

AGENDA
ASSEMBLY BUDGET SUBCOMMITTEE NO. 5
ON PUBLIC SAFETY

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

MONDAY, MAY 6, 2019
 2:30 P.M. – STATE CAPITOL, ROOM 437

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0690 OFFICE OF EMERGENCY SERVICES

VOTE-ONLY ISSUE 1: CALIFORNIA INTEROPERABLE PUBLIC SAFETY RADIO SYSTEM

The Governor's Budget includes \$59.46 million General Fund over five years and 8 positions in 2019-20 increasing to 13 positions in 2020-21, with ongoing funding of \$2.718 million General Fund beginning in 2024-25 to build a statewide public safety radio system. This issue was originally heard in this subcommittee on April 8, 2019.

Staff Recommendation: Approve funding through 2023-24 only.

VOTE-ONLY ISSUE 2: CAPITAL OUTLAY, RED MOUNTAIN COMMUNICATIONS SITE PROJECT

The Governor's Spring Finance Letter includes \$1.52 million to provide for the acquisition phase of the Relocation of Red Mountain Communications Site project. The additional funding is necessary to gain access rights to the three remote mountain locations where the new towers will be constructed. In addition, the spring finance letter requests a reappropriation of funds for the working drawings phase of this project and requests provisional language be added to authorize the Office of Emergency Services to enter into agreements necessary to secure a long-term leasehold interest.

Staff Recommendation: Approve as Budgeted.

0250 JUDICIAL BRANCH

VOTE-ONLY ISSUE 3: SPRING FINANCE LETTER: REAPPROPRIATION

The Governor's Spring Finance Letter includes a reappropriation of funding for the new San Diego and Yuba City courthouses. Construction of these projects has been completed; however, these reappropriations are requested in order to complete corrective actions and timely payment of late invoices.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 4: CANNABIS CONVICTIONS: RESENTENCING (CHAPTER 993, STATUTES OF 2018)

The Governor's Budget includes \$13.9 million General Fund in 2019-20 and \$2.93 million in 2020-21 to support costs associated with increased workload for the trial courts as a result of the enactment of Chapter 993, Statutes of 2018.

Staff Recommendation: Approve as Budgeted.

5225 CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

VOTE-ONLY ISSUE 5: MEDICATION DISTRIBUTION IMPROVEMENTS—PHASE II

The Governor's Budget includes \$3.69 million General Fund for the design and construction for the second phase of medication distribution improvements in 13 prisons. The total estimated project costs is \$36.99 million. There are 13 separate projects with the same objective in this proposal.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 6: STATEWIDE: BUDGET PACKAGES AND ADVANCED PLANNING

The Governor's Budget includes \$250,000 General Fund to CDCR to perform advanced planning functions and prepare budget packages for capital outlay projects to enable them to provide detailed information on scope and costs on requests for planned projects.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 7: PELICAN BAY CLASSROOM SPACE—REAPPROPRIATION

The Governor's spring proposal includes a reappropriation of \$0.98 million General Fund for modifying a space into three classrooms. Funding was originally provided in the 2018 Budget Act but there is a delay in the working drawings phase.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 8: PELICAN BAY FIRE SUPPRESSION UPGRADE—REAPPROPRIATION

The Governor's spring proposal includes a reappropriation of \$1.14 million General Fund. Funding was originally provided in the 2018 Budget Act but there is a delay in the working drawings phase.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 9: PELICAN BAY D YARD REAPPROPRIATION

The Governor's May proposal includes a reappropriation of \$247,000 for the construction of the Facility D Yard for recreational activities.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 10: ROOF REPLACEMENT DESIGN AND CONSTRUCTION

The Governor's Budget includes \$2 million General Fund in 2019-20 for the design phase of roof replacements at High Desert State Prison and California State Prison, Solano and \$69.7 million General Fund in 2020-21 for the construction phase.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 11: CALIFORNIA CORRECTIONAL HEALTH CARE SERVICES LEASING AUGMENTATION

The Governor's spring proposal requests \$3.6 million in 2019-20 and ongoing to fund increases in lease costs in the California Correctional Health Care Services.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 12: CDCR ADMINISTRATIVE CHANGE TRAILER BILL

The Governor's Budget includes trailer bill language that would rename the Undersecretary for Administration and Offender Services as the Undersecretary of Administration. The language would rename the Division of Internal Oversight and Research as the Division of Correctional Policy Research and Internal Oversight. The bill would also eliminate the Division of Fiscal and Business Services.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 13: REAPPROPRIATION OF AB 900 GENERAL FUND

