

## SUBCOMMITTEE NO. 5

## Agenda

---

Senator Nancy Skinner, Chair  
Senator John M.W. Moorlach  
Senator Jim Beall



**Thursday, April 25, 2019**  
**9:30 a.m. or upon adjournment of Session**  
**State Capitol - Room 113**

Consultant: Christopher Francis, Ph.D.

<u>Item</u>	<u>Department</u>		<u>Page</u>
<b>Vote-Only Items</b>			
<b>5225</b>	<b>Department of Corrections and Rehabilitation</b>		
Issue 1	Los Angeles Parole Office Relocation		2
Issue 2	Chula Vista Parole Office Relocation		2
Issue 3	DGS Statewide Surcharge Fees Increase		3
Issue 4	Rent Increases for Eight Administration Buildings		3
Issue 5	Augmentation of Inmate Welfare Fund Authority		3
Issue 6	Americans with Disabilities Act (ADA) Accessibility Improvements at Two Institutions		4
Issue 7	Fire Alarm Replacement and Fire Suppression Repair		4
<b>Discussion Items</b>			
<b>5225</b>	<b>Department of Corrections and Rehabilitation</b>		
Issue 8	Supplemental Reforms to Parole Consideration		5
Issue 9	Fleet Asset Replacement		11
Issue 10	Council on Criminal Justice and Behavioral Health Research Unit		14
<b>5227</b>	<b>Board of State and Community Corrections (BSCC)</b>		
Issue 11	Funding for the Standards and Training for Local Corrections Program		16

### 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 FOR VOTE-ONLY

### 5225 DEPARTMENT OF CORRECTIONS AND REHABILITATION (CDCR)

1. ***Los Angeles Parole Office Relocation.*** \$1 million General Fund in 2019-20 and ongoing for the lease of three parole offices to replace the existing Alameda complex. The current location is in the industrial city of Vernon, located five miles south of downtown Los Angeles, California. In addition, the budget requests \$6.8 million General Fund across 2019-20 through 2022-23 for tenant improvements. The schedule of requested appropriations for lease costs and tenant improvements are below:

- **2019-20:** \$1 million ongoing for lease costs and \$1.7 million one-time General Fund for tenant improvement amortization payments.
- **2020-21:** \$1.7 million one-time General Fund tenant improvement amortization payments.
- **2021-22:** \$1.7 million one-time General Fund for tenant improvement amortization payments.
- **2022-23:** \$1.7 million one-time General Fund for tenant improvement amortization payments.

The nine parole units housed at the Los Angeles Parole Complex supervise over 4,600 parolees residing in a coverage area of approximately 560 square and average 1,200 visitors per week. The Los Angeles Parole Complex will not be able to serve projected increases in the parole population and associated staff. Currently, two to three parole agents share each office. This proposal would separate the staff at the current location into three locations based on areas where the parolee population is concentrated. Strategically locating the parole offices in high parolee population neighborhoods will serve Los Angeles more efficiently by decreasing travel times for agents and increasing time spent with parolees. In addition to the space concerns, there are also barriers for parolees trying to access services and attend programming at the current location. Parolees must travel long distances from their residences to the parole office. Many parolees lack personal transportation, and their routes have risks associated with parolees crossing rival gang territories.

The three new locations will be located near LA Central, Mid-City, and North East LA.

2. ***Chula Vista Parole Office Relocation.*** The budget includes \$657,000 General Fund in 2019-20 and ongoing for the lease of two parole offices to replace the existing Chula Vista complex and \$1.1 million General Fund one-time in 2019-20 for moving expenses. In addition, DAPO requests \$192,000 General Fund across 2020-21 through 2023-24 for annual lease increases. The schedule of requested appropriations for lease costs and tenant improvements is:

- **2019-20:** \$69,000 ongoing General Fund for lease costs, \$588,000 ongoing General Fund for tenant Improvement amortization payments, and \$1.1 million one-time General Fund for moving expenses
- **2020-21:** \$46,000 ongoing General Fund for an annual lease increase
- **2021-22:** \$47,000 ongoing General Fund for an annual lease increase
- **2022-23:** \$49,000 ongoing General Fund for an annual lease increase
- **2023-24:** \$50,000 ongoing General Fund for an annual lease increase

This proposal seeks to terminate occupancy at the current Chula Vista location and establish two separate offices in new locations. The proposed new offices are closer to the communities the parole units serve than the existing location and can accommodate projected changes in the parole population—in San Diego and El Cajon. The five parole units housed at the Chula Vista Complex supervise 1,900 parolees residing in a coverage area of approximately 2,000 square miles. There are 118 supervision, clinical, and support staff in the office, and they provide services to an average of 900 visitors per week.

Currently, three parole agents occupy each office, which affects the quality of parolee interviews due to fear of others overhearing their statements. The expected parole population and staffing increases will further exacerbate the overcrowding at the office, and the location does not have space to accommodate more agents, staff, or parolees.

