

## PUBLIC SAFETY

**T**he Budget includes the following changes related to California’s correctional system and local public safety.

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### CALIFORNIA 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 Budget includes total funding of \$12.1 billion (\$11.8 billion General Fund and \$334 million other funds) for the Department in 2018-19. Including capital outlay, General Fund spending for the Department represents 8.6 percent of total General Fund spending, compared to a peak of 11.4 percent in 2011-12.

The Budget reflects a projected average daily adult inmate population of 126,890, average daily parolee population of 48,535, and average daily juvenile population of 646 in 2018-19. These estimates include the anticipated population changes resulting from the implementation of Proposition 57, the Public Safety and Rehabilitation Act of 2016.

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## ACHIEVING DURABLE POPULATION REDUCTIONS AND IMPROVING PUBLIC SAFETY

In 2011, the U.S. Supreme Court upheld the federal three-judge panel's order requiring the Department to reduce the prison population to 137.5 percent of the prisons' design capacity by June 2013, which was subsequently extended to February 28, 2016. In January 2011, the adult inmate population totaled 162,000—approximately 178 percent of design capacity. As this Administration's first major prison reform, the state passed Chapter 15, Statutes of 2011 (AB 109), to meet the court-ordered population cap. This landmark legislation helped ease prison crowding and reduced state spending on prisons by shifting responsibility for lower-level offenders to counties. Counties are provided approximately \$1.5 billion annually to support this offender population.

AB 109 reduced the prison population in a manner that avoids early release and gives offenders the best chance at successful reintegration into their communities. Keeping offenders closer to their communities and linking them to post-release services is pivotal to reducing the offender population and maintaining a durable solution to the prison population cap set by the three-judge panel. In the first six months following passage of AB 109, the California Department of Corrections and Rehabilitation's inmate population dropped by more than 21,000 inmates.

Upon implementation, the Department carefully examined its inmate classification and custody designation system, and modified its processes to reclassify offenders into lower housing levels. This change allowed more inmates the opportunity to access programs and enabled the Department to house inmates in less restrictive environments, resulting in safer and more efficient prisons. Gymnasiums are no longer used to double or triple-bunk offenders and have been returned to activity centers that now serve as recreational and rehabilitative programming space for inmates. The alleviation of prison crowding has allowed rehabilitative programs to become a key focus of the prison system, and the construction of three infill housing projects allows level II inmates to be housed in dorm-style facilities that are more conducive to the Department's rehabilitation efforts. The ongoing construction of new space associated with the Healthcare Facility Improvement Project also allows for significant improvements in the delivery of health care in a custodial setting.

In addition to AB 109, other efforts were undertaken to reduce the prison population, including population reduction measures ordered by the federal three-judge panel on February 10, 2014, voter-approved initiatives aimed at reducing the prison population, such as Proposition 36 in November 2012 and Proposition 47 in November 2014, and the Governor signing into law a youthful offender parole hearing process for offenders who committed their crime before the

age of 26. The court's February 10, 2014 order reaffirmed that the Department would remain under the jurisdiction of the court for as long as necessary to continue compliance with the final benchmark of 137.5 percent of design capacity and establish a durable solution. The prison population has been below the court-ordered cap since February 2015.

Despite all the changes above, the fall 2016 adult inmate population projections estimated that the population would continue to increase by approximately 1,000 inmates per year, making it difficult for the state to maintain compliance with the court-ordered cap.

The Governor sponsored Proposition 57, the Public Safety and Rehabilitation Act of 2016, to establish a durable solution to prison crowding, end federal court oversight, and create more incentives for inmates to participate in rehabilitative programs. Proposition 57 also 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 Department to award credits earned for good conduct and rehabilitative or educational achievements, and requiring judges to determine whether juveniles charged with certain crimes should be tried in juvenile or adult court.

The Department implemented emergency regulations in April 2017 to exercise its authority to award credits provided by the proposition and final regulations were approved in May 2018. Proposition 57 is now estimated to reduce the average daily adult inmate population by approximately 5,800 in 2018-19, growing to an inmate reduction of approximately 11,200 in 2020-21. These figures remain subject to considerable uncertainty.