The Governor's Budget provides a reappropriation of \$11.83 million General Fund due to delays in five Health Care Facility Improvement Program projects. The preliminary and working drawings have been completed for these projects but construction has been delayed due to fire alarm system connectivity issues, delayed approvals of fire sprinkler submittals, and phasing to maintain safe prison and medical operations during construction.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 14: AUGMENTATION OF INMATE WELFARE FUND AUTHORITY

The Governor's Budget requests increased expenditure authority of \$9 million in 2019-20 and \$14.5 million in 2020-21 and ongoing for the Inmate Welfare Fund.

Staff Recommendation: Approve as Budgeted.

ITEMS TO BE HEARD

0690 OFFICE OF EMERGENCY SERVICES

ISSUE 1: BROADBAND COMMUNICATION AND 9-1-1 INTEGRATION

The Office of Emergency Services will provide an overview of their proposal for broadband communication and 9-1-1 integration and accompanying trailer bill language.

PANELISTS

- Office of Emergency Services
- Department of Finance
- Legislative Analyst's Office

BACKGROUND

The Warren Emergency Communications Act of 1977, Government Code sections 53100-53120, establishes the authority for the Office of Emergency Services (OES) to develop and maintain the 9-1-1 system in California. The existing 9-1-1 system is based on technology that was developed and deployed in the 1980s, using pre-Internet and pre-cellphone era technology. Connections that determine the location of the 9-1-1 caller are outdated and the number of failures and response times continue to increase, particularly in times of major disasters

Replacement technology based on standards set forth by the National Emergency Number Association has been developed. This replacement technology, called Next Gen 9-1-1, replaces the circuit switched technology with Secure Internet Protocol technology as part of the life cycle replacement of 9-1-1. The existing system is unable to support these new technological demands. OES completed several Next Gen 9-1-1 pilot programs that were used to validate the system design and ensure that Next Gen 9-1-1 would support the needs of California. OES has also developed a Next Gen 9-1-1 transition plan for California as outlined in Government Code section 53121. Until the Next Gen 9-1-1 system is fully implemented in 2022, the existing 9-1-1 system must be maintained.

The majority of Californians utilize texting and data for communications, rather than voice calls. Approximately 80% of 9-1-1 calls are from smartphones. This has resulted in a steady downward trend in the revenues collected and deposited into the State Emergency and Telephone Number Account since the current fee is only assessed on intrastate voice calls. Without changes to the funding structure, there will be inadequate funding to support the outdated legacy 9-1-1 system.

Proposed Funding

The Governor's budget includes the following:

- \$1.003 million State Emergency Telephone Number Account and 6 positions beginning in 2019-20 to support the implementation and ongoing workload associated with emergency communications coordination and First Responder Network Authority broadband network services.
- One-time \$50 million General Fund to address the current SETNA structural deficit.

This proposal is accompanied by trailer bill language that modernizes the current fee structure which was first established in 1973 when the state only had landlines. In summary, the proposal would:

- Recast the fee from a percentage rate surcharge of not less than 0.5% and not more than 0.75% on intrastate voice communications to a flat rate fee based on appropriation, revenue need, and the number of access lines reported to OES. The new flat rate shall be between zero cents and eighty cents (\$0.80) per access line per month.
- Expand the number of access lines from intrastate voice wireline, wireless, and Voice over IP communication to all wireline, wireless, Voice over IP, and Mobile Prepaid Access lines.
- Align California with the majority of other states; all but three have converted to a similar fee structure.
- Provide an equitable cost share across all users who can access 9-1-1 and keep the fee to one of the lowest in the nation.
- Provide multi-layered redundancy through the implementation of next Generation 9-1-1 to ensure that 9-1-1 calls are connected appropriately and are not delayed (answered within 3 seconds or less) or go unanswered.
- Provide increased location accuracy for wireless calls and a statewide common delivery system for alerts and warnings.

LEGISLATIVE ANALYST'S OFFICE (LAO)

According to the Legislative Analyst's Office (LAO), SETNA has had a structural deficit for many years. At this point, the fund's reserves have been depleted. Therefore, a revised funding approach would be necessary even absent the additional costs associated with implementing Next Generation 9-1-1. In addition, the implementation of Next Generation 9-1-1 comes with

additional one-time and ongoing costs that add urgency to the need to address SETNA's funding issue.