In addition to space concerns, the condition of the property is no longer acceptable. According to the proposal, the lessor's "negligence and unwillingness to make critical repairs" has resulted in health, life, and safety hazards for CDCR staff and parolees. The property does not comply with the accessibility requirements as outlined in the Americans with Disabilities Act (ADA). The office has also received two Fire Safety Correction Notices and does not comply with the corrective action required by the City of Chula Vista Fire Department and the Office of the State Fire Marshal.

3. ***DGS Statewide Surcharge Fees Increase.*** The CDCR requests an ongoing augmentation of \$2.3 million General Fund for Department of General Services Statewide Surcharge increases. DGS functions as business manager for the State of California. They provide a variety of services to State departments, such as procurement, management of state owned and leased real estate, management of the state's vehicle fleet, and development of building standards. DGS funds its operations through fees charged to client departments. The statewide surcharge was implemented in 2005-06 to provide a more equitable method of recovering costs associated with central services delivered by DGS. The CDCR appropriation for DGS surcharge of approximately \$7.3 million has not changed since 2006-07. This request will provide the difference between the 2017-18 and 2019-20 fiscal years. The CDCR is responsible for 27.3 percent of the DGS statewide surcharge. Since the surcharge was first implemented, CDCR's share has increased by 92 percent. The charge increased from \$7.3 million in 2008-09 to over \$14.0 million in 2017-18 and based on the trend in prior year actuals, the CDCR share of the statewide surcharge is projected to increase to \$16.3 million in 2019-20.
4. ***Rent Increases.*** The budget includes \$1.8 million General Fund ongoing to address the increased rent costs as a result of eight new lease agreements in Central Administration office buildings throughout the state that had expiring lease contracts in 2019-20 and will result in a \$1.8 million increase in rent. These facilities accommodate approximately 4,100 State employees, who support the Division of Adult Institutions, the Division of Juvenile Justice, the Board of Parole Hearings, the Division of Adult Parole Operations, and the Division of Rehabilitation Programs. Central Administration office rent costs have been increasing at an average rate of 2.37 percent per year since 2014.
5. ***Augmentation of Inmate Welfare Fund Authority.*** The budget proposes an increased expenditure authority of \$9 million in 2019-20 and \$14.5 million in 2020-21 and ongoing for the Inmate Welfare Fund (IWF). IWF is a self-supporting fund primarily dependent upon revenue

generated from inmate canteen sales. The additional IWF authority request is driven by the continuous growth in canteen revenues generated by the resale of merchandise. The growing demand for items in the canteen is directly related to the number of incarcerated shifting into the highest privilege group and monetary deposits into their trust accounts. In order to meet the growing demand, IWF will need to maintain adequate supply of merchandise for resale by increasing the authority to purchase additional items. From 2013-14 to 2017-18 revenues generated from canteen sales have increased year-over-year. Canteen sales represent 95-percent of revenues generated for the IWF and are vital in providing resources for inmate related programs such as photo program activities, inmate work opportunities, family visiting programs, and purchase of publications for libraries.

6. ***Americans with Disabilities Act (ADA) Accessibility Improvements at Two Institutions.*** The budget proposes \$4.2 million General Fund in 2019-20 and \$4.2 million General Fund in 2020-21 for a total of \$8.4 million over a two-year period for construction of Americans with Disabilities Act accessibility improvements at the California Institution for Women (CIW) and Mule Creek State Prison (MCSP).
7. ***Fire Alarm Replacement and Fire Suppression Repair.*** The budget proposes one-time General Fund funding of \$4.5 million in fiscal year 2019-20 and \$54.5 million in 2020-21 to replace fire alarm systems and repair fire suppression systems at Mule Creek State Prison (MCSP), R.J. Donovan Correctional Facility (RJD), and California State Prison, Sacramento(SAC).

**Staff Recommendation:** Approve Issues 1-7 as budgeted.

## ITEMS TO BE HEARD

### 5225 DEPARTMENT OF CORRECTIONS AND REHABILITATION (CDCR)

#### Issue 8: Supplemental Reforms to Parole Consideration (BCP)

**Governor's Proposal.** The Governor's budget includes \$4.7 million General Fund and 12.5 positions in 2019-20, \$6.1 million General Fund and 12.5 positions in 2020-21, and \$1.9 million General Fund and 12.5 positions in 2021-22 and ongoing to complete workload related to a projected increase in parole hearings. Since 2011, BPH has scheduled between 4,000 and 5,300 parole hearings annually. Current projections indicate that BPH will need to schedule a total of 7,200 hearings in 2019-20 and 8,300 hearings in 2020-21.

