cell fronts provide inmates with the opportunity to physically assault staff or inmates, cause injuries from inmate manufactured weapons (spearing), expose persons to bodily waste thrown between the bars (gassing), and cause harm to staff and inmates from thrown burning objects or compressed canisters (i.e. medical inhalers) that are rigged to explode.

The potential for assault exists each time a staff member approaches the cell front or walks past on the tier. Staff must feed the inmates in the ASU at least twice a day through the food/cuff port located in the sliding barred cell door. This hinged opening is covered and locked, but must be opened to serve the inmate. The proposed solid cell front and door system has a sliding food/cuff port cover and a tray delivery system that attaches to the door. The "safety feed" box greatly reduces the opportunity for staff assaults during feeding operations.

The potential for assault also exists whenever an inmate must be removed from their cell and escorted for medical appointments, to see a correctional counselor, or attend classification committee meetings. The inmate is shackled and escorted by two correctional officers along the tier, past the open cell fronts of other ASU cells. This situation creates vulnerability for both staff and inmates. This hazard is especially prominent in the third level tier, which is less than four feet wide and approximately half as wide as the first and second level tiers. This ever-present danger would be eliminated by a solid cell front.

STAFF COMMENT

Staff notes no concern with this proposal at this time, and recommends holding this item open.

Staff Recommendation: Hold open.

ISSUE 14: CAPITAL OUTLAY: FIRE SUPPRESSION UPGRADE – PELICAN BAY

The California Department of Corrections and Rehabilitation requests \$1,117,000 General Fund in order to begin the preliminary plans phase to correct fire suppression system deficiencies at Pelican Bay State Prison (PBSP) identified during an inspection by the State Fire Marshal (SFM).

BACKGROUND

PBSP's eight general population housing units were built in 1989, and the construction did not include installation of automatic fire sprinklers within the inmate cells or in the program support areas as required by the SFM. The general population housing units at PBSP are a prototypical 180 housing unit design. This design is considered a more secure prison design for Level IV general population inmates. The 180 housing units are made up of two wings that mirror one another and a kitchen/dining area connecting the two wings. The structure is a one-story concrete tilt-up wall system with an interior concrete mezzanine through various parts of the building. Each building contains 128 cells (64 each on the ground floor and the mezzanine), a control booth, dining area, kitchen, counseling rooms, showers, maintenance closets, a mechanical room, dayrooms and an air handling system. Each building is approximately 46,000 square feet.

During a recent inspection by the State Fire Marshall, it was identified that the housing units were not constructed with an automatic fire suppression system as required per California Building Code (Code) Section 903.2.6.2. The code states, "Every building, or portion thereof, where inmates or persons are in custody or restrained shall be protected by an automatic sprinkler system conforming to National Fire Protection Association 13". Neither CDCR nor the SFM could locate an approved Alternate Means of Protection for these buildings to explain why these housing units were built with no fire sprinklers, but both CDCR and the SFM agree there is a need to install fire suppression system upgrades. Currently each of the general population housing units at PBSP are equipped with fire alarm systems and fire hose cabinets instead of sprinklers. Staff are trained to use fire hoses or fire extinguishers to suppress fires, as the units are not equipped with automatic fire suppression.

STAFF COMMENT

Although staff notes concern regarding the approval for construction of these housing units without automatic fire suppression, approval of this proposal is recommended in order to protect the safety of inmates and officers alike. This project is also necessary in order to get sign off from the State Fire Marshall for future improvement projects moving forward at Pelican Bay.

Staff Recommendation: Hold Open.

ISSUE 15: CAPITAL OUTLAY: STATEWIDE MINOR CAPITAL OUTLAY PROGRAM

The California Department of Corrections and Rehabilitation requests \$2,004,000 General Fund in order to fund four projects for Fiscal Year (FY) 2017-18 for the construction of minor capital outlay improvements at the California Department of Corrections and Rehabilitation's adult and juvenile facilities is included with this submission.

BACKGROUND

Calipatria Substance Abuse Treatment (SAT) Program Space. The existing Vocational Building (521 A) used for SAT programming at CAL contains one large area subdivided by a portable divider to conduct community meetings and group therapy sessions. These sessions are held twice a day with 12 inmates in each area, for a total of 48 inmates per day. The program cannot currently accommodate more than this quantity of inmates without further subdividing this space to ensure a safe and secure environment for staff and inmates. Staff also utilizes four workspaces separated by walls with open doorways to meet with inmates individually for confidential intake and assessments, individual group therapy sessions and treatment planning. This space lacks privacy, and is contrary to Health Insurance Portability and Accountability Act (HIPAA) guidelines.

