

AGENDA
ASSEMBLY BUDGET SUBCOMMITTEE NO. 5
PUBLIC SAFETY

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

WEDNESDAY, MARCH 7, 2018
 10:00 A.M. – CALIFORNIA STATE CAPITOL ROOM 4202

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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

BACKGROUND

The Governor's budget includes \$12 billion (\$11.7 billion General Fund and \$313 million other funds) for the California Department of Corrections and Rehabilitation (CDCR) in 2018-19, an increase of \$125 million or 1.0 percent from the current year.

Proposed Funding

Total Expenditures for the California Department of Corrections and Rehabilitation

(Dollars in Millions)

	2016-17 Actual	2017-18 Estimated	2018-19 Proposed	Change From 2017-18	
				Amount	Percent
Prisons	\$9,646	\$10,477	\$10,522	\$45	—
Adult parole	548	620	654	34	5%
Administration	467	504	548	44	9
Juvenile institutions	183	197	201	4	2
Board of Parole Hearings	45	50	50	-1	-2
Totals	\$10,889	\$11,849	\$11,975	\$125	1%

(Source: Legislative Analyst's Office)

January 2017 Population Projections

CDCR Adult Institution Population. The adult inmate average daily population is projected to decline from 130,317 in 2017-18 to 127,412, in 2018-2019, a decrease of 2,956 or approximately 2.2 percent from the 2017 Budget Act projections. The decrease in the adult inmate population is due to the implementation of Proposition 57, which offsets a projected increase in felon admissions.

CDCR Parolee Population. The average daily adult parolee population is projected to increase from 47,274 in 2017-18 to 49,794, an increase of 2,520 or 5.3 percent from the 2017 Budget Act's projections. The increase in the parolee population is largely

attributed to the continued implementation of Proposition 57. When compared to the projected average daily population in the 2017 Budget Act, these changes result in an increase of \$59.2 million General Fund in 2017-18 and \$24.3 million General Fund in 2018-19.

Mental Health Program Caseload. The population of inmates requiring outpatient mental health treatment is projected to be 36,854 in 2017-18 and 35,826 in 2018-19. This is an increase of 922 inmates in 2017-18 and a decrease of 107 inmates in 2018-19 in comparison to the projected mental health population in 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.

CDCR, Division of Juvenile Justice Population. Compared to the 2017 Budget Act projections, the youth population is projected to decrease by 121 in 2017-18 and decrease by 91 in 2018-19, for a total population of 615 in 2017-18 and 645 in 2018-19. When compared to the projected population in the 2017 Budget Act, these changes result in a decrease of \$5.8 million General Fund in 2017 and \$5.1 million General Fund in 2018-19.

Staff Recommendation: Hold open pending May Revision.

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 31.6 positions.

PANELISTS

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

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 109, to ease prison crowding and reduce state spending on prisons. Subsequently, in 2012, the Department 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 Department would operate with a significantly reduced population. Among its provisions, the Blueprint included implementation of standardized staffing replacing the ratio-driven staffing model. Standardized staffing is based on 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.

CDCR, as a 24-hour operation, requires the use of both posted (positions which require relief coverage when the assigned employee is absent or when the position is vacant) and non-posted (positions which do not require relief coverage when the assigned employee is absent or when the position is vacant) positions.

Governor's Proposal

The Governor's budget includes \$4.4 million General Fund and 31.6 positions in 2018-19 to augment custody standardized staffing levels at multiple institutions. This proposal would provide additional resources to following institutions:

Staff Augmentation—Adjustments

- ***California Institute for Men (CIM)***. The Governor's budget proposes \$165,000 and an additional 1.2 Correctional Officer positions for CIM to process inmates in and out of Facility D, which was activated without a work change position as there were limited programs offered at that time. The post is running currently via overtime. The request would establish a 5-day posted officer position.

- **California Health Care Facility (CHCF).** The Governor's budget proposes \$288,000 and 1.8 Correctional Sergeant positions for CHCF for the supervision of officers and inmates on third watch (3W) for Facility E's Enhanced Outpatient Program (EOP). Facility E was not completed at the time of the initial staffing review. The Division of Adult Institutions (DAI) attempted to reallocate a position internally but was unsuccessful. The request would establish a 7-day posted sergeant position.

Staff Augmentation—Health Care Facility Improvement Project (HCFIP)

The following requests address staffing needs as a result of updates to the HCFIP designs resulting from changes in space. The posts will be activated once construction has been completed. Construction at Deuel Vocational Institute is complete and all others are tentatively scheduled for completion in 2018.