The Governor's proposal includes the following provisions:

1. Expand BPH by 2 commissioners for a total of 17 commissioners. Under this proposal, one commissioner per week will be designated as a "floater" who will prepare for hearings and will be assigned as a third panel member but may be redirected to cover another hearing when needed.
2. Streamline the parole hearing process with a structured decision making framework. The proposed framework is evidence based and used in seven states and Canada. It purports to focus the decision maker's attention on specific factors that research has found to directly impact an inmate's risk of recidivism and reduce the time currently spent on less relevant factors which could decrease the amount of time needed for commissioners to prepare for the hearing and shorten the average length of hearings. Currently, BPH schedules 7 hearings per week, per panel at Level II/III prisons and 10 at Level III/IV prisons. With the streamlined process, BPH projects they can schedule 11 hearings per week at Level II/III prisons and 14 hearings at Level III/IV prisons.
3. Provide additional information technology support to enhance functionality to improve the hearing scheduling process which has been increasingly complex with new laws and regulations concerning parole eligibility dates.
4. In addition, BPH also requests adjusting the rates of attorneys who represent inmates at parole hearings. Attorney costs are currently funded at a flat rate fee of \$400 per hearing and the request seeks to increase the fee to \$750. This would result in an augmentation of \$2.5 million in 2019-20.

**Breakdown of Positions.** The schedule of requested appropriations is:

- 2019-20: \$2 million for 12.5 permanent positions and \$2.7 million for 11 limited-term positions, overtime, and information technology upgrades.
- 2020-21: \$1.9 million for 12.5 permanent positions and \$4.1 million for 21 limited-term positions and overtime.
- 2021-22 and ongoing: \$1.9 million ongoing for 12.5 permanent positions. A breakout of positions included in this request is as follows:

Position Request	BY	BY+1	BY+2	BY+3	BY+4
<b>Board of Parole Hearings Total</b>	<u>9.5</u>	<u>9.5</u>	<u>9.5</u>	<u>9.5</u>	<u>9.5</u>
Commissioner	2.0	2.0	2.0	2.0	2.0
Attorney III	3.0	3.0	3.0	3.0	3.0
Associate Governmental Program Analyst	3.2	3.2	3.2	3.2	3.2
Office Assistant	1.3	1.3	1.3	1.3	1.3
<b>Division of Adult Institutions Total</b>	<u>14.0*</u>	<u>24.0*</u>	<u>3.0</u>	<u>3.0</u>	<u>3.0</u>
Correctional Counselor I	13.0*	23.0*	2.0	2.0	2.0
Correctional Case Records Analyst	1.0	1.0	1.0	1.0	1.0
<b>Total</b>	<b>23.5</b>	<b>33.5</b>	<b>12.5</b>	<b>12.5</b>	<b>12.5</b>

**Background.** The Board of Parole Hearings (BPH) within CDCR is currently composed of 15 commissioners. Along with deputy commissioners, they consider whether to grant parole to all persons sentenced to state prison under the state’s indeterminate sentencing laws, as well as certain determinately sentenced inmates who qualify for parole suitability hearings. Under indeterminate sentencing, individuals receive a sentence range, such as 25-years-to-life. Under determinate sentencing, individuals receive fixed prison terms with specified release dates. BPH also determines (1) whether to impose any special conditions on individuals who are granted parole—such as requiring participation in certain rehabilitative programs—once they are in the community and (2) how long those who are denied parole must wait until their next parole hearing, which can range from 3 to 15 years. In addition, BPH advises the Governor on applications for clemency and approves transfers of foreign-born inmates to their native countries.

Parole hearings are supposed to determine whether an inmate is suitable for release or if he or she currently poses an unreasonable risk of danger to society. The hearing panel, which typically consists of one BPH commissioner and one deputy commissioner, considers many sources of information, including a risk assessment from a psychologist, statements from the inmate and victims, and records of the inmates’ behavior while incarcerated. Research indicates that some of the sources of information considered are better predictors of dangerousness than others. For example, risk assessments completed by psychologists are among the best predictors of dangerousness. While BPH regulations outline criteria that tend to indicate suitability for release (such as positive behavior while incarcerated) and unsuitability (such as an unstable social history), there is currently no prescribed framework that the panel is required to follow in making its decisions in granting parole.

***Projected Increase in the Number of Parole Hearings is expected.*** Since 2011, the Board has scheduled between 4,000 and 5,300 parole hearings annually. In 2019-20, the Board projects it will need to schedule over 1,100 hearings because of hearing dates being advanced. In 2020-21, this number is projected to increase to about 1,500. Overall, current projections indicate the Board will need to schedule a total of 7,200 hearings in 2019-20 and 8,300 hearings in 2020-21. Several factors are contributing to the projected increase in the number of parole hearings:

***The BPH is required to conduct approximately 1,800 hearings for youth under SB 261 (Hancock), Chapter 471, Statutes of 2015, AB 1308 (Stone), Chapter 675, Statutes of 2017, and SB 394 (Lara),***

*Chapter 684, Statutes of 2017. SB 261*, requires BPH to conduct youth parole hearings for those sentenced to state prison who committed specified crimes when they were under 23 years of age. BPH is required to complete by July 1, 2017 all youth parole hearings for individuals who were sentenced to indeterminate life terms and by July 1, 2021, youth sentenced to determinate terms, who become entitled to have their parole suitability considered at a youth parole hearing on the effective date of the bill. **AB 1308**, requires BPH to conduct youth parole hearings for those who committed specified crimes when they were 25 years of age or younger. BPH is required to complete, by January 1, 2020, all youth parole hearings for individuals who were sentenced to indeterminate life terms and by January 1, 2022, youth sentenced to determinate terms, who become entitled to have their parole suitability considered at a youth parole hearing on the effective date of the bill. **SB 394** makes a person who was convicted of a controlling offense that was committed before the person had attained 18 years of age and for which a life sentence without the possibility of parole has been imposed eligible for release on parole by the board during his or her 25th year of incarceration at a youth offender parole hearing.

