

CRIMINAL JUSTICE

DEPARTMENT OF CORRECTIONS AND REHABILITATION

The California Department of Corrections and Rehabilitation (CDCR) incarcerates people convicted of the most serious and 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 includes total funding of \$14 billion (\$13.4 billion General Fund and \$603.2 million other funds) for CDCR in 2022-23. Of this amount, \$3.7 billion General Fund is for health care programs, which provide incarcerated individuals with access to mental health, medical, and dental care services that are consistent with the standards and scope of care appropriate within a custodial environment.

The COVID-19 Pandemic has affected every aspect of prison operations, and the state has taken swift action to mitigate the spread of the virus. These actions and other factors have significantly impacted current population projections. The average daily adult incarcerated population for 2022-23 is now projected to be 102,932, a decrease of 9 percent since the Governor's Budget.

Spring projections indicate the adult incarcerated population is temporarily trending upward and is expected to increase by 3,342 individuals between 2021-22 and 2022-23,

from 99,590 to 102,932, primarily because CDCR resumed intake of individuals sentenced to prison who remain in county jails awaiting transfer to state prison. The population is then projected to resume long-term downward trends in 2023-24, declining to 95,655 in 2024-25.

The Governor's Budget projected an overall parolee average daily population of 42,963 in 2022-23. The average daily parolee population is now projected to increase by 628 to 43,591 in 2022-23, an increase of 1.5 percent from the Governor's Budget projections. The parole population is projected to decline to 37,818 by June 30, 2026.

COVID-19 UPDATE

Active COVID-19 cases have declined significantly statewide since the peak of the Omicron surge in January, when CDCR reported 6,375 active incarcerated adult COVID-19 cases and 5,113 active staff cases. As of late June 2022, CDCR was tracking 643 active incarcerated adult and 1,112 active staff cases.

The Budget includes \$240.1 million to enable CDCR to continue taking proactive measures and precautions to protect the incarcerated population and staff, consistent with its Roadmap to Reopening. This includes resources to support staff and incarcerated individual testing, utilization of masks and other personal protective equipment, and extra cleaning and sanitation services.

INCREASED INTAKE TO STATE PRISONS

In March 2020, the state halted intake of incarcerated persons from county jails to reduce the risk of COVID-19 entering the state prison system. CDCR resumed intake on a limited basis in August 2020, although public health conditions subsequently necessitated halting intake again in November 2020 and in January 2022. Since February, CDCR has resumed intake while maintaining precautions including requiring testing and symptom screening prior to intake.

The Department also requires quarantine of all new arrivals for a minimum of ten days in its reception centers. At the height of the pandemic, counties held 10,755 incarcerated persons on behalf of the state. The intake backlog has been cleared as of June 2022.

The state has provided \$255.9 million General Fund to counties for holding incarcerated persons on behalf of the state, reflecting payments for individuals held in county jails between March 2020 and December 2021. Current projections suggest a total of up to

approximately \$32.9 million in additional reimbursements may be issued for 2021-22 for intake between January and June 2022.

PRISON CAPACITY AND CLOSURE

The adult prison population has steadily declined over many years, which presented opportunities for CDCR to eliminate its reliance on contract prison capacity. CDCR terminated its final remaining contract to house incarcerated persons out-of-state in June 2019. CDCR terminated its final in-state contract correctional facility in May 2021. In total, the termination of these contracts has saved the state hundreds of millions of dollars in annual expenditures. Consistent with the 2021 Budget Act, the Department closed Deuel Vocational Institution in Tracy in September 2021, achieving savings of \$150.3 million General Fund annually beginning in 2022-23.

On April 13, 2021, CDCR announced its intent to close a second prison, the California Correctional Center (CCC) in Susanville, as well as minimum security portions of the California Correctional Institution (CCI) and the California Training Facility (CTF). On July 28, 2021, the City of Susanville filed litigation in the Lassen County Superior Court challenging the closure of CCC, and the Court issued a preliminary injunction in September, prohibiting CDCR from taking any action to further the closure of CCC. The injunction remains in effect as of June 2022 and the process of closing CCC is currently on hold. Although the closure of CCC is currently on hold, statutory changes included in the Budget specify that CCC will close by June 30, 2023. As of June 2022, the incarcerated population at CCC was 2,232. The closure of CCC will result in estimated annual savings of \$122 million.