- **North Kern State Prison (NKSP) Reception Center.** The Governor's budget proposes \$331,000 and 2.4 Correctional Officer positions in NKSP to fill two posts dedicated to security within the newly renovated Receiving and Release building. The newly designed building doubles the treatment and interview space.
- **Wasco State Prison (WSP) Reception Center.** The Governor's budget proposes \$1,541,000 and 11.2 Correctional officers in WSP to fill various security positions with the newly renovated Receiving and Release building. The clinic is currently staffed with 1 Correctional Officer on 2W.
- **Correctional Training Facility (CTF).** The Governor's budget proposes \$578,000 and 4.2 Correctional Officers in CTF. Increases in mental health appointments have required storage space to be used for treatment space and Facility C, which was set to move to a new building, will remain in place
- **Deuel Vocational Institution (DVI) Reception Center.** The Governor's budget proposes \$331,000 and 2.4 Correctional Officers at DVI's newly renovated Receiving and Release building. The new design of the R&R building, which doubles the current treatment and interview area.

Staff Augmentation—3rd Watch Transportation

- **Third Watch (3W) Transportation.** The Governor's budget includes \$1,156,000 and 8.4 Correctional Officer (CO) positions dedicated to 3W transportation of inmates. The Department has experienced an increase in overtime expenses as a result of unscheduled medical needs requiring transportation and guarding at external facilities. Bargaining Unit 6 MOU agreements does not allow CO redirects without eliminating the work of the redirected post or paying overtime. This newly bargained policy has negatively impacted inmate programming as it results in closure of day room, yard, education, and self-help programs. CDCR's analysis indicates the overtime funding of approximately \$75 million was exceeded by approximately \$9.4 million in 2016-17. Existing resources support an average of 90 transports per institution, per month on 3W. The Access Quality Care Report totals 3,688 emergency (unscheduled) transports within a 6 month period.

STAFF COMMENTS

CDCR's previous staffing model utilized a 6:1 ratio. The Department currently uses standardized staffing which provides for "like facilities, like standards," meaning that facilities with similar composition and layout would have similar staffing standards. Since standardized staffing was first introduced, the Department has submitted numerous proposals to increase staffing, citing needs related to security and adequate staffing. For this proposal, the Department cites the court ordered mandates that include increasing mental health services and rehabilitative efforts to provide access to programming and activities as justifications to augment current staffing levels.

Staff notes concerns regarding the continual need for additional positions at CDCR. In addition to lower statewide crime rates, the Governor's budget assumes 57,000 budgeted staffing positions at CDCR, despite a declining projected prison population of 127,412 for 2018-19. The prison population is projected to decrease by another 11,500 inmates in the next few years as a result of Proposition 57. This number includes offsetting projected increases in felon admissions. While meeting the court mandates are compulsory, the subcommittee members may wish to explore how these mandates can be met with the Department's current staff capacity.

Staff recommends holding this issue open.

Staff Recommendation: Hold Open.

ISSUE 3: OFFICE OF RESEARCH RESOURCES

The California Department of Corrections and Rehabilitation will open this issue with an overview and a description of the proposal to establish 6.0 positions within the Office of Research.

PANELISTS

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

BACKGROUND

The Office of Research (OOR) has seen a 60% increase in the number and frequency of specialized data requests from external stakeholders on performance measurements, outcome evaluations, and population projections. The 60% increase equates to approximately 40% of OOR's overall workload. This has resulted in delayed response time for priority requests, staff overtime, and reduced capacity to address ongoing OOR workload.

Governor's Proposal

The Governor's budget includes \$755,000 and 6 positions beginning in 2018-19 and ongoing to support requests for time critical data analysis and reporting within the Office of Research. With the addition of the requested staffing, OOR expects to see a 10% increase in capacity to address requests in the first fiscal year and a 5% increase in capacity over the course of the following 2 years.

STAFF COMMENTS

Staff recommends holding this issue open.

Staff Recommendation: Hold Open.

ISSUE 4: PAROLE NON-RATIO POSITIONS

The California Department of Corrections and Rehabilitation will open this issue with an overview and description of this proposal to add 23.0 non-ratio parole positions.

PANELISTS

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

BACKGROUND

CDCR's The Future of California Corrections—A Blueprint to Save Billions of Dollars projected that the parolee population would decline to 36,316 in 2015-16 and remain near that level in future years. As a result, the Division of Adult Parole Operations (DAPO) abolished non-ratio positions. The average daily parolee population projection is 47,274 in the current year and 49,794 in 2018-19.

