

SUBCOMMITTEE NO. 5

Agenda

Senator Nancy Skinner, Chair
Senator Joel Anderson
Senator Jim Beall



Thursday, April 5, 2018
9:30 a.m. or upon adjournment of Session
State Capitol - Room 113

Consultant: Christopher Francis

<u>Item</u>	<u>Department</u>	<u>Page</u>
Discussion Items		
3540	Department of Forestry and Fire Protection	
Issue 1	Ventura Training Center	2
5225	Department of Corrections and Rehabilitation	
Issue 2	Career Technical Education Expansion and Equipment Refresh	10
Issue 3	Innovative Programming Grants	14
Issue 4	Parole Non-Ratio Positions	17
Issue 5	Rehabilitative Achievement Credit Staffing	19

Public Comment

Pursuant to the Americans with Disabilities Act, individuals who, because of a disability, need special assistance to attend or participate in a Senate Committee hearing, or in connection with other Senate services, may request assistance at the Senate Rules Committee, 1020 N Street, Suite 255 or by calling (916) 651-1505. Requests should be made one week in advance whenever possible.

ITEMS TO BE HEARD

3540 DEPARTMENT OF FORESTRY AND FIRE PREVENTION (CAL FIRE)

Issue 1: Ventura Training Center (BCP)

Issue 1 presented by CAL FIRE, Department of Corrections and Rehabilitation, and California Conservation Corps

Governor's budget. CAL FIRE, California Conservation Corps (CCC), and California Department of Corrections and Rehabilitation (CDCR) request a total of \$7.7 million General Fund in 2018-19, \$6.3 million General Fund ongoing, and 12.4 positions, to operate a Firefighter Training and Certification Program for ex-offenders at the Ventura Training Center located at the Ventura Conservation Camp in Ventura County. The Program will provide a static 80 apprenticed firefighters who would be available for wildland fire suppression, other emergency incident mitigation, and to perform fire prevention and resource management work. Additionally, CAL FIRE requests \$18.9 million General Fund for the preliminary plans, working drawings, and construction phases of a capital outlay project to make necessary improvements for the ongoing operation of the Ventura Training Center.

Background. Five consecutive years of severe drought, a dramatic rise in bark beetle infestations and 129 million dead trees have combined to create unprecedented fire conditions resulting in severe, year-round wildfires. Of California's most destructive wildfires, 11 have occurred in the last 10 years. Historically, CAL FIRE responds to over 5,600 wildfires annually. In recent years, wildfires have increased, reaching approximately 2,000 more than average in 2017.

2017 was the worst fire season in California's history. Between January 1 and December 31, 2017, over 1.7 million acres of land burned in California, over 47 people died as a result of the fires and over 12,000 buildings were damaged or destroyed. CAL FIRE estimates that the emergency fire suppression costs for the 2017-18 fiscal year could reach \$900 million. In addition, the California Insurance Commissioner reports that nearly 45,000 claims detailing almost \$12 billion in losses have been filed for the fires in October and December. Those claims are primarily related to the two most destructive fires this year. A cluster of fires in October in Napa, Sonoma, Mendocino, Lake and Solano counties burned almost 245,000 acres, killed 44 people, destroyed 8,920 structures and damaged another 736, and resulted in \$262,437,625 in total costs. Then in December, the largest wildfire in the state's history, the Thomas fire, erupted in Santa Barbara and Ventura counties. That fire ultimately burned over 308,380 acres, killed two people, destroyed over 1,375 structures and damaged another 440, and resulted in \$188,450,301 in costs. As a result of the damage from the Thomas fire, Santa Barbara County subsequently faced devastating mudslides in January that killed at least 21 people and destroyed dozens of homes.

To fight the state's wildfires and other natural disasters, CAL FIRE employs over 5,000 year-round professional firefighters and over 1,700 seasonal firefighters. In addition, they rely on 2,750 local volunteer firefighters and 3,500 inmate firefighters. Incarcerated people make up nearly a third of the state's firefighting force.

State's Reliance on Incarcerated Firefighters. As the state's need for people to fight an increasing number of wild fires grows, the number of inmates available to assist in those efforts continues to

decline. Due to new sentencing laws and Public Safety Realignment in 2011, which shifted most non-violent, non-sex-related, non-serious offenders back to county jails, there are fewer people in prison at the lower security levels who are eligible to work and live in the state's fire camps. The state currently has enough capacity to house approximately 4,600 adult and juvenile inmate firefighters. However, there are currently less than 3,600 inmate firefighters in those camps. At their peak in July of 2007, 4,508 firefighters were in the state's fire camps. As of January 31, 2018, there were 3,507 incarcerated men and women in the fire camps.

Inmate Conservation (Fire) Camps. The Conservation Camp Program was initiated by the CDCR to provide able-bodied inmates the opportunity to work on meaningful projects throughout the state. CDCR road camps were established in 1915. During World War II much of the work force that was used by the Division of Forestry (now known as CAL FIRE), was depleted. CDCR filled that void by having inmates occupy "temporary camps" to augment the regular firefighting forces. There were 41 "interim camps" during WWII, which were the foundation for the network of camps in operation today. In 1946, the Rainbow Conservation Camp was opened as the first permanent male conservation camp. Rainbow made history again when it converted to a female camp in 1983. The Los Angeles County Fire Department, in contract with the CDCR, opened five camps in Los Angeles County in the 1980's.

There are 43 conservation camps for adult offenders and one camp for juvenile offenders. Three of the adult offender camps house female firefighters. Thirty-nine adult camps and the juvenile offender camp are jointly managed by CDCR and CAL FIRE. Five of the camps are jointly managed with the Los Angeles County Fire Department.

