

SUBCOMMITTEE NO. 5

Agenda

Senator Nancy Skinner, Chair
Senator Joel Anderson
Senator Jim Beall



Thursday, March 9, 2017
9:30 a.m. or upon adjournment of Session
State Capitol - Room 113

Consultant: Julie Salley-Gray

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ITEMS TO BE HEARD

5225 DEPARTMENT OF CORRECTIONS AND REHABILITATION

Effective July 1, 2005, the California Department of Corrections and Rehabilitation (CDCR) was created pursuant to the Governor's Reorganization Plan No. 1 of 2005 and SB 737 (Romero), Chapter 10, Statutes of 2005. All departments that previously reported to the Youth and Adult Correctional Agency (YACA) were consolidated into CDCR and include the California Department of Corrections, Youth Authority (now the Division of Juvenile Justice), Board of Corrections (now the Board of State and Community Corrections (BSCC)), Board of Prison Terms, and the Commission on Correctional Peace Officers' Standards and Training (CPOST).

The mission of CDCR is to enhance public safety through safe and secure incarceration of offenders, effective parole supervision, and rehabilitative strategies to successfully reintegrate offenders into our communities.

The CDCR is organized into the following programs:

- Corrections and Rehabilitation Administration
- Juvenile: Operations and Offender Programs, Academic and Vocational Education, Health Care Services
- Adult Corrections and Rehabilitation Operations: Security, Inmate Support, Contracted Facilities, Institution Administration
- Parole Operations: Adult Supervision, Adult Community-Based Programs, Administration
- Board of Parole Hearings: Adult Hearings, Administration
- Adult: Education, Vocational, and Offender Programs, Education, Substance Abuse Programs, Inmate Activities, Administration
- Adult Health Care Services

The 2016 Budget Act projected an adult inmate average daily population of 128,821 in the current year. The current year adult inmate population is now projected to increase by 0.2 percent to 129,015. The budget year adult inmate population is projected to be 128,159, a 0.7 percent decrease over the current year.

As of March 1, 2017, the total in-custody adult population was 129,407. The institution population was 114,192, which constitutes 134.2 percent of prison capacity. The most overcrowded prison is the North Kern State Prison in Delano, which is currently at 175.5 percent of its capacity. For female inmates, Central California Women's Facility in Chowchilla is currently the most overcrowded at 145.7 percent of its capacity.

The budget proposes total funding of \$11.3 billion (\$11 billion General Fund and \$307 million other funds) for CDCR in 2017-18. This is an increase of approximately \$940 million General Fund over 2015-16 expenditures and \$300 million General Fund over the 2016-17 budget. The following table shows CDCR's total operational expenditures and positions for 2015-16 through 2017-18.

**CDCR – Total Operational Expenditures and Positions
(Dollars in thousands)**

Funding	2015-16	2016-17	2017-18
General Fund	\$10,005,918	\$10,645,694	\$10,945,438
General Fund, Prop 98	15,350	18,970	18,972
Other Funds	62,171	63,863	71,416
Reimbursements	219,886	185,182	236,786
Recidivism Reduction Fund	18,960	-	-
SCC Performance Incentive Fund	-1,000	-1,000	-1,000
Total	\$10,321,285	\$10,912,952	\$11,271,841
Positions	54,433	53,578	56,461

Issue 1: Adult Population Estimates

Governor’s Budget. The budget proposes total funding of \$11.3 billion (\$11 billion General Fund and \$307 million other funds) for CDCR in 2017-18. This is an increase of approximately \$300 million General Fund over the 2016-17 budget. This increase reflects higher costs related to (1) a proposed shift of responsibility for operating inpatient psychiatric programs in prisons from the Department of State Hospitals (DSH) to CDCR [*to be discussed in subcommittee #5 on March 16*], (2) debt service payments for construction projects, and (3) a proposed reactivation of housing units that were temporarily deactivated due to inmate housing unit transfers made pursuant to the *Ashker v. Brown* settlement. This additional proposed spending is partially offset by various spending reductions, including reduced spending for contract beds [*to be discussed in subcommittee #5 on April 27*].