The implementation of Proposition 57 and other population reduction measures mentioned above will allow the Department to eliminate the use of out-of-state contract beds. By the end of the 2017-18 fiscal year, all inmates will be removed from one of the two remaining out-of-state facilities. The final out-of-state facility is scheduled to close by the end of January 2019, effectively returning all inmates from out of state.

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## **PUBLIC SAFETY THROUGH INMATE REHABILITATION AND REENTRY**

The goal of the Administration's prison reforms has been to not only reduce the overall population and meet the court-ordered population cap, but also to give offenders greater opportunity for rehabilitation, thereby improving offender outcomes and increasing public safety. After years of recession-era cuts to offender rehabilitation programs, building population reductions around increased programming takes increased investments—especially given that much of Proposition 57 is premised around offenders earning their way out of prison through achievement credits. Over the last several years, programs have been reestablished to prior levels.

### IN-PRISON REHABILITATION

Investments in rehabilitation programs create a safer prison environment and give inmates the educational and social skills they need to transition back into the community. Rehabilitation improvements include the following:

- Substance use disorder treatment programs have been expanded to all state prisons.
- Other cognitive behavioral treatment programs, including criminal thinking, family relationships, and anger management, have been expanded to all state prisons.
- Academic education classes are offered at all state prisons.
- Career technical education is available in all state prisons and recent budgets have included resources to expand programming slots to serve more offenders. Internet access has also been added in career technical education classrooms to maintain industry standards and certifications.
- There have been increased investments in Arts-in-Corrections with programs in all state prisons.
- Local community colleges now offer in-person college courses at all state prisons, with the exception of the California Health Care Facility.
- The Department has implemented an innovative, television-based education program to reach offenders not traditionally eligible or capable of attending in-person programs.
- Innovative programming grants have been used to encourage non-profit providers to expand their programs and services to traditionally hard-to-reach and underserved institutions.
- Programs have been expanded that are specifically tailored to long-term offenders, including substance use disorder mentor certification training and cognitive behavioral treatment specifically for offenders subject to review and release by the Board of Parole Hearings.

### REENTRY AND POST-RELEASE REHABILITATION

While the above in-prison programs and others are largely focused on the rehabilitative aspects of preparing for release, additional investments have been made to provide offenders with basic necessities prior to release and to link them with community services upon release.

- The Cal-ID program has expanded to all state prisons. Cal-ID establishes a process for inmates who are being released to obtain a California State Identification Card, which is critical for inmates transitioning into the community. For example, a state-issued identification card is needed to enroll in Medi-Cal and obtain services. The Budget includes legislation to further expand the Cal-ID program to the state's juvenile facilities.
- The state is also pre-enrolling state inmates into Medi-Cal prior to release, which makes them immediately eligible for these services upon release. The Department is estimated to have approximately 48,500 offenders on active parole in 2018-19 and approximately 85 percent will be eligible for Medi-Cal.
- Transitional preparation courses focused on job-readiness and financial literacy have been expanded to all state prisons.
- A voluntary community reentry program was established to allow eligible participants to serve the last year of their sentence in community-based reentry centers while being directly linked to a range of rehabilitative services, including substance use disorder treatment, employment, education, housing, family reunification, and social support in their community of release in lieu of confinement in state prisons.
- A new transitional housing program was established for long-term offenders to provide housing, meals, support services, resources and peer-driven programming during the first 6 to 12 months after release.

### **CONTINUING TO ADVANCE REHABILITATION**

The Budget includes \$462.6 million General Fund specifically for the Division of Rehabilitative Programs, compared to approximately \$300 million in 2012-13. As a per-offender investment, this exceeds pre-recession levels that were the peak of rehabilitation funding. The Division prepares offenders for release by offering various programs and services that promote positive in-prison behavior and support their rehabilitative efforts to provide a better opportunity for them to reintegrate into society. While offenders are prioritized if they are within four years of release and have a moderate-to-high risk to reoffend and a moderate-to-high need for services, the expansion of rehabilitative programs and reentry services to all prisons has allowed more inmates to participate in programs to help them prepare for community reintegration. The changes made under the authority provided by Proposition 57 encourage additional participation in programs and services, making for a safer prison environment and better success for inmates upon release.