The conservation camps, which are located in 29 counties, can house up to 4,522 adult inmates and 80 juveniles, which make up approximately 219 fire-fighting crews. A typical camp houses five 17-member fire-fighting crews as well as inmates who provide support services. As of January 31, 2018, there were 3,507 adults and 58 youth living and working in the camps.

The state does not track exact numbers on the total budget for the fire camps across the departments involved. However, the CDCR/CAL FIRE annual operating budget is approximately \$2.35 million per camp. Therefore, one can assume the state spends roughly \$100 million General Fund per year on fire camps.

Eligibility of inmate firefighters. All inmates must earn the right to work in a conservation camp by their non-violent behavior and conformance to rules while they are incarcerated. Only inmates who have earned minimum-custody status through good behavior can volunteer to work in fire camps. In addition, people in prison for arson, kidnapping, and violent sex offenses or who have attempted to escape within the previous 10 years or used force in an attempt to escape, are serving life sentences, or have a mental health diagnosis that requires treatment, are prohibited from working in the camps. In addition, an inmate must be within five years of their release date. Finally, inmates who volunteer for the camps must pass a medical exam and meet high physical fitness standards.

Training. Training for inmate firefighters is significantly different from that of professional firefighters. One of the reasons for that noted by CDCR is that there are different expectations for inmate firefighting teams. Primarily, fire camp participants are tasked with containment functions requiring the use of hand tools such as chainsaws, axes, and rakes to contain fire by clearing out

vegetation. CAL FIRE firefighters have specialized responsibilities that require the use of heavy machinery and are tasked with search and rescue functions and structure-related firefighting duties.

Given the different expectations, incarcerated firefighters receive the following training:

- Training begins with two weeks of physical training where inmates must complete the following to the satisfaction of CDCR coaches: 35 push-ups; 25 sit-ups; 35 burpees; 5 pull-ups; 5 chin-ups; a one-mile run in nine minutes or less; 14 minutes of Harvard steps; and a four-mile power walk in less than 54 minutes.
- Following the passing of physical fitness training, offenders continue to fire-fighting training which includes 29 hours of classroom training.
- Each offender must maintain an 80 percent average on all written tests and achieve a minimum of 80 percent on the final exam.
- Following classroom instruction, there are 29 hours of field training. In this week, the offender will start every day ensuring their personal protective equipment fits properly and is in good condition. Field training consists of riding in the Emergency Crew Transports or other crew vehicles to learn proper seat assignments, seat belt use, public contact, receiving and returning tools, tool inspection, carrying and storage of tools, and the use and sharpening of tools. Instruction also includes the use of each tool, construction of different types of fire lines, participation in practical exercises on how and when to deploy a fire shelter, and participation in a mop-up exercise.
- To graduate from the training program offenders are evaluated during a four-mile hike while wearing all of their turn-out gear.

Unlike training for professional firefighters, the CDCR fire crews do not receive any of the certificates needed to become career firefighters. Among those requirements for professional firefighters are the Basic Firefighter 1, which requires 179 hours of training; the completion of a respiratory protection program (RPP); emergency medical services training; and completion of a fire service training and education program (FSTEP) (which includes: live-fire training, auto extrication (or any forcible entry) and wildland firefighting). The Administration notes that due to the different level of training, despite significant experience working on fire lines, inmate firefighters are generally not successful in gaining post-incarceration employment in the firefighting field due to the lack of entry-level training.

Wages and benefits of inmate firefighters. Incarcerated people working in the fire camps are paid between \$1.45 and \$3.90 per day in the camps, based on skill level and position. In addition, the firefighters receive \$1 per hour for time spent on a fire line or other emergency. Generally, the firefighters work 24-hour shifts with 24-hours on duty on a fire line followed by 24-hours off duty. In addition to wages, people with non-violent convictions working in the camps earn two days of credit toward their time served for every day in the camp. People with violent convictions receive one day of credit off of their sentence for every day they are in a fire camp. The earning credit for violent offenders is a result of changes from the passage of Proposition 57 (the California Parole for Non-Violent Criminal and Juvenile Court Trial Requirements Initiative passed November 8, 2016).

CAL FIRE estimates that the use of inmate firefighters saves the state approximately \$100 million per year because without the inmates, the state would need to pay additional career and volunteer firefighters throughout the state. Local volunteer firefighters are paid minimum wage for every hour they are dispatched to a fire line or emergency.

Ventura program overview. The program creates a training center at the Ventura Conservation Camp to provide training and jobs skills for 80 ex-offenders. The California Conservation Corps will be the employer of record and provide the base wages and benefits consistent with other Corps members. CAL FIRE will be responsible for the administration of the facility, fire training, and certification.

CDCR and CAL FIRE will jointly select participants for the program, and CAL FIRE will recommend individuals that are housed at fire camps while incarcerated. CAL FIRE, CDCR, and CCC propose that ex-offenders who are former Conservation Camp Fire Crew members, along with potentially other former CDCR offenders, be provided an opportunity to participate in a Firefighter Training and Certification Program. Ex-offenders would gain work experience by being a fire crew member for wildland fire suppression, other emergency incident mitigation, and fire prevention and resource management work, as well as obtain comprehensive industry recognized firefighting training and certifications that are not available to fire crew members.

Ventura program timeline: pre- and post- program. According to the proposal, the 18-month program will begin on October 1st, 2018 and 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. The Administration asserts that 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 CCC members to participate in training courses alongside the 80 ex-offenders at the facility.

