

SUBCOMMITTEE NO. 5

Agenda

Senator Laura Richardson, Chair
Senator María Elena Durazo
Senator Kelly Seyarto
Senator Aisha Wahab



Thursday, May 8, 2025
9:30 a.m. or Upon Adjournment of Session
State Capitol – Room 112

Consultant: Nora Brackbill

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Public Comment

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ITEMS FOR DISCUSSION

0250 JUDICIAL BRANCH

5225 DEPARTMENT OF CORRECTIONS AND REHABILITATION

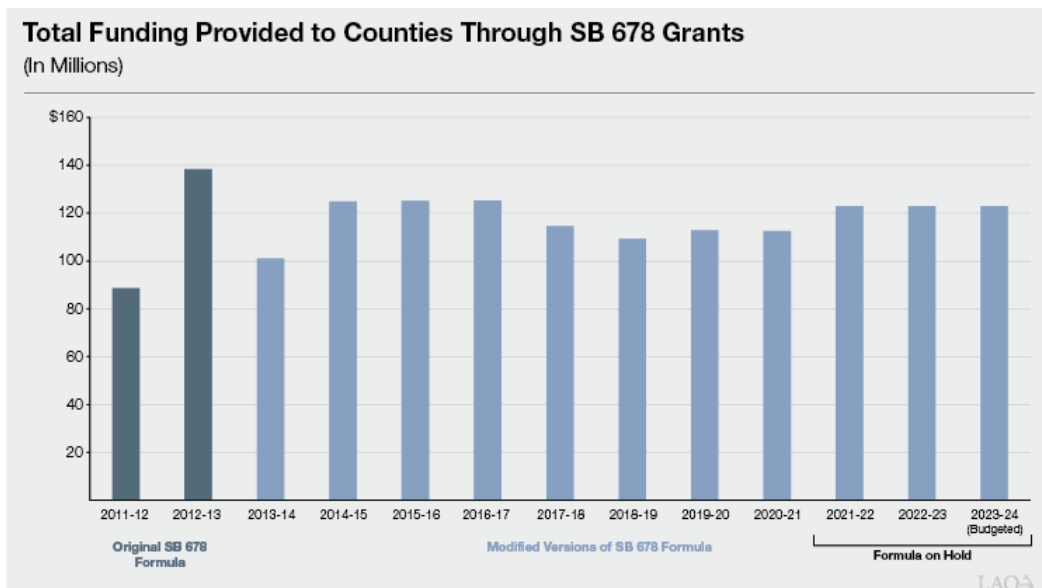
Issue 1: Community Corrections Performance Incentives Grant (SB 678)

Proposal. The proposed budget includes \$126.5 million General Fund in 2025-26 and an updated methodology for Community Corrections Performance Incentives Grants to county probation departments.

Panelists.

- Justin Adelman, Assistant Program Budget Manager, Department of Finance
- Francine Byrne, Judicial Council, Director of Criminal Justice Services, Judicial Council
- Orlando Sanchez Zavala, Fiscal & Policy Analyst, Legislative Analyst’s Office
- Drew Soderborg, Deputy Legislative Analyst, Legislative Analyst’s Office

Background. SB 678 (Leno), Chapter 608, Statutes of 2009, also called the California Community Corrections Performance Incentives Act of 2009, created a program to incentivize county probation departments to reduce the number of individuals on felony supervision who were sent to state prison (the “failure-to-prison” rate), which the LAO had estimated made up 40 percent of new prison admissions¹. The grant was designed to share a portion of state savings with county probation through a performance-based formula, with funds to be used on evidence-based practices. The program aimed to reduce prison overcrowding, create savings, and improve public safety. Since the enactment of SB 678, the state has allocated roughly \$1.5 billion to county probation departments, with annual amounts ranging from \$88.6 million to \$138.3 million, as shown in the chart below from the LAO².



¹ https://www.lao.ca.gov/2009/crim/Probation/probation_052909.pdf

² <https://lao.ca.gov/Publications/Report/4806>

However, calculating the state savings attributable to reduced failure-to-prison rates has been complicated by significant policy changes and other factors. For example, the 2011 Public Safety Realignment reduced the number of probationers eligible for revocation to state prison and created two new groups of offenders subject to local supervision, leading to a modified formula included in the 2015-16 budget package. In addition, the COVID-19 pandemic had a substantial impact on the data used in the formula, resulting in the allocations for 2021-22 through the current year determined by a fixed schedule rather than by the formula. Other recent policy changes may also impact the data used in the formula, such as AB 1950 (Kamlager), Chapter 328, Statutes of 2020, which reduced maximum probation terms to one year for misdemeanors and two years for felonies, and the implementation of Proposition 36 (2024).

Current Statutory Formula. Below is a summary of the SB 678 funding formula, which would resume effect in 2025-26 without statutory changes. The formula includes three components:

- *Component #1: Comparison of county to static statewide baseline return to prison rates.* The county's performance is defined by their failure-to-prison rate, which is the number of individuals on felony probation, mandatory supervision, and Post-Release Community Supervision (PRCS) sent to prison as a percentage of the total supervised population. This is compared to a static statewide baseline, defined as the statewide average felony probation failure-to-prison rate between 2006 to 2008, which was 7.9 percent. Depending on how the county compares to this statewide baseline, the county receives between 40 percent and 100 percent of the highest payment received between 2011-12 and 2014-15.
- *Component #2: Comparison of each county's return to prison rate and its failure rate in the previous year.* The second funding component is based on how each county performs in comparison to its performance the previous year. Each year, a county's failure-to-prison rate from the previous year is applied to its current year's felony supervised populations to calculate the expected number of prison revocations. If a county sends fewer individuals on felony supervision to prison than the expected number, the county receives 35 percent of the state's costs to incarcerate an individual in prison multiplied by the number of avoided prison stays. The number of avoided prison revocations are calculated separately for each felony supervised population (i.e. felony probation, mandatory supervision, and PRCS).
- *Component #3: \$200,000 minimum payment.* The third funding component guarantees a minimum payment of \$200,000 to support ongoing implementation of evidence-based practices. If a county's total payment (from funding components 1 and 2) is less than \$200,000, DOF will increase the final award amount so that it totals \$200,000.