In order to remedy this issue, CDCR requests a total of \$496,000 order to provide the required confidential treatment space and private offices as required by HIPAA. This funding would allow for construction of four treatment classrooms and five private offices.

Centinela Substance Abuse Treatment Program Space. The existing Vocational Building (524B) used for SAT programming at CEN contains two large areas used to conduct community meetings and group therapy sessions. These sessions are held twice a day, with 12 inmates in each area, for a total of 48 inmates per day. These areas cannot currently accommodate more than 12 inmates per side/twice a day without further subdividing this space to ensure a safe and secure environment for staff and inmates. Staff also utilizes four workspaces separated by walls with open doorways to meet with inmates individually for confidential Intake and assessments. Individual therapy sessions and treatment planning. This space lacks privacy, and is contrary to HIPAA guidelines. An additional room is used within this building as open office space by staff with 8 desks and lockable file cabinets for maintaining confidential files and treatment planning; however, there are no dividers/partitions separating each work station.

In order to provide adequate space for SAT programming, a total of \$617,000 is requested in order to construct four treatment classrooms, four private offices, and eight cubicles.

Los Angeles Minimum Support Facility Perimeter Fence. This proposal requests funding to extend the height of the Level I Minimum Support Facility (MSF) perimeter fence at the California State Prison, Los Angeles County (LAC). This project will raise the height of the looped razor wire topping the fence an additional two feet, mitigating the existing safety and security concerns associated with the current fence design. Currently, the fence is eight feet tall, and the existing 30-inch braided razor ribbon loops within approximately 6 ft. of the ground. According to the Department, this is a safety hazard because the perimeter is unpaved with no "Out of Bounds" markings or signs to warn inmates and staff of the hazard.

The total estimated cost of this project is \$299,000 and would allow for the fence to be extended an additional two feet, and would ensure that the razor wire does not dip below eight feet off the ground.

Pelican Bay Central Kitchen Walk-in Freezer Addition. The available freezer space in the Main Warehouse and Central Kitchen at PBSP is inadequate, leading to the inability to take advantage of bulk purchases at a lower cost per item, and ultimately resulting in higher daily food costs per inmate. PBSP has a total of 6,100 sf of freezer space to store all frozen food items (1,600 sf in the Central Kitchen and 4,500 in the Main Warehouse). Currently, the facility purchases frozen food items in smaller quantities (approximately 14 pallets of mixed products) because of the amount of freezer storage available, but the cost per item is higher. Purchasing in larger quantities (approximately 17-20 pallets of one product) would result in a cost savings on each item purchased. At least partially because of the smaller quantity purchases, PBSP has the highest food cost per inmate (\$3.94/day) of all California prisons. The average food cost per inmate at other facilities is \$3.39/day.

PBSP estimates an annual cost savings of approximately \$88,000 as a result of being able to take advantage of larger bulk ordering of numerous products. As an example, PBSP estimates in one year they purchase approximately 190,000 lbs. of beef at a cost of \$1.38/lb., for a total cost of \$262,200. The same amount of beef purchased in larger quantity would be \$1.28/lb., resulting in a cost savings of approximately \$19,000 annually just for this item. At an estimated savings of \$88,000/year, PBSP anticipates a project return on investment within six years.

This proposal requests \$592,000 to construct a new walk-in freezer, measuring approximately 1,300 square feet (sf), adjacent to the Central Kitchen at Pelican Bay State Prison.

LAO ASSESSMENT AND RECOMMENDATIONS

The LAO sites CDCR's reports that no person has been injured by the razor wire and only one inmate has scaled the fence to successfully escape since the razor wire was installed in the mid-1990s. With no historical examples of injuries caused by the razor wire and a very low rate of escape, the LAO believes there is no reason to believe that injuries and escape are likely to occur in the future. Thus, the LAO finds that the current

fence is adequate and recommends that the Legislature reject the Governor's proposal to provide General Fund support to raise the height of the fence at LAC because the need for a higher fence has not been justified.

STAFF COMMENT

Staff reached out to CDCR regarding the LAO's comments on the fence at LAC. CDCR states that "although no injuries have occurred, this request would eliminate the risk of injury it currently presents to staff and inmates. At a height of appx 6', the razor wire is within the height of most inmate's head and neck area. The razor wire is effectively a multitude of razor edges and could cause significant injury if a person either accidentally came into contact, or if pushed or assaulted into the razor wire."

The Department also noted that this proposal came to CDCR's attention when the prison submitted this proposed project in response to a "call letter" in which capital outlay project needs are solicited from each institution. CDCR saw this project as a priority due to the safety concerns expressed by the prison.

