

PUBLIC SAFETY

This Chapter describes items in the Budget related to California's correctional system and public safety programs.

DEPARTMENT OF CORRECTIONS AND REHABILITATION

The California Department of Corrections and Rehabilitation (CDCR) incarcerates people convicted of the most violent felonies, supervises those released to parole, and provides rehabilitation programs to help them reintegrate into the community. The Department strives to facilitate the successful reintegration of the individuals in its care back to their communities equipped with the tools to be drug-free, healthy, and employable members of society by providing education, treatment, and rehabilitative and restorative justice programs.

The Budget sustains prior investments that support the Administration's long-term goals of further improving rehabilitation, reentry and restorative justice programs. It also reflects the Administration's commitment to limit the expansion of new programs due to the drastic budget impacts of the COVID-19 Recession, reduce costs through efficiencies, and implement long-term prison reform strategies.

The Budget includes total funding of \$13.4 billion (\$13.1 billion General Fund and \$311 million other funds) in 2020-21 for the Department.

PRISON CAPACITY

The adult prison population has declined steadily over many years, presenting opportunities for CDCR to reduce its reliance on contract prison capacity. After more than a decade, CDCR terminated its final remaining contract to house inmates out-of-state in June 2019. In addition, CDCR terminated its final remaining contract with a private in-state facility for male inmates in May 2020. Based on current population trends, the Administration plans to close the remaining three male, public in-state contract correctional facilities in 2020-21.

In addition, the Budget plans to close one state-owned correctional facility beginning in 2021-22 and a second facility beginning in 2022-23. While statutory authority is not necessary to implement the prison closure plan, the Budget agreement included statutory changes that would have specified a reporting timeline and considerations to be made in determining which prisons should be prioritized for closure. These closures will be achieved through various actions that will further reduce the prison population through rehabilitation, which are described below.

COVID-19 RESPONSE

CDCR took a series of proactive measures to reduce the presence and spread of COVID-19 in its institutions. Among other things, CDCR restricted inmate movement, activated gyms and dayrooms to create physical distancing, modified the parole suitability hearing process to take place by video and telephone conference, restricted family visitation and provided inmates with free telephone calls, initiated a staff screening process upon entering facilities, suspended large-scale construction projects within the secure perimeter of CDCR facilities, and suspended in-person rehabilitative programs and education classes. CDCR also delayed the Basic Correctional Officer Academy and modified the training to provide for social distancing, and employed the California Prison Industry Authority to produce cloth face masks and hand sanitizer for inmates and staff.

Before an incarcerated person is released from any institution, they are offered testing for COVID-19 within seven days of their anticipated release. For those who test positive, CDCR works with state and local public health and law enforcement officials to find housing where the incarcerated person can be safely isolated and monitored. Individuals are also released with reusable cloth barrier masks provided by the Department with appropriate precautionary measures taken during transportation.

Beginning in June 2020, CDCR also began expanded employee testing for COVID-19 at skilled nursing facilities consistent with guidance from the California Department of Public Health. This guidance includes baseline testing of all employees by the end of June, and separate protocols for continued testing, the frequency of which is dependent on whether an institution has active outbreaks. Beginning in July 2020, CDCR expects to expand employee testing protocols to the remaining institutions without skilled nursing facilities.

On March 24, 2020, the Governor issued Executive Order N-36-20, to mitigate the spread of COVID-19 in the state's adult institutions by stopping intake for 30 days, which was subsequently extended to 60 days. While intake resumed on May 29, 2020, CDCR is proceeding with an abundance of caution. For example, the Department is offering testing to all inmates upon intake and has instituted a mandatory 14-day quarantine period in its reception centers. CDCR estimates that approximately 8,200 inmates will be held in county jails as a result of the suspension of intake for 60 days and anticipates transferring all those inmates to CDCR in the coming months.

In addition, CDCR initiated the release of inmates who were within 60 days of release at the beginning of April 2020, and who were not serving a current term for domestic violence, a violent felony, or required to register as a sex offender. These actions have contributed to a significant decline in the prison population. As of June 17, 2020, the adult inmate population was 114,643, compared to 122,941 as of March 25, 2020, a reduction of 8,387 inmates.