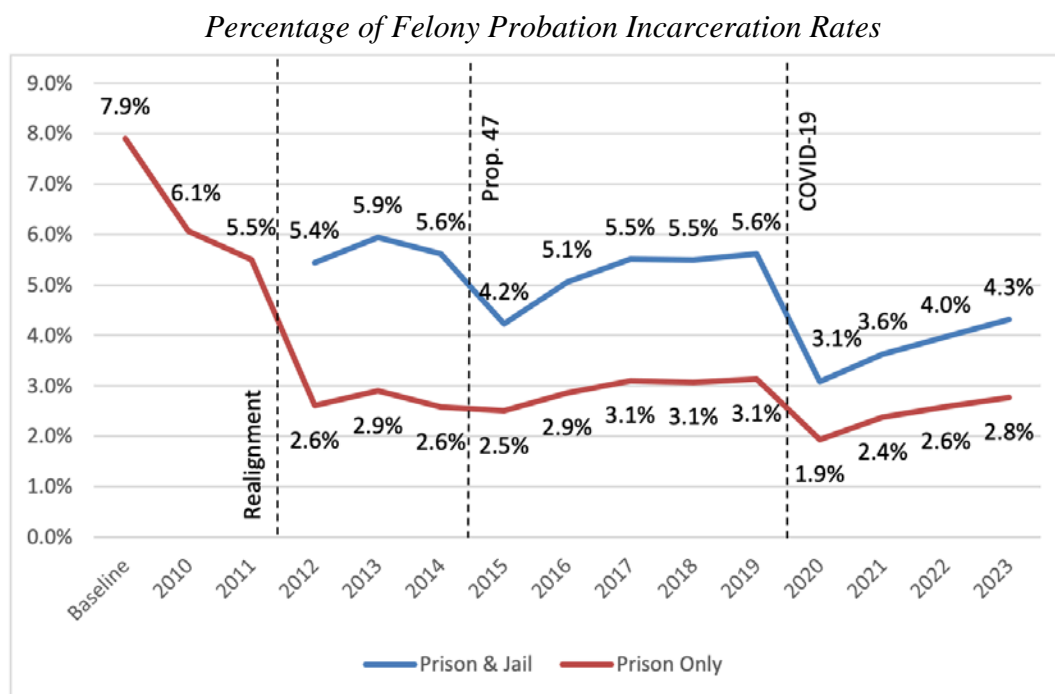
Proposed Formula. The proposed budget includes \$126.5 million General Fund for county probation departments. The proposed updated formula includes:

- *Component #1: Maintenance Payment.* This component would provide counties with a fixed amount, plus an automatic growth factor for future fiscal years, based on recent funding levels. The county would not need to maintain any specific performance level to

receive this funding. This component comprises \$104 million of the proposed 2025-26 allocation.

- *Component #2: Incentive Payment.* The second proposed funding component would be based on how each county performs in comparison to its previous performance. However, compared to the existing Component #2, instead of comparing year-over-year, the proposed methodology would compare a county to a new static baseline defined as the county's average admission-to-prison rate between calendar years 2021 and 2023. It also reduces the portion of state savings passed to counties from 35 percent to 25 percent of the average annual per person cost for prison and parole, or about \$18,200 per person diverted.
- *Component #3: \$200,000 minimum payment.* The proposed methodology maintains the existing minimum payment.

Oversight and Reporting. The Judicial Council reports annually on the implementation of SB 678, including various outcome metrics and probation departments' self-reported evidence-based practice implementation. The Administration noted that in-person site visits to observe counties' SB 678 programs were halted during the pandemic, but hope to resume them soon. The most recent report, published in September 2024, noted that in each of the years since the start of the SB 678 program, the state's overall revocation rate has been lower than the original baseline rate of 7.9 percent, as shown in the chart below from the Judicial Council's report³.



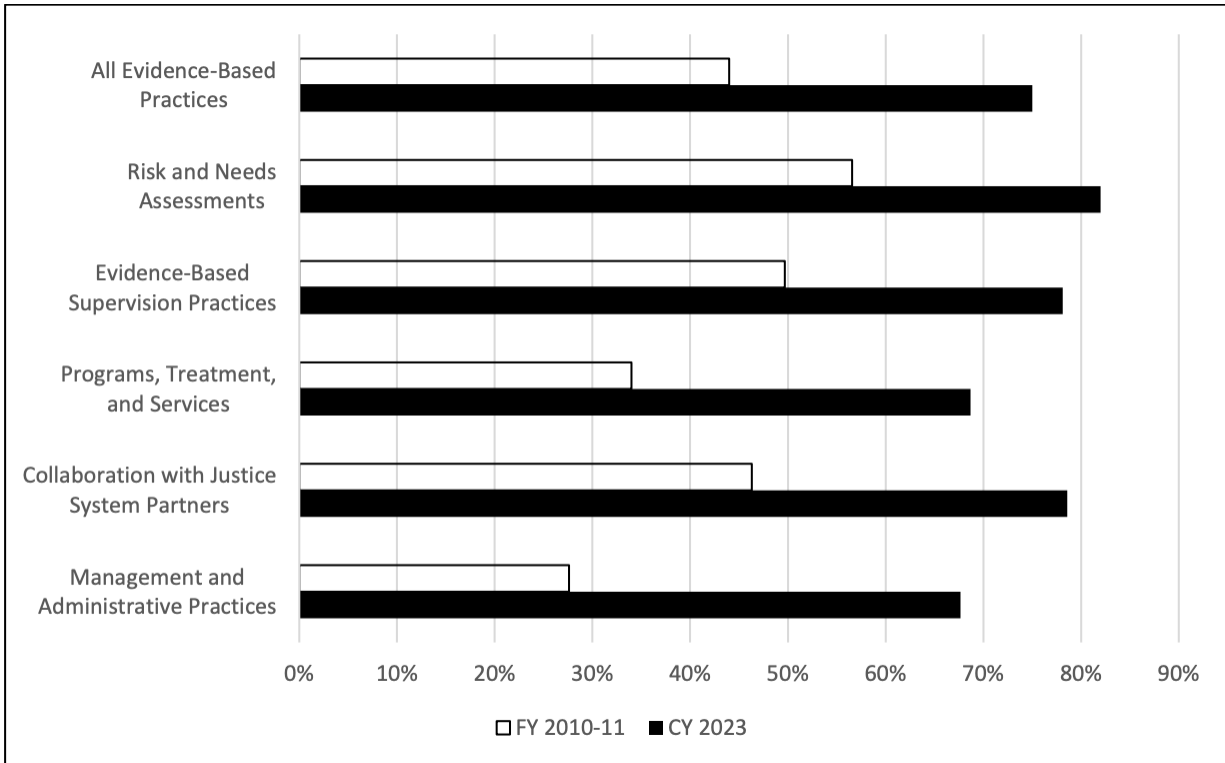
Source: Probation revocation data reported by probation departments to the Judicial Council.

Note: Incarceration rate includes only those supervised under adult felony probation.