Adult Institution Population. The adult inmate average daily population is projected to decline from 129,015 in 2016-17 to 128,159 in 2017-18, a decrease of 856 inmates. This constitutes a decrease from the 2016 Budget Act’s 2016-17 projection.

Parolee Population. The average daily parolee population is projected to increase from 43,686 in 2016-17 to 44,761 in 2017-18, an increase of 1,075 parolees. This is an increase from the 2016 Budget Act projections.

Mental Health Program Caseload. The population of inmates requiring mental health treatment is projected to be 36,283 in 2016-17 and 36,571 in 2016-17. This is an increase of 320 and 608, respectively, over the 2016 Budget Act projections.

Background. Over the last several years, significant policy changes have affected people convicted of crimes and the number of individuals serving their sentences in the state’s prison system. The following are among the most significant changes:

Public Safety Realignment. In 2011, the Legislature approved a broad realignment of public safety, health, and human services programs from state to local responsibility. Included in this realignment were sentencing law changes requiring that certain lower-level felons be managed by counties in jails and under community supervision rather than sent to state prison. Generally, only felony offenders who have a current or prior offense for a violent, serious, or sex offense are sentenced to serve time in a state prison. Conversely, under realignment, lower-level felons convicted of non-violent, non-serious, and non-sex-related crimes (colloquially referred to as “non-non-nons”) serve time in local jails. In addition, of those felons released from state prison, generally only those with a current violent or serious offense are supervised in the community by state parole agents, with other offenders supervised by county probation departments. Responsibility for housing state parole violators was also shifted from state prisons to county jails.

In adopting this realignment the Legislature had multiple goals, including reducing the prison population to meet the federal court-ordered cap, reducing state correctional costs, and reserving state prison for the most violent and serious offenders. Another goal of realignment was to improve public safety outcomes by keeping lower-level offenders in local communities where treatment services exist and where local criminal justice agencies can coordinate efforts to ensure that offenders get the appropriate combination of incarceration, community supervision, and treatment. For many,

realignment was based on confidence that coordinated local efforts are better suited for assembling resources and implementing effective strategies for managing these offenders and reducing recidivism. This was rooted partly in California's successful realignment reform of its juvenile justice over the last 15 years and the success of SB 678 (Leno), Chapter 608, Statutes of 2009, which incentivized evidence-based practices for felony probationers through a formula that split state prison savings resulting from improved outcomes among this offender population.

Passage of Proposition 36. The passage of Proposition 36 in 2012 resulted in reduced prison sentences served under the Three Strikes law for certain third strikers whose current offenses were non-serious, non-violent felonies. The measure also allowed resentencing of certain third strikers who were serving life sentences for specified non-serious, non-violent felonies. The measure, however, provides for some exceptions to these shorter sentences. Specifically, the measure required that if the offender has committed certain new or prior offenses, including some drug-, sex-, and gun-related felonies, he or she would still be subject to a life sentence under the three strikes law.¹

February 2014 Court Order. On February 10, 2014, the federal court ordered the state to implement several population reduction measures to comply with the court-ordered population cap and appointed a compliance officer with the authority to order the immediate release of inmates should the state fail to maintain the final benchmark. The court reaffirmed that CDCR would remain under the jurisdiction of the court for as long as necessary to continue compliance with the final benchmark of 137.5 percent of design capacity and establish a durable solution.

The February 10, 2014, order required the CDCR to:

- Increase prospective credit earnings for non-violent second-strike inmates as well as minimum custody inmates.
- Allow non-violent second-strike inmates who have reached 50 percent of their total sentence to be referred to the Board of Parole Hearings for parole consideration.
- Release inmates who have been granted parole by the Board of Parole Hearings but have future parole dates.
- Expand CDCR's medical parole program.
- Allow inmates age 60 and over who have served at least 25 years of incarceration to be considered for parole (the "elderly parole" program).
- Increase its use of reentry services and alternative custody programs.