To build upon prior investments made, the Budget includes the following augmentations:

- Correctional Counselor I Ratios—\$13.5 million General Fund to reduce the current offender to Correctional Counselor I ratio of 150:1 to 135:1 to provide enhanced rehabilitation and program enrollment assistance to the offender population. This results in the addition of 89 Correctional Counselors to focus on core needs including reentry into the community.
- Career Technical Education—\$6.7 million General Fund to expand Career Technical Education programming to 13 additional sites and offer 338 additional programming slots and \$1.5 million General Fund for related equipment replacement. Career Technical Education programming provides participants with education aligned with state boards or national organization certifications. The Career Technical Education program can currently serve approximately 9,100 offenders annually with a moderate-to-high employment need and focuses on offenders who are within four years of their expected release. Additional resources are provided for equipment replacement to maintain alignment with industry standards and equalize equipment across all institutions.
- Self-Help Groups—\$2.5 million General Fund to provide support for inmate activity groups now eligible for rehabilitative achievement credits under Proposition 57. Participation and waitlists have grown significantly since the implementation of Proposition 57. This funding expands inmate activity group programs from 1,100 programs in 2016-17 to over 3,000 programs by 2018-19. These programs are designed to enhance public safety by engaging offenders in self-improvement programs and personal preparation for reentry. Providing incentives to inmates to participate in rehabilitative programming also reduces inmate misconduct and violence in the prisons, yielding safer conditions for inmates and staff.
- Rehabilitative Programming Grants—\$4 million Inmate Welfare Fund to provide rehabilitative programming grants to non-profits that provide programs that have demonstrated success and focus on offender responsibility and restorative justice principles. The grant resources will improve access to rehabilitative programming, treatment, and services and increase the percentage of offenders served.

**STATEWIDE PRISON TO EMPLOYMENT INITIATIVE**

The Budget includes \$16 million General Fund for the Statewide Prison to Employment Initiative, a partnership of the California Workforce Development Board, the California Department of Corrections and Rehabilitation, and the California Prison Industry Authority, that will provide services for regional and local planning and implementation to integrate reentry and workforce services and direct services to the formerly incarcerated. This initiative is designed to accelerate the alignment of correctional education, training, and increased workforce system collaboration.

**FIREFIGHTER TRAINING AND CERTIFICATION PROGRAM**

The Budget includes \$26.6 million General Fund to establish a Firefighter Training and Certification Program for ex-offenders to provide the necessary education and training to become a firefighter. The program creates a training center at the Ventura Conservation Camp for 80 ex-offenders annually with job skills to succeed post-incarceration. The California Conservation Corps will be the employer of record and provide the base wages and benefits consistent with other Corps members. The California Department of Forestry and Fire Protection (CAL FIRE) will be responsible for the administration of the facility, fire training, and certification.

The California Department of Corrections and Rehabilitation and CAL FIRE will jointly select participants for the program, and CAL FIRE will recommend individuals that are housed at fire camps while incarcerated. The 18-month program will consist of three phases: phase one is a three-month orientation training that includes completion of life skills training, any required treatment programs, and basic forestry and firefighting courses; phase two will include three months of firefighter training to complete advanced, comprehensive industry firefighter courses and certification; and phase three is a Type I Fire Crew assignment for 12 months, during which participants will gain the necessary hands-on work experience component of the program.

Upon completion of the program, participants will be qualified through experience and certifications to apply for entry-level firefighting jobs with local, state, and federal firefighting agencies. In addition, the program will allow up to 20 California Conservation Corps members to participate in training courses at the facility.

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## DRUG AND CONTRABAND INTERDICTION

The prison drug trade strengthens prison gangs and leads to disputes among inmates that can escalate into violence. Such violence often leads to security lock-downs which interfere with rehabilitation by restricting inmate access to programming. In recent years, the Department has made a sustained effort to eliminate drug use in prison, such as by expanding substance use disorder treatment to all state prisons in order to reduce the demand for drugs. However, to successfully reduce the presence of drugs in prison the Department must focus not just on reducing demand, but also on reducing the supply.