The Administration remains committed to right-sizing California's prison system to reflect the needs of the state. Based on current projections that exhibit ongoing declines in the incarcerated population, and understanding that future policy changes may significantly affect long-range population projections, it may be possible to close three additional state prisons by 2024-25.

PROMOTING REHABILITATION AND REENTRY

Increasing access to rehabilitative and reentry programs is integral to improving post-release outcomes for incarcerated individuals and reducing recidivism. CDCR's academic, vocational, and rehabilitative programs prepare incarcerated individuals to successfully reenter their communities following their release from prison. The Budget

includes targeted resources to further enhance these programs, with the goal of improving public safety through rehabilitation:

- **Bachelor's Degree Expansion**—\$5 million General Fund in 2022-23, and \$4.7 million ongoing, to permanently fund Bachelor's degree programs at seven institutions in collaboration with the California State University system. These programs will be available to incarcerated students upon successful completion of their community college programs, enabling them to further prepare to enter the workforce and find gainful employment upon their release from prison.
- **Returning Home Well**—\$10.6 million General Fund annually for three years (total of \$31.3 million) to continue the Returning Home Well Program. This program, initiated during the pandemic, provides transitional housing to individuals who would otherwise be at risk of being unhoused at the time of their release, with the goal of supporting successful community reintegration.
- **Expansion of Reentry Beds**—\$40 million General Fund annually for three fiscal years (total of \$120 million) to support an expansion of CDCR's community reentry programs. These programs have demonstrated success in reducing recidivism by enabling incarcerated individuals to serve a portion of their sentence in a community-like setting, with the goal of facilitating their successful transition back into their communities following their release.
- **Rehabilitative, Restorative Justice, and Reentry Programming**—more than \$37 million one-time General Fund to support in-prison rehabilitation programs, including the creation of a veterans hub at the Correctional Training Facility in Soledad and restorative justice programming to further support the incarcerated population in transforming their lives, better preparing them to reenter society. The Budget also includes \$6 million one-time General Fund to enhance CDCR's data collection and evaluation capabilities to better understand the outcomes of formerly incarcerated individuals.
- **Delancey Street**—The Budget establishes the Delancey Street Restaurant Management Program at California State Prison, Solano, which will provide participants with the skills needed to operate a full-service restaurant. The program will focus on restaurant operations, service, and hospitality, teaching participants marketable skills that will be useful in gaining employment upon their release.

SIGNIFICANT ADJUSTMENTS:

- **Staff Misconduct and Disciplinary Process Improvements**—\$35.6 million General Fund in 2022-23, and \$34.2 million ongoing, for CDCR to support implementation of the new process by which CDCR will handle complaints filed by incarcerated individuals that include allegations of staff misconduct. Additionally, the Budget includes \$7.9 million General Fund in 2022-23, and \$15.1 million ongoing, for the Office of the Inspector General to monitor CDCR's new staff misconduct process.
- **Integrated Substance Use Disorder Treatment Program**—\$126.6 million General Fund in 2022-23, and \$162.5 million ongoing, to expand the Integrated Substance Use Disorder Treatment Program and enhance the Department's ability to treat individuals with substance use disorders. These resources will enable CDCR to serve an increasing number of program participants with Medication Assisted Treatment and make other targeted enhancements, including increasing patient screening and adding an aftercare component for individuals who complete the core Integrated Substance Use Disorder Treatment programming.
- **Continued Expansion of Video Surveillance Systems**—\$97.6 million General Fund in 2022-23, and \$7.8 million ongoing, to install fixed camera systems at ten additional institutions and deploy body-worn cameras at four additional institutions to enhance CDCR's ability to monitor activity and maintain a safe environment for staff and the incarcerated population.
- **Cellular Interdiction**—\$12.6 million General Fund in 2022-23, \$18.5 million in 2023-24, and \$1.7 million ongoing beginning in 2024-25 to establish an Enhanced Managed Access System to block contraband cell phone usage within 20 prisons. The enhanced technology will stop calls and texts, including on newer technologies such as 5G networks.
- **Facility and Infrastructure Improvements**—The Budget includes General Fund resources to address necessary maintenance and operations of CDCR facilities, including \$73 million one-time for roof replacement projects at the California Institution for Men and the California Medical Facility; \$22.2 million one-time for accessibility improvements at various institutions for individuals with disabilities; \$29.2 million ongoing for utilities and waste removal expenditures; and \$8.6 million ongoing to clean increased health care space.