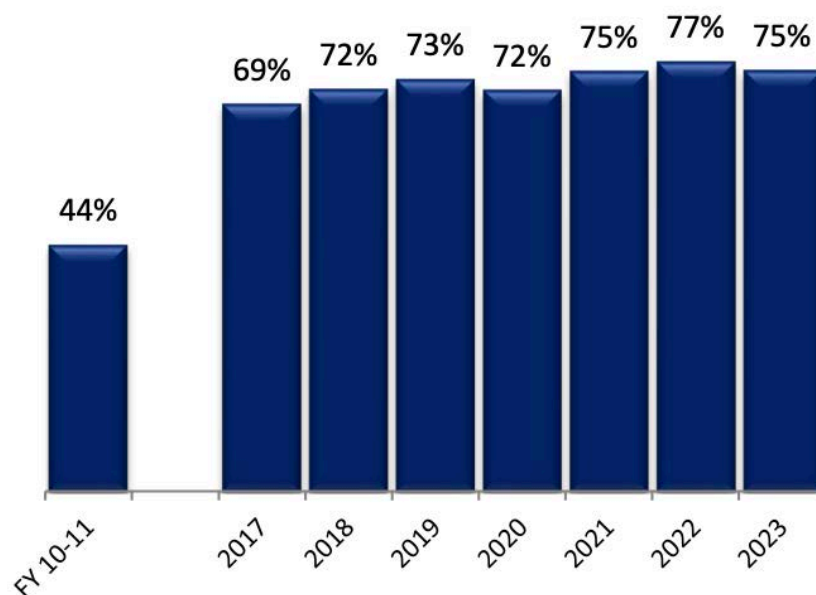
³ <https://courts.ca.gov/sites/default/files/courts/default/2024-12/lr-2024-ca-community-corrections-performance-incentives-act-2024.pdf>

The report also indicates that the use of evidence-based practices is substantially higher than the baseline prior to this program, and overall reported implementation rates were lower in 2023 than in the prior two years, matching the 2019 rate, as shown in the graphs below from the report.

Reported Use of Evidence-Based Practices by Type, Baseline Versus 2023



Reported Use of All Evidence-Based Practices Over Time



Source: The Judicial Council's *Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program (2024)*

The Judicial Council also includes information on the use of funds through self-reported data from probation departments. As shown in the table below from the report, probation departments have consistently reported using most of their SB 678 funds on the hiring, retention, and training of probation officers to supervise medium- and high-risk probationers, consistent with evidence-based practices. Probation departments also report using a sizable proportion of their SB 678 funds on evidence-based treatment programs and services.

Reported Use of Funds for Evidence-Based Practices

Spending Category	Average % Spent, per Calendar Year ^a						
	CY 2017 (N = 55)	CY 2018 (N = 52)	CY 2019 (N = 49)	CY 2020 (N = 58)	CY 2021 (N = 58)	CY 2022 (N = 49)	CY 2023 (N = 54)
Hiring, support, and/or retention of case-carrying officers/supervisors	63%	59%	57%	63%	60%	58%	57%
Evidence-based treatment programs	18	18	17	16	16	17	18
Improvement of data collection and use	3	4	5	4	5	5	6
Use of risk and needs assessment	4	6	6	4	6	6	4
Use/implementation of intermediate sanctions	2	3	4	3	5	5	4
Evidence-based practices training for officers/supervisors	4	3	4	3	3	4	4
Other evidence-based practices ^b	5	7	8	7	6	6	7
^a The following counties provided incomplete or invalid responses to these questions and were excluded from these analyses: CY 2017 — Alameda, Del Norte, Mendocino CY 2018 — El Dorado, Glenn, Los Angeles, Mendocino, Stanislaus, Tehama CY 2019 — Del Norte, El Dorado, Glenn, Inyo, Kings, Los Angeles, Modoc, San Diego, Santa Cruz CY 2022 — Amador, Glenn, Imperial, Mariposa, Modoc, Mono, San Joaquin, Shasta, Trinity CY 2023 — El Dorado, Mariposa, Santa Cruz, Sacramento ^b Includes operational costs, administration and clerical support, materials, incentives, and associated start-up costs. A number of counties reported placing some funds in a reserve account for program maintenance, additional positions, and services related to their SB 678 program.							

Source: The Judicial Council's *Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program* (2024)

LAO Comments and Recommendations.

In October 2023, the LAO released a report on the SB 678 grant program⁴. In it, the LAO noted that the program appeared to effectively achieve its three goals in the initial years of implementation. However, significant sentencing changes and modifications to the formula over the years have made it unclear whether the program continues to achieve its goals. This is because (1) the effects of SB 678 on the prison population, state savings, and crime are difficult to

⁴ <https://lao.ca.gov/Publications/Report/4806>

distinguish from other policy changes; (2) components of the current formula do not align with the original goals of the program; and (3) it is unclear whether counties are actually implementing evidence-based practices, which is important for achieving the goal of improving public safety. The LAO also found that it is more challenging to use state savings to incentivize performance given the various sentencing changes affecting felony supervision. However, there are state benefits from supporting evidence-based practices at the local level. The LAO recommended creating a new formula with two portions: (1) a portion based on direct measures of performance and state savings and (2) a portion designed to pay for specific evidence-based practices. This, as well as establishing additional oversight mechanisms of the program, would better ensure the program is effectively reducing failure-to-prison rates for those on county felony supervision, creating state savings, and improving public safety.

In April 2025, the LAO released updated comments in response to the Administration's SB 678 program proposal⁵. They noted that changes to the formula are warranted, but outlined several concerns with the Administration's proposal, including:

- *Proposed Baseline for Performance Payment Is Problematic.* The Administration's proposal to measure county performance against baselines using failure-to-prison rates from 2021 through 2023 is problematic because failure-to-prison rates during 2021 were artificially low due to factors related to the COVID-19 pandemic rather than county performance. Additionally, the administration indicates it does not anticipate proposing future changes to the baseline, meaning it would not be adjusted for future policy changes, such as Proposition 36 (2024).
- *Methodology for Estimating State Savings Per Person Diverted Has a Few Drawbacks.* The LAO notes that the estimated state savings uses average, rather than marginal cost, which better captures how much the state saves when one fewer person enters prison, such as savings on food, clothing, and medical care. The LAO also notes that the formula assumes all people are released to parole, and does not include adjustments for amount of time in prison or on parole. On net, the LAO finds that the administration's methodology underestimates the amount of state savings for each person diverted.
- *Aspects of Maintenance Payment Are Problematic.* The LAO finds that aspects of the maintenance payment are problematic for several reasons, including: (1) there is not a clear rationale for the total amount allocated to maintenance payments or why it should make up over 80 percent of the total grant under the proposed formula, (2) it does not support the original program goals, and (3) the growth adjustment is not tied to actual costs and reduces legislative oversight, which is particularly problematic since the program would no longer be structured in a way to ensure it generates net state savings.
- *Minimum Guarantee Disconnects Actual State Savings From Performance.* The LAO notes that the minimum guarantee of \$200,000 to counties undermines the goal of generating state savings and reducing prison commitments. This is because a county could continue to receive SB 678 funds despite not diverting anyone from prison. This

⁵ <https://lao.ca.gov/Publications/Report/5031>

disconnects actual state savings from performance, thereby providing little incentive for improvement for some counties with lower performance.