The CCC will provide the Program with the "Firefighter Trainee" classification and be the ex-offender's employer of record, similar to how it currently performs this function for the Department of Transportation. The CCC will provide participant base wages and benefits and perform various employee related administrative services. The ex-offenders will receive a stipend of \$1905 per month and after gaining Type I classification, will receive an emergency excess of \$15.00 of overtime after exceeding eight hours of overtime. In addition, the CCC will provide the ex-offenders high school education courses through the John Muir Charter School, which already provides these services through contract at all the existing residential centers, except for the Butte Fire Center. Enrolling up to 80 students from the Ventura Training Center will not require additional funding. Participants who complete the program will have CCC certification and be eligible for 20 state jobs.

The following is a sample of classifications that CCC program participants would qualify for upon completion of the program.	
Agricultural Aide (Seasonal)	Office Assistant
Groundskeeper	Armory Custodian I
Fish and Wildlife Seasonal Aid	Maintenance Worker, CHP
Fish and Wildlife Technician	Seasonal Clerk
Park Aide (Seasonal)	Building Maintenance Worker
Maintenance Aide (Seasonal)	Caltrans Highway Maintenance Worker
Archeological Aid (Seasonal)	Caltrans Landscape Maintenance Worker
Forestry Aide	Park Maintenance Assistant
Firefighter I	Park Maintenance Worker I
Forestry Technician	Tree Maintenance Worker, Caltrans
Service Assistant (Maintenance), Caltrans	Maintenance and Service Occupational Trainee

CDCR requests funding for a non-profit entity's services to ensure that program graduates meet desirable qualifications to maximize their scoring capabilities in the normal hiring practices for competitive placement with fire agencies, as well as comparable classifications with other government firefighting agencies such as United States Forest Service crews, private contractor crews, and local government fire agency crews.

Legislative Analyst's Office (LAO). The LAO finds that the Governor's proposal raises several concerns whilst acknowledging that providing additional resources to reduce recidivism could be a worthwhile investment. Specifically, they find that the proposal **(1)** is not evidence based; **(2)** would not target high-risk, high-need individuals; **(3)** would be unlikely to lead to employment for participants; **(4)** would likely not be cost-effective; and **(5)** includes resources that are not fully justified. They also find that providing additional training to CCC members could be achieved in other ways.

- (1) Not Evidence Based.** Research shows that rehabilitation programs that are evidence based are most likely to be effective at reducing recidivism. To be evidence based, a program must be modeled after a program that has undergone rigorous evaluations showing that it reduces recidivism. However, the administration has not provided examples of any other firefighter training programs that have been found to reduce recidivism. Accordingly, it is unclear whether the proposed intervention model has ever been found to be effective elsewhere. Furthermore, the administration is not proposing a feasibility study, pilot, or sufficiently rigorous evaluation plan for the program. As a result, it is unclear how the administration would know if the proposed program were successful once it was implemented.
- (2) Not Targeted to High-Risk, High-Need Parolees.** As discussed above, research suggests that rehabilitation programs are most likely to be successful when targeted at high-risk, high-need individuals. However, the Administration plans to primarily recruit parolees who served as inmate firefighters in a conservation camp prior to their release from prison. These parolees tend to be of low-risk to the community and have demonstrated a willingness and ability to work hard. Although CDCR does not separately track recidivism rates for inmates released

from conservation camps, the LAO expects that these inmates would be among the least likely in CDCR to recidivate. Moreover, the Administration indicates that conservation camp inmates would be nominated by CAL FIRE and CDCR staff for the program based on their nonviolent behavior and conformance to rules while incarcerated. This further suggests that program participants would already have relatively low-risks of recidivism and low needs for rehabilitative programming. Accordingly, the LAO finds that the proposed target population is both inconsistent with best practices and with CDCR's own efforts to target rehabilitation programs to high-risk, high-need offenders.

- (3) ***Unlikely to Lead to Employment.*** The Administration indicates it has not performed any type of labor market analysis or survey to determine potential demand for graduates of the program. Seeking employment as a CAL FIRE firefighter is very competitive. The minimum qualifications for a Firefighter I require a candidate to be at least 18 years old and have a high school diploma or its equivalent. However, the department indicates that many applicants are returning Firefighter I's who have previous experience working as seasonal firefighters and many have an Emergency Medical Technician certification (which is extremely difficult for a convicted felon to obtain). Parolees would likely have difficulty competing with such applicants. Moreover, the California Department of Human Resources requires the firefighter hiring process to be competitive—meaning the department does not have the authority to directly hire those who complete the program. While it is possible that program participants could apply for firefighter positions with local and federal agencies, the availability of such positions statewide is unknown. However, the information on specific agencies that is available suggests that firefighter hiring at the local level is equally competitive, if not more so. For example, a RAND Corporation study found that the Los Angeles Fire Department had upwards of 13,000 applicants for fewer than 100 jobs in 2013.
- (4) ***Unlikely to Be Cost-Effective.*** The level of funding proposed to operate the program on an ongoing basis appears quite expensive relative to other rehabilitation programs. Specifically, the proposed program would cost \$6.3 million annually to operate, or about \$80,000 per parolee. However, research suggests that there are a variety of programs—such as substance use disorder treatment and academic education—that could reduce recidivism at a much lower cost. This concern is compounded by the fact that the Administration is proposing to make a large capital investment at the Ventura conservation camp to renovate and construct facilities to meet the specific needs of the proposed program. This is a substantial up-front cost, particularly for a program that appears unlikely to be effective and has not been tested through a pilot or feasibility study.
- (5) ***Various Resources Requested Have Not Been Fully Justified.*** At the time of this analysis, the Administration was not able to provide the LAO sufficient justification for some of the workload resources being requested. For example, the role of and need for the additional parole agents proposed are unclear. On the one hand, if these parole agents would provide specialized services or a higher level of supervision for the 80 parolees at the Ventura Training Center, then the department might need some additional staffing. On the other hand, if these parole agents would provide essentially the same supervision and services as the general parolee population receives, then it is unclear why the additional parole agents are needed. The Governor's budget includes funding for CDCR to supervise the entire projected parole population for 2018-19, which includes the 80 parolee participants. In addition, it is unclear

why CCC requires five additional staff if its main responsibility would be to provide pay and benefits to 80 program participants. Furthermore, the program is expected to accept its first participants on October 1, 2018, yet the proposed capital outlay project—which the Administration argues is necessary to operate the program—is not expected to be completed until May 2022.