SB 260 and 261. In 2013, SB 260 (Hancock), Chapter 312, Statutes of 2013, created a youthful offender parole process. Under this bill, individuals who committed their crimes under the age of 18 would be eligible for parole, even if serving a life sentence. Specifically, the legislation established a youth offender parole hearing which is a hearing by the Board of Parole Hearings for the purpose of

¹ Legislative Analyst's Office, "Proposition 36: Three Strikes Law. Sentencing for Repeat Felony Offenders. Initiative Statute." July 18, 2012.

reviewing the parole suitability of any prisoner who was under 18 years of age at the time of his or her controlling offense. The bill created the following parole mechanism for a person who was convicted of a controlling offense that was committed before the person had attained 18 years of age:

- If the controlling offense was a determinate sentence the person is be eligible for release after 15 years.
- If the controlling offense was a life-term of less than 25 years then the person is eligible for release after 20 years.
- If the controlling offense was a life-term of 25 years to life then the person is eligible for release after 25 years.

In 2015, SB 261 (Hancock), Chapter 471, Statutes of 2015, expanded the youthful parole process to include people who were convicted of committing a crime prior to attaining the age of 23.

Passage of Proposition 47. In November 2014, the voters approved Proposition 47, the Reduced Penalties for Some Crimes Initiative, which requires misdemeanor rather than felony sentencing for certain property and drug crimes and permits inmates previously sentenced for these reclassified crimes to petition for resentencing.

Proposition 47 requires that state savings resulting from the proposition be transferred into a new fund, the Safe Neighborhoods and Schools Fund. The new fund will be used to reduce truancy and support drop-out prevention programs in K-12 schools (25 percent of fund revenue), increase funding for trauma recovery centers (10 percent of fund revenue), and support mental health and substance use disorder treatment services and diversion programs for people in the criminal justice system (65 percent of fund revenue). The Director of Finance is required on or before July 31 of each fiscal year to calculate the state savings for the previous fiscal year compared to 2013-14.²

In the proposed budget, the Administration estimates that the 2016-17 savings associated the Proposition 47, will be \$42.9 million in 2016-17, an increase of \$3.5 million in savings over 2015-16. On-going savings are estimated to be \$69 million.

Passage of Proposition 57. Approved by voters in November, Proposition 57, the California Parole for Non-Violent Criminal and Juvenile Court Trial Requirements Initiative, brings three major changes to sentencing:

- Allows individuals convicted of nonviolent felonies to be considered for parole after completing the sentence for their primary offense.
- Allows CDCR to award additional sentence reduction credits for rehabilitation, good behavior or educational achievements.
- Requires a judge's approval before most juvenile defendants can be tried in an adult court.

² 2015-16 Governor's Budget Summary

CDCR is currently working on regulations to implement the proposition and anticipates that they will be in place by October 1, 2017.

[The details of the Governor's Proposition 57 proposal will be discussed during the subcommittee hearing on April 20th.]

Thanks in large part to these recent efforts, California's prison population, which peaked at 173,000 in 2007, has declined to 118,560 adult inmates as of January 11, 2017. Currently, the state's prisons are at 133.8 percent of their design capacity. As these sentencing changes continue to be implemented and Proposition 57 is implemented, the population should continue to decline.

Legislative Analyst's Office (LAO). Traditionally, the LAO withholds their recommendation on the Administration's adult population funding request pending updates in the May Revision.

Staff Recommendation. Hold open pending May Revise updates.

Issue 2: Standardized Staffing

Governor's Budget. The Governor's budget proposes \$5.9 million and 44.1 positions beginning in 2017-18 to augment custody standardized staffing levels at three adult institutions designed to provide sufficient security coverage based on institution design and for activation of additional space. Specifically, the budget requests the following:

- California institution for Women (CIW) -- 32.5 correctional officers and \$4,251,000 and four correctional sergeants and \$610,000. In order to increase inmate supervision in an effort to reduce the number of inmate incidents, comply with review of, and documentation in, court mandated logs and reports, as well as increase the number of staff available to respond to other medical and psychiatric emergencies this request will establish:
 - Six correctional officer positions for housing units - one on each housing unit on first watch.
 - 11 correctional officer positions for security patrols - one on first watch, five on second watch, and five on third watch.
 - Two correctional officer positions for yard officers - one on second watch and one on third watch.
 - Three sergeant positions for supervision of correctional officers and inmates - one on first watch, one on second watch; and one on third watch.
 - The remaining 14.5 positions are needed to provide coverage for these security staff if they are out on leave, such as when a correctional officer uses vacation or sick leave.
- California Health Care Facility (CHCF) -- 2.5 correctional officer (CO) positions for five two-day posts to staff a new visiting center currently under construction.
- Deuel Vocational institution (DVI) -- 5.1 correctional officers - \$667,000, and \$19,000 in one-time funding for improvement of yard infrastructure. This request will activate an existing recreation yard and establish 5.1 CO positions on second watch for the observation and yard posts to provide sufficient security coverage and inmate supervision.

