

# SUBCOMMITTEE NO. 5

# Agenda

Senator Loni Hancock, Chair  
Senator Joel Anderson  
Senator Holly Mitchell



Thursday, March 27, 2014  
9:30 a.m. - State Capitol Room 113

Consultant: Julie Salley-Gray

## Items Proposed for Vote-Only

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**PROPOSED FOR VOTE ONLY****5225 Department of Corrections and Rehabilitation**

1. **California Correctional Center Arnold Unit & Antelope Camp Kitchen/Dining Area BCP.** The Governor's budget proposes \$1 million (General Fund) to support the planning phase of two kitchen/dining facility replacements at the California Correctional Center in Susanville. The Administration has identified numerous health and safety risks to inmates and staff as justification for this facility upgrade. This entire project is expected to cost roughly \$16.4 million (\$1 million for planning, \$1.1 million for working drawings, and \$14.3 million for construction).
2. **Avenal State Prison Medical Inmate Waiting Room BCP.** Requests \$575,000 GF in funding to construct a new medical inmate waiting building to comply with the Medical Health Care Facility Components established by the healthcare receiver. The project would provide three separate secure waiting areas, a custody station, inmate restroom, and staff restroom.
3. **California Correctional Center (CCC) Air Cooling at Lassen Yard BCP.** Requests \$597,000 GF to install evaporative cooling units on the Lassen Yard housing units at the CCC in Susanville which will help ensure that the temperatures in the housing units are maintained at or below 89 degrees, as required by CDCR Design Criteria Guidelines.
4. **Folsom State Prison Storm Drain Containment Pond and Pump BCP.** Requests \$395,000 GF in funding to construct a storm water containment pond and pump system to capture tainted storm water runoff and pump the water into the facility's wastewater system for processing.
5. **Healthcare Facility Improvement Program (HCFIP) Inmate Ward/Labor Services BCP.** Request \$1,123,237 (bond construction project funding) to pay for 10 Construction Supervisors and one Associate Governmental Program Analyst/Staff Services Analyst to expand the Inmate/Ward Labor Program in order to assist in HCFIP projects. The Inmate Ward/Labor program was developed in 1983 and allows inmates to gain experience in the construction trades. HCFIP is a plan adopted in 2012 that is designed to upgrade the existing health care facilities infrastructure within CDCR. Over the next four years, HCFIP is scheduled to produce approximately \$220 million in additional construction work for the Inmate Ward/Labor program.

## 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, Vocation, and Offender Programs, Education, Substance Abuse Programs, Inmate Activities, Administration
- Adult Health Care Services

The 2013 Budget Act projected an adult inmate average daily population of 128,885 in the current year. However, the current year adult inmate population is now projected to exceed budget act projections by 6,101 inmates, a 4.7 percent increase, for a total population of 134,986. The budget year adult inmate population is projected to be 137,788, a 6.9 percent increase of 8,903 inmates over the revised current year. Current projections also reflect an increase in the parolee population of 3,439 in the current year compared to budget act projections, for a total average daily population of 45,934. The parolee population is projected to be 36,652 in 2014-15, a decrease of 5,843.

The Governor's budget proposes \$9.8 billion (\$9.5 billion General Fund and \$320 million other funds) and 60,598.7 positions for CDCR in 2014-15. The following table shows CDCR's total operational expenditures and positions for 2012-13 through 2014-15.

(dollars in thousands)

| <b>Funding</b>                 | <b>2012-13</b>     | <b>2013-14</b>     | <b>2014-15</b>     |
|--------------------------------|--------------------|--------------------|--------------------|
| General Fund                   | \$8,534,272        | \$9,263,117        | \$9,494,977        |
| General Fund, Prop 98          | 16,824             | 17,910             | 17,698             |
| Other Funds                    | 53,534             | 62,690             | 63,053             |
| Reimbursements                 | 138,275            | 179,647            | 185,043            |
| Recidivism Reduction Fund      | -                  | -81,109            | 72,811             |
| SCC Performance Incentive Fund | -615               | -1,000             | -1,001             |
| <b>Total</b>                   | <b>\$8,742,290</b> | <b>\$9,441,255</b> | <b>\$9,932,581</b> |
| <b>Positions</b>               | <b>50,728.7</b>    | <b>60,790.1</b>    | <b>60,598.7</b>    |

**Issue 1: Overtime/Custody Relief/Permanent Intermittent Officers**

**Background.** Staffing the 34 adult prisons operated by CDCR represents a unique challenge. This is because many duty assignments (referred to as “posts”) must be filled 24 hours per day, 365 days per year. In particular, many assignments filled by correctional officers, sergeants, and lieutenants are posted positions. If a staff member is unavailable to fill a post, the prison generally cannot leave the post unfilled. Staff in these posts typically work one of three eight hour shifts (referred to as “watches”) each day, five days per week and have two regular days off (RDOs). Thus, a single post is typically filled by three different employees over the course of a day. Staff members assigned to the prison’s “watch office” are employed to ensure that all the posts are filled and are responsible for finding an employee capable of filling posts that are left empty when another employee is unavailable.