LAO Recommendation. The LAO recommends, based on the above comments, that the Legislature reject the Governor’s proposal to convert the existing Ventura conservation camp for inmates into a new Ventura Training Center that would provide a firefighter training and certification program for parolees. They suggest that the Legislature could instead redirect some or all of the proposed funding to support evidence-based rehabilitative programming for offenders in prison and when they are released from prison. Moreover, they suggest that the Legislature explore other options that are available to provide CCC members training opportunities, to the extent it is interested in doing so.

Staff Comments. After discussions with CAL FIRE, CDCR, and CCC, staff raises similar concerns as the LAO. Additionally, other concerns exist:

- 1. Will this program ensure employment for its participants and reduce recidivism?* As noted earlier, the training for firefighters who are incarcerated is very different than the training for professional firefighters. Currently, inmates receive none of the training or certificates necessary to work as a career firefighter once they are released from prison. Therefore, despite years of firefighting experience, people who worked as firefighters while in prison are unable to compete for firefighting jobs once they have completed their sentences. Ex-offenders selected from this pool would, in theory, receive training and certification commensurate with that of professional firefighters. However, there is no information that suggests that ex-offenders who complete the program will be as competitive as non-incarcerated people for professional firefighter job—let alone that they will be guaranteed employment. And, even if they’re eligible for 19 other employment opportunities as other CCC graduates (listed on page 6), a market analysis for these opportunities is needed. Therefore, at the moment, we cannot assess the demand for these classifications.
- 2. Are the goals of this program and program’s details in alignment?* Moreover, there should be more clarity about the overall goals of the program. Is the goal to find additional hand crew members to augment the number of firefighters given the increase in number and severity of fires over the last decade? Is the goal to provide ex-offenders a defined route to employment with the intention of reducing recidivism? Is the goal a combination of these aforementioned factors in combination with others? By answering these questions, the Legislature and these departments can better shape this proposal or discuss other ways to meet the goals.

The program may not be the most cost-effective way to simultaneously reduce recidivism and address the need to fight fires. One way the state could expand the benefits for an inmate willing to work as a firefighter is to provide appropriate training and certification to become professional firefighters while they are serving their time in prison, rather than waiting until they finish their sentence to provide the training. Either in lieu of the Governor’s proposal, or in addition to it, the Legislature could consider dedicating the resources necessary to expand the existing firefighter training in some or all of the conservation camps. In addition to expanding training, the Legislature should consider requiring CDCR to establish a process that

assists people leaving prison with obtaining firefighting jobs, both at CAL FIRE and in the community. Finally, the Legislature may wish to consider establishing an evaluation component for the fire camps to determine whether or not formerly incarcerated people are able to successfully find and retain work as career firefighters.

3. *What is the involvement of a non-profit within this program?* As conversations evolve between the departments, LAO, and staff details on the involvement of the non-profit within this process needed to be more defined. Staff would like to hear additional details on what non-profit and the specific activities that this non-profit would perform over the course of the 18-month program.
4. *Ethical concerns still exist.* The American Civil Liberties Union and others have expressed concern about the use of inmate fire fighters who serve as hand crews that cut vegetation with chainsaws and axes ahead of the path of advancing fires. Even though program participants will be paid a monthly stipend and benefits through the CCC, they will be placed in fire suppression hand crew roles similar to inmate firefighters at Conservation Camps. By contrast, seasoned fire crew employees at CAL FIRE are predominantly engine crews who are only diverted to hand crew responsibilities once a need exists. Are there other roles, aside from fire suppression hand crews, that the majority of these participant could be placed in?

Staff Recommendation. Hold open.

5225 DEPARTMENT OF CORRECTIONS AND REHABILITATION**Issue 2: Career Technical Education Expansion and Equipment Refresh (BCP)**

Governor's budget. The California Department of Corrections and Rehabilitation requests \$8.2 million General Fund and 21.5 positions in 2018-19 and \$4.5 million in 2019-20 and ongoing to expand Career Technical Education (CTE) programming to 13 additional sites and replace and refresh core equipment statewide.

Background. This proposal contains two components: (1) expanding the CTE programs and (2) equipment refresh.

Proposition 57 and inmate credit system overhaul. Due to the Three-Judge Court federal court mandate on June 30, 2011, CDCR is also required to reduce prison overcrowding to 137.5 percent of design capacity. The Three-Judge Court acknowledged the intent to comply with this order is in part a combination of efforts that include additional in-state capacity to house inmates and the implementation of measures to increase credits for non-violent second-strike offenders and minimum custody inmates.

Approved by voters in November 2016, Proposition 57 brings three major changes to sentencing. Of importance to this proposal is the change that allows CDCR to award additional sentence reduction credits for rehabilitation, good behavior, or educational achievements. Under this authority, CDCR revised the complex system of credits to simplify several existing forms of credit earning and adopted new ways in which inmates earn credit based on their participation in and completion of specific rehabilitative or educational programs. Such credits may advance an inmate's release date if the inmate was sentenced to a determinate term or advance an inmate's initial parole consideration hearing if the inmate was sentenced to an indeterminate term.