- *No Proposed Changes to Oversight.* While counties are required to use SB 678 funds on evidence-based practices, there are no required audits or assessments of the evidence-based practices counties are using. This makes it difficult for the Legislature to assess whether counties that report funding evidence-based practices and programs are in fact doing so. This is concerning given one of the goals of the program is to improve public safety by incentivizing the use of these practices.

As a result, the LAO recommends modifying the formula to address these issues, include increased oversight, reject the proposed growth adjustment, and reject the minimum guaranteed payment, as detailed below:

- *Modify Performance Payment.* The LAO recommends modifying the performance payment to use 2022 and 2023 as the new baseline and consider future updates to account for additional policy changes, and updating the state savings methodology to be based on marginal costs and account for the time spent on parole and in prison.
- *Modify Maintenance Payment.* The LAO concurs with the administration that some funding similar to the proposed maintenance payment is necessary to help support evidence-based practices. However, the LAO recommends an alternative maintenance payment that either: (1) pays only for specific evidence-based practices that will improve public safety and does so in ways that are more likely to generate state savings, or (2) includes simple changes to the Governor's proposed maintenance payment that would address some of the LAO's concerns. These options are outlined below:
 - *Maintenance Payment for Specific Evidence-Based Practices.* For the first option, the LAO recommends convening a group of experts to identify evidence-based practices, estimate the state savings from each practice, establish a total grant amount and allocation, and establish oversight for use of the practices. The LAO also recommends providing interim funding while this is being established.
 - *Simple Modifications to Governor's Proposed Maintenance Payment.* If the Legislature would prefer to implement a more permanent maintenance payment immediately, the LAO recommends adopting the Governor's proposed maintenance payment but rejecting the growth adjustment, and ensuring counties use evidence-based practices by tasking BSCC with oversight. The LAO estimates that this could require a few million dollars annually, which could be paid for by correspondingly reducing the amount available for grants.

Staff Comment.

Maintaining the intent of the funding. This funding is intended to serve as a financial incentive for county probation departments to prevent individuals under their supervision from returning to state

prison. The Legislature should consider whether converting \$104 million of this grant to a maintenance payment fulfills the goals of the program.

Oversight. The LAO's report included several recommendations around identifying evidence-based practices and providing additional transparency and oversight. The Legislature should consider whether these aspects should be incorporated into the grant program, and if so, how.

Staff Recommendation. Hold open.

5225 DEPARTMENT OF CORRECTIONS AND REHABILITATION**Issue 2: Correctional Peace Officer Perspectives****Panelists.**

- Joseph Cisneros, Correctional Officer at California Correctional Institution – Tehachapi and member of the California Correctional Peace Officers Association (CCPOA)

Background. The California Department of Corrections and Rehabilitation (CDCR) is responsible for the incarceration of certain adults convicted of felonies, including the provision of rehabilitation programs, vocational training, education, and health care services. As of February 26, 2025, CDCR was responsible for an incarcerated population of 90,900 individuals⁶. Most of these people are housed in the state’s 31 prisons and 34 firefighting and conservation camps. CDCR also supervises and treats about 34,600 adults on parole, is responsible for the apprehension of those who commit parole violations, and operates one juvenile conservation camp.

The Governor’s budget includes 60,018.1 positions for CDCR in 2025-26, making it the largest state department by nearly three-fold (excluding the Judicial Branch and higher education; the next largest is the Department of Transportation at 22,614.2 employees). CDCR staff include 33,983.7 positions for operations (general security, inmate support, and institution administration) and 18,113 positions for medical, mental health, dental services and related administration, among other areas. In fiscal year 2023-24, CDCR reported an average vacancy rate of 19.0 percent.

CDCR employees are represented by nine labor organizations and 18 of the state’s 21 bargaining units. Some of the largest by number of CDCR employees include CCPOA, SEIU Local 1000, and AFSCME, among other organizations. CCPOA alone has over 20,000 members at CDCR. This panel will focus on the experiences of peace officer staff in CDCR institutions, following a previous panel on non-peace officer staff at the April 24, 2025 Subcommittee 5 Hearing.

Staff Recommendation. This item is informational, and no action is required.

⁶ <https://www.cdcr.ca.gov/research/wp-content/uploads/sites/174/2025/02/Tpop1d250226.pdf>

0552 OFFICE OF THE INSPECTOR GENERAL
5225 DEPARTMENT OF CORRECTIONS AND REHABILITATION**Issue 3: Handling Allegations of Staff Misconduct****Panelists.**

- David Chriss, Deputy Director, Office of Internal Affairs, CDCR
- Amarik Singh, Inspector General
- Shaun Spillane, Chief Deputy Inspector General, Office of the Inspector General

Background. In recent years, CDCR has made several changes to its process for handling allegations of staff misconduct. These changes were largely in response to a series of reports from the Office of the Inspector General (OIG) and court orders in the *Armstrong* case, which is a class action lawsuit filed in 1994 on behalf of prisoners with disabilities.

CDCR defines a staff misconduct grievance as an allegation that staff violated a law, regulation, policy, or procedure, or acted contrary to an ethical or professional standard. CDCR receives most of these through the general grievance process (also sometimes referred to as the 602 process), which also includes routine grievances and other requests. For example, a routine grievance could be that the temperature in a cell is too hot, whereas an allegation of staff misconduct would be that staff are deliberately raising the temperature in the cell as retaliation or punishment.

CDCR receives \$64 million annually and has 325 positions directly supporting this process, and receives around 220,000 grievances per year statewide.

Process for Handling Allegations of Staff Misconduct.

CDCR handles allegations of staff misconduct through its grievance process. Prior to January 1, 2025, the process worked as follows:

1. *Intake, Screening, and Routing.*
 - Grievances are collected by the prison's Office of Grievances, and screened for any urgent issues (i.e. anything that would require an immediate response) within one business day.
 - Grievances are sent to the Centralized Screening Team (CST) at the Office of Internal Affairs (OIA) and processed within three to five business days. There, staff decide whether it contains: (1) a serious allegation of staff misconduct that requires investigation by the Allegation Investigation Unit (AIU) at OIA (which includes allegations of sexual misconduct), (2) an allegation of staff misconduct that can be returned to the prison for a local inquiry, or (3) a routine grievance that does not contain any allegations of staff misconduct and can be returned to the prison. CST staff may also follow up with the person who submitted the grievance for more information if needed, and they log the grievance in the Allegation Against Staff Tracking System (AASTS).