In addition, the proposed budget includes an overall staffing savings reduction of \$42.3 million General Fund in 2016-17 and \$8.3 million General Fund in 2017-8 related to various housing unit conversions (discussed in detail in the next item).

Background. In the 2012 blueprint, CDCR established a standardized staffing model at the adult institutions to achieve budgetary savings and improve efficiency in operations. Prior to standardized staffing, the department's budget was adjusted on a 6:1 inmate-to-staff ratio based on changes in the inmate population. For every six inmates, the department received or reduced the equivalent of one position. These staffing adjustments occurred even with minor fluctuations in population and resulted in staffing inconsistencies among adult institutions. The prior staffing model allowed local institutions to have more autonomy in how budgeted staffing changes were made. The standardized staffing model provides consistent staffing across institutions with similar physical plant/design and inmate populations. The model also clearly delineates correctional staff that provides access to other important activities, such as rehabilitative programs and inmate health care. The concept that an

institution could reduce correctional staff for marginal changes in the inmate population was not valid without further detriment to an institution's operations. Therefore, the standardized staffing model was established to maintain the staff needed for a functional prison system.

According to the Administration, given the significant population reductions expected as a result of realignment, using the CDCR's ratio-based adjustment would have resulted in a shortage of staff and prison operations would have been disrupted. The Administration argues that a standardized methodology for budgeting and staffing the prison system was necessary to provide a staffing model that could respond to fluctuations in the population and allow for the safe and secure operation of housing units at each prison regardless of minor population changes.

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

Staff Recommendation. Approve as budgeted.

Issue 3: Security Housing Unit Conversion

Governor's Budget. The Governor's budget proposes to reduce General Fund support for CDCR by \$42.4 million in 2016-17 and by \$8.3 million in 2017-18 to account for net savings from the conversion of various housing units. According to the Administration, a significant driver of conversions proposed in 2016-17 and 2017-18 is the implementation of the 2016 *Ashker v. Brown* settlement, which made the criteria for housing inmates in security housing units more stringent. For example, at Pelican Bay State Prison in Crescent City, the Administration is proposing to convert 576 deactivated security housing unit beds to 720 level II beds. Because security housing units require more custody staff than most other units, these conversions would result in net savings.

Background. CDCR periodically converts housing units to accommodate fluctuations in the security requirements or needs of its inmate population, such as by converting administrative segregation beds (high security) to general population beds (lower security). When the department converts a housing unit, the unit's staffing complement is adjusted to reflect the requirements of the new inmates to be housed there.

Segregated Housing. CDCR currently operates different types of celled segregated housing units that are used to hold inmates separate from the general prison population. These segregated housing units include:

Administrative Segregation Units (ASUs). ASUs are intended to be temporary placements for inmates who, for a variety of reasons, constitute a threat to the security of the institution or the safety of staff and inmates. Typically, ASUs house inmates who participate in prison violence or commit other offenses in prison.

Security Housing Units (SHUs). SHUs are used to house for an extended period inmates who CDCR considers to be the greatest threat to the safety and security of the institution. Historically, department regulations have allowed two types of inmates to be housed in SHUs: (1) inmates sentenced to determinate SHU terms for committing serious offenses in prison (such as assault or possession of a weapon) and (2) inmates sentenced to indeterminate SHU terms because they have been identified as prison gang members. (As discussed below, changes were recently made to CDCR's regulations as a result of a legal settlement.)

Segregated housing units are typically more expensive to operate than general population housing units. This is because, unlike the general population, inmates in segregated housing units receive their meals and medication in their cells, which requires additional staff. In addition, custody staff is required to escort inmates in segregated housing when they are temporarily removed from their cells, such as for a medical appointment.