DAPO has 112 parole units located throughout the state. Parole units supervise individuals on state supervised parole, medical parole, or in alternative custody programs. Non-ratio staff support the activities of the ratio-driven supervision positions through development and maintenance of service contracts, procurement of necessary equipment and supplies, human resource activities, support of centralized data systems and the development, delivery and management of required curriculum for the Basic Parole Agent Academies.

Governor's Proposal

The Governor's budget includes \$2.3 million General Fund and 23.0 positions in 2018-19 and ongoing to provide the Division of Adult Parole Operations with staff to support field operations and ratio-driven staff. These positions include: 3 Staff Services Managers, 12 Associate Governmental Program Analysts, 1 Support Services Assistant (Interpreter), and 7 Office Technicians.

**LAO ASSESSMENT AND
RECOMMENDATION**

The Legislative Analyst's Office provides the following recommendations:

- Utilization of a budgeting methodology that is based on specific staffing ratios and the size and composition of the parolee population to determine the number and types of positions needed each year.
- Require CDCR to report at budget hearings on a timeline for incorporating support staff into its annual staffing adjustments to determine the level of positions needed.

STAFF COMMENTS

The Subcommittee may wish to require that the non-ratio positions requested, if granted, be determined as ratio driven positions that are adjusted annually based on the composition of the parolee population.

Staff recommends holding this issue open until the May Revision based on updated projections in the parolee population.

Staff Recommendation: Hold open pending the May Revision

ISSUE 5: REHABILITATIVE ACHIEVEMENTS CREDITS

The California Department of Corrections and Rehabilitation will open this issue with an overview and a description of this proposal to add 13.0 positions to implement a Rehabilitative Achievement Credit earning program associated with the passage of Proposition 57.

PANELISTS

- California Department of Corrections and Rehabilitation
- Department of Finance
- Legislative Analyst's Office
- Public Comment (all staffing related proposals)

BACKGROUND

Proposition 57, The Public Safety and Rehabilitation Act of 2016, was approved by California voters on November 8, 2016. Among its provisions, it amended the California Constitution to authorize CDCR to promulgate regulations to award credit earned for good behavior and approved rehabilitative or educational achievements. Credits may advance initial parole consideration hearings or release dates.

The proposed regulations establish a schedule of credits for good behavior and approved rehabilitative or educational achievements in five categories: Good Conduct Credit, Milestone Completion Credit, Rehabilitative Achievement Credit (RAC), Education Merit Credit, and Extraordinary Conduct Credit. RAC is a new opportunity available to all inmates, except those condemned or sentenced with life without the possibility of parole, who participate in approved Inmate Activity Groups (IAGs), self-help individual or group programs, or other activities designed to promote rehabilitation or positive behavior change.

Effective August 1, 2017, an eligible inmate who participates successfully in one or more approved RAC programs earns 1 week of credit (7 days) for every 52 hours of participation, up to a maximum of 4 weeks of credit per year (28 days), for up to 208 hours of participation. Approved programs must be organized to achieve rehabilitative goals, sponsored by Department staff or volunteers, and approved by the Division of Adult Institutions (DAI). The Department utilizes Self-Help Sponsor (SHS) temporary help positions to oversee self-help groups and provide the framework and structure for groups to engage in positive self-help activities. The SHS position is a dual appointment position in addition to an employee's primary role within the institution. Sponsors are scheduled to work on an hourly, intermittent basis. SHSs can only work 9 months or 194 days in any 12-consecutive month period, and any day in which the employee physically worked counts as one day, regardless of the length of time worked on that day.

Each individual or group activity, regardless of RAC eligibility, must be entered as an inmate assignment within the Strategic Offender Management System (SOMS). Inmates in one or more of these activities are entered into SOMS as assigned to the activity, and attendance must be entered within 10 business days of the activity. In

addition, a staff member must verify that credit has been awarded within 10 business days of an inmate's completion of 52 hours of qualifying programs.

Governor's Proposal

The Governor's budget includes \$2.5 million General Fund and 13 positions in 2018-19 and ongoing to implement a Rehabilitative Achievement Credit earning program associated with the passage of Proposition 57. The requested positions are 12 Management Service Technicians (MST). The resources will also go towards expanding IAGs and will allow the Department to obtain an additional 84,602 hours of programming.