The proposed regulations establish a schedule of credits for good behavior and approved rehabilitative or educational achievements in five categories: Good Conduct Credit, Milestone Completion Credit (MCC), Rehabilitative Achievement Credit (RAC), Education Merit Credit, and Extraordinary Conduct Credit. Of importance to this proposal are Milestone Completion Credits.

Milestone Completion Credits. In March 2017, the Administration filed emergency regulations with the Office of Administrative Law. Those regulations provided the following parameters for implementing the proposition:

- The Prop 57 regulations extend eligibility for milestone credits to all inmates, with the exception of those who are condemned or serving life without the possibility of parole sentences.
- Expands the amount of milestone credits an inmate can earn from six weeks per year to 12 weeks.
- Programs eligible for milestone credits include academic programs, substance use disorder treatment, social life skills programs, career technical education, cognitive behavioral treatment, enhanced outpatient programs, or other approved programs with demonstrated

rehabilitative qualities.

- The milestone credits will not be applied retroactively.

CTE overview. Career Technical Education programs provide inmates the opportunity to earn Milestone Completion Credits which can reduce incarceration time through active participation and completion in evidence-based recidivism reduction programs. The industry sectors that fall under the CTE, which include construction trends, automotive, and technology sectors, are based on a 2012 market analysis. There are 220 core programs with computer literacy trainings to bring the total number of technical programs to 304. CTE participants are educated from curricula aligned with state boards or national organization certifications.

After AB 109 (Committee on Budget), Chapter 15, Statutes of 2011 was passed, the CDCR developed *The Future of California Corrections: A Blueprint to Save Billions of Dollars, End Federal Court Oversight, and Improve the Prison System (Blueprint)*. The Blueprint provided additional instructors and associated funding to increase the number of CTE Programs by 98. In 2016-17, CDCR received funding to expand CTE programming to 12 additional sites as part of the Rehabilitative Programs Expansion. This included position authority and associated ongoing funding for one Supervisor of Correctional Education Programs and 12 Vocational instructors, as well as \$1.4 million in one-time start-up funding. These expansions significantly increased inmate opportunities to receive training and certifications in trades that may provide viable employment with a livable wage upon their release from prison, in 2016-17, the Office of Correctional Education (OCE) awarded nearly 10,400 CTE component completions eligible for milestone credits.

Demand for CTE program expansion. In the recently released *Resourcing Excelling in Education* report by the University of California, Davis, researchers state: "Despite their value and potential benefits to society, CTE programs service only a small segment of California's inmate population and are still in the process of recovering from recent economic disruptions to the system." Table 1 below from the Report details that the CTE target population of offenders currently held in CDCR exceeds 57,900 as of June 2016.

Inmates participation in CTE programs involves a series of steps. Initially, an inmate volunteers or goes through an annual assessment program in which they express the desire to participate in CTE programs. They take the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) assessment tool, which identifies criminogenic and employment needs as well as risk to reoffend. From there, they are placed on a list based on employment need. The target population for CTE programs consists of offenders with a moderate to high employment need—with prioritization given to the highest risk offenders with highest need of employment. From there, they begin hands-on work and take work related assessments. Upon passing tests the inmates receive a milestone credit and upon completion, gain certification.

In July 2017, the Division of Rehabilitative Programming (DRP) completed an analysis of offender employment needs upon release by institution. The UC Davis analysis indicates approximately 20,106 inmates projected to be released in the next 0 to 48 months have a moderate to high employment need that have not completed a CTE program. There is currently sufficient programming to offer 19,050 inmates core employment programs within existing CTE program capacity based on a calculation of the current core career technical programs multiplied by the average time it takes to complete those

core programs. Without additional expansion sites, 1,056 offenders will not have the opportunity to train in a marketable trade prior to release. This proposal increases the number of participants served by 1,142, thereby meeting the need.

Table 1: Target population by projected release date, as of June 2016. Table adapted from: Resourcing Excelling in Education, UC Davis.

Projected Release Time Frame	Inmates	Percent	Cumulative Total	Cumulative Percent
0–6 Months	9,450	16.3%	9,450	16.3%
7–12 Months	7,102	12.3%	16,552	28.6%
13–24 Months	9,515	16.4%	26,067	45.0%
25–36 Months	5,692	9.8%	31,759	54.8%
37–48 Months	3,900	6.7%	35,659	61.5%
49–60 Months	2,860	4.9%	38,519	66.4%
61–120 Months	8,105	14.0%	46,624	80.4%
Over 120 Months	11,051	19.1%	57,675	99.5%
Unusable Data Regarding Release Date	239	0.4%	57,914	100%*
Total Target Population	57,914	100%*		

* Total target population percentage may not total 100 due to rounding

Utilizing a 2016 space survey and programming needs, the OCE identified 10 sites for the 13 proposed new CTE programs necessary to ensure all eligible offenders released in the next 48 months will have access to appropriate programming to allow them to become gainfully employed and less likely to recidivate. The 13 proposed CTE programs require a total of 13 vocational instructors with associated funding of \$1.5 million, one-time start-up costs to purchase equipment of \$3.7 million, and ongoing funding for future CTE equipment refresh needs of \$284,000.

Equipment refresh overview. OCE conducts systematic reviews of existing CTE programs to ensure programs are consistent with the goals and priorities of CDCR and provide inmates with the ability to gain employment in a marketable or industry board-recognized certification, credential, or degree. These reviews have identified several deficiencies:

- A majority of CTE program equipment requires replacement and alignment with industry standards. Several programs are using original equipment purchased at the time of their prison's

activation over 25 years ago. A considerable amount of CTE equipment no longer meets industry standards and a portion of equipment required for the curriculum is missing.