Ashker v. Brown. In 2015, CDCR settled a class action lawsuit, known as *Ashker v. Brown*, related to the department's use of segregated housing. The terms of the settlement include significant changes to many aspects of CDCR's segregated housing unit policies. For example, inmates can no longer be placed in the SHU simply because they are gang members. Instead, inmates can only be placed in the SHU if they are convicted of one of the specified SHU-eligible offenses following a disciplinary due process hearing. In addition, the department will no longer impose indeterminate SHU sentences. The

department has also made changes in its step-down program to allow inmates to transition from segregated housing (including SHUs and ASUs) to the general population more quickly than before. Due to the *Ashker* settlement, the number of inmate in SHU housing has been reduced from over 3,500 inmates to 460.

Investigative Services Unit (ISU). CDCR currently operates an ISU consisting of 285 correctional officer positions located across the 35 state-operated prisons. Correctional officers who are assigned to the ISU receive specialized training in investigation practices. This staff is responsible for various investigative functions such as monitoring the activities of prison gangs and investigating assaults on inmates and staff. The 2016 budget included \$2.7 million and 22 correctional officer positions for the ISU. The Administration argued that the additional funding and positions would provide increased staffing to investigate potential increases in gang-related activity as a result of the reduction of the number of inmates serving long-term Segregated Housing Unit terms.

Legislative Analyst's Office (LAO) The LAO recommends that the Legislature approve the proposed housing unit conversions and the corresponding adjustments to the department's budget.

Staff Comment. As noted above, the Administration proposes converting the deactivated security housing unit at Pelican Bay State Prison into a level II housing unit. CDCR's facilities for men are broken down into four levels of classification and inmates are housed based upon their security risk. Level I constitutes the lowest level, with inmates being housed in fire-camps and other open dormitories with a low level of security. Level II facilities also consist primarily of open dormitories with a secure perimeter, which may include armed coverage. Generally speaking, inmates in level II housing units are the most likely to participate in programs and are often at the end of their prison sentences.

Pelican Bay is the state's most remote prison and is located on the border between California and Oregon. Roughly 30 percent of the staff at Pelican Bay lives in Oregon. Pelican Bay is among the state's lowest in terms of programming opportunities for inmates, offering only two career technical education programs (cosmetology and electrical). In addition, given the remote location of the prison, it is also one of the most difficult prisons to find volunteer organizations willing to provide innovative programming, which has become one of the cornerstones of inmate rehabilitation in recent years. Its location, several hundred miles from a major airport, also makes it difficult for families to travel to the prison to visit people who are housed there. Given the remote location of the prison and the difficulty in providing rehabilitative programming, the Committee may wish to consider whether it is an appropriate place for level II inmates.

Staff Recommendation. Hold open pending updated information in the May Revision.

Issue 4: Update on Culture Change Initiatives

Governor's Budget. The Governor's budget requests \$11.732 million General Fund (\$10.516 million one-time) beginning in 2017-18 to implement a comprehensive video surveillance pilot program at the Central California Women's Facility and High Desert State Prison. This request includes funding for four one-year limited-term positions.

High Desert State Prison (HDSP). Over the last decade, reports of mistreatment of inmates by staff at High Desert have been an area of concern for the Senate. On December 1, 2010, the President pro Tempore of the Senate, Darrell Steinberg, and budget committee chair, Mark Leno, sent a letter to the Office of the Inspector General (OIG) and secretary of CDCR outlining the results of a Senate review of allegation of inmate abuse in the behavioral management unit (BMU) at High Desert. In that review, the Senate found that the responses of both the OIG and CDCR were "largely inadequate, ad hoc, and displayed the absence of a uniform and reliable system of response, referral and follow-through to ensure corroborated abuses were addressed and corrected."