The number of participants on program waitlists has grown significantly. In response, CDCR intends to expand Inmate Activity Groups from 1,100 programs in 2016-17 to over 3,000 programs by 2018-2019. As of July 2017, there were over 2,000 programs. CDCR has identified those institutions with 30 hours or more of RAC programming during 3W and weekend hours per week as requiring a MST, as well as an MST for the Contract Beds Unit (CBU). The institution MSTs will serve as roving sponsors with oversight of RAC programs during third watch and weekend hours. The MSTs will report to the Community Resource Managers, provide a stable resource for institutions struggling with insufficient volunteers and sponsors, and assist with achieving reasonable program availability and credit earning opportunities statewide. The MST position for the CBU will not serve as a roving sponsor due to the remote location of the facilities; however, the MST will perform all other RAC activities including travel to the contract facilities to monitor RAC programs, and analytical work supporting approximately 4,200 inmates under the purview of the CBU.

STAFF COMMENTS

Staff recommends holding this proposal open.

Staff Recommendation: Hold Open.

ISSUE 6: INNOVATIVE PROGRAMMING GRANTS

The California Department of Corrections and Rehabilitation will open this issue with an overview and a description of this proposal for Innovative Programming Grants to non-profit agencies to provide rehabilitative services to inmates within institutions.

PANELISTS

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

BACKGROUND

Inmate Welfare Fund. The Inmate Welfare Fund (IWF), created in 1945, is appropriated for educational, recreational, and other purposes as described in Penal Code 5006(a) which states, "...The money in the fund shall be used solely for the benefit and welfare of inmates of prisons and institutions under the jurisdiction of the Department of Corrections and Rehabilitation." The 2014 Budget Act included \$2.5 million in one-time funding for Innovative Programming grants, of which \$2.0 million was from the IWF and \$500,000 was from the Recidivism Reduction Fund (RRF). A total of 38 programs that served 7,900 inmates were established from these grants. The 2015 Budget Act authorized an additional \$3 million in one-time funding from the RRF which went to establish an additional 44 new programs that served 7,300 inmates. The 2016 Budget Act included \$8.5 million General Fund for additional grants, of which \$5.5 million was one-time to be used exclusively for long-term inmate planning and the remaining \$3 million was to be awarded for a three-year term (total of \$9 million).

Governor's Proposal

The Governor's budget includes \$4 million in Inmate Welfare Funds for 2018-19 and ongoing to fund Innovative Programming Grants to non-profit agencies to provide rehabilitative services in CDCR prisons.

This request establishes two levels of grant awards: 1) Promising Practice Grants (tentatively 65% of authorized funding) and 2) Practice-Based Grants (tentatively 35% of authorized funding). CDCR will apply the University of Cincinnati's Correctional Institute's Correctional Program Checklist (CPC) as the basis for developing improved and expanded application and evaluation criteria. The criteria are applicable to a wide range of programs and are correlated with reduced recidivism. The Department estimates that 10,000 inmates would be served each year over a 3 year grant period and participants will be eligible to earn rehabilitative achievement credits. This funding would serve to continue the grant program that was first established in the 2014 Budget.

**LAO ASSESSMENT AND
RECOMMENDATION**

The Legislative Analyst's Office provides the following recommendations:

- Allocate 100% of funding to programs likely to reduce recidivism, rather than 65% as stated in the proposal.
- Require the scoring methodology to focus on recidivism reduction as the primary factor of consideration and award subsequent grants based on the extent to which programs actually reduced recidivism with their previous grant funding.

STAFF COMMENT

This proposal would allow CDCR to continue providing programming options for inmates through partnerships with external program providers. Studies show a strong correlation between rehabilitative programming and reductions in recidivism. This proposal relies on funding from the Inmate Welfare Fund (IWF), with no impact to the General Fund. The Subcommittee may wish to inquire into the equitable dispersal of grants due to the geographical variance in the availability of non-profit program providers in the remote areas of the state where many of the institutions are located. The Subcommittee may also wish to require additional evaluative information regarding the efficacy of the programs, including but not limited to, impacts on recidivism, disciplinary matters, and institutional violence.

Staff recommends holding this issue open.

Staff Recommendation: Hold Open.

ISSUE 7: INMATE PAY

The California Department of Corrections and Rehabilitation will open this issue with an overview and a description of the proposal to fund inmate pay wage increases for Plant Operations positions.

PANELISTS

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

BACKGROUND

Due to the extreme maintenance demands of an aging infrastructure, prisons must be able to rely on a full complement of both civil service and inmate labor. Plant Operations employs a wide variety of skilled civil servant tradespeople in the areas of plumbing, electrical, maintenance mechanics, stationary engineering, painting, fabrication maintenance mechanics, boiler house, water and sewage plant, carpentry, general labor, and grounds keeping. Prisons have struggled to fill and retain skilled inmate workers in the Plant Operations trades due to competing jobs with the California Prison Industry Authority (CalPIA) and Inmate Ward Labor (IWL).