2. *Investigation, Inquiry or Other.* Depending on the decision of CST, AIU will perform an investigation within 120 days, or a Locally Designated Investigator (LDI) will perform a local inquiry within 60 days. In the case of a local inquiry, the final report must be reviewed by an AIU Captain before the inquiry is completed. If the LDI establishes reasonable belief that an allegation occurred that is likely to lead to adverse action, the LDI is supposed to stop the inquiry and escalate the complaint directly to AIU. LDIs are also required to be at least one rank above the highest-ranking officer in the allegation.
3. *Resolution.* The results of the investigation or inquiry are returned to the hiring authority for review and disposition. The reports only contain a finding of facts – it is up to the hiring authority to decide if an allegation of staff misconduct is sustained. Hiring authorities must order some action if an allegation of staff misconduct is sustained. The outcome is recorded in the AASTS.

Changes Effective January 2025. Due the volume of grievances and allegations received, CDCR modified the staff misconduct process through emergency regulations, effective January 1, 2025⁷. CDCR indicated that the regulations will be finalized by this July. Major changes include:

- *Local Inquiries.* Eliminates local inquiries to simplify the routing process. Grievances will now either go to OIA for investigation or are handled as a routine grievance through the institution (including lower-level allegations that will be returned to the institutions for routine inquiry). Grievances will be routed to OIA if they contain an allegation outlined on the decision index, or if they require interviews or may lead to adverse action, or if the subject has another sustained allegation.
- *Centralized Hiring Authority Unit.* Establishes a new centralized hiring authority unit for the review and resolution of investigations conducted by AIU. This unit initially started at the six institutions covered by the *Armstrong* litigation.
- *Grievance Teams.* Creates multi-disciplinary grievance teams to meet with individuals who frequently file grievances and help resolve their issues or open investigations.
- *Auditing and Oversight.* Enhances internal auditing to help ensure corrective and disciplinary actions are taken.

Source of Allegations. CST screens grievances from the following sources: CDCR Form 602-1 (Custody Grievance), CDCR Form 602-HC (Health Care Grievance), and CDCR Form 1824 (Reasonable Accommodation Request). In addition, CST also accepts grievances filed by third parties, including from or on behalf of *Armstrong* plaintiffs, and from anonymous parties, CDCR staff, and families.

OIG Oversight of the Staff Complaint and Employee Discipline Processes. The OIG is currently tasked with monitoring the staff complaint process and the employee discipline process. On March 10, 2025, the OIG released their annual monitoring report⁸. According to the report,

⁷ https://www.cdcr.ca.gov/regulations/wp-content/uploads/sites/171/2025/01/2024-1206-02EON-Approval_12.26.24.pdf

⁸ <https://www.oig.ca.gov/wp-content/uploads/2025/03/2024-Staff-Misconduct-Investigation-Monitoring-Report.pdf>

The OIG determined the department's performance was poor both in conducting staff misconduct investigations and in handling the employee disciplinary process. From January 1, 2024, through December 31, 2024, the OIG monitored and closed 162 staff misconduct investigations and the employee disciplinary process, if any, for those cases. The OIG assigned one of three overall ratings for each case: superior, satisfactory, or poor. The department's overall performance was poor in 119 of 162 cases, or 73 percent, and satisfactory in 43 cases, or 27 percent.

OIG Direct Intake. The OIG also maintains a statewide complaint intake process to address concerns from any individual regarding allegations of improper activity within the department. So far in 2025, the OIG has received over 1,000 claims each month, up from an average of 874 monthly claims in 2024 and 675 monthly claims in 2023. More information on the complaints received by the OIG is included in the attached handout.

OIG Local Inquiry Monitoring. In a recent report⁹, the OIG recently noted that CDCR's performance was poor in conducting local inquiries. Identified issues include failing to meet a 90-day goal for resolving local inquiries, failing to identify appropriate policies and procedures, approving reports that lacked thorough investigation and missed relevant evidence, performing inadequate inquiries, failing to request video-recorded evidence, and an over-reliance on video evidence over interviews. The OIG also found that CDCR performed worse when not being monitored.

Staff Recommendation. This item is informational, and no action is required.

⁹ <https://www.oig.ca.gov/wp-content/uploads/2025/05/2024-Local-Inquiry-Monitoring-Report.pdf>

Issue 4: Natural Disaster and Emergency Preparedness and Mitigation Efforts**Panelists.**

- Amarik Singh, Inspector General
- Shaun Spillane, Chief Deputy Inspector General, Office of the Inspector General

Also available for questions: Melissa Prill, Special Agent-in-Charge, Headquarters Operations, Office of Correctional Safety, CDCR; Don O’Keefe, Chief of Law Enforcement, Cal OES

Background.

California has experienced an unprecedented number of emergencies and disasters in recent years, including wildfires, drought, flooding, extreme heat, and the COVID-19 pandemic. A 2023 report by the UCLA Luskin School of Public Affairs and the Ella Baker Center for Human Rights¹⁰ highlighted the impact of climate hazards on those incarcerated in California state prisons, who rely on CDCR for emergency response and preparedness and are often housed in aging and remote facilities. The report also noted the limited public information on CDCR’s emergency preparedness.

In recent years, CDCR has had to respond to numerous emergency situations. For example, the COVID-19 pandemic had severe impacts on the incarcerated population. In 2023, California experienced record breaking high levels of rain and snow that threatened to inundate the Tulare Basin. Because California State Prison, Corcoran (Corcoran), and the Substance Abuse Treatment Facility (SATF) are located near the Tulare Basin, they were determined to be at high risk of flooding if the levees protecting the area were breached, and CDCR had to plan for potential evacuations, although it did not come to that. CDCR has also not yet been forced to evacuate a prison due to wildfire threat, but several fires have been close to institutions which were then faced with wildfire smoke, including the Nelson Fire in Vacaville in 2018, the Dixie Fire near Susanville in 2021, and the Smith River Fire near Pelican Bay in 2023.