**Steps Taken to Fill Posts Left Empty When Staff Are Unavailable.** There are different reasons why an employee is unavailable to fill an assigned post, with employee leave use being the most common. Each correctional employee used, on average, 365 hours of leave in 2011-12. The most common type of leave used by correctional employees is sick leave. Other types of leave include vacation leave, annual leave (a type of leave employees may choose to earn in lieu of vacation and sick leave), and leave taken by staff to complete professional training and development or to fulfill military duty. In addition, posts can be empty if a position is vacant, such as when CDCR fails to hire enough staff. When a post becomes empty due to vacancies or staff absences, the watch office at the prison takes a series of sequential steps to identify certain employees to fill the absent post as follows:

**Relief Officers.** When posts become empty because staff is unavailable, the watch office attempts to first fill the empty posts with relief officers. Relief officers are full-time correctional employees who are assigned to a specific prison. These officers arrive at the prison for a predetermined shift, but may not know which post they will be assigned to on a given day until they arrive at the prison. If there are not enough empty posts on a given watch, relief officers can be assigned other duties, such as searching the prison for contraband. Relief officers receive the same pay and benefits as other correctional officers assigned to regular posts.

**Officers Redirected From Other Posts.** If relief officers are not available to fill empty posts, the watch office may then determine whether any correctional employees can be redirected from other posts that do not need continual staffing during the watch in question. Examples of posts that do not require continual staffing include posts in prison investigation units.

**Permanent Intermittent Correctional Officers (PICO).** If the empty posts are correctional officer assignments (and not for correctional sergeants or lieutenants), the watch office will then attempt to use PICOs to fill the empty posts. Like relief officers, PICOs generally are assigned to a specific prison. However, unlike relief officers, PICOs only work if they are called in by the watch office to fill an empty post—similar to how a substitute teacher fills in for a sick school teacher. The pay and benefits of PICOs are contingent on the number of hours they work.

**Overtime.** If the posts are still empty after the above steps are taken, a watch office will then offer correctional employees the opportunity to earn overtime on a voluntary basis, with more senior officers being offered the opportunity first. If no employees volunteer to work overtime, a watch office will then use involuntary overtime to fill empty posts. Under these circumstances, overtime is assigned in reverse seniority order, with the most junior correctional employee on the previous watch being required to stay and fill the empty post on the next watch.

In addition to the need to fill posts, workload that falls outside each watch can also drive the need for correctional employee staffing and overtime. The most significant workload that results in the need for additional staffing and overtime is associated with medical guarding and transportation. Such workload occurs when inmates require certain types of medical care that cannot be provided on-site and correctional staff must transport them to their appointments and guard them while they are there. This often results in overtime because the total time to transport and guard inmates can extend beyond the end of an officer's shift. Other workload also contributes to the need for correctional staffing and overtime. Examples include the need to conduct investigations, transport inmates to and from their court dates, and various emergencies, such as prison riots.<sup>1</sup>

**Governor's Budget.** The Governor's 2014-15 budget proposes \$207.2 million in General Fund support for overtime costs. This represents a slight increase from the \$201.3 million included in the 2013-14 budget for overtime costs.

The budget also proposes eliminating the separate budget item for custody overtime (Program 26) and including those overtime costs in the general custody salaries and wages budget item (Program 25).

In addition, the budget proposes to change the methodology CDCR uses to calculate the relief factor. Under the proposal, the relief factor would be calculated based solely on statewide actual leave usage rather than a combination of actual leave usage and accrual rates. In addition, the proposed methodology would incorporate types of leave (such as furlough days) that are not accounted for in the current relief factor. These changes result in the need for an additional \$9 million in General Fund support and 84 positions in 2014-15. Under the Governor's proposal, the relief factor would be adjusted annually based on updated data on actual usage of staff leave in the prior year. In addition, CDCR indicates that while the proposed relief factor change is based on statewide data, it is currently in the process of calculating specific relief factors for individual prisons that could be used to make annual adjustments at each prison in the future.