Inmate Ward Labor and the California Prison Industry Authority

The IWL program performs complex construction projects for CDCR pursuant to construction drawings prepared by architects and engineers. IWL offers formal recognized training curriculum through its pre-apprenticeship programs, which qualify for milestone credits, to a portion of its inmate workers that may lead to apprenticeship programs and union trades jobs upon release.

CalPIA employs approximately 7,000 inmates and operates over 100 service, manufacturing, and agricultural industries at 34 prisons. Industries provide a wide variety of products including flags, coffee, shoes, printing services, signs, eye ware, furniture, clothing, and cell equipment. CalPIA also provides milestone credits and offers pre-apprenticeship programs in union trades positions.

Pay Scales

The General Pay Scale Table reflects the current pay rates for Plant Operations.

General Pay Scale Table

Pay Rate Table							
Title	Pay Grade	Hourly Pay Rates			Monthly Pay Rates		
		Low	Medium	High	Low	Medium	High
Lead person	1	\$0.32	\$0.35	\$0.37	\$48	\$53	\$56
Level I DOT 9							
Special Skill	2	\$0.19	\$0.26	\$0.32	\$29	\$39	\$48
Level 2 DOT 7-8							
Technician	3	\$0.15	\$0.20	\$0.24	\$23	\$30	\$36
Level 3 DOT 5-6							
Semi-Skill	4	\$0.11	\$0.15	\$0.18	\$17	\$23	\$27
Level 4 DOT 3-4							
Laborer	5	\$0.08	\$0.11	\$0.13	\$12	\$17	\$20
Level 5 DOT 1-2							

CALPIA's wages are established by the Prison Industry Board in compliance with Penal Code section 2811. IWL adopted the CalPIA wage compensation schedule.

Exceptional Pay Scale Table– for Inmates assigned to PIA or IWL

PIA AND IWL (INMATE WARD LABOR) PAY TABLE			
Hourly Pay Rate Schedule			
Title	Step I	Step II	Step III
Lead Person (AA)	\$.80	\$.90	\$ 1.00
Special Skills (A)	\$.70	\$.75	\$.80
Technician (B)	\$.60	\$.65	\$.70
Semi Skill (C)	\$.50	\$.55	\$.60
Laborer (D)	\$.35	\$.40	\$.45

Governor's Proposal

The Governor's budget includes \$1.8 million in General Funds in 2018-19 and ongoing to fund inmate pay wage increases for Plant Operations positions to bring pay rates in line with the California Prison Industry Authority and Inmate Ward Labor jobs.

The Department’s Plant Operations workforce pay has not been augmented to address the disparity among inmate wages of similar programs or to keep pace with the maintenance demands of an aging infrastructure. Bringing the Plant Operations pay scales into parity with CalPIA and IWL will assist in filling vacant positions and alleviate outstanding maintenance and repair issues. The tables below illustrate the Plant Operations positions and the corresponding wage increases required to achieve parity in pay scales.

Plant Operations Positions	Total Number of Plant Operations Positions
Level 1 Leadperson	189
Level 2 Special Skills	992
Level 3 Technician	389
Level 4 Semi-Skilled	606
Level 5 Laborer	357
No Pay	301
Total	2,834

CDCR Mid Step Range (Per Hour)	IWL/PIA Equivalent Range (Per Hour)	Pay Increase	Statewide Cost (Full Year)
\$ 0.35	\$ 0.90	\$ 0.55	\$ 170,270
\$ 0.26	\$ 0.75	\$ 0.49	\$ 796,199
\$ 0.20	\$ 0.65	\$ 0.45	\$ 286,732
\$ 0.15	\$ 0.55	\$ 0.40	\$ 397,051
\$ 0.11	\$ 0.40	\$ 0.29	\$ 169,582
\$ -	\$ 0.40	\$ -	\$ -
Projected Cost			\$ 1,819,834

Assumes: 6.5 hours per day x 21 days=136.5 hours per month

STAFF COMMENT

Staff notes that Plant Operations positions, unlike IWL and CALPIA positions, do not include pre-apprenticeship programs that qualify for milestone credits and other credits during the duration of the pre-apprenticeship program, which may hinder the Department’s stated goal to attract workers. In order to establish actual parity amongst these positions, opportunities to incorporate pre-apprenticeship programs that complement Plant Operations and qualify for credits should be explored.