*The BPH anticipates an additional 1,800 hearings during the same time by the end of 2021 because of the In re Edwards decision.* **Proposition 57** was approved by voters on November 8, 2016. The initiative added Section 32 to Article 1 of the California Constitution, which declares, "Any person convicted of a nonviolent felony offense and sentenced to state prison shall be eligible for parole consideration after completing the full term for his or her primary offense." The State initially interpreted this provision as applying only to determinately sentenced inmates. *In re Edwards (2018)* decided by the Second Appellate District court as a result of a petition for writ of habeas corpus, rule that CDCR regulations impermissibly circumscribe non-violent third strikers' eligibility for parole consideration under Proposition 57. Prop 57's definition of "full term" specifically excludes alternative sentences such as Three Strikes but the court held that this does not mean that Three Strikers are ineligible for relief under Prop 57 but that for third strike defendants, their "full term" must be calculated as if the Three Strikes law alternative sentencing scheme had not existed at the time of sentencing. The regulations will require the Division of Adult Institutions Case Records staff to screen approximately 4,000 indeterminately-sentenced nonviolent defendants for eligibility and calculate their nonviolent parole eligible date.

*Other Parole Hearing Workload Drivers.* There are additional factors increasing the BPH's hearing workload by 2,200 in the next two years according to their BCP. For example, violent Third Strikers are now beginning to be scheduled for hearings after having served almost 25 years since the law went into effect. These incarcerated people are also now able to earn credits under Proposition 57, thus advancing their minimum eligible parole dates.

In addition, more elderly parole inmates are becoming eligible for parole hearings after having turned age 60 and serving 25 years, as are indeterminately-sentenced youth offenders who have served 20 or 25 years. This increase in initial hearings is projected to increase annually through at least 2026.

*Attorney Fees.* Pursuant to California Code of Regulations, Title 15, Section 2256, an attorney is provided at the state's expense if the prisoner or parolee cannot afford to retain private counsel at a hearing. Many inmates cannot afford to hire an attorney to represent them in parole hearings. In these cases, BPH appoints and pays for their attorneys. BPH currently contracts with about 36 attorneys to represent inmates in parole hearings throughout the state, with each attorney handling roughly 150 cases per year on average. As shown in Figure 5, BPH currently pays attorneys a flat rate for completing a specific task in the parole hearing process. Depending on the nature of the case, an attorney may not

ultimately complete all tasks. For example, inmates have the option to waive their right to a parole hearing for one to five years or to stipulate that they are unsuitable for parole for a minimum of three years. (Inmates do this for a variety of reasons, including potentially being released from prison earlier than if they went to a hearing but were denied parole and required to wait 15 years until their next hearing.) In this example, there would be no hearing and, thus, the attorney would not receive the \$175 payment. BPH estimates that on average, attorneys receive \$400 per case. Below is a table created by the LAO that describes the BPH's attorney pay structure.

### **Board of Parole Hearings Attorney Pay Structure**

*As of February 1, 2019*

Task	Payment
Appointment to a case	\$25
Review case information, document inmate disability needs, conduct legal research	50
Review inmate's file	75
Interview inmate	75
Appear at parole hearing	175
Appear at full board meeting <sup>a</sup>	100
Prepare written submission for full board meeting	50

<sup>a</sup>Cases only go to full board meetings in rare circumstances, such as if there is disagreement among the hearing panel about whether or not to grant parole.

BPH indicates, in recent years, that it has had trouble attracting and retaining competent attorneys and has had to reprimand or even discontinue appointing some attorneys for providing inadequate representation to their clients. According to BPH, this is because attorney pay has not kept up with the increasing amount of work that attorneys must do on each case—largely due to more requirements related to documenting inmates' disability accommodation needs. BPH also indicates that the current pay structure may discourage stipulations and waivers of parole hearings. This is because attorneys receive a relatively significant increase in compensation if a case proceeds to the hearing stage.

**LAO Assessment of Structured Decision Making Framework.** The LAO states that Legislature should require BPH to provide key information about its proposal to implement a structured decision-making framework that guides parole decision makers through the process of weighing information about an inmate. Specifically, the LAO recommends that BPH provide information on the development, usage, and implementation of the framework by April 1, 2019. BPH should also provide a prototype of the proposed framework for the Legislature to review. Pending receipt of the above information, the



LAO recommends that the Legislature withhold action on the Governor's proposal. The information to the Legislature should include responses to the following questions:

1. *What is the process for developing the framework?* It is unclear how BPH will develop the decision-making framework. For example, it is unclear what sources of information BPH is using to develop it and when it is expected to be finished.
2. *How will the framework be used?* It is unclear whether the framework would solely guide commissioners in considering whether to release an inmate or whether it will also assist in their decisions about (1) what conditions to impose on individuals who are released or (2) how long inmates who are not released must wait for their next hearing.
3. *How will the framework be implemented?* While BPH indicates that the National Institute of Corrections will provide technical assistance in the implementation of the framework (including site visits from experts), the board has not provided a detailed implementation plan. For example, it is unclear what training will be provided to commissioners and deputy commissioners in how to use the framework or what processes BPH will use to ensure it is ultimately applied consistently as intended.
4. *How will the framework be evaluated?* It is unclear on the extent to which the framework would be evaluated to ensure it is consistent with best-practices, as well as its impact on rates of inmate release and re-offense. In addition, it is uncertain whether BPH will periodically evaluate the framework in the future to ensure it remains consistent with evolving research and best practice on criminal risk factors. In addition, in order to facilitate effective legislative oversight, BPH should provide a prototype of the framework and detailed information about how it plans to evaluate the framework.

**LAO Assessment of Compensation for Attorneys Appointed by BPH.** The LAO finds that problems cited by BPH regarding the current attorney pay schedule could potentially result in serious consequences, particularly if inmates lack appropriate representation in parole hearings. First, to the extent that poor representation results in fewer inmates being granted parole or in inmates being given longer denial periods, inmates could spend more time in prison—at higher state cost—than otherwise. Second, to the extent that the current pay structure discourages stipulations and waivers, it could generate unnecessary hearings—an unnecessary use of state resources—and/or result in inmates having to wait longer until their next parole hearing than they would have if they had waived their right to a hearing or stipulated that they were unsuitable for parole.

The Legislature should require the Administration to provide key information about the proposed changes to the attorney pay schedule by April 1, 2019. Pending receipt of this information, the LAO recommends that the Legislature withhold action on the Governor's proposal. If the Administration is unable to provide this information, the LAO recommends rejecting the proposal and directing the Administration to provide a revised proposal with adequate information as part of the 2020-21 budget process. The information to the Legislature should include answers to the following questions:

1. *What Is the Basis for the Proposed \$750 Payment?* At the time of this analysis, BPH was unable to provide a workload study—or other form of adequate explanation—to justify the proposed \$750 per case for attorney pay. Without this information, the Legislature cannot assess whether

the proposed \$750 per hearing is the appropriate amount to attract and retain high quality attorneys.

2. *What Is the Structure of the New Pay Schedule?* BPH has not provided the proposed pay structure. Accordingly, it is unclear whether the new schedule would appropriately incentivize attorneys to provide adequate representation to inmates.
3. *What Changes to Attorney Recruitment, Training and Expectations Are Proposed?* BPH has not provided specific details about the planned changes to attorney recruitment, training and expectations. Furthermore, it is unclear how BPH would identify and respond to attorneys who do not meet the new expectations. As such, it is unclear whether implementation of these changes will be effective, as well as whether the board will require additional resources to implement them.

**Staff Recommendation.** Hold Open.

**Issue 9: Fleet Asset Replacement (BCP)**

**Governor’s Proposal.** The budget includes \$24 million General Fund and four positions in 2019-20 and ongoing to establish a seven-year schedule for critical fleet assets. CDCR developed a fleet replacement tool to track the age and condition of its fleet eligible for replacement per Department of General Services’ replacement thresholds. CDCR will redirect \$8 million from the Division of Adult Institutions to be combined with this request for a total of \$32 million for a newly created budget sub-program specifically for the purpose of tracking fleet asset replacements.

**Background. *CDCR Uses Vehicles for Various Purposes.*** CDCR owns nearly 7,700 vehicles of varying types (ranging from golf carts to farming equipment) that are used for a variety of purposes, including inmate transportation (both within and outside of prison grounds), fire protection, construction support, and institution perimeter security. CDCR staff and inmate workers generally maintain the vehicles but sometimes send them out for more complex repairs.

***Department of General Services (DGS) Sets Vehicle Replacement Thresholds.*** DGS sets policy for and approves all state vehicle purchases. Specifically, DGS sets replacement thresholds for different types of vehicles that, if met, make a vehicle eligible for replacement. For example, a sedan that either has over 65,000 miles or is older than six years is eligible for replacement. In determining the vehicle replacement thresholds, DGS hired a consultant in 2016 to estimate the age and mileage levels at which it is more cost-effective to replace various types of vehicles rather than repair them, based on actual data on state vehicle price, operational cost, and resale value. By replacing vehicles according to these thresholds, DGS expects that departments would minimize the total costs of the state’s vehicle fleet. Currently 5,500 of CDCR’s 7,700 vehicles exceed DGS’s thresholds for replacement.

***CDCR Does Not Have Ongoing Funding Specifically for Vehicle Replacement.*** CDCR’s baseline budget does not include ongoing funding dedicated to vehicle replacement. The Legislature has on occasion provided one-time funding for the department to purchase vehicles. For example, the 2018-19 budget provided CDCR with \$17.5 million in one-time General Fund support to replace 338 vehicles that are used for transporting inmates to health care and other appointments. Historically, CDCR has also used some of the funding it has budgeted for major equipment purchases—currently set at \$8 million—to purchase vehicles, as well as redirected funding originally intended for other purposes. In addition, when CDCR replaces a vehicle, the old vehicle is sold at auction, with revenue generated—typically in the low hundreds of thousands of dollars annually—used to offset the costs of future vehicle purchases. In total, CDCR spent roughly \$15 million per year on vehicle purchases between 2013-14 and 2017-18.