**Questions for the Administration.** The department should be prepared to present the proposals and to address the following questions:

1. How often do institutions find themselves with a full complement of regular custodial staff and relief staff? In those cases, what is the policy regarding the over-staffing?

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<sup>1</sup> Background provided by *The 2014-15 Budget: Governor's Criminal Justice Proposals*, February 19, 2014, Legislative Analyst's Office.

2. Please be prepared to respond to the LAO's finding that CDCR underutilizes PICO staff.
3. Please explain why CDCR has used overtime funding as a source for other budgetary expenses, such as lump-sum payouts to employees leaving state service and workers' compensation costs.

### **Legislative Analyst's Office (LAO).**

**Overtime.** The LAO's analysis of the way CDCR staffs its prisons and manages overtime indicates that CDCR's overtime budget is unnecessarily large. While budgeting for overtime related to workload and some absences is necessary, the department does not need to set aside funding specifically for overtime required to cover vacancies and most of the types of leave that result in posts being empty. This is because funding for these types of overtime can be redirected from savings resulting from vacant positions. For example, when overtime is needed to fill a post that is empty due to a vacancy, the department can redirect funding tied to the vacant position to pay for the overtime, as that funding is not being used to pay correctional employees. Similarly, because the department budgets for enough relief officers to cover nearly all of the leave taken by correctional employees, overtime is only necessary to cover for such leave if there are vacant relief officer positions.

The LAO also notes that the amount of funding derived from vacant positions is sufficient to fully cover overtime costs. This is because the amount budgeted for each correctional position on a per hour basis, including benefits and other non-salary costs, exceeds the cost of the overtime necessary to cover the number of hours typically worked by correctional employees. While staff are generally paid one and a half times their usual pay for overtime hours, the increased costs for the higher hourly wage is more than offset by other factors. For example, when the state hires additional correctional staff it must pay for their retirement and benefits, whereas there are no such costs incurred for each additional hour of overtime worked.

However, when CDCR incurs costs for overtime related to workload (such as medical guarding and transportation) and leave not covered by relief officers (such as leave earned when correctional employees work through furlough days), there is no source of funding available to be redirected to cover such costs. Thus, CDCR only needs to set aside overtime funds in its budget exclusively for these purposes.

CDCR's overtime budget in recent years is far larger than what has been required to fund overtime related to workload and absences not covered by relief officers.

**Relief Officers.** CDCR establishes the relief factor by taking into account the amount of leave time accrued and used by correctional employees in prior years, which is then used to estimate the number of relief officer positions for which to budget. Currently, this amounts to three relief officer positions for every ten correctional officer positions and slightly more for correctional sergeants and lieutenants. (The Administration's proposed changes to the relief factor would marginally increase these ratios for correctional officers, and slightly reduce them for sergeants and lieutenants.) This represents the amount of relief officers CDCR needs on average over the course of a year, while, in actuality, the amount of leave taken—

and by extension the number of relief officers needed—is subject to seasonal variation. For example, officers tend to take more leave in the summer months and during December, with less leave taken in the remaining months. By basing the number of relief officers needed on an annual average, CDCR ends up budgeting for too many relief officers in most months of the year, and not enough in the summer and December. This means that, if there were no vacancies in relief officer positions, more correctional employees would likely report to work than necessary eight months of the year. Although vacancies can prevent this from occurring, it still demonstrates that CDCR's budget includes more funding for relief officers than necessary in most months of the year. This mismatch is illustrated in Figure 14, which compares the number of hours of leave correctional employees are currently likely to use in each month with the number of hours of staffing that relief officers are likely to provide under CDCR's current approach to staffing, assuming there are no vacancies in relief officer positions.

The mismatch between an institution's need for coverage and the number of relief positions it is budgeted for is further compounded by a flaw in CDCR's method for allocating relief officers among prisons. Currently, CDCR allocates relief positions among institutions based solely on the number of non-relief positions it has, despite the fact that staff leave usage—and thus the need for relief officers—varies significantly among institutions. Such variation in leave usage occurs primarily because each institution has a different mix of more and less senior officers and more senior officers tend to accrue and use leave at higher rates. For example, staff at Pelican Bay State Prison in Crescent City, which has relatively fewer senior officers, used about 29 percent less leave per employee than those at Valley State Prison for Women in Chowchilla in 2011-12, which has a higher allocation of senior officers. However, under the current allocation procedure, each of these institutions would be allocated relief positions at the same rate.