Approximately five years later, the reports of abuse continued and the Senate Rules Committee authorized the Inspector General, who provides external oversight of CDCR, to conduct a special review of HDSP with respect to (1) excessive use of force against inmates, (2) internal reviews of incidents involving the excessive use of force against inmates, and (3) protection of inmates from assault and harm by others. In that letter, the Senate Rules Committee outlined a number of allegations that had prompted the request for the review. Among those allegations were the following:

- A March 2015 incident involving a mobility-impaired inmate who was reportedly assaulted by staff, and consequently required outside medical treatment, for refusing to remove and relinquish footwear worn to assist with his medical condition.
- A March 2015 incident involving an inmate who was attacked by his cellmate after custodial officers allegedly told other inmates that he was a sex offender. Prior to the incident, the inmate who was attacked allegedly reported to staff that he was being extorted by other inmates and feared harm from his cellmate.
- A March 2015 incident involving a hearing-and speech-impaired inmate who was reportedly wrestled to the ground and severely assaulted after noncompliance with oral instructions from custodial staff even though the inmate was wearing a brightly-colored vest identifying his impairments.

As a result of that review, the OIG has raised numerous concerns about mismanagement and staff misconduct at HDSP. In the report of findings from the review, the OIG highlighted several areas of concern, including staff intentionally endangering inmates by disclosing their sex offender status to other inmates and staff tampering with inmate appeals and mail. In total, the OIG made 45 specific recommendations to CDCR, one of which was the installation of cameras in all inmate areas at the prison. This recommendation was made in response to three specific problems identified by the OIG:

Use of Excessive Force. Incident reporting data, staff and inmate complaints, rules violation reports, and Office of Internal Affairs' investigations reviewed by the OIG suggest that HDSP staff have used excessive or unnecessary force on inmates at alarming rates.

Reluctance to Engage When Force Is Required. Despite the apparent excessive force used against inmates, the OIG learned from interviewing inmates and reviewing incident reports that HDSP staff may be delaying their response in some circumstances where use of force is necessary to stop serious harm to inmates who are victims of attack.

Lack of Reliable Eyewitness Accounts. The OIG argues that allegations of inappropriate use of force are very difficult to substantiate because of the practice among HDSP correctional officers of refraining from providing information that could implicate a fellow officer.

In addition, in 2016, CDCR engaged the services of the Association of State Correctional Administrators to provide an independent follow-up assessment of the conditions at High Desert. That report was released in September of 2016. This assessment confirmed many of the concerns raised by the Senate and OIG and offered a series of recommendations for improving High Desert's culture.

Central California Women's Facility. According to CDCR, CCWF has experienced an increase in violence, attempted suicide, and contraband since the transfer of women offenders from Valley State Prison for Women to CCWF in 2012. For example, the department reports cellphone related rule violations increased at CCWF by 164 percent between 2012 and 2015. It also reports that in 2015-16, CCWF had 146 violent incidents, one riot, and 11 attempted suicides.

Workplace Excellence. In an attempt to change the culture and improve both the working and living conditions inside of the state's prisons, the chair of the Senate Public Safety Committee and this subcommittee convened a joint oversight hearing in March of 2016. That hearing included testimony from the Inspector General, CDCR executive management and the California Correctional Peace Officers Association. As a result of that hearing, the Senate proposed a series of policy changes and budget augmentations designed to assist in supporting excellence in the correctional officer workforce. Among those items proposed by the Senate for the budget were the following:

- Funding for CDCR to develop and implement an innovative management grant program which would provide funding for individual institutions to implement programs designed to promote occupational, personal, and family well-being for the workforce; improve the effectiveness of prison yard programming and security for staff and inmates; and programs that provide resilience training and occupational wellness for correctional staff.
- Funding for CDCR to receive onsite guidance, training, and consultation from the National Institute of Corrections for the purposes of developing and implementing a new cadet field mentorship pilot program.
- Funding for CDCR to develop and implement a comprehensive workforce excellence program designed to provide innovative workforce development at institutions facing high levels of violence, lockdowns, workers' compensation claims and other indicators of stress in the workforce.