At the time of this publication, court orders and changing conditions are requiring additional actions to mitigate the spread of COVID-19 and protect staff and inmates.

EARNING RELEASE THROUGH REHABILITATION

The Budget sustains academic, vocational and rehabilitative program investments made in recent years to continue the progress made to support inmates in preparing for release. These investments in rehabilitation, as well as additional actions highlighted below, will allow the Department to safely reduce the prison population and achieve the prison closures described above.

- **Reducing Reception Center Process to 30 days**—The suspension of intake provided CDCR the opportunity to move the majority of inmates from reception centers to mainline institutions, thereby creating space in the reception centers to facilitate safely reopening intake. CDCR plans to reduce the reception center process to as

few as 30 days instead of 90 to 120 days. This will allow inmates to begin participating in academic and rehabilitative programs sooner and will likely enable CDCR to convert some existing Reception Center housing to General Population housing in 2020-21. This change is expected to save \$3.7 million General Fund in 2020-21, and significantly more in future years with the exact amount depending on the timing and details of future prison closures.

- **Changes to Good Conduct Credits**—CDCR will pursue changes to good conduct credits that will be applied prospectively. These changes will provide greater incentives for individuals to engage in good conduct such as by participating in work and program assignments. While the changes are still being developed, the preliminary estimate is that these changes will save \$2.7 million General Fund in 2020-21.

TEMPORARY MODIFIED WORK ASSIGNMENTS

The Budget includes \$16.7 million General Fund annually for two years to provide modified work assignment posts for staff with medical conditions that result in restrictions or limitations, such as pregnancy, to provide them opportunities to continue working or return to work earlier than would otherwise be possible. This proposal advances the Administration's commitment to the health and wellness of its correctional staff and promotes the recruitment and retention of a diverse workforce. The Department will use the period covered by the limited term funding to determine the appropriate level of ongoing resources for this program.

The Budget also includes the following General Fund investments:

- **Mental Health Psychiatry Registry**—\$13.3 million for contract psychiatry services to meet the federal court order to fill at least 90 percent of the state prison system's psychiatry positions.
- **Intake Cell Retrofits for Suicide Prevention**—\$3.8 million one-time to retrofit 64 intake cells across the state to provide a safer environment for inmates entering segregated housing.
- **Expansion of Statewide Telepsychiatry Program**—\$5.9 million to support expansion of telepsychiatry, which uses secure videoconferencing to increase inmate access to mental health care services.

- **Legionella Remediation at California Health Care Facility**—\$9.7 million in 2019-20 and \$4.3 million ongoing to establish new water system protocols to control Legionella bacteria and minimize the risk of illness at the California Health Care Facility.
- **Information Technology Security Staffing and Tools**—\$2.9 million for additional resources to strengthen security and cybersecurity infrastructure to protect patient health records.
- **Medical Imaging Equipment**—\$1 million to replace and maintain CDCR's medical imaging equipment.
- **Secure Electronic Data Share Unit for Patient Health Records**—\$377,000 to support an electronic health care data exchange process to transfer health records to counties for inmates who are transitioning to county custody or the community.

VALLEY STATE PRISON YOUTH OFFENDER REHABILITATIVE COMMUNITY

The Budget includes \$1.3 million General Fund in 2020-21, and \$2 million ongoing, to establish a Youth Offender Rehabilitative Community at Valley State Prison in Chowchilla. The program will house individuals under the age of 26 together in a campus-style environment conducive to positive behavioral programming and will deliver educational programs targeted to their unique needs.