The users of devices that connect to the 9-1-1 system receive benefits from it by being able to access the service during an emergency. Therefore, it is reasonable to assess a charge on these users as historically has been the case. The specific structure of the charge proposed last year (and anticipated to be proposed again this year) appears to be a reasonable method for allocating costs across parties that receive these benefits. While it is reasonable to assess charges on device owners, the revised structure is anticipated to result in additional costs for these users. Specifically, based on last year's proposal, OES estimated that the average customer would pay about \$0.32 per month rather than about \$0.14 per month under the existing structure. If the Legislature does not want 9-1-1 charges to increase by that amount, it could fund all or part of the system from the General Fund. This would be a reasonable approach since the system provides broader benefits to society, including ensuring that a more robust emergency response system is available to everyone, including those who do not have phones connected to the system. However, in considering the potential use of General Fund for this program, the Legislature will want to weigh this use against its other General Fund priorities.

Requiring SETNA to repay the General Fund transfers—as is required for the \$10 million provided in 2018-19 and is being considered for the \$50 million proposed in 2019-20—comes with advantages and disadvantages. On the one hand, a loan ensures that the General Fund would be repaid, thus ensuring that General Fund dollars will ultimately be available for other priorities. On the other hand, requiring repayment does not ultimately reduce the burden of additional costs for device users. Instead, it would reallocate the costs to users in future years. In fact, if the General Fund loan is required to be repaid within just four years (such as required for Chapter 1); users would be required to cover these costs pretty quickly. Accordingly, if the Legislature chooses to provide additional General Fund loans to help fund the system, it could consider allowing them to be repaid over a longer period of time in order to allow users a longer period of time to absorb these additional costs

Staff Recommendation: Hold Open.

5227 BOARD OF STATE AND COMMUNITY CORRECTIONS

ISSUE 2: APRIL BCP: FUNDING FOR THE STANDARDS AND TRAINING FOR LOCAL CORRECTIONS PROGRAM

The Board of State and Community Corrections (BSCC) will provide an overview of their spring proposal for ongoing funding for the Standards and Training for Local Corrections Program.

PANELISTS

- Board of State and Community Corrections
- Department of Finance
- Legislative Analyst's Office

BACKGROUND

Penal Code section 6035 requires the BSCC to establish minimum standards for the selection and training of corrections personnel employed by local corrections agencies, including sheriffs' offices, probation departments, and police departments that operate jails. Authorized by Penal Code sections 6025-6037, Standards and Training for Local Corrections (STC) Program provides selection and training services to local corrections agencies. All county correctional agencies currently participate in the STC program.

BSCC conducted a survey to determine in which ways the knowledge, skills, and abilities of local corrections and probation officers had adapted to handle the new population serving time under local supervision. The results informed a comprehensive revision of the BSCC's academy/core training program. On January 17, 2019, BSCC approved new training standards which reflect a "holistic" review that included the removal of content that was no longer applicable or where local policies differed too greatly to support a standard training, the reduction of training time where appropriate, and the addition of new content and classes where appropriate. Some of the new classes include cultural diversity and ethnic disparity, sexual assault and abuse, gender identity, and evidence-based practices and programs. The core training now includes a Behavioral Health module that includes classes in identifying signs and symptoms of substance abuse; interventions, resources, referrals and communication; suicide prevention; officer safety and emotional survival; stigma and bias; as well as behavioral health case planning. The Communication module now includes crisis communication and de-escalation for all officers and includes motivational interviewing for probation officers. Additionally there is a module on sexual assault and sexual abuse for all officers attending core training.

Funding. Prior to the current year, STC was funded through the State Penalty Fund. STC Program is presently funded by the General Fund. Declining revenues in that fund prompted a series of reductions to the STC program, and ultimately resulted in the transfer of the program to the General Fund. In the current year, \$2.59 million is provided for program support and \$14.82 million is provided for local assistance. The BSCC provides a per position amount for agencies employing officers participating in core training, as well as a per position amount for agencies employing officers participating in annual training. Agencies with less than 11 staff receive a minimum allocation equivalent to the cost of annual training for 28 positions.

Proposed Funding

The Governor's spring proposal includes \$6.2 million General Fund in 2019-20 and ongoing for the Standards and Training for Local Corrections Program.

