

THE 2002-2003 STATE BUDGET

CRIMINAL JUSTICE

DEPARTMENT OF CORRECTIONS

The mission of the California Department of Corrections (CDC) is to provide for the control, care and treatment of men and women who have been convicted of serious crimes. The CDC addresses its mission and mandate through four major program areas: Institutions, Health Care Services, Community Correctional Programs (primarily Parole Services) and Administrative Services.

The CDC system includes:

- 33 institutions, including health care facilities providing medical, dental and mental health services to inmates. The system also includes an additional prison being developed in Delano.
- 11 reception centers for processing individuals into the adult correctional system whom have been sentenced to state prison.
- 11 community correctional facilities (facilities operated by non-CDC entities that house low-level inmates).
- 38 fire and conservation camps (allowing CDC to provide inmate firefighters and other labor forces to the appropriate state agencies as circumstances require).
- The Richard A. McGee Correctional Training Center (where correctional officer cadets as well as other CDC personnel receive training).
- 130 parole offices and four out-patient psychiatric service clinics.

Major Provisions

The major provisions of the Department of Corrections budget include:

- **Preventing Parolee Crime.** \$10.6 million fund shift to federal funds for the Preventing Parolee Crime Program. Funds will come from the federal Workforce Investment Act through the Employment Development Department. The funding shift would be for programs run by the Jobs Plus Program, Offender Employment Continuum, Computerized Literacy Learning Centers and Employment Development Department. Total funding for this program is \$31.5 million.

- **Female Offender Treatment Program.** \$2 million fund shift to federal funds for the Female Offender Treatment and Employment Program (FOTEP). Federal funds will come from the Workforce Investment Act program and will support employment training. This program is part of effort to provide intensive training and counseling to female parolees to assist in the successful reintegration into society upon the release from prison and the completion of substance abuse treatment programs. It currently serves 989 persons annually.
- **Liability Response Unit/ Major Litigation Unit.** Redirection of \$1.843 million in legal settlement funds to establish the Liability Response Unit (LRU) and the Major Litigation Unit (MLU). The LRU provides the department with early assessment of inmate related lawsuits and provides the department with strategies for early disposition of these suits. MLU would monitor the compliance with court ordered remedial plans and provide the department with risk management capabilities.
- **Reduced Litigation Settlement Authority.** \$3.2 million reduction in the litigation settlement authority of the department to reflect a reduced costs of settlements.
- **DOSH Medical Evaluations.** \$620,000 (General Fund for a two year limited term) to fund medical evaluations of staff in accordance with the provisions of AB 1127 (Chapter 615, Statutes of 1999) which required state agency be subject to civil penalties for Division of Occupational Safety and Health (DOSH) violations. These evaluations are part of the plan for the department to develop a Respiratory Protection Program. The court found that the Department's California State Prison Solano was not in compliance with Title 8 of the California Code of Regulations related to Respiratory Protection and ordered those employees to receive medical evaluations.
- **Electromechanical Doors.** \$11.7 million reappropriation of General Funds from the Budget Act of 2001 for the repair and replacement of electromechanical door systems for Solano State Prison (Vacaville), California Correctional Center (Susanville) and Wasco State Prison.
- **Increased Utilities Costs.** \$18 million to fund increased utilities costs.
- **Bargaining Unit 6 Costs.** \$4.7 million to fund the increased costs associated with the implementation of the Bargaining Unit 6 contract.
- **Range Training.** \$3.6 million reduction from the elimination of funding for monthly range training for correctional officers. This provision was not included in the collective bargaining agreement and therefore would not be implemented.
- **Worker's Compensation Costs.** \$64.5 million augmentation to fund additional costs associated with workers' compensation claims.