Most other states and the Federal Bureau of Prisons search all packages and persons entering prison grounds. To measure the efficacy of such efforts in California prisons—one of the largest state prison systems in the nation—this approach will be tested to determine the effect it has on the introduction of drugs and contraband, as well as overdoses associated with the presence of illegal drugs in prisons.

The Budget includes \$9.1 million General Fund to pilot a comprehensive drug interdiction program and a Medication Assisted Treatment (MAT) program at the Substance Abuse Treatment Facility. The interdiction program will include baggage/parcel and full body scanners at both entrances to deter contraband from entering the prison. It will be operational 24 hours per day, seven days per week, and all staff, volunteers, and visitors will be searched prior to entering the prison. Canine teams, using dogs trained to detect drugs and contraband, will be present as an additional deterrent. The MAT program will complement these efforts and will include access to medications and cognitive behavioral counseling to treat alcohol and opiate use disorders. This comprehensive strategy for reducing both the supply of and demand for drugs is intended to reduce the influence of prison gangs, prevent inmate violence, increase safety for staff and inmates, and promote a drug-free rehabilitative environment.

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## EMPLOYEE TRAINING

As discussed, many of this Administration's efforts have focused on rehabilitating offenders. However, to create meaningful change on the overall prison environment, there is a need to also focus on the wellness and training of the prison workforce.

The Budget includes \$12.9 million General Fund for additional training initiatives to bolster the Department's investment in workforce development. This funding will support additional training for peace officers on topics such as ethics, sexual harassment, procedural justice, and implicit bias. In addition, the funding will support specialized training for Special Agents and

Investigative Unit staff in criminal investigations, training designed to assist with the transition of officers to supervisory roles, and training to strengthen skills of existing supervisors and managers. The Department will implement these initiatives through the following operational changes:

- Expanding the Correctional Officer Academy by 1 week for a total of 13 weeks.
- Expanding the annual institution staff off-post training by 8 hours for a total of 48 hours.
- Creating a Command College for Captains, Associate Wardens, Chief Deputy Wardens and Superintendents.
- Utilizing Peace Officer Standards and Training certified courses to train Special Agents and Investigative Services Unit staff.
- Increasing Advanced Supervision training by 1 week to 3 weeks.

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## **SUPPORT FOR AGING INFRASTRUCTURE**

A prison system that is safe for inmates and staff requires investments in infrastructure to provide the necessary space and tools to operate effectively. While the state has made significant investments in rehabilitation and health care, some of the Department's core infrastructure has deteriorated and improvements must be made. Accordingly, the Budget includes \$120.1 million for specific infrastructure investments, and \$9 million in deferred maintenance as discussed in the Statewide Issues and Various Departments Chapter.

### **ROOFS AND MOLD REMEDIATION**

California experienced record levels of rainfall in 2017, 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. In continuation of the roof replacement funding provided in the 2017 Budget, the Budget includes \$60.7 million General Fund to replace roofs at the California Substance Abuse Treatment Facility, Salinas Valley State Prison, and Ventura Youth Correctional Facility and \$9 million General Fund for mold remediation efforts at various facilities in 2018-19. This continues a multi-year strategy to address failing roofs, with Calipatria State Prison, California Correctional Women's Facility, and California State Prison, Corcoran being the next priorities. The Budget includes total funding of \$153 million General Fund for roof replacements and mold remediation over the next two fiscal years.

### **PUBLIC SAFETY COMMUNICATION SYSTEM**

The Department's public safety communication radio system has been in operation for over 28 years and is no longer supported by the manufacturer. These systems have experienced failures, resulting in the inability to effectively communicate within the Department and externally with partner organizations. Over the past several years, the Department has prioritized the replacement of handheld radio devices to the extent possible. The Budget includes \$32.9 million General Fund to replace the public safety radio communication system at the remaining nine adult institutions that have not been upgraded, two juvenile facilities, and various fire camps, and provide interoperability to the statewide transportation unit.