The 2016 Budget Act. The 2016 budget included \$4 million General Fund for CDCR to increase its leadership training efforts, evaluate its current workforce, and create a succession management plan. The funding is intended to be used to promote and develop programs focused on workplace excellence,

wellbeing, leadership, and the recruitment and retention of mid-level and high-level managers. In addition, the budget included the following provisions related to the use of the \$4 million:

1. *The Department of Corrections and Rehabilitation shall consider a partnership with the National Institute of Corrections for the purposes of developing and implementing training modules or programs focused on correctional peace officer recruitment, retention, and mentorship.*
2. *The Department of Corrections and Rehabilitation shall consider options for promoting or developing programs focused on workforce excellence; occupational, personal, and family well-being of the Department's workforce; evaluating and reducing stress in the workforce; supervisory and managerial leadership; and recruiting, developing, and retaining mid-level and high-level managers.*
3. *It is the intent of the Legislature that the Department of Corrections and Rehabilitation increase levels of compliance with mandated trainings such as Basic and Advanced Supervision and Sergeants' and Lieutenants' Academies, within existing resources.*

Video Surveillance Pilot. Following a special review at HDSP in 2015, the Office of Inspector General recommended CDCR to "immediately install cameras in all inmate areas, including, but not limited to, the exercise yards, rotundas, building dayrooms, patios, and program offices of HDSP." In 2016, CDCR installed 207 cameras, as well as video monitoring software in designated high traffic and large congregation areas within the institution. Advanced video surveillance technology enables institutions to provide more comprehensive monitoring and a heightened level of safety and security.

Since the transfer of women offenders from Valley State Prison for Women to CCWF, there has been an increase in violence, and/or attempted suicide, and drug and contraband trafficking. Although video surveillance enhancement is needed at all institutions, CDCR determined that CCWF and HDSP are the institutions with the greatest and most immediate need. While CDCR has policies and procedures in place to prevent suicides, physical incidents, staff misconduct, and contraband trafficking, video surveillance, CDCR argues, will give CCWF and HDSP the opportunity to use state-of-the-art technology to augment staff resources with objective, available as needed, video cameras.

Legislative Analyst's Office (LAO). The LAO recommends that the Legislature reject the Governor's proposal to implement comprehensive video surveillance at High Desert and CCWF as it is premature until the current video surveillance pilot is completed. In addition, the LAO recommends that the Legislature direct the department to report at spring budget hearings on alternative strategies that it is considering for addressing the problems at HDSP and CCWF.

Staff Comments

Inmate Grievance and Appeal Process. One of the findings in the OIG review of High Desert was that the inmate appeals process was not operating adequately and that the staff complaint process was broken. The review notes, "Very few staff complaints were referred for investigation and those that were referred have not been adequately monitored and traced for response. Also, [High Desert] does not have a process for addressing officers who are repeatedly accused of misconduct by different inmates." CDCR has since noted that they are looking at changes to their policies surrounding inmate

appeals and staff complaints. The Committee may wish to ask CDCR to report on that process during future subcommittee hearings. In addition, requiring a review of video footage, when available, for all staff complaints may assist in better determining the validity of those complaints.

Staff Resiliency Skills Training. Among the recommendations from the Inspector General, in regards to High Desert, was the need for resiliency skills training for the staff. Resiliency skills training is designed to assist employees working in dangerous, high-stress environments to disengage from those environments and develop strategies designed to inoculate them against the damaging health impacts of operating at a high level of hypervigilance on a daily basis. The review recommendation highlights a staff resiliency training program being developed by the Center for Mindfulness in Corrections that is “geared toward developing consistent and healthy self-care practices and a safe environment to disengage from the negative drama.” The report notes resilience programs show promising results in law enforcement agencies across the country and recommends that it be piloted at an institution like High Desert with the ultimate goal of expanding statewide.

In order to assist CDCR in establishing a resiliency training pilot program, the Legislature augmented funding requested by the Governor in the 2016 budget and included the budget bill language discussed previously that requires CDCR to consider using the funding to develop a program designed to increase the *occupational, personal, and family well-being of the Department’s workforce*. It does not appear that CDCR is planning on establishing a resiliency pilot at this time with the provided funding. The Committee may wish to consider redirecting a portion of the \$4 million included in the current year budget toward a resiliency pilot project at High Desert and one other institution.

Staff Recommendation. Approve as budgeted and require that guidelines for the video surveillance pilot include a requirement that appeals coordinators in the pilot institutions review video of any incidents prior to determining the disposition of an inmate complaint or appeal, especially in the case of staff complaints. In addition, request that the OIG assess the impact of the cameras on the pilot institutions and report back during future budget hearings.