LEGISLATIVE ANALYST'S OFFICE (LAO)

According to the Legislative Analyst's Office, it is unclear how the additional funding proposed for local correctional agencies would meaningfully improve training, for two reasons:

1. Rates of Compliance Remain High. BSCC reports that in 2017-18 only 47 of roughly 33,000 eligible officers failed to meet their training requirements. Accordingly, the vast majority of the requested funding would go toward further offsetting agencies' costs for staff that would already undergo required training. Only a very small portion of the increased resources would go toward increasing the incentive for agencies to ensure that all staff complete their required training. Accordingly, it appears that the requested resources would have very little effect on the overall amount of training or types of training received.

2. Unclear What Training Would Be Funded. Because BSCC does not collect data on what types of training officers complete to meet their annual requirement, it is not clear what training is currently being received or whether it is consistent with Legislative priorities. It is also unclear whether the additional funding would result in officers participating in more training prioritized by the Legislature.

LAO Recommendations.

- Reject the proposal to increase funding for the STC program because it is unclear how the funding would meaningfully improve training.
- Direct BSCC to start collecting data on what types of training officers receive through the STC program. This information will allow the Legislature to assess whether the amount and types of training funded through the STC program is consistent with its priorities and

to potentially restructure the program in the future to meet certain goals, such as addressing gaps in training.

- To the extent that the Legislature wants to ensure that officers receive more or certain types of training in 2019-20, the LAO recommends the Legislature fund BSCC to create a separate one-time grant program. Applying agencies would specify their gaps in training and what training they would use grant funds for. The Legislature could direct BSCC to prioritize proposals that meet certain criteria consistent with its priorities.

Staff Recommendation: Hold Open.

VARIOUS DEPARTMENTS

ISSUE 3: LOCAL AND STATE PUBLIC SAFETY PROPOSALS

The Subcommittee is in receipt of various proposals for investments in local and statewide public safety from members of the Assembly. The following proposals reflect individual Member priorities and each Assemblymember will have an opportunity to present at this time:

Butte County Jail

Assemblymember James Gallagher requests \$7.7 million for the Butte County Jail project. In 2015, Butte County received state funding of \$40 million with a local match of \$4.4 million.

Youth Reinvestment Grant

Assemblymember Reginald Jones-Sawyer requests \$100 million to augment the Youth Reinvest Grant to fund local youth development and pre-arrest diversion programs for youth under the jurisdiction of the juvenile court in underserved communities. Funds would be dedicated for communities impacted by high rates of arrest and calls to law enforcement against youth of color, LGBTQ youth, dependent youth, and other vulnerable youth for low-level offenses.

Tribal Youth Diversion Grant

Assemblymember James Ramos requests \$10 million to augment the fund for the Tribal Youth Diversion Grant under the Youth Reinvestment Grant to fund programs for youth using trauma informed, community-based, and health-based interventions.

Armed Prohibited Persons System

Assemblymember Jacqui Irwin requests \$2.5 million in grants to local law enforcement agencies to reduce the Armed and Prohibited Persons System backlog.

Curb Auto-Theft and Break Ins

Assemblymember Kansen Chu requests \$3.75 million to local police departments within the 25th Assembly District to address car break ins and thefts.

San Jose Emergency Preparedness

Assemblymember Kansen Chu requests \$12 million to fund emergency preparedness and hazard mitigation in the city of San Jose. The funding would go towards the Emergency Operations Center, Fire Training Center, supporting soft story structures, Coyote Creek maintenance, and staff training and recruitment for planning and community reliance.

Internet Crimes Against Children

Assemblymember Jim Cooper requests \$10 million to support efforts aimed at addressing Internet Crimes Against Children (ICAC) through enforcement efforts led by the states five taskforces that work in collaboration with local law enforcement agencies.

Criminal Records System

Assemblymember Rob Bonta requests \$45 million to modernize and update the criminal records system, including commissioning a cost analysis for technological modernization and providing funding to counties to enhance local case management systems.

Sargent Shriver Civil Counsel Act

Assemblymember Jesse Gabriel requests \$20 million for the expansion and administration of the Shriver Act Pilot Programs, which provide legal representation and improved court services to low-income parties.

CA Nonprofit Security Grant Program

Assemblymember Jesse Gabriel and other members request \$15 million for the California Nonprofit Security Grant Program to assist nonprofit organizations that are likely targets of hate motivated violence for security improvements in their facilities.

Staff Recommendation: Hold Open.

This agenda and other publications are available on the Assembly Budget Committee's website at: <https://abgt.assembly.ca.gov/sub5hearingagendas>. You may contact the Committee at (916) 319-2099. This agenda was prepared by Jennifer Kim.