### **HEALTH CARE VEHICLES**

The Department's fleet consists of approximately 7,700 vehicles, including vans, buses and medical transport vehicles, many of which have exceeded mileage standards set by the Department of General Services. In 2012, the Receiver delegated health care access responsibilities to the Department, which includes providing timely transportation of inmates to health care appointments outside the prisons. Many of the vehicles used to provide transportation are in need of replacement, and the Department lacks a permanent and dedicated vehicle replacement budget. Since 2013-14, the Department has been able to redirect resources to replace some health care vehicles, but more needs to be done. The Budget includes \$17.5 million General Fund to replace and purchase additional high-priority health care vehicles.

While this will allow for the purchase and replacement of some health care vehicles, it is a small fraction of the Department's overall fleet needs. The Department will work with the Department of General Services on a more comprehensive and long-term fleet acquisition plan for consideration.

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### **JUVENILE JUSTICE REFORM**

The Budget includes the following juvenile justice reforms aimed at diverting young offenders from adult prison to the Division of Juvenile Justice to avoid the adult prison environment, especially gang activity.

#### **AGE OF JURISDICTION**

The *Farrell v. Brown* lawsuit began in the early 2000s, and resulted in a complete reform of the state juvenile system, including several legislative changes that were implemented to dramatically reduce the Division of Juvenile Justice population from around 3,000 in 2005 to

approximately 1,100 in 2011. To continue population reductions and generate savings, the 2012 Budget changed the age of jurisdiction from 25 to 23 for youths sent to the Division of Juvenile Justice.

New research on brain development and juvenile case law around diminished culpability of juvenile offenders has prompted the Administration to reevaluate this decision. Currently, juvenile court commitments are eligible to be housed at a juvenile facility until the age of 23, and superior court commitments are transferred to an adult prison at the age of 18 if they are not able to finish their sentence by the age of 21. To allow offenders to benefit from rehabilitative programming designed for young offenders and be more successful upon release, the Budget makes two key changes. First, it raises the age of jurisdiction for juvenile court commitments to 25 for youth facing a term of seven years or more. Second, it raises the age of confinement for superior court commitments so that youth who are able to complete their sentence by age 25 can serve their entire term at a juvenile facility, rather than being transferred to adult prison.

### **TRANSITION-AGE YOUTH PILOT PROGRAM**

As noted above, the landscape of juvenile sentencing and rehabilitation policy is progressively changing. In addition to juvenile brain development research, other research indicates that emerging adult offenders released from adult prison recidivate at a higher rate than similarly aged offenders released from a juvenile facility. There appears to be widespread interest in treating young adult offenders similar to juvenile offenders. In recognition of the changing philosophy related to the young adult population, the Legislature enacted Chapter 865, Statutes of 2016 (SB 1004), which authorized a five-county pilot program to house young adults aged 18 to 21 in juvenile halls rather than county jails.

These recent changes, including changes made to juvenile sentencing under Proposition 57, have led the Administration to establish a similar pilot program at the state level. The Budget includes \$3.8 million General Fund to establish two housing units to support a Transition-Age Youth Pilot Program that would divert a limited number of young adults who have committed specified crimes from adult prison to a juvenile facility. This will allow program participants to benefit from specialized rehabilitative programming designed for young adults with the goal of reducing recidivism. The Department will develop criteria for placement in this program, initially targeting offenders committed to adult prisons between the ages of 18 and 21.

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## **INMATE MEDICAL CARE AND MENTAL HEALTH SERVICES**

The Budget continues the state's significant financial commitment to improve the Department's delivery of health care services to inmates. The Budget dedicates \$3.2 billion General Fund to health care services programs, resulting in inmates having continued access to mental health, medical and dental care that is consistent with the standards and scope of services appropriate within a custodial environment.

### **FEDERAL RECEIVERSHIP OVERSEEING PRISON MEDICAL CARE**

In 2005, a federal court established a receivership to oversee prison medical care. To date, the Receiver has transitioned oversight of 17 institutions back to the state. The Budget includes \$2.3 billion General Fund for prison medical care. This amount reflects an augmentation of \$118.6 million General Fund, including the following:

- Expansion of Hepatitis C Virus Treatment—\$105.8 million annually for three years, beginning in 2018-19, to treat all of the approximately 22,000 inmates who are currently infected with Hepatitis C. This augmentation is a result of a new protocol implemented by the Receiver in December 2017 that provides treatment to all inmates in any stage of the Hepatitis C Virus.
- Electronic Health Records System—\$8.3 million to complete the integration of an electronic health records system throughout the state's prison system.
- Automated Drug Cabinets—\$4.5 million to lease automated drug cabinets for controlled substances and establish a correctional clinic model allowing non-patient-specific medications to be maintained at the clinics where they are distributed to patients.