In contrast to relief officers, who are scheduled for work irrespective of the amount of need on the day they are scheduled, institutions can use PICOs only when needed. This flexibility makes PICOs uniquely suited to address the seasonal and institutional variability in the need to cover for officers using leave. In addition, PICOs generally cost less on an hourly basis—after adjusting for the number of hours a relief officer is likely to work—than relief officers. Moreover, PICOs earn their benefits based on the number of hours they work, in contrast to relief officers whose benefits are generally independent of the amount of time they work.

**LAO Recommendation.** (1) Require CDCR to revise its budgeting methodology for relief officers and PICOs and (2) adjust CDCR's overtime budget to more closely reflect its need for overtime spending. The LAO estimates these changes would free up a total of \$129 million, relative to the Governor's proposed budget for 2014-15.

**Staff Comments.** In discussions, the Administration has agreed with the LAO's finding that the overtime funding has been over-budgeted and used to fund other CDCR costs. The Administration has asked, however, for time to review the LAO's findings and work with the Legislature to determine the true amount of over-funding. Given the tendency to use the overtime funding as a slush fund for other budget items, it concerns the staff that the Administration proposes eliminating the separate budget item for overtime and including that funding in salaries and wages. In making this shift, the Legislature would likely no longer be able to determine whether or not CDCR continues to use the overtime budget as a fund for other budget expenditures.



**Issue 2: Workers' Compensation Shortfall**

**Governor's Budget.** The Governor's budget includes a one-time \$75 million (General Fund) augmentation to address the CDCR's rising workers' compensation costs. From 2009-10 to 2012-13, CDCR's workers' compensation costs grew by nearly \$90 million due to increases in open claims, cost-of-living adjustments, retirement and medical benefits, and State Compensation Insurance Fund fees. CDCR has committed to enhancing cost containment strategies; however, it is still anticipated that the department will have at least a \$75 million shortfall in 2014-15.

**Questions for the Administration.** The department should be prepared to present the proposal and to address the following questions:

1. How much does CDCR generally divert from the overtime budget to pay for workers' compensation costs?
2. Why has the Administration taken the approach of using the overtime budget as a slush fund, rather than budgeting for the full workers' compensation costs?
3. The budget proposal notes that even with this augmentation, the Administration anticipates that there will still be a \$75 million shortfall in 2014-15. Why does the Administration plan on continuing to under-budget for workers' compensation? What approach is the administration taking to contain those costs? How does the Administration plan on paying for the additional \$75 million?
4. If this \$75 million augmentation brings workers' compensation funding to a more appropriate level, why hasn't the Administration reduced the proposed overtime funding to account for this shift in funding?

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| <b>Issue 3: Basic Correctional Officer Academy Expansion</b> |
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**Governor's Budget.** The Governor's budget proposal includes \$61.7 million (General Fund) and 147 positions to increase the CDCR's Basic Correctional Officer Academy capacity from 720 in 2013-14 to 3,400 in 2014-15. This augmentation will allow CDCR to fill an increasing number of vacancies in its correctional officer classification due to retirements and other attrition.

Of the \$61.7 million, the Office of Peace Officer Selection (OPOS) would receive \$14.5 million and 69 positions to recruit and process up to 32,500 applicants annually, and process the applicants through the screening process.

The Office of Training and Professional Development, under this proposal, would receive \$47.3 million and 78 positions. \$38 million of that funding would be directly related to funding the Academy.

To facilitate an increased number of cadets, the Administration proposes shifting from a 16-week Academy to a 12-week Academy, with the final four weeks of training provided at an institution. The following chart illustrates the changes in curriculum CDCR is planning, in order to shift to a 12-week academy.

| Lesson Title  | 16-wk Hrs | 12-wk Hrs      |
|---|-----------|----------------|
| Application of Restraint Gear                         | 6         | 6              |
| Apprenticeship Program                                | 1         | 1              |
| Arrest and Control                                    | 60        | 40             |
| Armstrong Overview                                    | 2         | 2              |
| Body, Cell, Area, Search                              | 13        | 0 <sup>2</sup> |
| Cadet On-site Institutional Training                  | 58        | 25             |
| CDCR Form 22: Request for Interview, Item, or Service | 1         | 1              |
| Cell Extractions                                      | 7         | 7              |
| Chemical Agents                                       | 10        | 10             |
| Child Victimization and Mandated Reporting            | 2         | 0 <sup>3</sup> |
| Custody Staff Responsibilities (court mandated)       | 2         | 2              |
| Courtroom Testimony                                   | 1         | 0 <sup>4</sup> |
| CPR/First Aid   | 8         | 8              |
| DDP, Overview of the (court mandated)                 | 2         | 2              |
| Domestic Violence                                     | 2         | 0 <sup>5</sup> |
| Drug Awareness  | 3         | 3              |
| EEO and Sexual Harassment Prevention                  | 4         | 4              |
| Emergency Operations/Alarm Response                   | 30        | 30             |
| Escape Prevention                                     | 2         | 2              |

<sup>2</sup> Body, Cell, Area, Search was merged into Search/Inmate Property.