Recent emergencies in other states and systems have highlighted the difficulties of managing correctional facilities in the current climate. After Hurricane Katrina in 2005, thousands of incarcerated individuals were trapped for days without food, water, or ventilation, in some cases locked in cells with chest-high, contaminated water¹¹. During Hurricane Ian in 2022 and again during Hurricane Milton in 2024, a county jail in Fort Myers, Florida did not evacuate, despite being in a mandatory evacuation zone, with the sheriff noting that the population would be evacuated to top floors in case of flooding.¹² In the recent Los Angeles wildfires, two county facilities were in evacuation warning zones or mandatory evacuation zones, which impacted roughly 100 youth at Barry J. Nidorf Juvenile Hall¹³ and 4,700 incarcerated adults at the Castaic jail complex in northern Los Angeles County, with the sheriff reporting that he’d start making plans for a large-scale evacuation should one become necessary¹⁴. Prison systems in Colorado and

¹⁰ <https://ellabakercenter.org/wp-content/uploads/2023/06/Hidden-Hazards-Report-FINAL.pdf>

¹¹ <https://www.usatoday.com/story/news/nation/2022/10/14/hurricane-ian-jails-prisons-florida/8189762001/>; <https://www.aclu.org/press-releases/aclu-report-details-horrors-suffered-orleans-parish-prisoners-wake-hurricane-katrina>

¹² <https://hillheat.com/2024/10/09/nearly-500-fort-myers-residents-trapped-in-miltons-path-inmates-will-be-evacuated-to-top-floors-in-case-of-flooding>

¹³ <https://edsources.org/updates/juvenile-hall-in-sylmar-under-evacuation-warning-amid-ongoing-l-a-fires>

¹⁴ <https://www.latimes.com/california/story/2025-01-22/growing-wildfire-near-5-000-castaic-jail-complex-raises-concerns>

in Florida have had to conduct large-scale evacuations due to natural disasters¹⁵. This is just a sample of numerous examples nationwide.

CDCR Emergency Preparedness. On May 1, 2025, the Office of the Inspector General published *Audit of the Department of Corrections and Rehabilitation's Natural Disaster and Emergency Preparedness and Mitigation Efforts (Audit Report № 24–01, May 2025)*¹⁶. A few findings are highlighted below, and a full list of results and recommendations is available in the summary fact sheet¹⁷.

CDCR has had a department-wide All-Hazards Emergency Operations Plan since 2012. This plan is intended to enhance the department's ability to prepare for, respond to, mitigate, and recover from all emergencies and declared disasters involving prisons and other departmental property. Each prison is responsible for developing site-specific supplements, which must be approved by the Emergency Planning and Management Unit within the department's Office of Correctional Safety. The OIG noted that they only reviewed 30 site-specific emergency plans because one of California's 31 prisons did not submit a plan at all in 2024. The OIG noted that none of the site-specific emergency plans reviewed included detailed plans to evacuate outside the prison gates, only plans about moving within the prison and general language about coordinating external evacuations with headquarters. The OIG also noted a lack of headquarters-level review of these plans, and that some plans lacked other key pieces, such as mutual aid agreements.

Speed of Evacuations. The OIG noted prison evacuations would likely take more than 72 hours, especially given the lack of detail in the individual institution plans and exacerbated by limited available transportation. For example, in the 2023 flood risk example, CDCR, in consultation with Cal OES, the Department of Water Resources, and other stakeholders, developed a detailed evacuation plan for Corcoran and SATF. The plan took weeks to prepare, and was designed to evacuate the approximately 8,000 incarcerated people housed at those two prisons to other state prisons in 11 to 14 days, but the plan acknowledged that it could take longer. The evacuation plan also stated it would take six days to evacuate wheelchair-bound individuals at a rate of 56 people per day. Furthermore, the plan suggested that it could take up to 24 hours for the transportation unit to gather and deploy fleet buses and other vehicles to even begin the evacuation. The plan also stated that if the prisons were only given three days, or 72 hours, to evacuate due to imminent flooding, alternate evacuation sites would be used.

Inconsistencies in Risk Assessment. The OIG also noted that individual institutions were responsible for their own risk assessments, leading to inconsistencies in results. For example, some adjacent prisons, such as Folsom and California State Prison – Sacramento rated their wildfire, flood, and earthquake risks differently. In addition, Corcoran rated its flood risk low, despite the critical situation in 2023.

¹⁵ <https://www.colorado.edu/today/2024/11/07/how-prisons-fall-short-protecting-incarcerated-climate-disasters>;

<https://www.fdc.myflorida.com/weather-updates>

¹⁶ <https://www.oig.ca.gov/wp-content/uploads/2025/05/Audit-of-the-California-Department-of-Corrections-and-Rehabilitations-Natural-Disaster-Emergency-Preparedness-and-Mitigation-Efforts.pdf>

¹⁷ <https://www.oig.ca.gov/wp-content/uploads/2025/05/Audit-of-the-California-Department-of-Corrections-and-Rehabilitations-Natural-Disaster-Emergency-Preparedness-and-Mitigation-Efforts-Fact-Sheet.pdf>

Staff Comment.

Some types of emergencies, such as an earthquake or a fast-moving wildfire, will not allow for even a 72-hour timeline. CDCR has struggled to respond to previous emergency situations such as the pandemic (albeit for different reasons and with different challenges than a short timeline evacuation would present). Given the increasing occurrence of natural disasters, it is possible that CDCR will face the need to evacuate an entire prison in a short time period, and the Legislature should consider how to help CDCR prepare for such an event. In the report, the OIG noted that “[w]ithout the ability to quickly evacuate prisons, it is likely that wildfires, floods, and earthquakes will result in loss of life within the incarcerated population.”

Staff Recommendation. This item is informational, and no action is required.

0690 OFFICE OF EMERGENCY SERVICES

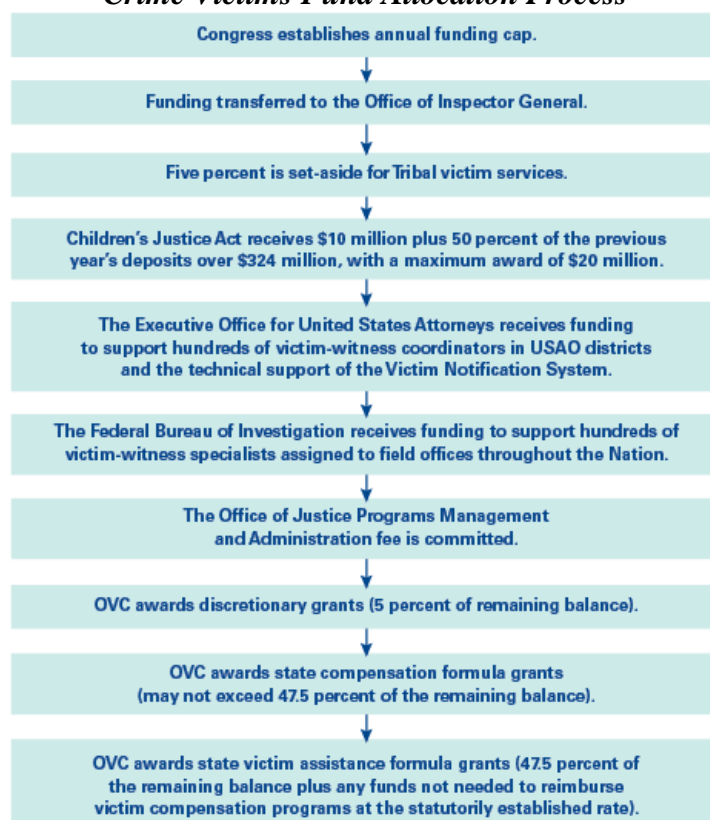
Issue 5: Victims of Crime Act (VOCA) Funding Update

Panelists.

