

PUBLIC SAFETY

This Chapter describes items in the May Revision related to California’s correctional system and local public safety.

DEPARTMENT OF CORRECTIONS AND REHABILITATION

The California Department of Corrections and Rehabilitation incarcerates the most violent felons, supervises those released to parole, and provides rehabilitation programs to help them reintegrate into the community. The Department provides safe and secure detention facilities and necessary support services to inmates, including food, clothing, academic and vocational training, as well as health care services. The May Revision includes total funding of \$11.4 billion (\$11.1 billion General Fund and \$308 million other funds) for the operation of the Department in 2017-18.

Compared to the Governor’s Budget projections, changes in the adult inmate and parole population have resulted in decreases of \$29.4 million General Fund in 2016-17 and \$21.3 million General Fund in 2017-18. The revised average daily population projections for adult inmates are 129,275 in the current year and 127,693 in the budget year, an increase of 260 in 2016-17 and a decrease of 466 inmates in 2017-18. The revised average daily parolee population projection is 44,445 in the current year and 47,274 in the budget year, an increase of 759 and 2,513 parolees, respectively. Figure SAF-01 reflects the population impacts of Proposition 57, the Public Safety and Rehabilitation Act of 2016, as a result of the revised implementation timeline proposed in the emergency regulations discussed in more detail below.

Figure SAF-01
Spring 2017 Population Estimates

	2016-17	2017-18
Adult Inmate Average Daily Population Projection	129,275	130,368
Proposition 57 Juvenile Sentencing	-	-81
Proposition 57 Non-Violent Parole Process	-	-469
Proposition 57 Enhanced Credit Earning	-	-2,125
Total Inmate Average Daily Population Projection	129,275	127,693
Adult Parole Average Daily Population Projection	44,445	45,707
Proposition 57 Parole Impact	-	1,567
Total Parole Average Daily Population Projection	44,445	47,274

Since the Governor’s Budget estimate, changes in the juvenile population have resulted in a decrease of 22 wards in the current year and 43 wards in the budget year, resulting in a decrease of \$813,000 General Fund in 2016-17 and \$3.3 million General Fund in 2017-18. The revised average daily population projections for wards are 683 in the current year and 736 in the budget year. The increase in the overall ward population from 2016-17 to 2017-18 is attributable to the expected increase in juvenile court commitments as a result of Proposition 57.

PROPOSITION 57 — PUBLIC SAFETY AND REHABILITATION ACT OF 2016

Proposition 57 reforms the juvenile and adult criminal justice system in California by creating a parole consideration process for non-violent offenders who have served the full term for their primary criminal offense in state prison, authorizing the California Department of Corrections and Rehabilitation to award credits earned for good conduct and approved rehabilitative or educational achievements, and requiring judges to determine whether juveniles charged with certain crimes should be tried in juvenile or adult court. Proposition 57 is intended to enhance public safety and stop the revolving door of crime by establishing more incentives for inmates to participate in rehabilitative programs. The implementation of Proposition 57 is expected to provide a durable solution for the state to maintain compliance with the court-ordered population cap of 137.5 percent of design capacity, thereby avoiding the court-ordered release of inmates and ending federal court oversight.

As of May 3, 2017, the prison population was at 135.0 percent of design capacity, which is below the court-ordered population cap of 137.5 percent of design capacity.

The state has used a variety of measures to stay below the population cap, including the implementation of several population reduction measures, and the addition of new bed and programming space. Absent the implementation of Proposition 57, it is estimated that adult inmate population projections estimate that population would increase by approximately 1,000 inmates per year.

On April 13, 2017, the Office of Administrative Law approved the Department's Proposition 57 emergency regulations. Pursuant to the emergency regulations, implementation of the Good Conduct Credits began on May 1, 2017; the new parole consideration process for non-violent offenders will go into effect on July 1, 2017; and Milestone Completion, Rehabilitative Achievement, and Educational Merit Credits will go into effect on August 1, 2017. The juvenile justice provisions went into effect immediately after Proposition 57 passed in November 2016.

The Governor's Budget assumed that the non-violent parole process and credit earning changes authorized by Proposition 57 would be implemented on October 1, 2017, and estimated an average daily adult inmate population reduction of 1,959 inmates in 2017-18. The May Revision reflects the accelerated implementation dates proposed in the emergency regulations, which results in a revised estimated population impact of 2,675 inmates in 2017-18, growing to an inmate reduction of approximately 11,500 in 2020-21. These figures are preliminary and subject to considerable uncertainty. The inmate reduction will allow the Department to remove all inmates from one of two remaining out-of-state facilities in 2017-18, and begin removing inmates from the second facility as early as January 2018.

Overall, the May Revision estimates that Proposition 57 will result in net savings of \$38.8 million in 2017-18, growing to net savings of approximately \$186 million in 2020-21. These estimates will be updated in the 2018-19 Governor's Budget based on the final regulations.