<sup>3</sup> Child Victimization and Mandated Reporting was merged into Victims of Crime.

<sup>4</sup> Courtroom Testimony was merged into Report Writing.

<sup>5</sup> Domestic Violence was merged into Victims of Crime

|   |    |                |
|---|----|----------------|
| Ethics  | 4  | 4              |
| Expandable Baton  | 20 | 20             |
| Female Offenders  | 1  | 1              |
| Fire Safety   | 2  | 2              |
| Firearms Familiarization/Qualification                    | 60 | 60             |
| Impact Munitions/Armed Posts                              | 16 | 16             |
| Information Security Awareness                            | 2  | 1              |
| Inmate Count  | 4  | 3              |
| Inmate Disciplinary Process                               | 4  | 4              |
| Inmate/Parolee Appeals                                    | 1  | 1              |
| Inmate Property   | 5  | 0 <sup>6</sup> |
| Inmate Staff Relations                                    | 6  | 4              |
| Inmate Work/Training Incentive Program                    | 4  | 4              |
| Integrated Housing  | 1  | 1              |
| Key and Tool Control                                      | 4  | 4              |
| Legal Issues  | 2  | 2              |
| Managing Effective Integration And Conflict               | 16 | 8              |
| Managing Stress   | 2  | 2              |
| Mental Health Services Delivery System                    | 8  | 8              |
| Orientation To CDCR                                       | 2  | 2              |
| PC 832 Arrest   | 26 | 26             |
| Physical Fitness Training                                 | 37 | 24             |
| Peace Officer Bill of Rights & Office of Internal Affairs | 2  | 2              |
| Prevention of Infectious Diseases                         | 4  | 4              |
| Prison Rape Elimination Act                               | 4  | 2              |
| Radio Communication/Alarm Devices                         | 4  | 4              |
| Report Writing  | 8  | 20             |
| Report Writing II-V                                       | 26 | 0 <sup>7</sup> |
| Searches and Inmate Property                              | 0  | 16             |
| Security Threat Group Management                          | 8  | 6              |
| Staff Rights and Assignment Responsibilities              | 2  | 2              |
| Staff Suicide Prevention                                  | 0  | 1              |
| Strategic Offender Management System (SOMS)               | 4  | 4              |
| Supervision of Inmates I                                  | 8  | 12             |
| Supervision of Inmates II                                 | 8  | 0 <sup>8</sup> |
| Tactical Simulator  | 4  | 0 <sup>9</sup> |
| Transportation of Inmates                                 | 2  | 2              |
| Use of Force  | 8  | 4              |
| Victims of Crime  | 3  | 3              |
| Workplace Health and Safety                               | 4  | 4              |

<sup>6</sup> Inmate Property was merged into Searches and Inmate Property.

<sup>7</sup> Report Writing II-V was merged into Report Writing.

<sup>8</sup> Supervision of Inmates II was merged into Supervision of Inmates I.

<sup>9</sup> Training not mandated; removed per recommendation of Subject Matter Expert.

| <b>Administrative &amp; Practicum/Scenario Curricula</b> |      |    |
|--|------|----|
| CCPOA  | 2    | 2  |
| Company Meetings   | 17.5 | 7  |
| Leadership   | 16   | 0  |
| Equipment Return   | 4    | 2  |
| Evaluations  | 8    | 4  |
| Examinations   | 12.5 | 10 |
| Graduation and Graduation Practice                       | 12   | 12 |
| Knowledge, Skills, & Abilities                           | 4    |    |
| Registration and Orientation                             | 24   | 17 |

Included in the \$61.7 million is a request for \$292,500 to assist CDCR in its transition to the use of Glock semi-automatic weapons. CDCR is transitioning to the semi-automatic handgun because they have found it to be easier to use and more cost-effective due to the increasing cost of ammunition for .38 caliber handguns. The \$292,500 would allow the academy to purchase 140 handguns, almost 2 million bullets, 45 training guns, 2,500 dummy rounds, 200 holsters, and 200 magazine pouches.