***CDCR’s analysis of vehicles that need to be replaced.*** CDCR developed a fleet replacement tool to track the age and condition of its fleet and prioritize all assets eligible for replacement per DGS replacement thresholds. The replacement tool considers mileage, age, condition, and other factors, such as whether a vehicle is used for emergency services, to develop a replacement score for each fleet asset. Based on the assigned score, the asset is determined to be of high, medium, or low priority for replacement. Utilizing this tool, there are 3,486 fleet assets, or 52 percent, deemed as high priority. A total of 6,764 owned fleet assets were counted in the CDCR’s fleet management analysis. The table below was taken from their BCP and breaks down their projected need.

**Table 2. Vehicles, by Age, (Current) Condition and Percentage**

Age	Number of Vehicles	Junk Condition	Poor Condition	Fair Condition	Good Condition	Excellent Condition
0-4	1,362	3	14	60	353	932
5-9	694	13	89	216	342	34
10-14	2,053	194	396	868	565	30
15-19	758	97	204	322	131	4
20-24	1,050	211	442	304	93	0
25-29	450	93	199	122	35	1
30 or more	397	150	158	69	20	0
<b>TOTAL</b>	<b>6,764</b>	<b>761</b>	<b>1,502</b>	<b>1,961</b>	<b>1,539</b>	<b>1,001</b>
<b>% OF TOTAL</b>	<b>100%</b>	<b>11%</b>	<b>22%</b>	<b>29%</b>	<b>23%</b>	<b>15%</b>

The average age of the reported fleet assets is approximately 14 years. Programs reported 2,540 assets (37.55 percent) to be in excellent or good condition; 1,961 vehicles (28.99 percent) were reported to be in fair condition, and 2,263 (33.45 percent) in poor or junk condition. Of the 6,764 assets analyzed, CDCR's Fleet Management Unit (FMU) identified 1,480 assets (21.88 percent of total) that are *currently* deemed high priority for replacement. Based on the 7-year projection analysis, an additional 2,006 fleet assets were determined to become high priority replacements over the next seven years, totaling 3,486 assets (51.54 percent). These assets are typically old, have high mileage, and are in very poor mechanical or physical condition.

***CDCR's current fleet management and acquisition units and requested positions.*** The Fleet Management Unit (FMU) oversees CDCR's fleet of vehicles and mobile equipment. FMU is responsible for the development of CDCR's fleet acquisition plan, policies and processes, inventory and data system management, compliance monitoring, and data reporting. FMU consists of six Staff Services Analysts/Associate Governmental Analysts and one Staff Services Manager I (SSM I). Each FMU fleet analyst provides program support to approximately 12 institutions and/or programs, including approximately support for 1,500 fleet assets, by providing information or direction regarding DGS and CDCR fleet policies and procedures, instruction on fleet reporting requirements, direction on data entry into Systems, Applications and Products (SAP), assistance on fleet requests, survey and disposal processes, and fleet replacements and acquisitions.

The Fleet Acquisitions Unit (FAU) consists of five analysts and one SSM I. FAU facilitates CDCR's centralized fleet asset procurement functions by developing, managing, and tracking procurement processes and overseeing CDCR's fleet spending plans. FAU conducts centralized annual replacement of high-priority fleet assets including competitive bidding and bulk purchasing for vehicles, including emergency response vehicles, heavy-duty construction mobile equipment, after-market equipment including components and parts associated with vehicle security cells and partitions, wheelchair lifts compliant with the Americans with Disabilities Act (ADA), canine inserts, and firearm racks.

#### **Workload History**

Position Authority	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18
Fleet Management Unit	0	0	7	7	7
Fleet Acquisitions Unit	0	0	6	6	6

There are four positions requested within this proposal. According to the CDCR, new staff will be responsible for ensuring all purchases are authorized by the Fleet Acquisition Plan and procured in accordance with law, regulations, executive orders, and policies, and procedures. Staff will also be

conducting market and contract research which will define requirements and specifications for vehicles, identify associated costs, assist in planning and scheduling the procurement of vehicles and associated equipment, identify the availability of suppliers and/or service providers, and track and monitor the progress of fleet asset procurements. Staff will coordinate security and medical modification schedules to ensure vehicles are properly outfitted and deployed in a timely manner.