- In certain cases, equipment is not meeting the higher standards of certain regulatory agencies such as the Occupational Safety and Health Administration or Air Quality Boards within the counties.
- Equipment used in a particular trade is not necessarily standardized. For example, inmates may not be using the same equipment if they transfer from one Machine Shop program to another Machine Shop program. Lack of equipment standardization can be a detriment if the inmate is unable to complete all certification available in the trade.

The department says that ongoing funding will ensure alignment with industry equipment and standards. According to a 2016-17 analysis, OCE will need approximately \$4.4 million per year to refresh CTE core equipment for the current programs over the next 20 years.

Previous funding for CTE expansion and equipment refresh. In 2016-17, CDCR received authority and funding to expand CTE programming to 12 additional sites. Along with the positions and start-up funding for the 12 additional sites, CDCR received \$2.9 million in ongoing funding beginning in 2017-18 for equipment refresh. Additionally, the 2017 Budget Act included a one-time augmentation of \$5 million to aid OCE in CTE equipment refresh costs.

Historically, OCE has utilized academic and vocational salary savings to fund CTE equipment with a critical replacement need. The average annual amount spent has been approximately \$6 million and has not allowed for appropriate replacement of equipment that has extended beyond its useful life. Because OCE was given ongoing funding of \$2.9 million as a part of the Rehabilitative Program Expansion beginning in 2017-18 to refresh CTE equipment, an additional \$1.5 million in ongoing funding is being requested to upgrade and standardize equipment to align with industry standards and regulatory requirements.

Legislative Analyst's Office (LAO). The LAO did not raise any concerns with this proposal.

Staff Comments. Staff recognizes the demand for increased CTE programs and how this proposal allocates resources to meet this demand. CDCR expressed that the usage of salary savings is unsustainable since OCE expects to fill its vacancies as the result of substantial statewide recruitment. Staff raises no issues about this proposal but would like to see data linking CTE programs to recidivism and employment rates.

Staff Recommendation. Hold Open.

Issue 3: Innovative Programming Grants (BCP)

Governor's budget. The California Department of Corrections and Rehabilitation requests \$4 million Inmate Welfare Fund in 2018-19 and ongoing for Innovative Programming Grants to non-profit agencies to provide rehabilitative services to offenders within institutions.

Background. Innovative Programming grants provide not-for-profit organizations the opportunity to apply for funding to expand programs they are currently providing in other California state prisons that have demonstrated success and focus on offender responsibility and restorative justice principles. Many institutions are underserved by volunteer and not-for-profit organizations offering innovative programming. Innovative Programming grants have historically been one-time in nature and have been awarded to expand programs that have demonstrated that they would become self-sufficient or would be funded in the long-term by donations or other ongoing funding.

Previous application criteria and original goals of program. Applications submitted in the first three rounds of grants were evaluated using criteria that addressed budgetary as well as operational issues. The main focus of the original grants was to increase volunteerism in California prisons. Eligibility was limited to individuals and not-for-profit organizations who currently offered programs in California institutions where grant recipients were required to sustain their programs after the end of the grant period with no additional state funding. The evaluation ratings reflected these requirements, and scores were given based on how closely the applicants met those criteria in their submissions of plans. These ratings included the following sections:

1. Need and Benefits of Program
2. Volunteer Resources and Sustainability
3. Program Evaluation and Outcomes
4. Implementation Plan
5. Project Management Capability, Qualifications, and Readiness to Proceed
6. Cost/Value Effectiveness and Budget Review

Funding history. The 2014 Budget Act included \$2.5 million in one-time funding for Innovative Programming grants, of which \$2.0 million was from the Inmate Welfare Fund, and \$500,000 was from the Recidivism Reduction Fund. The funding was intended to increase offenders' access to innovative rehabilitative programs and expand volunteerism within adult institutions. A total of 38 programs were established from these grants, which are estimated to have served over 7,900 offenders during the grant period and beyond due to the requirement of prior sustainability.

The 2015 Budget Act authorized an additional \$3.0 million in one-time funding from the Recidivism Reduction Fund for additional Innovative Programming grants. These grants established an additional 44 new programs, which served over 7,300 offenders during the grant period and beyond.

The 2016 Budget Act included an additional \$8.5 million General Fund for Innovate Programming grants, of which \$5.5 million was one-time to be used exclusively for long-term offender programming. The remaining \$3.0 million was to be awarded for a three-year term, for a total of \$9.0 million across three fiscal years. This term differed from the first two rounds of grants, which were awarded on a 16-month term. The grant agreement period was expanded to allow grant recipients to focus their efforts on offender responsibility and restorative justice principles, rather than on applying

for additional grant funding and outside funds to meet the sustainability requirements of the grant program. Importantly, the longer-term grant awards provided stability in programming for a three-year period.

For the current year, the budget included \$8.5 million General Fund in limited-term funding—with \$5.5 million that expires at the end of the 2017-18 budget year and \$3 million that will expire at the end of the 2018-19 budget year.

Proposed Program. With the proposed funds, the Division of Rehabilitative Programming (DRP) anticipates modifying its application and evaluation processes. The criteria for application and evaluation will also be similar to earlier rounds but will now incorporate known factors of effective programming. The DRP requests to establish two levels of grant awards:

1. Promising Practice Grants (tentatively 65 percent of authorized funding/grant awards)
2. Practice-Based Grants (tentatively 35 percent of authorized funding/grant awards)

The additional grants funded through this proposal may also be eligible for Rehabilitative Achievement Credits in accordance with Proposition 57, which may further reduce time served. The DRP argues that this two-level system allows the DRP to prioritize grants for programs with promising practices, while providing DRP flexibility to fund programs that appear to have a positive impact on the offender population at the operational level but may not have the necessary focus or experience with incorporating promising practices into their programs (for example yoga or art programs). Overall, they justify that this new application process will yield a mix of programs that meet the overall goals of innovation and rehabilitation.