- **Vacant Positions.** Restoration of 81.8 continuously vacant positions and \$5.162 million abolished pursuant to the provisions of AB 2866 (Chapter 127, Statutes of 2000). In addition the department would like to apply the abolishment of another 56.9 positions (unknown dollars) to the reduction of 826 positions approved in the Budget Act of 2001.
- **Vacant Supervisor Positions.** \$9.7 million to restore continuously vacant supervisor positions.
- **Contract Medical Services.** \$80.1 million to fund increased contracted medical services.
- **Mental Health Recruitment Costs.** \$1.6 million to reimburse the Department of Mental Health for employee recruitment and retention costs at Salinas Valley State Prison.
- **Reduced Mental Health Treatment Beds.** \$5.7 million savings based upon unfilled mental health treatment beds in 2002-03.
- **Delayed Psychiatric Beds.** \$1.4 million savings due to the deferral of the activation of a psychiatric unit at Salinas Valley State Prison.
- **Delayed Substance Abuse Beds.** \$2.5 million savings due to the deferral of the activation of 200 substance abuse treatment beds at the Correctional Rehabilitation Center- Norco.
- **Madrid Patient Information System.** Reappropriation of \$7.2 million General Funds from 2001-02 for the Patient Information Management System at Pelican Bay State Prison pursuant to a settlement agreement in the Madrid lawsuit.
- **Plata.** \$21.9 million for the implementation of a settlement regarding inmate health care issues pursuant to Plata v Davis and to support a study of the development of a treatment strategy for addressing Hepatitis C in the Pelican Bay State Prison.
- **Delano II.** \$1 million from the General Fund to provide financial assistance toward the construction of the Delano II State Prison. This funding would allow the state to defer the issuance of lease revenue construction bonds for this project.
- **Community Correctional Facilities.** \$2.8 million to extend current contracts with Community Correctional Facilities until new contacts may be negotiated to house these low level inmates.
- **Foreign Prisoner Transfer.** \$125,000 reduction in inmate costs associated with the increase in transfers of foreign national prisoners, according to international treaty to their native country. This item is associated with increased funding to the Board of Prison Terms to increase these transfers.

- **Civil Addict Program.** \$10 million reduction due to limits placed upon the Civil Addict Program.
- **Work Credit for Fire Camp Inmates.** \$16.7 million savings in inmate costs associated with the granting of 2 days of sentence credit for every day worked in a fire camp. The implementation of this policy would be delayed until January 1, 2003.

DEPARTMENT OF THE YOUTH AUTHORITY

The Department of the Youth Authority is responsible for the protection of society from the criminal and delinquent behavior of young people (generally ages 12 to 24, average age 19). The department operates training and treatment programs that seek to educate, correct, and rehabilitate youthful offenders rather than punish them. The department operates 11 institutions, including two reception centers/clinics, and six conservation camps. In addition, the department supervises parolees through 16 offices located throughout the state.

■ Major Provisions

The major provisions of the Department of the Youth Authority budget include:

- **Department Program Compliance.** \$725,000 and 4.8 PYs to implement a program compliance unit to monitor departmental compliance with established policies.
- **Increased Energy Costs.** \$1 million to permanently increase the department baseline budget for the increased costs of natural gas electricity, propane gas, diesel fuel and gasoline.
- **Holiday Staffing Costs.** \$171,000 to fund additional staffing costs associated with the Cesar Chavez holiday.
- **Mental Health Delivery System Reorganization.** \$1 million to reorganize the Department's mental health delivery system.
- **Reduction of Parole Services.** \$5 million reduction in parole services.
- **Terms of Confinement Lawsuit.** \$1.6 million to respond to class action lawsuit filed against the Department regarding terms of confinement of wards.

DEPARTMENT OF JUSTICE

Under the direction of the Attorney General, the Department of Justice (DOJ) enforces state laws, provides legal services to state and local agencies, and provides support services to local law enforcement agencies. The department accomplishes its mission through many diverse programs ranging from its Legal Divisions and Crime Prevention programs to the Division of Law Enforcement, O.J. Hawkins Data Center and Criminal Justice Information Systems component, and Division of Gambling Control.

■ Major Provisions

The major provisions of the Department of Justice budget include:

- **Department of Consumer Affairs; Legal Representation.** \$2 million and 16.4 positions (70 percent two-year limited term and 30 percent permanent) to provide additional legal services to client agencies within the department of consumer affairs.
- **Western States Regional Training Center; Drug Lab Training.** \$2.7 million and three positions in federal funds to expand current training capabilities and the Creation of the Western States Regional Training Center related to the investigation and dismantling of clandestine drug laboratories. Funding is proposed through the federal Community Oriented Police Services (COPS) \$1.3 million augmentation is proposed in the current year to address expenditures associated with the preparation to begin classes on July 1, 2002.
- **Hate Crimes Database.** \$596,000 and 4.3 positions on a permanent basis to staff the statewide hate crime database.
- **On-Going Tobacco Litigation.** \$1.2 million and six positions on a permanent basis to continue staffing for Tobacco litigation and enforcement. The Governor's budget also proposes the securitization of a portion of the tobacco payments pursuant to the master settlement agreements.
- **Indian Gaming Background Checks.** \$1.9 million and 24.3 positions for a two-year limited term basis to provide investigative resources to address criminal background checks of persons related to tribal Indian gaming casinos.
- **Gambling Control Database.** \$1.3 million and 2 positions to establish a new gambling control database. This database will be supported through funding from cardroom (20%) and Indian casino (80%) fees and assessments.
- **Predatory Lending Practices.** \$606,000 and 5.7 positions to investigate and prosecute predatory lending practices. Funding will be made from an outside trust fund established pursuant to previous litigation settlement.

- **Asset Forfeiture Expenditures.** \$3.6 million over a four year period (\$1.2 million in 2002-03) from excess federal asset forfeiture funds. This amount is to be offset by a commensurate General Fund savings.
- **Capitol Truck Crash Litigation.** \$988,000 in legal costs associated with litigation to assert the State's claim for reimbursement for the cost of repairing the State Capitol damaged as a result of a truck crash.
- **Stringfellow Litigation; Insurance Recoveries.** \$3.1 million to provided continued support for litigation in the Newman v Stringfellow case for 2002-03.
- **Increased Forensic Laboratory Costs.** \$405,000 in 2002-03 and \$785,000 on an ongoing basis to pay for increased maintenance, operation and utilities costs for the Fresno and Santa Rosa laboratories.
- **False Claims.** \$1.5 million in permanent funding to continue staffing for the false claims section of the Department of Justice.
- **Representation of the Courts.** \$471,000 to provide representation to the Administrative Office of the Courts.
- **National Criminal History Information System.** \$2.3 million in one-time funding to continue implementation of national criminal history information system. This proposal would utilize carryover federal funding to complete the conversion of criminal history records to a format compatible with record searches from federal agencies.
- **CALFED Legal and Litigation Support.** \$468,000 to continue to provide legal counsel to the CALFED program and to provide defense of the program against impending litigation.
- **Handgun Safety Certificate.** \$2.6 million to support the Handgun Safety Certificate program pursuant to Chapters 940 and 942, Statutes of 2001.
- **Criminal History Background Checks.** \$979,000 to perform criminal history background checks for securities dealers/brokers and recreational employees and volunteers.
- **Prohibited Firearms Ownership Database.** \$1 million to create the Armed Prohibited Persons System which is a database of persons who have previously purchased a firearm but now are prohibited from possession. The development of this database is based upon a sample review of the existing file of persons purchasing a firearm and the subsequent enactment of Chapter 944, Statutes of 2001.
- **General Fund Relief.** Reduction in General Fund expenditures of \$26.5 million as part of the statewide General Fund Relief Program.
- **Unallocated General Fund Reduction.** \$10 million General Fund unallocated reduction.

- **Do Not Call Program.** \$7.6 million in special funds to support the Do Not Call Program. This program would allow consumers to limit calls from telemarketers.
- **California Crime and Violence Prevention Partnership Program.** \$1.5 million reduction to the California Crime and Violence Prevention Program which provides grants to local agencies.
- **Statewide DNA Laboratory.** \$5 million deferral of funds for land acquisition of the the Department's statewide DNA forensic laboratory.
- **Controlled Substance Utilization Review and Evaluation System.** \$249,000 from special funds to continue the operation of the Controlled Substance Utilization Review and Evaluation System. This program monitors the prescribing and dispensing of Schedule II pharmaceuticals

OFFICE OF CRIMINAL JUSTICE PLANNING

The goal of the Office of Criminal Justice Planning (OCJP) is to improve the criminal justice system in California by providing financial and technical assistance to local governments, state agencies, and the private sector. Services provided by OCJP include but are not limited to: development of state-of-the-art approaches for crime prevention and victim services programs; administration of grant funding to local agencies and organizations; development and distribution of information on crime prevention and victim services; and coordination of information exchanges between criminal justice agencies and community organizations.