The Governor's Budget proposed resources for additional case records staff to review and make various changes to inmate classification files related to the new credit earning structure and parole process, parole workload due to additional releases from prison, and Board of Parole Hearings workload for the increased number of inmates considered for release. The May Revision augments the Governor's Budget proposal by \$1 million General Fund, for a total of \$6.7 million to implement Proposition 57.

DRUG AND CONTRABAND INTERDICTION

The Department's three-year drug and contraband interdiction pilot program, aimed at reducing illegal drugs and contraband entering prisons, ends on June 30, 2017. The Department implemented the pilot program at 11 institutions, including more intensive interdiction at Calipatria State Prison; California State Prison, Solano; and California State Prison, Los Angeles County. Interdiction strategies include searching of staff, visitors and vendors entering prisons, as well as packages received by these prisons; drug and contraband canine search teams; and increased surveillance technology.

The University of California, Berkeley evaluated the pilot program, and while the evaluation found some improvement at the three institutions that used intensive interdiction strategies, the overall results were mixed and inconclusive. Given these results, the Department determined expanding its current canine program is the most effective use of resources.

The Department currently has 28 permanent canine teams. The May Revision adds 42 canine teams to provide two canine teams at each institution. The canine teams will conduct routine searches of housing units, classrooms, offices, buildings and primary entrance points for contraband, including incoming mail and packages, as well as the institution perimeter, parking lots and vehicles. The total cost of the canine expansion is \$6.7 million in 2017-18 and \$5.9 million ongoing.

These efforts are intended to reduce inmate violence, increase safety for staff and inmates, and promote a drug-free rehabilitative environment.

PRISON INFRASTRUCTURE

California has experienced record levels of rainfall in the past year, and severe storms caused significant damage to prison roofs. Failing prison roofs have resulted in damage to electrical systems and housing units, and interruptions in rehabilitation programs, education programs, and mental health treatment. The May Revision includes \$34.9 million to replace roofs at institutions with the greatest need—Salinas Valley State Prison, Pleasant Valley State Prison, and the California Correctional Institute.

PROPOSITION 47

Proposition 47, passed by the voters on November 4, 2014, requires misdemeanor rather than felony sentencing for certain property and drug crimes, and permits inmates

previously sentenced for these reclassified crimes to petition for resentencing. Based on spring projections, Proposition 47 is expected to reduce the 2016-17 adult inmate average daily population by 4,425, compared to 5,247 in 2015-16. The 2016-17 population reduction is attributable primarily to avoided new admissions since the effect of the resentencing component was mostly realized in 2015-16.

Proposition 47 requires state savings resulting from the proposition to be transferred into the Safe Neighborhoods and Schools Fund. The fund is used to reduce truancy and support drop-out prevention programs in K-12 schools, increase victim services grants, and support mental health and substance use disorder treatment services. The Director of Finance is required, on or before July 31 of each fiscal year, to calculate the state savings for the previous fiscal year compared to 2013-14.

The Department of Finance currently estimates net savings of \$45.6 million when comparing 2016-17 to 2013-14, an increase of \$3.5 million over the estimated savings in 2015-16 and an increase of \$2.6 million over the January estimate for 2016-17. See Figure SAF-02 for the distribution of the net savings. This estimate assumes savings from a reduction in the state's adult inmate population, and increased costs due to a temporary increase in the parole population and trial court workload associated with resentencing. The estimate also takes into consideration the savings associated with fewer felony filings and more misdemeanor filings, and the number of offenders resentenced and released from the Department of State Hospitals. In calculating state savings attributable to Proposition 47, the state considers the average length of stay of offenders that are no longer prison-eligible. Consequently, in future years, Proposition 57 will reduce the estimated length of stay for offenders that would have, absent Proposition 47, otherwise been sentenced to prison. Savings are currently estimated to increase to approximately \$75 million by 2019-20.

POST RELEASE COMMUNITY SUPERVISION

The May Revision includes \$15.4 million General Fund for county probation departments to supervise the temporary increase in the average daily population of offenders on Post Release Community Supervision as a result of the implementation of court-ordered measures and Proposition 57. This is an increase of \$4.4 million over the amount estimated in the Governor's Budget as a result of the revised implementation schedule of Proposition 57.

Figure SAF-02
Proposition 47 2017-18 Allocation

		Finance Calculation per Proposition 47	
<i>Department</i>	<i>Purpose</i>	<i>Percentage</i>	<i>2017-18¹</i>
Board of State and Community Corrections	Mental Health Treatment	65%	\$29,370,000
	Substance Use Disorder Treatment		
	Diversion Programs		
State Department of Education	Improve Outcomes for K-12 Students	25%	\$11,296,000
	Reduce Truancy		
	Support Students at Risk of Dropping Out of School or who are Victims of Crime		
California Victim Compensation and Government Claims Board	Support Trauma Recovery Centers that Serve Crime Victims	10%	\$4,518,000
State Controller's Office	Audit of Grant Programs	-	\$389,000
Total		100%	\$45,573,000

¹2017-18 calculation is based on estimated 2016-17 savings. Programmatic allocations are determined after accounting for the administrative costs of the State Controller's Office.