**LAO Assessment and Recommendation.** The LAO states that the proposal, while it anticipates reductions in resources spent on vehicle maintenance, repair, and fuel, and increase the resale value of the replaced vehicles, it does not account for any of the expected savings. In addition, the proposal increases CDCR's administrative budget to account for the requested vehicle replacement funding without requiring that they actually spent the \$32 million on vehicles. As such, CDCR may redirect this funding to other administrative purposes without any legislative oversight. If this funding is redirected, the costs to maintain the existing fleet would increase. As such, the LAO makes the following recommendations:

- ***Require CDCR to Estimate Savings and Reduce Budget Accordingly.*** The LAO recommends that the Legislature direct CDCR to estimate the maintenance, repair, and fuel savings, as well as the increase in auction revenue from the sale of the replaced vehicles, that it indicates would be generated by implementing the proposed vehicle replacement program, and provide such estimates by April 1, 2019. After CDCR provides a reasonable savings estimate, the LAO recommends the Legislature reduce its budget by this amount. This would allow the Legislature to consider the available savings in the context of its overall General Fund priorities.
- ***Approve Proposed Funding but Restrict Its Use.*** After CDCR is able to demonstrate that the proposal would result in savings as described above, the LAO would recommend that the Legislature approve the requested \$32 million for vehicle replacement. However, the LAO would recommend that the Legislature budget the funds in a separate appropriation to prevent them from being redirected for other purposes.

**Staff Recommendation.** Hold Open.

**Issue 10: Council on Criminal Justice and Behavioral Health Research Unit (BCP)**

**Governor's Budget.** The budget proposes \$497,000 General Fund and four positions in fiscal year 2019-20 and ongoing, and \$300,000 General Fund in 2019-20 for one-time contract funding, to expand the research capacity of the Council on Criminal Justice and Behavioral Health.

**Background.** Criminal justice and health care reforms have provided a foundation for reducing the incarceration of youth and adults with behavioral health disorders, but it is necessary for the state to sustainably invest in data, evaluation, and research activities to know what does and does not work. Evidence suggests that for individuals with complex needs like co-occurring substance use and mental health conditions, criminogenic risk factors, major and multiple medical problems, and chronic homelessness, services and strategies need urgent re-examination.

**Key Legislation/History.** In 2001, California established CCJBH (formerly The Council on Mentally Ill Offenders, or COMIO), through the passage of Senate Bill 1059. CCJBH is a 12-member council chaired by the Secretary of CDCR and comprised of representatives from the Department of State Hospitals (DSH), the Department of Health Care Services (DHCS), and appointed experts from criminal justice and behavioral health fields.

CCJBH is tasked with several statutory goals outlined in California Penal Code (PC) Section 6044, including: investigating, identifying, and promoting cost-effective strategies that prevent adults and juveniles with mental health needs from becoming incarcerated; identifying incentives for state and local justice and health programs to adopt such approaches; reporting its activities to the legislature; and providing recommendations for improving the cost-effectiveness of existing mental health and criminal justice programs. In September 2017, Penal Code 6044 was amended by SB 811 (Committee on Public Safety) Chapter 268, Section 11 to expand the scope of the Council to include preventing adults and juveniles with substance use disorders and co-occurring mental health and substance use disorders from entering and re-entering the California justice system.

**Previous funding.** In 2016-17, CCJBH was provided ongoing resources for two positions to increase diversion policy and program analysis, and develop a primary research program to analyze the impact of Medi-Cal expansion on current and former incarcerated. In the 2018-19 Budget Act, CCJBH was provided Mental Health Services Fund budget authority for an additional Health Program Specialist I and \$670,000 ongoing for contracts. In addition, the Council was provided \$150,000 Mental Health Services Fund budget authority, over three years, to supply expert consultation to DSH to support the diversion of individuals with mental illness who may be incompetent to stand trial for a felony crime.

The CDCR states that this proposal requests General Fund resources. Mental Health Services Fund resources are reserved for individuals with a primary mental illness and are not available for those with a primary substance use disorder, nor parolees or incarcerated individuals.

**Justification.** According to the budget change proposal CCJBH concluded, based on survey work and other data, in a recent annual report that data and information is not systematically collected to adequately inform policymaking or to support accountability and quality improvement. They also state that there is considerable data in the state among criminal justice and behavioral health systems, but there is a lack of guidance and direction regarding how to use and share data. CCJBH will use the additional

expertise of research staff to identify and provide tools and support to counties to help address common concerns including:

- a) Lack of knowledge when patient consent is needed to exchange criminal justice or behavioral health information;
- b) Lack of data systems with required interoperability;
- c) Lack of approved policies or agreements in place to share and exchange data; and
- d) Lack of staff capacity or training to collect, analyze, or share data.

CCJBH is requesting a one-time \$300,000 General Fund augmentation to obtain a contract to develop and implement an evaluation framework to monitor critical issues affecting California's behavioral health and public safety outcomes. The framework will operate as an informational tool to provide guidance to the state on reducing the prevalence of mental illness and substance use disorders in jails, prisons, and state hospitals through best practices in prevention, diversion, re-entry, and recidivism reduction.

CCJBH is requesting four positions to investigate, identify, and research best practices in prevention, diversion, and re-entry.

**Staff Recommendation.** Hold open.

**Issue 11: Funding for the Standards and Training for Local Corrections Program (April BCP)**

**Governor's Proposal.** The budget proposes \$6.2 million General Fund in 2019-20 and ongoing for the Standards and Training for Local Corrections (STC) Program through an April 1<sup>st</sup> BCP.