OTHER SIGNIFICANT ADJUSTMENTS

- **Consolidate Fire Camps**—The Budget includes the closure of eight camps, currently not at capacity, that will be selected in coordination with the California Department of Forestry and Fire Protection. The locations selected will take into consideration proximity to other fire camps in an effort to minimize impacts to communities that rely on the services provided by inmate fire crews. CDCR's savings are estimated to be \$7.4 million General Fund in 2020-21 and \$14.7 million ongoing.
- **Draw Down Federal Funds for Health Care for Community Reentry Programs**—Under federal policy, individuals who are considered prison inmates are ineligible for Medicaid benefits. However, this exclusion does not apply to individuals residing in supervised residential treatment facilities, such as reentry facilities designed to transition individuals from prison to the community. The Centers for Medicare and Medicaid Services (CMS), which sets these policies, recently issued guidance outlining how it distinguishes between prisons and supervised residential treatment facilities. Specifically, CMS has stated that in order to qualify for Medicaid eligibility residents must generally have freedom to seek employment in the community and

access resources available to the general public, such as education, libraries, and healthcare facilities. CDCR is implementing operational changes at its reentry facilities to adhere to these guidelines in a manner that ensures public safety, thereby allowing the state to draw down federal funding for residents' health care and saving \$4.2 million General Fund in 2020-21 and \$8.5 million ongoing.

- **Eliminate the Integrated Services for Mentally Ill Parolee Program**—The Integrated Services for Mentally Ill Parolee Program provides wraparound services, including some transitional housing, for approximately 1,500 of 18,000 mentally ill parolees. As this program is costly at \$10,000 per parolee annually and has shown limited effectiveness at reducing recidivism, the Budget eliminates the program. The Department will adjust policies to connect these individuals with community resources, which ultimately provide better continuity of care long-term. Elimination of this program is expected to result in savings of \$8.1 million General Fund in 2020-21 and \$16.3 million ongoing General Fund. Although the Budget reduces funding for the program, statutory changes are necessary to eliminate the program.
- **Remote Court Appearance**—CDCR will pursue efforts to increase video capabilities to enable remote court appearances by inmates and staff. This will result in efficiencies associated with transportation of inmates from their assigned prison to a prison closer to the court, and daily transportation of inmates to court. This will also reduce inmate absences from rehabilitation and work assignments. Statutory changes are needed to implement this proposal.
- **Suspension of the Transition-Aged Youth Pilot in the Division of Juvenile Justice**—The Budget suspends the seven-year pilot program operated by the Division of Juvenile Justice to divert transition-aged youth from adult prison to a juvenile facility. The pilot had limited participation and its suspension will result in estimated savings of \$3.1 million General Fund in 2020-21 and ongoing. Although the Budget reduces funding for this program, statutory changes are necessary to suspend the pilot.
- **Integrated Substance Use Disorder Treatment Program Reduction**—The Budget implements a one-time reduction of \$30 million to the Integrated Substance Use Disorder Treatment Program reflecting expected challenges in full program implementation due to the COVID-19 pandemic.

PAROLE

CAP PAROLE TERMS

In an effort to align community supervision terms with evidence that most recidivism occurs earlier in the supervision period, create incentives for positive behavior change, and more effectively use limited state resources, the Budget will cap supervision for certain parolees at 24 months and establish earned discharge for non-Penal Code section 290 registrants at 12 months. The estimated savings are expected to be \$23.2 million General Fund in 2020-21, increasing to \$64.6 million ongoing General Fund in 2023-24. The Budget includes a reduction of funding associated with this proposal. However, statutory changes are necessary to implement the proposal and realize these projected savings.

EXPANDING THE ELDERLY PAROLE PROGRAM AND COMPASSIONATE RELEASE

The Budget agreement includes additional opportunities for elderly and terminally ill inmates to be released from custody. Statutory changes are necessary to modify the existing Elderly Parole Program to lower the criteria for eligibility for an elderly parole suitability hearing from inmates aged 60 or older who have served 25 continuous years of a sentence to inmates aged 50 or older who have served 20 continuous years.

The Budget agreement also expands the compassionate release process whereby the Secretary of the CDCR can request the court resentencing an inmate diagnosed with an incurable condition that will result in death within twelve months. Statutory changes are necessary to implement this proposal.

These changes are anticipated to result in General Fund cost savings in future years while simultaneously providing consideration for release to inmates at high-risk for COVID-19 and who are not likely to recidivate.

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 \$3.6 billion General Fund for health care services programs, which provide access to mental health, medical, and dental care that is consistent with the standards and scope of services appropriate within a custodial environment.