LOCAL PUBLIC SAFETY

CRIMINAL JUSTICE INVESTMENTS FOR SAFE AND SECURE COMMUNITIES

The Budget adds multifaceted criminal justice investments to increase the safety and security of our communities. The goals are to improve community policing; address organized retail theft; reduce guns and illegal drugs; increase access to probation services; and add to the efforts of locating, identifying, and preventing missing Indigenous persons from tribal lands.

OFFICER WELLNESS AND TRAINING GRANTS

Supporting peace officers' physical, mental, and emotional health is fundamental to creating safer communities and building meaningful relationships. The Budget includes \$50 million one-time General Fund for grants intended to improve general officer health and well-being, build resiliency, decrease stress and trauma, and improve community trust and relations. The grants will be distributed by the Board of State and Community Corrections to counties and cities to support eligible programs.

The Budget also includes \$5 million one-time General Fund for the Commission on Peace Officer Standards and Training to develop a Law Enforcement Wellness Program to support officers' overall health.

In addition to officer wellness, the Budget includes \$10 million General Fund for a pilot training program to improve community policing strategies. The training will focus on peace officer use-of-force and effective de-escalation strategies.

ADDRESSING ORGANIZED RETAIL THEFT AND OTHER CRIMES

The Budget includes a total of \$564.4 million General Fund over three years, including \$241.4 million in 2022-23, to bolster local law enforcement efforts to address organized retail theft and other crimes, and support affected businesses:

- \$85 million annually for three years in competitive grants for local law enforcement to combat organized retail crime so Californians and businesses across the state can feel safe.
- \$10 million annually for three years for competitive grants to local District Attorneys to create dedicated retail theft vertical prosecution teams.

- \$6 million annually in 2022-23 through 2024-25 and ongoing resources to provide a total of \$15 million annually for the California Highway Patrol (CHP) to expand and make permanent its Organized Retail Theft Taskforce. This unit will work with local law enforcement to address organized theft in the Bay Area, Sacramento, San Joaquin Valley, Los Angeles, and San Diego regions.
- \$5.5 million one-time for CHP to address sideshow activity throughout the state.
- \$4 million in 2022-23 and \$3.3 million in 2023-24 and 2024-25 for CHP to create a Highway Violence Task Force to address violent crimes occurring on state highways.
- \$11 million annually for three years and \$5.5 million ongoing for the Department of Justice to continue leading anti-crime task forces around the state, including High Impact Investigation Teams, Los Angeles interagency efforts, and task forces to combat human trafficking and gangs. This funding will also support regional task forces combatting organized retail theft and to prosecute retail theft cases that span multiple jurisdictions.
- \$25 million annually for three years to provide local law enforcement support during disasters and emergencies. This funding will reduce local costs, accelerate response time, and provide sustainable participation of all 58 counties within the State Law Enforcement Mutual Aid system by minimizing funding considerations from the decision-making process.
- \$5 million annually for three years to support the Internet Crimes Against Children Task Force Program, which helps state and local law enforcement agencies develop an effective response to technology-facilitated child sexual exploitation and combat underground child pornography rings. This investment maintains the level of state resources provided to this effort in each of the last three years.
- \$25 million one-time for the Board of State and Community Corrections to establish a competitive grant program to support local gun buyback programs.
- \$40 million one-time to establish a firearm relinquishment program administered by the Judicial Council (See the Judicial Branch Chapter for more information). This statewide effort will not only provide opportunities for the safe removal and disposal of firearms, but will also serve to promote awareness about gun and youth violence.
- \$30 million (\$15 million in 2022-23 and \$15 million in 2023-24) to expand the Military Department's existing drug interdiction efforts to prevent drug-trafficking transnational criminal organizations throughout the state, with a particular focus on assisting federal, state, local, and tribal law enforcement agencies in combatting fentanyl.

- \$7.9 million in 2022-23, and \$6.7 million ongoing, to establish the Fentanyl Enforcement Program within the Department of Justice to combat the manufacturing, distribution, and trafficking of fentanyl throughout, and into, the state by organized criminal enterprises.
- \$2 million ongoing to support research conducted by the Firearm Violence Research Center at the University of California, Davis.

MOBILE PROBATION CENTERS

Increasing access to probation services, particularly among individuals who are unhoused and struggling to meet supervision requirements, is critical to enhance public safety and successfully support their reintegration. The Budget includes \$20 million one-time General Fund to establish a competitive grant program for counties to establish mobile probation centers.