Staff recommends holding all of these proposals open.

Staff Recommendation: Hold open.

ISSUE 16: CAPITAL OUTLAY: BUDGET PACKAGES AND ADVANCE PLANNING – STATEWIDE

The California Department of Corrections and Rehabilitation requests \$250,000 in order to perform advance planning functions and prepare budget packages for capital outlay projects to enable the Department to provide detailed information on scope and costs on requests for planned projects.

BACKGROUND

The California Department of Corrections and Rehabilitation (CDCR) currently operates 34 adult prisons and 3 juvenile facilities, along with 44 adult and juvenile conservation camps. The range of capital outlay needs across the facilities is broad and varied. The development of budget packages enables CDCR to develop well-documented and justified capital outlay requests for funding consideration in the annual Budget Act. Additionally, the need arises during the fiscal year to perform advance planning functions such as environmental reviews and site assessments to determine the feasibility of future capital outlay requests. To perform these functions, CDCR has often been provided with a Statewide Budget Package and Advance Planning appropriation (hereinafter referred to as Advance Planning) in the Budget Act.

Provisional language is included with this appropriation limiting it to projects that meet both of the following two criteria:

1. The project being studied has not previously received funding from the Legislature.
2. The project is being prepared for funding consideration in future Governor's Budgets or Five-Year Infrastructure Plans.

STAFF COMMENT

CDCR has utilized budget packages and advanced planning in order to prepare budget packages for capital outlay in the past. Staff notes no concern on this proposal.

Staff Recommendation: Hold open.

ISSUE 17: CAPITAL OUTLAY: VARIOUS REAPPROPRIATIONS

The California Department of Corrections and Rehabilitation requests \$250,000 in order to perform advance planning functions and prepare budget packages for capital outlay projects to enable the Department to provide detailed information on scope and costs on requests for planned projects.

BACKGROUND

Ironwood: Heating, Ventilation, and Air Conditioning System. This project will design and construct a new central chiller plant as well as improvements to existing roofs, fire dampers, and smoke evacuation systems to correct damage caused by the existing deteriorated evaporative cooling system at Ironwood State Prison.

Due to a San Diego County Superior Court decision upholding a bid protest by the second lowest bidder and issuing a permanent injunction prohibiting work on the construction contract, it was determined that the best course of action would be to rebid the project and proceed with the completion of work under a new contract. Prior to the rebid, the working drawings need to be updated to reflect site condition changes and incorporate construction bulletins. Because the redesign is anticipated to be completed in late Spring 2017, it is not possible to allocate the construction phase funding prior to June 30, 2017.

Therefore, the Department is requesting a reappropriation of \$140,018,000 for the construction phase in the 2017 Budget Act, to ensure that funding remains available for this project.

San Quentin: New Boiler Facility. This project will design and construct a new central high-pressure steam boiler facility at San Quentin State Prison. Boiler replacement is required for compliance with Bay Area Air Quality Management District regulations for gas-fired boiler emissions standards. The California Department of Corrections and Rehabilitation (CDCR) has determined that boiler technology has changed and a redesign of the boilers will eliminate the need for an additional control system, which allows for a smaller building and lower maintenance/operating costs. CDCR is currently in the process of redesigning the new boilers. As the redesign will not be completed until June 2017, it is not possible to allocate the construction phase funding prior to June 30, 2017.

Therefore, the Department is requesting a reappropriation of \$18,071,000 in the 2017 Budget Act for the preliminary plans, working drawings, and construction phase funding, to ensure that funding remains available for this project.

Deuel: New Boiler Facility. This project will design and construct a new central high-pressure steam boiler facility at Deuel Vocational Institution. Boiler replacement is required for compliance with San Joaquin Valley Air Pollution Control District regulations for gas-fired boiler emissions standards. The California Department of Corrections and

Rehabilitation (CDCR) has determined boiler technology has changed and a redesign of the boilers will eliminate the need for an additional control system, which allows for a smaller building and lower maintenance/operating costs. CDCR is currently in the process of redesigning the new boilers. As the redesign will not be completed until June 2017, it is not possible to allocate the construction phase funding prior to June 30, 2017.

Therefore, the Department is requesting a reappropriation of \$4,041,000 in the 2017 Budget Act in order to fund the preliminary plans, working drawings, and construction phase funding, to ensure that funding remains available for this project.

STAFF COMMENT

The proposals included within this item were all previously appropriated funding for these projects, and the proposals simply seek to extend the timing that this funding will be available for utilization. Staff notes no concerns with this proposal.

Staff Recommendation: Hold open.