Further, staff recommends to the Subcommittee to consider whether the “Exceptional Pay Scale Table” should be reviewed periodically to adopt adjustments in the pay grades to reflect past and ongoing significant changes in the state minimum wage. According to Penal Code 2811, which authorizes the pay schedule, it states that compensation may not exceed one-half the minimum wage as established in Section 1182 of the Labor Code. In 2005, when this pay schedule was established, California’s minimum wage was \$6.75. The lowest pay rate of \$.35 reflects approximately 5% of the minimum wage at this time. California’s current minimum wage is \$10.50. Assuming 5% as the baseline for adjusting the pay schedule wage to the current minimum wage, the lowest pay rate would be adjusted to \$.53. This modest increase would assist inmates in paying their restitution orders, purchase necessary sundries, and potentially save funds for their release which would aid in their reentry.

Staff recommends holding this issue open.

Staff Recommendation: Hold Open.

ISSUE 8: CAREER TECHNICAL EDUCATION EXPANSION AND EQUIPMENT REFRESH

The California Department of Corrections and Rehabilitation will open this issue with an overview and a description of the proposal to expand Career Technical Education Expansion and refresh core equipment statewide.

PANELISTS

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

BACKGROUND

The Future of California Corrections: A Blueprint to Save Billions of Dollars, End Federal Court Oversight, and Improve the Prison System (Blueprint) requires the Department to provide rehabilitative programs, including academic, literacy, Career Technical Education (CTE), and college education.

The Division of Rehabilitative Programs' (DRP) Office of Correctional Education (OCE) is responsible for delivering CTE programs to prepare inmates with viable industry required skills, course content to ensure skill attainment, and recognized certifications to promote employment upon release. Complementary to Proposition 57, CTE programs provide Milestone Completion Credits earning opportunities which can reduce incarceration time. In 2016-2017, OCE awarded nearly 10,400 CTE component completions eligible for milestone credits. The CTE target population in CDCR exceeds 57,900. The DRP estimates 20,106 people to be released in the next 0-48 months. Without programming, 1,056 people will not have access to training.

OCE conducts systematic reviews of existing CTE programs which have identified deficiencies with the CTE program equipment. A majority of the equipment requires replacement and alignment with industry standards. Some of the equipment currently does not meet the standards of regulatory agencies like the Occupational Safety and Health Administration or Air Quality Boards. Further, the equipment used in particular trades is not standardized which creates challenges to certification completion for inmates who transfer between programs. In the past, OCE has used academic and vocational salary savings to fund equipment related needs at an average annual expenditure of \$6 million which was insufficient for appropriate replacement equipment that has outlived its utility. OCE expects to fill its vacancies and as a result, the savings will no longer be available.

Governor's Proposal

The Governor's budget includes \$8.2 million General Fund and 21.5 positions in 2018-19 and ongoing to expand Career Technical Education programming to 13 additional sites and replace and refresh core equipment statewide. This proposal increases participants by 1,142, thereby meeting the need estimated by the DRP.

The proposal includes 13 vocational instructors, 8.5 Correctional Officers to support 13 institutions, start-up costs to purchase equipment and refresh core equipment. OCE needs \$4.4 million annually to refresh CTE core equipment and has been provided ongoing funding of \$2.9 million as a part of the Rehabilitative Program Expansion beginning in 2017-18. This proposal includes \$1.5 million to make up the difference.

STAFF COMMENT

Staff recommends holding this issue open.

Staff Recommendation: Hold open.

ISSUE 9: RADIO COMMUNICATIONS

The California Department of Corrections and Rehabilitation will open this issue with an overview and a description of the proposal to replace their public safety radio system.

PANELISTS

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

BACKGROUND

CDCR's radio systems currently serve adult institutions, juvenile justice facilities, fire camps, the peace officer academy, parole, transportation, internal affairs, and safety units, supporting over 20,000 subscribers. The Office of Emergency Services (CalOES) is responsible for the oversight and maintenance of state public safety radio systems. According to CalOES and the Federal Communications Commission, the lifecycle of the radio system infrastructure is approximately 10 years. CDCR's radio systems are over 30 years old and are no longer supported by the original equipment manufacturers or secondary markets.

CDCR made up over 84 percent of the 102 major radio failures from 2009 to 2012. The number of failures has steadily increased as the systems get older and outages are harder to resolve. CDCR experienced over 86 major documented system failures within the past three years. CalOES has submitted numerous "warnings" to CDCR that due to age, the Department's radio equipment may not be repairable should a major outage occur. Further, the Transportation Unit lacks the approved compliant radio equipment to properly perform their duties while transporting inmates statewide. Once a transportation vehicle leaves an institution, only interoperable radio systems would ensure they can communicate with other first responders in areas of the state with no cell coverage.