Grant funding will help with one-time investments, such as the purchase of vehicles and technology, including computers, internet, phones, televisions, and video communication. The mobile service centers will facilitate court appearances and pre-trial check-ins, complete needs assessments, and identify housing, employment, and other related services.

GRANTS FOR MISSING AND MURDERED INDIGENOUS PERSONS

California has one of the largest Native American populations in the United States, and research has shown that Indigenous people experience violence and trauma at disproportionately higher rates than the general population. To address these disparities, the Budget includes \$12 million General Fund over three years for the Board of State and Community Corrections to establish a competitive grant program to help California tribes locate and identify missing Indigenous persons. These funds will be available to provide resources for tribal police and prosecutors, counseling services, education, and other activities.

COUNTY-OPERATED JUVENILE FACILITIES

Upon the closure of CDCR's Division of Juvenile Justice on June 30, 2023, counties will be responsible for serving all justice-involved youth across the juvenile justice continuum. Accordingly, the Budget includes \$100 million one-time General Fund to support improvements to county-operated juvenile facilities to make these locations more conducive to serving justice-involved youth with a wide range of needs, with a focus on providing therapeutic, youth-centered, trauma-informed, and

developmentally appropriate rehabilitative environments for youth. This investment, along with statutory changes included in the Budget to establish processes to continue serving the highest need youth in state facilities following DJJ's closure, is intended to assist county probation departments in the realignment of youth from the state to counties. As the transition continues, the Administration is committed to supporting counties in these efforts.

SIGNIFICANT ADJUSTMENTS:

- **Proposition 47 Savings**—Proposition 47, passed in 2014, requires misdemeanor rather than felony sentencing for certain property and drug crimes and permits incarcerated persons previously sentenced for these reclassified crimes to petition for resentencing. Proposition 47 established a fund to invest savings from reduced prison utilization in prevention and support community programs.

The Department of Finance estimates net General Fund savings of \$161.1 million in 2022-23. These funds are allocated according to the formula specified in the initiative, which requires 65 percent be allocated for grants to public agencies to support various recidivism reduction programs (such as mental health and substance use treatment services), 25 percent for grants to support truancy and dropout prevention programs, and 10 percent for grants for victims' services.

- **Post Release Community Supervision**—The Budget includes \$20.9 million one-time 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.
- **Community Corrections Performance Incentive Grant**—The Budget includes a total of \$123.8 million General Fund annually through 2023-24 to provide county probation departments with a consistent level of funding based on prior performance, so county probation departments are not unduly impacted by lingering effects of the pandemic on probation populations, law enforcement practices, or court processes. 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.

VICTIM SERVICES

Crime victims and their families bear significant physical, emotional, and financial burdens. The Budget continues the state's 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:

- **Trauma Recovery Centers**—\$23 million one-time General Fund, to be spent over three years, to support existing trauma recovery centers, and to establish an innovative pilot program to operate satellite offices in hard-to-reach and/or rural areas affiliated with a local organization and overseen by an existing trauma recovery center.
- **Victim Benefits**—\$7 million ongoing Federal Trust Fund expenditure authority to reflect the Federal Victims of Crime Act reimbursement rate increase from 60 percent to 75 percent. The additional federal funding will be used, in part, to support an increase in benefit limits for crime scene cleanup costs (from \$1,000 to \$1,700), funeral/burial costs (from \$7,500 to \$12,800), and relocation claims (from \$2,000 to \$3,400) to adjust for inflation since these limits were set in 2000.
- **Erroneous Conviction Compensation**—\$7 million ongoing General Fund and statutory changes authorizing the California Victim Compensation Board to approve claims for incarcerated individuals who were falsely accused of crimes.
- **Media Outreach to Victims of Violent Crime**—\$3 million one-time Restitution Fund to conduct an outreach campaign to raise awareness of statewide victim support services, while targeting hard-to-reach populations.

The Budget commits to prioritizing changes to the victims compensation benefit program and for the elimination of the restitution fine, if a determination is made in the spring of 2024 that General Fund over the multiyear forecast is available to support this ongoing augmentation.

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 the data needs of California's criminal justice community. The Budget includes total funding of approximately \$1.2 billion, including \$433.6 million General Fund, to support DOJ.