**Questions for the Administration.** The department should be prepared to present the proposal and to address the following questions:

1. Given the problems associated with correctional officers being ill-prepared to handle the large numbers of mentally ill prisoners and other challenges they face in the state’s institutions on a day-to day-basis, it would seem that shortening the academy and the training of these officers would exacerbate those problems, rather than alleviate them. Has the Administration considered the impact of shortening the training on the culture of the institutions and the safety of the staff and people who are incarcerated?
2. Please explain in detail the type of training that will occur in the institutions during the last four weeks of the training program, and who will be providing that training.
3. How are candidates assessed in terms of their suitability to work as correctional officers?
4. Please provide the subcommittee with information on the percentage of correctional officers who have a high school diploma, a general education development certificate (GED), an Associate of Arts degree, or a degree from a four-year college or university when they are accepted into the academy?
5. Are candidates usually from the communities near the institutions where they end up working? How are candidates assigned to institutions?

**Legislative Analyst’s Office (LAO).** The growing number of correctional officer vacancies presents significant operational challenges for the department. While the Governor’s proposal is a reasonable approach to addressing the problem, we are concerned that the problem could have been mitigated—or even avoided altogether—if CDCR had been conducting regular forecasts of its correctional officer need as part of the annual budget process.

Even though the department currently tracks data (such as correctional officer vacancies and attrition rate) that could be used to project the need for future academy graduates, this data and adjustments to its recruitment and training capacity are not part of the department's biannual budget adjustments or any other regularly scheduled budget process.

This lack of planning can result in the department not recruiting and training the appropriate number of cadets to meet its needs. For example, during the personnel reductions related to the 2011 realignment, the department assumed that it would be eliminating more positions than it would be required to fill. Accordingly, the department did not run a basic academy between March 2011 and May 2013. (The LAO notes the department did operate transitional academies which allowed employees in one classification—like parole agents—to transfer into new classifications—like correctional officers.) However, correctional staff left the department at higher rates than expected. As a result, CDCR will likely be facing a staffing shortfall for the next couple of years as it tries to recruit and train enough officers to fill these vacancies. If the Administration had routinely took into account CDCR's training and recruiting needs as part of the biannual budget process, the department would have likely recruited and trained enough officers to prevent the significant shortfall it currently faces.

**LAO Recommendation.** The LAO recommends that the Legislature direct the department to incorporate adjustments to its correctional officer recruitment and training capacity into its biannual budget adjustment process. Such adjustments should be based on projections of its need for additional correctional officers at least 18 months into the future, to account for the time required to recruit and train new officers. This would allow the department to better prepare for its future need for correctional officers and to avoid mismatches between the number of vacancies and the number of new academy graduates.

**Staff Comment.** The Legislature may wish to consider ways of expanding the training for both new correctional officers and existing institution staff that is designed to provide the skills and knowledge staff need to safely and successfully protect other staff and the people incarcerated in the state's prison system. For example, providing training in rehabilitation programming, motivational interviewing, violence de-escalation, and recognizing and appropriately dealing with inmates with mental illnesses may improve not only the environment within the institutions, but also reduce the number of individuals returning to prison.

**Issue 4: Enhanced Drug and Contraband Interdiction and Non-Reentry Hub Substance Abuse Treatment Program****Background.**

***Drug Interdiction.*** Data provided by CDCR indicate that drug use is prevalent in prison. For example, in June 2013, 23 percent of randomly selected inmates tested positive for drug use. In addition, another 30 percent refused to submit to testing, which suggests that the actual percentage of inmates using drugs is likely considerable.

Drug use in prison is problematic for several reasons. For example, according to the department, the prison drug trade strengthens prison gangs and leads to disputes among inmates that can escalate into violence. Such violence often leads to security lock-downs which interfere with rehabilitation by restricting inmate access to programming. In addition, the presence of drugs in prison allows inmates to continue using them, thereby reducing the effectiveness of drug treatment programs.

In recent years, the department has supplemented its base funding of \$3 million for drug and contraband (such as cell phones) interdiction with one-time funds from asset forfeitures. According to CDCR, its current interdiction efforts have been hampered by a lack of sufficient permanent funding.

***Substance Abuse Treatment.*** CDCR's current substance abuse treatment plan largely limits substance abuse treatment to individuals in the 13 reentry hubs (four of which have been activated) and limits treatment to the last six to 12 months of a person's sentence.