OTHER SIGNIFICANT ADJUSTMENTS

The Budget also removes \$20.6 million from CDCR's baseline budget to eliminate the Tattoo Removal Program (\$2.1 million) and by reducing ongoing prison maintenance funding (\$18.5 million).

Although the state is not in a fiscal position to expand many programs given the drastic budget impacts of the COVID-19 Recession, the Budget provides \$943,000 to promote objectivity and fairness in the investigation of equal opportunity complaints and \$37.6 million for necessary roof replacements at California State Prison, Sacramento.

REALIGN DIVISION OF JUVENILE JUSTICE

The Division of Juvenile Justice currently houses approximately 800 youth. The Governor's Budget proposed to transfer the Division of Juvenile Justice to a newly created independent department within the Health and Human Services Agency. That approach was intended to align the rehabilitative mission of the state's juvenile justice system with trauma-informed and developmentally appropriate services supported by programs overseen by the state's Health and Human Services Agency. The May Revision proposed instead to transfer the responsibility for managing all youth to local jurisdictions and direct a portion of the state savings to county probation departments.

The Administration continues to support the shift of this population to local jurisdictions and will continue to work with the Legislature and relevant stakeholders over the coming weeks to develop a plan for implementing a successful realignment.

CONFORMING STATUTE TO REALIGNMENT

The Budget agreement includes changes to existing law to clarify that an individual's underlying offense determines whether their sentence is served in a county jail or state prison. Currently, if an enhancement qualifies for state prison, the entire sentence is served in state prison—even though the underlying offense would otherwise be served in a county jail. CDCR estimates these changes will affect several dozen individuals annually and reduce the prison population by around 150 inmates on an ongoing basis. Statutory changes are necessary to implement this proposal.

LOCAL PUBLIC SAFETY

Proposition 47 Savings—In November 2014, voters passed Proposition 47 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 \$102.9 million General Fund for Proposition 47 when comparing 2019-20 to 2013-14. These funds will be allocated according to the formula outlined in the initiative.

Post Release Community Supervision—The Budget includes \$12.9 million General Fund for county probation departments to supervise the temporary increase in the average daily population of individuals on Post Release Community Supervision as a result of the implementation of Proposition 57.

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

To meet the short-term needs of local law enforcement training due to the COVID-19 pandemic and the potential long-term impact of reduced state and local budgets, the Commission on Peace Officer Standards and Training (POST) will leverage existing funding provided in the 2018 Budget Act to provide for the strategic development and implementation of a framework to support distance learning opportunities for all California law enforcement agencies.

Specifically, the Budget reappropriates \$10 million General Fund to: (1) create a Distance Learning Grant Program, (2) increase the functionality of POST's Learning Portal, and (3) upgrade previously produced and developed distance learning courses and videos.

The Budget establishes a Distance Learning Grant Program to allocate \$5 million to governmental entities and non-profit law enforcement educational institutions to develop and deliver training through innovative, distance learning modalities with a focus on use of force and de-escalation, implicit bias and racial profiling, community policing, cultural diversity, and organizational wellness.

The POST Learning Portal is a secure website available for California peace officers, dispatchers, and law enforcement instructors to access self-paced training courses and applications to support law enforcement training in California. Access to the Learning Portal is free to California law enforcement in the POST program. POST will explore replacing, enhancing, and/or modernizing the functionality of the Learning Portal by

adding and incorporating additional modules that would provide law enforcement agencies the ability to develop their own agency-specific courses to develop and deliver their own instructor-led distance training.

Finally, POST will identify and upgrade existing distance learning courses and videos that are in legacy software formats no longer supported. By converting these materials, POST can ensure that relevant training materials continue to be accessible to local law enforcement agencies. POST also anticipates continued creation of high-quality, online in-service and specialized training videos that enable law enforcement to meet Continuous Professional Training mandates through distance learning options.

To reduce costs, the Budget also reverts \$16.5 million General Fund appropriated in prior budgets provided to POST for training reimbursements and grants that are unlikely to be expended given the restrictions associated with the COVID-19 pandemic.