■ Major Provisions

The major provisions of the Office of Criminal Justice Planning budget include:

- **General Fund Relief.** \$719,000 reduction in program expenditures pursuant to the statewide General Fund Relief Program.
- **Local Assistance Grant Reduction.** \$7.9 million reduction to various local assistance criminal justice grants.
- **Unsolved Sexual Assault Cases.** \$17.2 million of unencumbered funds reverted from the Cold Hit Program.
- **Central Valley Methamphetamine Task Force.** \$15 million in funding for personal services and support for the Central Valley Methamphetamine Task Force.
- **California Antiterrorism Information Center.** \$6.7 million to support the California Antiterrorism Information Center to be run by the Department of Justice. General Funds are to be reimbursed as federal funds become available for this purpose.
- **Domestic Violence Prevention Program.** \$4 million of redirected funds to support domestic violence shelters through June 30, 2004.

BOARD OF CORRECTIONS

The state's Board of Corrections (Board) oversees operation of the state's local jails and juvenile detention facilities. The Board establishes facility operation standards and inspects facilities biennially. Additionally, the board administers jail bonds and federal construction funds. The Board's mandate includes establishing staff training standards, and reimbursing local law enforcement agencies for the costs of training. Finally, the Board is responsible for the oversight of a number of juvenile justice grant programs that are conducted by the counties including the Schiff Cardenas Juvenile Justice grant.

■ Major Provisions

The major provisions of the Board of Corrections budget include:

- **Community Law Enforcement Program.** \$2 million to provide ongoing support for the Community Law Enforcement and Recovery (CLEAR) Program. This program provides a multi-disciplinary approach to decreasing gang activity and restore community safety (\$1.3 million reappropriated from Budget Act of 1996 and \$687,000 reappropriation from Budget Act 2000) .
- **Juvenile Justice Grants.** \$116.2 million to continue Schiff-Cardenas juvenile justice grants to counties. This program is designed to encourage the use of innovative and proven methods of reducing juvenile crime and recidivism at the local level (see 9210 Local Government Financing)
- **Mentally III Offender Crime Reduction Grant -** Reduction of \$18 million from Item 5430-103-0001, Budget Act of 2000 (Chapter 52, Statutes of 2000). This would eliminate funding for the Mentally III Offender Crime Reduction Grant in 2003-04.
- **Juvenile Crime Enforcement and Accountability Challenge Grant -** Reduction of \$12.3 million from Item 5430-118-0001, Budget Act of 2000 (Chapter 52, 2000). This would eliminate funding for the Challenge Grant program.

BOARD OF PRISON TERMS

The Board of prison terms considers the parole release and establishes length and terms of parole for all persons. The Board of Prison Terms also has the responsibility of holding parole revocation hearings.

The Board may suspend or revoke the parole of any offender under its jurisdiction who has violated parole. The Board determines the necessity for recession or postponement of parole dates for these persons. The Board may waive parole and may discharge any such offender before the expiration of the statutory maximum parole period. The Board also advises the Governor on applications for clemency.

The Board is composed of nine Commissioners appointed by the Governor and confirmed by the Senate for terms of four years each. The terms are staggered and Commissioners are eligible for reappointment. A chairperson is designated by the Governor. Deputy Commissioners are employed by the Board in civil service positions. An executive officer is appointed by the Board who is responsible for the ongoing operations of the Board in accordance with Board policies.

■ Major Provisions

- **SB 778.** \$15.2 million to be set aside until the Board is in compliance with the provisions of SB 778 (Chapter 131, Statutes of 2001). These provisions include a change in the composition of the hearing panel through December 2003, in order to eliminate the backlog of life parole consideration hearings and life rescission hearings.
- **Foreign Prisoner Transfer.** \$125,000 to the Board to provide additional resources to the Foreign Prisoner Transfer Program. This program would, in compliance with international treaties, transfer prisoners who are foreign nationals to serve comparable terms of confinement in incarceration facilities in their native country.

JUDICIAL BRANCH

The Judicial budget of the state is comprised of the budgets of the Supreme Court, the Courts of Appeal, and the Administrative Office of the Courts and the Habeas Corpus Resource Center. (Trial court funding is treated as a separate budget item) For 2002-03 it totals \$349.8 million (\$289.2 million state operations and \$60.6 million in local assistance).