***Governor's Budget.*** The Governor's budget for 2014-15 proposes an augmentation of \$14 million in General Fund support and 81 positions to expand CDCR's interdiction program. Under the proposal, these levels would increase to \$18.5 million and 148 positions in 2015-16. The proposal consists of four separate initiatives aimed at deterring the smuggling of drugs and contraband into prison and deterring inmates from using drugs. These initiatives involve: (1) increasing from 29 to 100 the number of trained canines to detect contraband possessed by inmates; (2) increasing from 7 to 35 the number of ion scanners available to detect drugs possessed by inmates, visitors, or staff; (3) purchasing an additional 240,000 urinalysis kits to randomly drug test inmates; and (4) equipping inmate visiting rooms with video surveillance technology and requiring inmates in visiting rooms to wear special clothing intended to prevent the smuggling of drugs and other contraband.

In addition, for 2014-15, the proposal requests \$11.8 million from the Recidivism Reduction Fund and 44 positions to contract with substance abuse treatment providers and administer the program at 10 institutions that do not have a reentry hub. In 2015-16, CDCR requests a total of 91 positions and \$23.9 million General Fund to further expand substance abuse treatment programs to the 11 remaining institutions that do not house reentry hubs.

**Questions for the Administration.** The department should be prepared to present the proposal and to address the following questions:

1. The proposal is ambiguous as to whether it would apply to everyone entering the prison grounds, including staff and vendors. Does the Administration intend to apply the interdiction policy to everyone? If so, how does the Administration intend to implement the enhanced drug and contraband interdiction process?
2. Is the requested level of funding enough to implement the interdiction process, including the installation of ion scanners and use of passive search dogs, at all institutions?
3. Please provide the committee with the most recent contraband statistics. What types of contraband are typically found, how much, and how often? In addition, do some institutions have more of a problem with contraband than others? If so, which specific institutions and why?
4. How many individuals currently receive substance abuse treatment while in prison? For how long does the treatment last? What percentage actually completes the treatment? How many participate in on-going maintenance programs such as narcotics anonymous, alcoholics anonymous, or any other maintenance programs that are available?
5. Do inmates have access to medical treatment through drugs such as Vivitrol or Methadone to assist with on-going prevention as part of their treatment plan?
6. The current approach to substance abuse addiction in prison is to provide treatment only in the last 6 to 12 months of a person's sentence. Why wait until the end of a person's sentence to provide treatment for addiction? Wouldn't it be more effective to provide upfront treatment when a person enters prison and then provide on-going maintenance/therapy for the duration of the sentence, thus allowing someone to work on their sobriety and the underlying causes of their addiction potentially for years before returning to the community?
7. What steps does CDCR take to ensure that individuals with substance abuse problems have access to and continue treatment once they are released from prison?
8. Who is your current substance abuse treatment contractor(s)? Is it the same at all institutions that provide substance abuse treatment? How was that contractor selected?

**Legislative Analyst's Office (LAO).** While the Governor's proposal to expand CDCR's drug and contraband interdiction efforts has merit, it is unclear what is the most cost-effective combination of interdiction initiatives. Thus, the LAO recommends that the Legislature modify the proposal to conduct a pilot of the various initiatives proposed by the Governor. Specifically, the LAO recommends the Legislature reduce the request from \$14 million in General Fund support in 2014-15 (\$18.5 million in 2015-16) to \$3 million annually on a three-year limited-term basis. The reduced funding amount would allow the department to pilot test the four proposed interdiction initiatives—urinalysis testing, canine units, ion scanners, and

visiting room surveillance—in different combinations in order to assess the relative effectiveness of the initiatives. The Legislature could use the outcomes of the pilot to determine which, if any, of the various initiatives should be expanded to all of the state's prisons.

The actual cost of the pilot program could vary depending on how it is designed. Accordingly, the LAO recommends that the Legislature adopt budget bill language requiring that the department (1) contract with independent researcher experts (such as a university) to design and evaluate the pilot program, (2) not expend any funds for the expanded interdiction initiatives until it has notified the Legislature of the design and cost of the pilot program, (3) revert any unspent funds to the General Fund, and (4) report to the Legislature on the outcomes (including the relative cost-effectiveness of each initiative) of the pilot program, by April 1, 2017. This would allow the evaluation to incorporate two full years of data and for the results to inform the 2017-18 budget process.

**Staff Comment.** The May Revision proposed \$6.6 million GF to fund a similar drug interdiction proposal. The Legislature did not adopt that proposal. Part of the concern for the proposal was that it only included the searching of inmates and visitors and did not include staff and vendors in the institutions. Despite the rejection of the proposal during May Revise, the department redirected funding from the Asset Forfeiture Fund to add 12 additional canines to the 29 already being used in the prisons.

CDCR has indicated that the Secretary is committed to expanding the interdiction efforts to include all staff and vendors. However, to date, those commitments have been verbal ones and are not clearly reflected in the budget proposal submitted by the Administration.