- Eric Swanson, Deputy Director, Finance and Logistics Administration, Cal OES
- Gina Buccieri-Harrington, Outgoing Assistant Director, Grants Management, Cal OES
- Vy Nguyen, Principal Program Budget Analyst, Department of Finance
- Tess Scherkenback, Staff Finance Budget Analyst, Department of Finance
- Heather Gonzalez, Principal Fiscal and Policy Analyst, Legislative Analyst's Office
- Chris Negri, Associate Director, Public Policy, California Partnership to End Domestic Violence

Background. The Crime Victims Fund was established by the Victims of Crime Act (VOCA) of 1984. The fund is financed by fines and penalties from convictions in federal cases, and Congress sets an annual funding cap to determine how much will be spent out of the fund in a given year. From there, federal, state, and Tribal victim assistance programs receive formula grants, discretionary grants, and set asides from the fund according to an annual allocation process, as shown in the chart below. The funding is used to support critical services and programs that support Californians after they have experienced a crime.

Crime Victims Fund Allocation Process



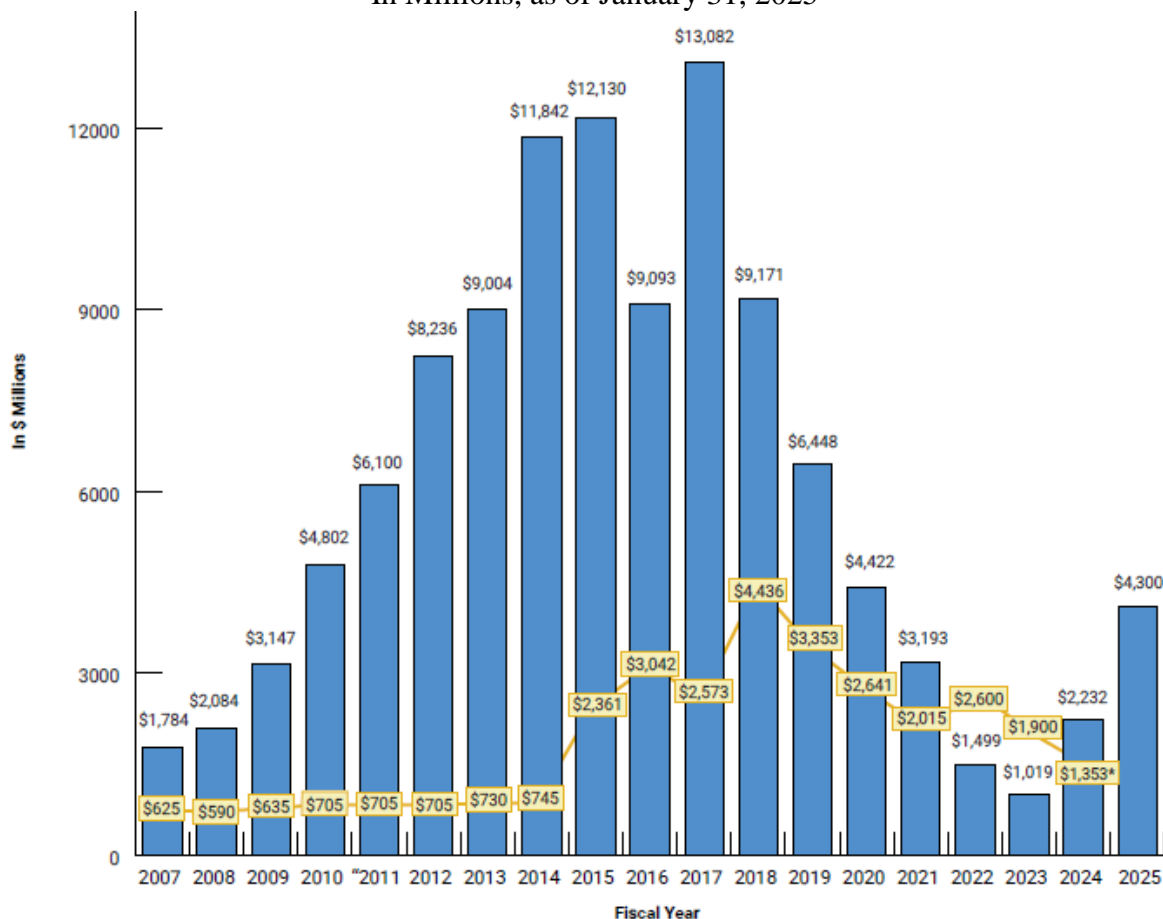
Source: Office of Victims of Crime¹⁸

¹⁸ <https://ovc.ojp.gov/about/crime-victims-fund>

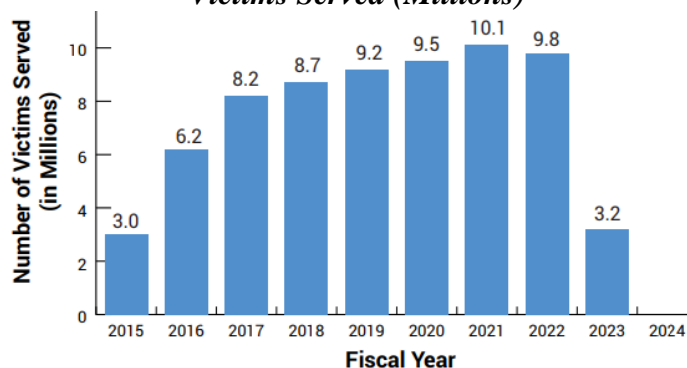
In recent years, the fund's balance has declined as changes in federal prosecution strategies have netted less in fines for the fund, and Congress has reduced the amount released, resulting in a decrease in estimated victims served as shown in the charts below. Some changes in the distribution of the federal VOCA funding were included in the federal *VOCA Fix to Sustain the Crime Victims Fund Act of 2021*¹⁹.

Crime Victims Fund End of Year Balance (bars) and Annual Funding Cap (line)

In Millions, as of January 31, 2025



Victims Served (Millions)



Source: Office for Victims of Crime²⁰

¹⁹ <https://ovc.ojp.gov/news/announcement/president-biden-signs-voca-fix-sustain-crime-victims-fund-act-2021>; <https://www.congress.gov/bills/117th-congress/house-bill/1652>

²⁰ <https://ovc.ojp.gov/about/crime-victims-fund>

However, the fund balance has grown to \$4.3 billion as of January 2025 due to recent deposits. The funding cap for 2025 was recently set at \$1.9 billion, but the allocations within the cap have not been determined.