Governor's Proposal

The Governor's budget includes \$32.9 million General Fund in 2018-19 to replace CDCR's public safety radio system infrastructure and subscriber equipment at nine institutions, two juvenile facilities, and fire camps, and interoperability to the transportation unit.

The funding would result in Project 25 compliant radio equipment in the aforementioned facilities which is the standard for the digital design of operable and interoperable two-way wireless communication products for use by every level of government, including public safety officers and first responders. Migrating to Project 25 will allow the Department to be in alignment with the Public Safety Communications Act of 2002 (Government Code, section 8592) to improve existing radio systems. Further, the state radio contract would reduce replacement and operating costs and minimize exposure to

radio communication failure during routine, critical, or emergency response. This plan would also result in equipping the Transportation Unit with interoperability capabilities which will allow officers to communicate with other law enforcement entities and first responders that could assist, especially in remote locations, when a vehicle breaks down or there is an emergency during the transportation of an inmate.

STAFF COMMENT

Staff recommends holding this issue open.

Staff Recommendation: Hold Open.

ISSUE 10: DIVISION OF JUVENILE JUSTICE: ACADEMY

The California Department of Corrections and Rehabilitation will open this issue with a description of the proposal to conduct a Basic Correctional Juvenile Academy.

BACKGROUND

In 2011, Public Safety Realignment was implemented, which reduced the number of inmates housed in CDCR prisons. As a result, CDCR's Academy resources were reduced and academy graduations were put on hold with a large number of peace officers being laid off. In 2016-17, CDCR began the process of ramping up the juvenile academy due to the growing number of peace officer vacancies from retirements, promotions, and separations.

Governor's Proposal

The Governor's budget includes \$721,000 in General Fund in 2018-19 to conduct one Basic Correctional Juvenile Academy and add to the Division of Juvenile Justice (DJJ) workforce. The proposal would allow the Department to conduct an academy of 40 Youth Correctional Officers and Youth Correctional Counselors.

STAFF COMMENT

Staff notes that the DJJ population projection includes a reduction by 121 in 2017-18 and decrease by 91 in 2018-19, for a total population of 615 in 2017-18 and 645 in 2018-19. Further, a total of 1,053 staffing positions are currently allocated in the Governor's budget proposal. Considering the reductions in population and even accounting for staff attrition and retirement, the Subcommittee may wish to ask for further justification on the need to add to DJJ's workforce.

Staff recommends holding this issue open.

Staff Recommendation: Hold Open.

ISSUE 11: DIVISION OF JUVENILE JUSTICE: JUVENILE JUSTICE REFORM

The California Department of Corrections and Rehabilitation will open this issue with an overview and a description of the proposal to establish a Young Adult Program and change the age of juvenile jurisdiction.

BACKGROUND**Division of Juvenile Justice**

The Governor's proposed 2018-19 budget includes \$201 million and 1053.1 positions for the Division of Juvenile Justice (DJJ). DJJ is comprised of three youth facilities and a camp. Two facilities are located in Stockton and the third facility and fire camp are located in Ventura. DJJ houses approximately 646 youth (622 males and 24 females). Youth released from DJJ are supervised by county probation. DJJ has the ability to activate 1,100 beds within their operating facilities.

Farrell Lawsuit

In 2003, a class action taxpayer lawsuit (*Farrell v. Kernan*) was filed against DJJ (then known as the California Youth Authority). DJJ signed a consent decree in 2003 and adopted remedial plans in the areas of Disabilities, Education, Medical Care, Sexual Behavior Treatment, Safety and Welfare, and Mental Health. At the time, DJJ housed a population of approximately 6,000 youth with an annual budget of approximately \$333 million and approximately 4,334 staff. Farrell was lifted in 2017 after DJJ was able to substantially meet the provisions of the various remedial plans.

Adult Court Transfers

As a result of one of the provisions in Proposition 57 which was passed in 2016, youth in California can no longer be unilaterally transferred to adult (criminal) court by prosecutors. Now, upon a motion by a prosecutor, the juvenile court judge must make the determination in a transfer hearing to determine the amenability of youth to remain in juvenile court.

Youth who are convicted as adults are first committed to the Division of Juvenile Justice (DJJ) if they are under the age of 18 at sentencing. These youth who are not able to complete their sentences by the age of 23 (the current maximum age of juvenile jurisdiction in California), are transferred to an adult prison at age 18; otherwise, they are allowed to complete their sentence in DJJ.