Supreme Court is the highest court in the California judicial system. The court comprising the Chief Justice and six associate justices addresses petitions seeking review of decisions from the Courts of Appeal and original petitions for extraordinary relief such as writs of mandate and habeas corpus. The Court grants review of and issue opinions on issues of statewide importance. Also pursuant to the State Constitution, all death penalty judgements are appealed directly to Supreme Court.

There are six District Courts of Appeal, which hear appeals from the trial courts and original proceedings in nine locations around the state.

The Judicial Council of California is the policy making body for the state judiciary. The council has 21 members with the Chief Justice serving as the chair. The Administrative Office of the Courts is the administrative arm of the Council and supports their policies.

The Habeas Corpus Resource Center provides legal representation for indigent petitioner in death penalty habeas corpus before the California Supreme Court and federal courts. The Center also recruits and trains attorneys in order to expand the pool of private counsel qualified to accept appointments in habeas corpus death penalty proceedings in an effort to reduce the number of underrepresented persons on death row.

■ Major Provisions

The major provisions of Judicial Branch budget include:

- **General Fund Relief.** \$6.7 million (\$3.9 million+\$2.8 million= \$6.7million)General Fund savings to be contributed toward the statewide General Fund Relief Program.
- **Temporary Law Clerks.** \$800,000 of savings in 2001-02 were redirected to 2002-03 to fund temporary law clerks to address backlogs in specific appellate courts.

TRIAL COURT FUNDING

The Trial Court Funding Act of 1997 (Chapter 850, Statutes of 1997) was enacted to provide a stable funding source for the State's trial courts. It provided a limit to the counties contributions in support of the courts to that of the 1994-95 levels. County contributions are paid to the Trial Court Trust Fund which supports all court operations. Payments to the Trust Fund are made from local fine and penalty revenue in an amount received by the State in 1994-95.

■ Major Provisions

The major provisions to Trial Court Funding Program include:

- **Trial Court Employee Benefits.** \$14.4 million in 2002-03 to fund increased costs associated with services and benefits provided to trial court employees provided by local agencies.
- **Trial Court Security.** \$13.4 million in 2002-03 to address increased costs associated with providing security at the trial courts.
- **Memorandum of Understanding.** \$51.7 million in 2002-03 to fund increased needs for the courts including the increased costs related to local memorandum of understanding with collective bargaining units.
- **Court Interpreters.** \$2.3 million to fund increased workload for court interpreters .

- **General Fund Relief.** \$65.945 million + \$8 million (issue 101, 0450-112-0001) General Fund reduction in 2002-03 in support of the statewide General Fund Relief Program.
- **Court Security .** \$9.6 million to support additional costs for court security.
- **New Fresno Courthouse.** \$17.559 million to support the construction of a new courthouse in the fifth appellate district (in Fresno).
- **Santa Ana Courthouse.** \$14.350 million to support the construction of a new courthouse in the fourth appellate district (in Santa Ana).
- **Unallocated General Fund Reduction.** \$59.2 million one-time unallocated reduction for the operations of the trial courts.
- **Criminal Fines and Civil Filing Fees.** A 10 percent increase in criminal fines (\$15.2 million in increased revenues) A 20 percent increase in civil filing fees (\$45.8 million)

CONTRIBUTIONS TO THE JUDGES' RETIREMENT SYSTEM

The Judges' Retirement System (JRS) provides retirement funding to judges in the Supreme Court, Appellate Courts, Superior Courts and Municipal Courts . Benefits are based on age, years of service and compensation of active judges. Resources to the fund are made the judges, specified filing fees investment income and the State General Fund. Currently, the resources in the fund are insufficient to meet its actuarial obligations. As a result, the State is obligated to fund the difference between the level of contributions and the required benefits to annuitants.

The Judges Retirement System II (JRS II) was established by Chapter 879, Statutes of 1994. This law required all judges appointed or elected after November 9, 1994 to be enrolled in the new plan. Participants in JRS II have the option of choosing a defined benefit plan or a lump sum distribution of contributions plus interest earned. JRS II is designed to be funded on an actuarially sound basis.

■ Major Provisions

The major provisions of the Judges' Retirement System budget include:

- The Governor's Budget estimates \$86.9 million in state contributions to JRS in 2002-03.