In California, VOCA funding is used to support grants to victim services organizations, such as rape crisis centers, domestic violence shelters, housing first, victim witness, and child advocacy centers programs. As a result of the federal changes described above, California's allocation has decreased from \$396 million in 2019 to just \$87 million in 2024. To account for these reduced state allocations, recent budgets have included one-time backfills to support victim services. To supplement VOCA funding, the 2021 budget included \$100 million one-time General Fund available over three years, and the 2024 budget included an additional \$103 million one-time General Fund. In 2024-25, Cal OES was also able to reallocate unspent funding from prior years to maintain service levels. For 2025-26, Cal OES estimates that maintaining current service levels would require around \$224 million, either from the federal award or, to the extent the federal award is insufficient, state backfill.

Staff Recommendation. This is an informational item, and no action is needed.

Issue 6: Wildfire Mitigation Grant – Climate Bond (Proposition 4) Expenditure Plan

Proposal. The Governor’s budget includes \$9 million in 2025-26, \$26 million in 2026-27, and \$100 million in the outyears from the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Fund for wildfire mitigation grants administered by the California Office of Emergency Services (Cal OES), in coordination with the California Department of Forestry and Fire Protection (Cal Fire).

Panelists.

- Eric Swanson, Deputy Director, Finance and Logistics Administration, Cal OES
- Robyn Fennig, Assistant Director, Hazard Mitigation, Cal OES
- Heather Gonzalez, Principal Fiscal and Policy Analyst, Legislative Analyst’s Office
- Rachel Ehlers, Deputy Legislative Analyst, Legislative Analyst’s Office
- Vy Nguyen, Principal Program Budget Analyst, Department of Finance
- Tess Scherkenback, Staff Finance Budget Analyst, Department of Finance

Background. In November 2024, voters approved Proposition 4, a \$10 billion bond measure focused on increasing the state’s resilience to the impacts of climate change. The Governor has proposed a multiyear spending plan to implement the bond, including appropriations totaling \$2.7 billion in 2025-26. The overall Proposition 4 spending plan was discussed in Subcommittee 2 on February 27, 2025.

The bond included a total of \$135 million for Cal OES to implement a wildfire mitigation grant program (Section 91510 of the Public Resources Code). The Governor’s budget includes \$9 million in 2025-26, \$26 million in 2026-27, and \$100 million in the outyears, as outlined in the table below, for this program.

Fund Source	FY24-25 Current Year	FY25-26 Budget Year	FY26-27 BY+1	FY27-28 BY+2	FY28-29 BY+3	FY29-30 BY+4
State Operations - 6093 - Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Fund	0	1,050	1,050	1,050	1,050	1,050
Total State Operations Expenditures	\$0	\$1,050	\$1,050	\$1,050	\$1,050	\$1,050
Local Assistance - 6093 - Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Fund	0	8,000	25,000	30,000	30,000	20,000
Total Local Assistance Expenditures	\$0	\$8,000	\$25,000	\$30,000	\$30,000	\$20,000
Total All Funds	\$0	\$9,050	\$26,050	\$31,050	\$31,050	\$21,050

Cal OES currently operates a Wildfire Mitigation Grant Program (WMGP) defined in Article 16.5 (beginning with Section 8654.2) of the Government Code, to develop and administer a comprehensive wildfire mitigation program to encourage cost-effective structure hardening and retrofitting that creates fire-resistant homes, businesses, and public buildings. The current program outline was created by AB 38 (Wood), Chapter 391, Statutes of 2019, which established a Joint Powers Authority between Cal OES and Cal Fire to administer the program and included a framework to select projects. Cal OES was initially provided with \$25 million for the wildfire mitigation grant program in 2020-21. \$16 million of this was reappropriated in the 2022 budget, and \$12 million was swept as a budget solution in 2024-25. Cal OES and Cal Fire provide grants to local entities such as counties or fire safe councils, which in turn provide the grants to home owners. Currently, all the projects funded under this grant have a federal match, and the projects have focused on residential retrofits in four counties: Lake, San Diego, Siskiyou, and Shasta.

The funding for a wildfire mitigation grant program in the climate bond is outlined in Section 91510 of the Public Resources Code, and is not limited to the current grant program as defined by AB 38. The LAO noted that the Administration proposes providing a relatively small amount of funding for WMGP in 2025-26, instead allocating the bulk of the funds across the subsequent five years. The Administration has indicated this is because it plans to make some revisions to how it administers this program, and potential grantees still are in the process of developing projects so it does not anticipate needing larger appropriations until a future year. The Administration has noted that some refinements may be needed at May Revision.

LAO Comments and Recommendations.

The LAO published *The 2025-26 Budget: Proposition 4 Spending Plan* on February 12, 2025²¹. The recommendations and comments relevant to this proposal are summarized below.

Fund Shifts. The LAO notes that the Governor’s proposal shifts support for previous commitments totaling \$273 million from the General Fund and \$32 million from Greenhouse Gas Reduction Fund (GGRF) to Proposition 4 funds, including funding for the program discussed in this proposal. The LAO notes that this frees up General Fund for other commitments, but may not align with the Legislature’s spending priorities. Given the risks and uncertainties surrounding state costs from recent fires, the availability of federal funding, and the state’s overall revenue condition, the Legislature may need to rely on Proposition 4 to free up General Fund or GGRF to help maintain existing high-priority baseline programs. The LAO recommends weighing the fund shifts in light of the overall budget picture at May Revision and in comparison to other legislative priorities.

Continuing Existing Programs. The LAO notes that different approaches may be needed for the creation of new programs versus continuing existing programs, such as the one in this proposal. Existing programs require less new decision-making around how the program will operate or funds will be spent as compared to new programs the bond is establishing for the first time. Moreover, the administration does not need to create new program guidelines, demand for funding likely already exists as potential grantees are aware of the program, and administering departments should be able to allocate funding for projects relatively quickly. However, the LAO notes that even for established programs, oversight will be important, and if the Legislature has particular spending priorities, it could guide the administration’s implementation through adopting statutory direction.

The LAO recommends the Legislature consider approving a multiyear plan for existing programs and programs that have well-defined implementation plans and clearly defined activities that are consistent with legislative intent and/or existing practices. The LAO also recommends that the Legislature request that the administration provide user-friendly updates about specific projects and activities for which the Legislature has a particular interest and feels existing reporting is not sufficient.

Staff Recommendation. Hold open.

²¹ <https://lao.ca.gov/Publications/Report/4958>