VICTIM SERVICES

Crime victims and their families bear significant physical, emotional, and financial burdens. The Budget reflects the Administration's continuing commitment to both assist crime victims and their families in recovering from such traumas, and to proactively make strategic investments to protect those who face a high risk of victimization by including the following proposals:

- **Restitution Fund Backfill**—\$23.5 million one-time General Fund to backfill declining fine and fee revenues in the Restitution Fund, allowing the Victim Compensation Board to continue operating at its current resource level.
- **California Violence Intervention and Prevention (CalVIP) Grant Program**—\$9 million ongoing for the Board of State and Community Corrections to continue funding the CalVIP program, which provides competitive grants to cities and community-based organizations to support services such as community education, diversion programs, outreach to at-risk transitional age youth, and violence reduction models.

IMPROVING INDIGENT DEFENSE

Currently, the Office of the State Public Defender's mission is focused on assisting individuals sentenced to death with post-conviction appeals. The Budget includes \$4 million General Fund in 2020-21 and \$3.5 million annually thereafter to expand the Office's mission to include improving the quality of indigent defense services provided

by counties. Specifically, these resources are intended to provide training and technical assistance for attorneys providing indigent defense, with the goal of promoting more effective representation statewide. While there is funding in the Budget, statutory changes are needed to expand the Office's mission to allow for these activities.

In addition, the Budget includes \$10 million one-time General Fund for the Board of State and Community Corrections to administer a pilot program, in consultation with the Office of the State Public Defender, to supplement local funding for indigent criminal defense. This funding will also support the completion of an evaluation to determine the effectiveness of the grants in improving indigent defense services.

DEPARTMENT OF JUSTICE

As chief law officer of the state, the Attorney General has the responsibility to see that the laws of California are uniformly and adequately enforced. This responsibility is fulfilled through the diverse programs of the Department of Justice (DOJ). The Department provides legal services on behalf of the people of California; serves as legal counsel to state agencies; provides oversight, enforcement, education, and regulation of California's firearms laws; provides evaluation and analysis of physical evidence; and supports data needs of California's criminal justice community. The Budget includes total funding of approximately \$1.1 billion, including \$369.2 million General Fund in 2020-21, to support DOJ.

BUREAU OF FIREARMS

The Bureau of Firearms regulates and enforces the manufacture, sale, ownership, safety training, and transfer of firearms. In recent years, several laws have been enacted that affect the purchase and ownership of a firearm in California, thereby increasing the Bureau's workload. The Budget continues the Administration's commitment to strengthen gun violence protections by including the following significant investments:

- **Firearm Precursor Parts (AB 879)**—\$5.9 million General Fund in 2020-21 and \$8.3 million in 2021-22 to regulate and track the sale of firearm precursor parts. AB 879 requires the sale of firearm precursor parts to be conducted by or processed through a licensed firearm precursor part vendor beginning July 1, 2024. Precursor parts can be used to manufacture “ghost guns” that are untraceable due to a lack of serial numbers or identifying markers. Given the risk that such guns present to

public safety, the Budget includes resources to accelerate the implementation of these requirements to July 1, 2022. However, statutory changes are needed to facilitate this acceleration.

- **Firearms Information Technology Modernization**—\$2.4 million Dealers' Record of Sale (DROS) Special Account to begin the planning and analysis phase of combining and modernizing the existing firearms tracking systems. DOJ currently tracks firearms using 11 information technology systems that are antiquated, costly to update, and inefficient at data collection. New firearms policies and reporting requirements are difficult to implement given the disconnected structure of these systems. Modernizing these systems will enable DOJ to respond to changing business needs and legislative mandates efficiently and in a cost-effective manner.
- **Semiautomatic Rifle Sales (SB 61)**—\$2.1 million DROS Special Account in 2020-21, \$1 million in 2021-22, and \$379,000 annually thereafter to implement and enforce the provisions of SB 61 that prohibit the sale of semiautomatic centerfire rifles to any person under 21 years of age, except a law enforcement officer or active duty member of the Armed Forces, and prohibit a person from making an application to purchase more than one semiautomatic centerfire rifle in any 30-day period.
- **Tracking Firearms Sales (SB 376)**—\$981,000 DROS Special Account in 2020-21, \$306,000 in 2021-22, and \$232,000 annually thereafter to track and report annual firearms sales, loans, and transfers to enforce the provision under SB 376 that reduces the threshold for which a manufacturer's license is required from 100 firearms manufactured annually to 50.
- **"Other" Firearm Registration**—\$128,000 DROS Special Account in 2020-21, \$862,000 in 2021-22, and \$14,000 annually thereafter to close regulatory loopholes for assault weapons that are not currently defined as a rifle, pistol, or shotgun. This proposal enables DOJ to appropriately define and regulate such weapons. While this funding is included in the Budget, statutory changes are needed to close this loophole and allow DOJ to regulate these firearms.