**Background.** The Standards and Training for Local Corrections (STC) Program has provided selection and training services to local corrections agencies since 1980. Authority for the program is found in Penal Code sections 6025-6037. Penal Code section 6035 requires the BSCC to establish minimum standards for the selection and training of corrections personnel employed by local corrections agencies, including sheriffs' offices, probation departments, and police departments that operate jails. All county agencies currently participate in the STC program.

The STC Program is presently funded by the General Fund. In the current year, \$2,589,000 is provided for program support and \$14,815,000 is provided for local assistance. Until the current year, the STC Program was funded through the State Penalty Fund. Declining revenues in that fund prompted a series of reductions to the STC program, and ultimately resulted in the transfer of the program to the General Fund in the current fiscal year.

Fiscal Year	STC Funding	Source
15/16 (and many years prior)	\$ 19,465,000	Corrections Training Fund
16/17	\$ 18,750,000	\$15,614 CTF / \$3,136 GF
17/18	\$ 14,817,000	State Penalty Fund
18/19	\$ 14,817,000	General Fund

**Resource History**

Program Budget	PY - 4	PY - 3	PY - 2	PY - 1	PY
Authorized Expenditures	\$19,465,000	\$19,465,000	\$19,465,000	\$18,750,000	\$14,817,000
Actual Expenditures	\$19,026,000	\$18,240,000	\$18,709,000	\$18,249,000	\$14,701,000
Core Training Per Position Payment	\$825	\$780	\$780	\$765	\$645
Annual Training Per Position Payment	\$550	\$520	\$520	\$510	\$430

The BSCC provides a per position amount for agencies employing officers participating in core training, as well as a per position amount for agencies employing officers participating in annual training. Agencies with less than 11 staff receive a minimum allocation equivalent to the cost of annual training for 28 positions.

Pursuant to Penal Code section 6035, the Board of State and Community Corrections is required to establish and periodically amend minimum standards for the training of local corrections and probation officers. To assess the current need, the BSCC conducted a survey to determine in which ways the knowledge, skills, and abilities of local corrections and probation officers had adapted to handle the new population serving time under local supervision. The results informed a comprehensive revision of the BSCC's academy/core training program.



On January 17, 2019, the Board of State and Community Corrections approved new training standards to address the current needs of corrections professionals. Under the direction of an Executive Steering Committee, over 20 workgroups met and developed revisions to the academy/core training programs for Adult Corrections Officers (ACQ), Juvenile Corrections Officers (JCO), and Probation Officers (PO) that must be completed within one year of hire. Statewide, approximately 3,500 ACO, JCO and PO staff are hired and trained to the standard each year. The changes reflect a “holistic” review that included the removal of content that was no longer applicable or where local policies differed too greatly to support a standard training, the reduction of training time where appropriate, and the addition of new content and classes where appropriate. Some of the new classes include cultural diversity and ethnic disparity, sexual assault and abuse, gender identity, and evidence-based practices and programs.

One of the most significant areas of change found in the training gap analysis was the need for more and better behavioral health training. The core training now includes a Behavioral Health module that includes classes in identifying signs and symptoms of substance abuse; interventions, resources, referrals and communication; suicide prevention; officer safety and emotional survival; stigma and bias; as well as behavioral health case planning. The Communication module now includes crisis communication and de-escalation for all officers and includes motivational interviewing for probation officers. Additionally there is a module on sexual assault and sexual abuse for all officers attending core training.

### **LAO Assessment.**

It is unclear how the additional funding proposed for local correctional agencies would meaningfully improve training for two reasons:

1. ***Rates of Compliance Remain High.*** BSCC reports that in 2017-18 only 47 of roughly 33,000 eligible officers failed to meet their training requirements. Accordingly, the vast majority of the requested funding would go toward further offsetting agencies’ costs for staff that would already undergo required training. Only a very small portion of the increased resources would go toward increasing the incentive for agencies to ensure that all staff complete their required training. Accordingly, it appears that the requested resources would have very little effect on the overall amount of training or types of training received.
2. ***Unclear What Training Would Be Funded.*** Because BSCC does not collect data on what types of training officers complete to meet their annual requirement, it is not clear what training is currently being received or whether it is consistent with Legislative priorities. It is also unclear whether the additional funding would result in officers participating in more training prioritized by the Legislature.

**LAO Recommendations.** The LAO recommends that the Legislature reject the proposal to increase funding for the STC program because it is unclear how the funding would meaningfully improve training. Instead, the LAO recommends that the Legislature direct BSCC to start collecting data on what types of training officers receive through the STC program. This information will allow the Legislature to assess whether the amount and types of training funded through the STC program is consistent with its priorities and to potentially restructure the program in the future to meet certain goals, such as addressing gaps in training.

To the extent that the Legislature wants to ensure that officers receive more or certain types of training in 2019-20, the LAO recommends the Legislature fund BSCC to create a separate one-time grant program. Applying agencies would specify their gaps in training and what training they would use grant funds for. The Legislature could direct BSCC to prioritize proposals that meet certain criteria consistent with its priorities.

**Staff Recommendation.** Hold Open.