### **INCREASES IN INPATIENT MENTAL HEALTH TREATMENT BED CAPACITY**

The Budget includes \$27.1 million General Fund to address mental health treatment bed capacity issues as well as resources needed to monitor health care data reporting and patient referrals. The Budget addresses mental health treatment bed capacity issues by adding capacity for females and leveraging and relocating existing male bed capacity to maximize flexibility. Specifically, the Budget includes:

- \$8.7 million to convert two existing housing units that only provide one level of care to housing units that can transition between different levels of care to accommodate unexpected spikes in the inpatient mental health treatment populations.

- \$6.8 million to add 15 Mental Health Crisis Beds and 5 Psychiatric Inpatient beds at the California Institute for Women to address the need for increased capacity.
- \$2.4 million to improve patient movement in and out of inpatient treatment beds, and resources for the Department to assume responsibility for the mental health population projections from a court-required consultant.
- \$1.2 million to perform utilization management reviews to maximize the use of the Department's inpatient mental health treatment bed capacity.
- \$1 million to transfer 20 Mental Health Crisis Beds from Northern California to Southern California to help address the greater need for mental health treatment beds in Southern California.
- \$7 million to complete design of 100 new licensed mental health crisis beds at two prisons in Southern California (50 beds at the California Institution for Men in Chino and 50 beds at Richard J. Donovan in San Diego).

In addition, the Budget includes \$18.1 million General Fund for contract psychiatry services needed to meet a federal court order to fill at least 90 percent of the state prison system's psychiatry positions. This is one of many staffing efforts the Department has undertaken to increase its ability to fill psychiatry positions. Other efforts implemented in recent years include increasing use of tele-psychiatry, establishing an onboarding program and exit interviews, beginning the use of Medical Assistants to support psychiatry positions with non-clinical tasks, and expanding the use of a fellowship program.

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## LOCAL PUBLIC SAFETY

The Budget addresses the following local public safety issues.

### LAW ENFORCEMENT TRAINING

The Budget includes \$25 million General Fund on a one-time basis for the Commission on Peace Officer Standards and Training for law enforcement training. This amount includes \$15 million for use of force and de-escalation training, \$5 million for crisis mental health training, and \$5 million for grants to support innovative training programs. The funding supports curriculum development and local assistance in the form of subsidies for law enforcement agencies to attend trainings.

The Budget also maintains critical law enforcement training programs, historically funded by the State Penalty Fund, at their 2017-18 funding levels. Specifically, the Commission on Peace Officer Standards and Training remains at \$47.2 million, funded by the State Penalty Fund. Because State Penalty Fund revenues continue to decline, the Budget shifts the Standards and Training for Local Corrections program (\$17.3 million), administered by the Board of State and Community Corrections, to the General Fund. While protecting law enforcement training, this expenditure shift also provides relief to the State Penalty Fund and avoids the need to further reduce victims programs that have also experienced significant State Penalty Fund expenditure reductions in recent years.

### **COMMUNITY CORRECTIONS PERFORMANCE INCENTIVE GRANT**

The Community Corrections Performance Incentive Grant, Chapter 608, Statutes of 2009 (SB 678), was created to provide incentives for counties to reduce the number of felony probationers sent to state prison. The Budget includes \$109.3 million to continue this successful program.

### **POST-RELEASE COMMUNITY SUPERVISION**

The Budget includes \$28.2 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 Proposition 57.

### **PROPOSITION 47 SAVINGS**

Voters passed Proposition 47 in November 2014, which 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. The Department of Finance currently estimates net savings of \$64.6 million for Proposition 47 when comparing 2017-18 to 2013-14, an increase of \$19 million over the estimated savings in 2016-17. These funds will be allocated according to the formula outlined in the initiative.