Governor's Proposal

The Governor's budget includes \$3.8 million in General Funds and 25.6 positions in 2018-19, and ongoing to raise the age of jurisdiction from 23 to 25 for juvenile court commitments, increase the age of commitment to 25 for superior court commitments, and to begin implementation of a program that houses young adults at a juvenile facility who would otherwise be housed in adult prison.

This proposal includes the implementation of a Young Adult Program for up to 76 young adults to be housed in a specialized DJJ-operated program, the Integrated Behavior Treatment Model. The program acceptance will mirror current acceptance criteria utilized by DJJ.

The Young Adult Program will focus primarily on individuals who:

- Committed a Welfare and Institutions WIC 707(b) offense prior to turning 18 but were sentenced between the ages of 18-21 and can finish their sentence prior to their 25th birthday. If capacity allows, CDCR would secondly focus on those youth who committed their crimes after turning 18 and were sentenced between the ages of 18-21 and can finish their time served prior to their 25th birthday.

The expanded age of jurisdiction could allow youth who are convicted in criminal court and sentenced before the age of 18, to complete their sentence in DJJ if they are able to complete their sentence before the age of 25. Counties currently pay \$24,000 for each youth, each year they are housed in DJJ. This proposal exempts them from paying for those youth that are in DJJ after the age of 23.

LAO ASSESSMENT AND RECOMMENDATION
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The Legislative Analyst's Office made the following recommendations:

- Establish a sunset date, such as 7 years, to allow sufficient time for the implementation of the changes and to determine whether they should continue.
- Require evaluations to assess the cost effectiveness of the program by January 2025.
- Modify the Governor's age of jurisdiction proposal by providing juvenile court judges with discretion to allow youth to remain in DJJ up to the age of 25 in cases where not doing so would result in the youth being transferred to adult court.

STAFF COMMENT

The Subcommittee is in receipt of letters from advocates who have expressed strong concerns related to this proposal. They state the following:

- Increased length of confinement time for youth in DJJ who would otherwise be released by age 23. Longer periods of confinement may lead to higher recidivism rates for youth.
- DJJ is ill suited to provide appropriate programming due to high rates of recidivism and concerns with safety and programming as a result of its "outmoded, congregate model." The Legislature had realigned resources to counties in 2007 in recognition that closer proximity to family and local programs were more suitable responses to delinquency.

- The Youth Adult Program will shore up a declining system. Currently, DJJ is operating at 37 percent of design capacity and is one of the most expensive juvenile justice systems in the country--at approximately \$300,000 per youth, per year. This proposal will expand the current declining population. Governor Brown was prepared to shut down the DJJ in the 2012-13 fiscal year and align youth and services to the counties.
- A more suitable population for the Young Adult Program is to focus on those people that commit offenses between the ages of 18-21 and should not be limited by whether they can complete their sentences by their 25th birthday.
- The proposal lacks specific criteria regarding the circumstances in which a young adult may be returned to adult prison.
- The proposal does not include a plan to evaluate the program.

As written, the Governor's proposal leaves open the possibility that youth who are adjudicated in the juvenile court may end up having longer lengths of stay. Research has shown that long periods of confinement for youth have no public safety value and may actually increase recidivism rates, drive up costs to the state, and most importantly, harm youth outcomes.

Staff also notes the possibility that the proposal, as written, may lead to more youth charged as adults. Research has conclusively shown that youth are fundamentally different from adults and their cognitive and psychosocial development continues well into their 20s. Legislative efforts like SB 260 and SB 261 and the most recent passage of Proposition 57 indicates a movement away from the adultification of youth. To the extent this proposal makes more youth vulnerable to adult charges, staff recommends adopting or amending language to prevent this in order to preserve the advances made in the state's juvenile justice system. It is also worth noting that a minority number of counties use a majority of the DJJ state beds. The fee exemption in the proposal continues to disincentivize those counties from investing in local robust juvenile justice programs. The Subcommittee members may wish to maintain the county fees.

In CDCR, those who are released between the ages of 20-29 have the highest recidivism rates of any other age group. The Administration and Department indicate their commitment to providing an alternative pathway for this young adult population to reduce recidivism and improve outcomes. Staff urges the Subcommittee to consider modifications to this proposal to realize this shared goal.

Staff recommends holding this issue open pending changes in the May Revision.

Staff Recommendation: Hold Open pending the May Revision.