CDCR proposes to utilize the University of Cincinnati Corrections Institute's Correctional Program Checklist (CPC) as the basis for developing improved and expanded application and evaluation criteria. With the assistance of Dr. Edward Latessa, Professor and Director of the School of Criminal Justice at the University of Cincinnati, DRP will use the CPC to revise application evaluation criteria to focus on those displaying promising practices. DRP will use existing resources to obtain Dr. Latessa's consultation and guidance.

Legislative Analyst's Office (LAO). The LAO finds that the Governor's approach of primarily focusing the program on the goal of reducing recidivism is a step in the right direction in having a specific goal for the program. Moreover, if programs are successful at reducing recidivism, they not only can reduce crime but also can result in various fiscal benefits to the state, such as reduced incarceration costs. However, the LAO believes that the proposal is not fully structured to reduce recidivism. 35 percent of the Inmate Welfare Fund funding proposed by the Governor would be allocated to programs that may or may not include elements associated with recidivism reduction. As such, it is possible that programs receiving these funds would have no effect on the recidivism rate of the inmates they serve. In addition, while 65 percent of the proposed funds are intended to reduce recidivism, until the department finalizes its methodology for scoring grant applicants, the extent to which recidivism reduction will be prioritized in the selection process remains uncertain.

LAO Recommendation. The LAO recommends that the Legislature modify the Governor's proposal in two ways:

1. ***Allocate All Funds to Programs Likely to Reduce Recidivism.*** Rather than only allocating 65 percent of the funds to programs that are most likely to reduce recidivism, the LAO recommends allocating all of the proposed funding this way. This would ensure that all the proposed funding is targeted to reducing recidivism.
2. ***Require Scoring Methodology to Focus on Recidivism Reduction.*** In order to ensure that the department's scoring methodology for awarding funds adequately focuses on programs' potential to reduce recidivism, the LAO recommends the Legislature to direct the department to focus the methodology on recidivism reduction. In other words, a program's ability—based on the specific activities that would be funded—to reduce the recidivism rates of participating inmates should be the primary factor of consideration. Similarly, the LAO recommends the Legislature to direct the department to award subsequent grants based on the extent to which programs actually reduced recidivism with their previous grant funding.

Staff Comment. In discussions with staff, the department articulated its priorities to be innovation and rehabilitation. The department expressed to staff that the 65 percent-35 percent split is subject to adjustment. A discussion between the Legislature and the department about the priorities of the program is necessary to decide on the most appropriate, and cost-effective, split. If, for example, the priorities are to reduce recidivism, then utilizing 35 percent of the resources given on non-evidence based innovate practices may not be most appropriate. Rather, the LAO's recommendations should be considered for adoption. Staff has no issues with the use of the CPC in its evaluation criteria but would like more detail that describes how it will adopt the check list for the program.

Staff Recommendation. Hold open.

Issue 4: Parole Non-Ratio Positions (BCP)

Governor's budget. The California Department of Corrections and Rehabilitation requests \$2.3 million General Fund and 23 positions in 2018-19 and ongoing to provide the Division of Adult Parole Operations the staff necessary to support field operations and ratio-driven staff.

Background. For most types of direct-supervision positions, such as parole agents and their supervisors, the department annually requests the level of funding and positions required to ensure that each classification of parolees receives appropriate levels of supervision, rehabilitation programs, and mental health treatment.¹ The level requested is based on a budgeting methodology that utilizes specific staffing ratios and takes into account the size and composition of the parolee population.² After AB 109 was passed, the CDCR developed *The Future of California Corrections: A Blueprint to Save Billions of Dollars, End Federal Court Oversight, and Improve the Prison System* (Blueprint). The Blueprint projected the parolee population would decline to 36,316 in 2015-16 and then remain near that level in future years. As a result, the Division of Adult Parole Operations (DAPO) abolished non-ratio positions. These non-ratio positions perform vital support services and functions for the agents and staff working in the field. Non-ratio staff support the activities of the ratio-driven supervision positions through development and maintenance of service contracts, procurement of necessary equipment and supplies, and all human resource activities including management of workers' compensation claims and coordination of return-to-work tasks.

Parole units and parolee population. Divided by Northern and Southern Regions, and Headquarters, DAPO has 112 parole units located throughout California. The Northern and Southern Regions are responsible for the majority of adult parolee supervision while DAPO Headquarters provides statewide oversight of specialized caseloads. As of July 1, 2017, the total parolee population was 49,290. The Office of Research projects parolee population to be 52,893 for 2017-18, approximately 46 percent higher than initially projected in the Blueprint. With the passage of Proposition 57, the parolee population is anticipated to increase to 54,146 by 2019-20.

Staffing imbalance and effects. According to the CDCR, because non-ratio positions are not adjusted in CDCR's population adjustments, there has been an imbalance in staffing. This imbalance has led to delays in the following areas: Hiring and the execution of time sensitive personnel documents, processing of payments, executing contracts reconciling billing, tracking leases, workers' compensation claims, and other documents, meeting Americans with Disabilities Act requirements for sign language interpreters, processing budgetary documents, and site visits for auditing.