BUREAU OF FIREARMS

The Bureau of Firearms regulates 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 firearms in California, thereby increasing the Bureau's workload. The Budget includes the following significant investments to support the Bureau:

- **Firearm Information Technology Modernization**—\$5.2 million one-time Dealer Record of Sale (DROS) Special Account to continue the planning and development phase of combining and modernizing 11 existing firearms tracking systems. This builds upon the \$2.4 million one-time DROS Special Account in the 2020 Budget Act for the modernization of the systems.
- **Firearm Transfers**—\$2.3 million (\$6,000 General Fund and \$2.3 million DROS Special Account) in 2022-23, increasing to \$3.5 million in 2023-24, and \$973,000 ongoing, to implement modifications to DOJ's firearms databases to align with firearm transfer laws pursuant to Chapter 250, Statutes of 2021 (SB 715).
- **Firearm Precursor Parts**—\$223,000 ongoing General Fund to support accelerated implementation and ongoing workload associated with tracking the sale, possession, and transfer of precursor parts in California, pursuant to Chapter 730, Statutes of 2019 (AB 879). Given the increased risk to public safety associated with illegal possession of firearms constructed through precursor parts kits ("ghost guns"), Chapter 29, Statutes of 2020 (SB 118) accelerated the implementation timeline of AB 879 by three years. These resources build upon the \$5.9 million General Fund in 2020-21 and \$8.3 million in 2021-22 included in the 2020 Budget Act to track the sale of firearm precursor parts.
- **Firearms Tracing**—\$327,000 General Fund in 2022-23, and \$306,000 ongoing, to analyze and report information submitted by local law enforcement agencies to DOJ related to firearms that were illegally possessed, used in a crime, or suspected of being used in a crime pursuant to Chapter 683, Statutes of 2021 (AB 1191).

SIGNIFICANT ADJUSTMENTS:

- **Bureau of Forensic Services**—\$35.4 million one-time General Fund to backfill a decline in fine and fee revenues to the DNA ID Fund. The backfill is needed to maintain current service levels to process forensic evidence for local jurisdictions.
- **Reparations Task Force**—\$2.5 million one-time General Fund to cover increased DOJ workload, external consultants to develop and finalize task force recommendations, and travel and per diem costs for task force members pursuant to Chapter 319, Statutes of 2020 (AB 121). This investment is in addition to \$2.2 million General Fund over two years for the task force provided in the 2021 Budget Act.
- **Peace Officer Use of Force**—\$2.3 million General Fund in 2022-23, and \$1.6 million in 2023-24 and ongoing, to investigate officer-involved shootings that result in the death of an unarmed civilian pursuant to Chapter 326, Statutes of 2020 (AB 1506). These resources will support DOJ's ability to physically appear and respond to an event to determine whether it requires a full investigation pursuant to AB 1506. This builds upon \$15.6 million ongoing to implement AB 1506 provided in the 2021 Budget Act.
- **Peace Officer Release of Records**—\$7.4 million (\$3.4 million General Fund and \$4 million Legal Services Revolving Fund) in 2022-23 and \$6.5 million (\$2.7 General Fund and \$3.8 million Legal Services Revolving Fund) to prepare records pertaining to police officer conduct for public disclosure pursuant to Chapter 402, Statutes of 2021 (SB 16).
- **Various Criminal Resentencing Efforts**—Overall, the Budget includes augmentations of \$4.8 million General Fund to implement recently enacted legislation pertaining to criminal resentencing. Specifically, the Budget includes \$396,000 in 2022-23, and \$382,000 ongoing, to provide legal response to appeals when criminal resentencing is denied, or a defendant claims error occurred in resentencing, pursuant to Chapter 719, Statutes of 2021 (AB 1540); \$3.6 million in 2022-23, and \$3.5 million ongoing, to address an increase in resentencing and vacatur appeals pursuant to Chapter 551, Statutes of 2021 (SB 775); and \$794,000 in 2022-23, and \$768,000 in 2023-24, to address increased resentencing hearings pertaining to initial sentence enhancements pursuant to Chapter 728, Statutes of 2021 (SB 483).

- **Reproductive Health Care Services**—\$879,000 General Fund in 2022-23, and \$671,000 ongoing, to implement new data reporting requirements, prepare an annual report that details anti-reproductive healthcare rights violations and criminal offenses, and provide legal guidance to state and local entities pursuant to Chapter 191, Statutes of 2021 (AB 1356).