LEGAL SERVICES

HEALTHCARE RIGHTS AND ACCESS SECTION

In recent years, there has been an increase in healthcare litigation due to issues such as the opioid crisis, drug price-fixing, antitrust cases, and defenses of the Affordable Care Act. Currently, healthcare-related litigation is handled by separate units throughout DOJ. The Budget includes \$6.9 million in 2020-21 (\$3.7 million Attorney General Antitrust

Account and \$3.2 million Unfair Competition Law Fund) and \$6.7 million annually thereafter (\$3.6 million Attorney General Antitrust Account and \$3.1 million Unfair Competition Law fund) to establish the Healthcare Rights and Access Section to consolidate and centralize healthcare litigation within DOJ. This approach allows DOJ to handle the increase in healthcare litigation and develop expertise and specialization in this area of law.

Other Significant Adjustments

- **Bureau of Forensic Services**—\$35.8 million one-time (\$25.8 million General Fund and \$10 million Fingerprint Fees Account) to backfill the continued decline in fine and fee revenues in the DNA Identification Fund. This funding will enable DOJ to continue processing forensic evidence for client counties.
- **Criminal Records: Automatic Relief (Chapter 578, Statutes of 2019 (AB 1076))**—\$3.7 million Fingerprint Fees Account in 2020-21, \$4 million in 2021-22, and \$1.9 million annually thereafter to review records in statewide criminal justice databases to identify persons eligible to have their arrest or criminal conviction records withheld from disclosure and modify existing systems to grant such relief automatically. Statutory changes are needed to delay the implementation of AB 1076 until July 1, 2022. This will provide DOJ sufficient time to make the necessary information technology improvements to implement this bill.
- **California Law Enforcement Telecommunications System: Immigration (Chapter 789, Statutes of 2019 (AB 1747))**—\$2.8 million General Fund in 2020-21, \$2.9 million in 2021-22, and \$2.5 million annually thereafter to conduct investigations and audits to monitor compliance with AB 1747, which limits the use of the California Law Enforcement Telecommunications System for immigration enforcement purposes.
- **Replacement of License 2000 System**—\$724,000 one-time Gambling Control Fines and Penalties Account for the initial planning and analysis phase of replacing the License 2000 System, which is used by the Bureau of Gambling Control and Gambling Control Commission to manage cardroom licensing, registration, and auditing functions.
- **Sex Offender Registration (Chapter 541, Statutes of 2017 (SB 384)) Funding Alignment**—A net change of zero by moving \$4.8 million General Fund expenditures from 2020-21 and 2021-22 to 2022-23 and 2023-24, to align the funding to implement SB 384 with an updated implementation timeline. Statutory changes are needed to implement modifications to SB 384 that will ease the workload burden for DOJ, the courts, and local law enforcement agencies.

ELIMINATION OF CERTAIN CRIMINAL ADMINISTRATIVE FEES

State law authorizes state and local governments to charge administrative fees to individuals in the criminal justice system to recover costs for various activities, including probation supervision, representation by counsel, and diversion programs, among others. These fees can have a significant impact on low-income individuals and people of color who are disproportionately represented in the state's criminal justice system. Specifically, these fees often place an undue burden on those who cannot afford to pay and can create financial hardship for individuals seeking to get their lives back on track following a criminal conviction. Therefore, the Administration is committed to working with the Legislature to provide economic relief to this population by eliminating certain criminal administrative fees.