Lack of administrative support staff, analysts, and adequate oversight has led to operational delays in various units including, but not limited to: training, business services, contracts and procurement, budgets, sex offender unit/electronic monitoring, parole outpatient clinic, re-entry, personnel, and return-to-work/workers compensation. Since 2015-16, the workload has almost doubled due to increased parolee population and planning/conducting parole agent academies, in 2013-14, CDCR did

¹ Legislative Analyst's Office, [The 2018-19 Budget: Criminal Justice Proposals](http://www.lao.ca.gov/Publications/Report/3762#California_Department_of_Corrections_and_Rehabilitation), http://www.lao.ca.gov/Publications/Report/3762#California_Department_of_Corrections_and_Rehabilitation, Feb. 27, 2018.

² Ibid.

not run Basic Parole Agent Academies. Because of an increase in the parolee population and the need to train parole agents, CDCR ran seven Basic Parole Agent Academies in 2017-18 and had 8,443 total applications for the academies, which required processing by non-ratio staff. The additional workload in support units has been taken on by supervisory positions, resulting in untrackable overtime.

Legislative Analyst's Office (LAO). The LAO finds that the requested direct-supervision and support positions are appropriate based on the estimated parolee population for 2018-19 at this time. However, this estimate could change in May based on updated projections of the parolee population.

While the budgeting methodology for the proposed support positions takes into account the projected size of the parolee population in 2018-19, it would not be annually adjusted as would be the case for the requested direct-supervision positions. If these positions were adjusted on an annual basis, similar to the direct-supervision positions, it would lead to a more complete accounting of the need for them.

LAO Recommendation. The LAO recommends that the department utilize a budgeting methodology that is based on specific staffing ratios and takes into account the size and composition of the parolee population, to annually adjust the total number and type of positions needed each year—not just for direct-supervision positions. They recommend the Legislature to require the department to report at budget hearings on a timeline for incorporating support staff into the annual parole staffing adjustment. Pending such a report from the department and the availability of updated parolee projections that could change the level of positions needed, the LAO withholds recommendation on the proposed staffing requests until the May Revision.

Staff Comments. Staff withholds any recommendation until May population totals are released but would like to know what issues, if any, there are with incorporating support staff into the annual parole staffing adjustment.

Staff Recommendation. Hold open.

Issue 5: Rehabilitative Achievement Credit Staffing (BCP)

Governor's budget. The California Department of Corrections and Rehabilitation requests \$2.5 million General Fund and 13 positions in 2018-19 and ongoing to implement a Rehabilitative Achievement Credit earning program associated with the passage of Proposition 57.

Background. Proposition 57 amended the California Constitution to authorize CDCR to promulgate regulations to award credit earned for good behavior and approved rehabilitative or educational achievements. Such credits may advance an inmate's release date if the inmate was sentenced to a determinate term or advance an inmate's initial parole consideration hearing if the inmate was sentenced to an indeterminate term.

The proposed regulations establish a schedule of credits for good behavior and approved rehabilitative or educational achievements in five categories: Good Conduct Credit, Milestone Completion Credit (MCC), Rehabilitative Achievement Credit (RAC), Education Merit Credit, and Extraordinary Conduct Credit. Of importance to this proposal are Milestone Completion Credits. These were previously mentioned on page 10.

RAC description. RAC is a new opportunity available to all inmates, except condemned or life without the possibility of parole, who participate in approved Inmate Activity Groups (IAGs), self-help individual or group programs, or other activities designed to promote rehabilitation or positive behavior change. Some examples include alcohol and substance abuse prevention, anger management, anti-gang life skills, victim awareness, and best parenting practices. The department utilizes Self-Help Sponsor (SHS) temporary help positions to oversee self-help groups and provide the framework and structure for groups to engage in positive self-help activities. The SHS position is a dual appointment position in addition to an employee's primary role within the institution. Sponsors are scheduled to work on an hourly, intermittent basis. SHSs can only work nine months or 194 days in any 12-consecutive month period, and any day in which the employee physically worked counts as one day, regardless of the length of time worked on that day.

RAC allotment. Effective August 1, 2017, an eligible inmate who participates successfully in one or more approved RAC programs earns one week of credit (seven days) for every 52 hours of participation, up to a maximum of four weeks of credit per year (28 days), for up to 208 hours of participation. Approved programs must be organized to achieve rehabilitative goals, sponsored by department staff or volunteers, and approved by the Division of Adult Institutions. A staff member must track and verify that credit has been awarded within 10 business days of an inmate's completion of 52 hours of qualifying programs.

Workload justification for staff. The number of participants in programs and on waitlists has grown since the inmate population was informed that participation may result in time deducted from their sentences. In response, CDCR intends to expand IAG programs from 1,100 programs in 2016-17 to over 3,000 programs by 2018-19. As of July 2017, there were over 2,000 programs.

Each individual or group activity, regardless of RAC eligibility, must be entered as an inmate assignment within a tracking system. Some inmates participate in more than one of these activities. To facilitate and track inmate participation and properly award RACs, the department requests 13 Management Service Technician (MST) positions. Institutions with 30 hours or more of RAC

programming during third watch and weekend hours per week were identified as requiring a MST, as well as an MST for the Contract Beds Unit. The institution MSTs will serve as roving sponsors with oversight of RAC programs during third watch and weekend hours.

Additional SHS funds will ensure that the institutions can expand IAGs to meet inmate demand for RAC-eligible programs. SHSs will sponsor IAGs throughout the institutions and rove between various volunteer support groups to ensure attendance is tracked and input into Strategic Offender Management Systems. The \$1.5 million in SHS funds will allow the department to obtain an additional 84,602 hours of programming.

Legislative Analyst's Office (LAO). The LAO did not raise any concerns with this proposal.

Staff Comments. No comments at this time.

Staff Recommendation. Hold open.