**Issue 5: Statewide Budget Packages and Advanced Planning**

**Governor's Budget.** The Governor's budget proposes \$500,000 (General Fund) to support workload associated with planning capital outlay projects at youth and adult correctional facilities. This workload typically consists of site assessments, environmental reviews, and the development of scope, cost, and schedule projections.

**Questions for the Administration.** The department should be prepared to present the proposal and to address the following questions:

1. How do you decide which capital outlay projects to go forward with each year? Who is involved in the decision making?
2. Do your decisions take into account prioritizing projects that would increase capacity or improve programming space in order to better comply with the population reduction federal court order?
3. Please provide a list of the project needs you have identified at the women's institutions. Why aren't any of those projects on the current capital outlay list?
4. It is our understanding that two units at the California Institution for Women (CIW) in Corona are currently closed and in need of significant repair. In the proposed budget, the Administration asks for almost \$160 million in funding for CDCR's capital outlay projects. Given the overcrowding concerns with the women's facilities, why aren't the repairs to CIW included in the list of projects in order to increase capacity for female inmates and relieve overcrowding?

**Issue 6: Ironwood State Prison Air Conditioning**

**Governor's Budget.** The Governor's budget proposes \$145 million (lease-revenue bond financing) for a previously approved project to replace the heating, ventilation, and air conditioning system at Ironwood State Prison in Blythe. This entire project is expected to cost roughly \$156.2 million (\$5.8 million for planning, \$5.4 million for working drawings, and \$145 million for construction).

**Issue 7: Salinas Valley State Prison Sump Pump**

**Governor's Budget.** This capital outlay proposal requests \$610,000 to fund the installation of sump pumps and drainage piping for 30 underground electrical and communications vaults at Salinas Valley State Prison (SVSP). The Administration states that the pumps will prevent work hazards and systems degradation and failure due to water infiltration into the electrical and communication vaults. Currently, the plant operations staff at SVSP uses a portable pump to extract water from the vaults, which is labor intensive and dangerous for the staff.

**Questions for the Administration.** The department should be prepared to present the proposal and to address the following questions:

1. This is a relatively new facility, built in 1996. At that time, was a grading plan done that should have identified the potential for this problem and mitigated the problem? If not, why not? Grading plans should be a standard practice in construction, are they not? Alternatively, was an assessment done by a soils expert that may have identified this as a problem?
2. The proposal notes that this flooding problem poses a serious danger to both inmates and staff, including the potential for a hydrogen gas explosion, injury to staff pumping water from the vaults, and security risks due to power and communications outages. At the same time, the proposal notes that this problem has been an on-going one over the last 18 year, since the activation of the facility, and that the vaults flood approximately 15 times per year. Can you please tell us how many explosions, injuries, or security problems have arisen as a result of this flooding over the last two decades?
3. Even with the installation of sump pumps, water would still be able to get into the vaults through the vault lids. So, the problem of moisture damage would remain. Has the department considered other alternatives such as waterproof vault lids, increasing drainage, or re-grading that section of the site to at least raise the openings above the grade and reduce or eliminate the flooding?

**Staff Comment.** The budget proposal asserts that this problem is caused by water getting into the vaults through the vault lids. However, during discussions of the proposal CDCR states that they are unsure how the water is getting into the vaults and that it may be seepage from the ground. In addition, according to the BCP, no other alternatives were explored, other than either providing sump pumps or continuing to hand pump the water when the flooding occurs. Because CDCR has not determined the cause of the flooding, they are likely unable to look at the range of alternatives that may allow them to fix the flooding problem. Finally, the BCP notes that this flooding has been a problem since the activation of the prison in 1996, which would suggest that this was either a flaw in the grading of the grounds, the placement of the vaults, or the proper sealing of the vaults. However, CDCR states that to their knowledge, at the time they did not work with the appropriate contractors when the problem was first discovered to fix the mistake in the planning or construction of the vaults.

**Issue 8: Ventura Youth Correctional Facility – Non-Contact Visiting**

**Governor’s Budget.** This capital outlay proposal requests \$590,000 to fund the installation of four non-contact visiting booths in the old visiting hall at the Ventura Youth Correctional Facility (VYCF). These booths would be used for youth requiring enhanced security precautions when they have visitors.

The Administration notes that there have been a variety of incidents during visiting hours with Behavioral Treatment Program (BTP) offenders, including fights and attempts to introduce contraband into VYCF. According to the Administration’s proposal, noncontact booths would limit the occurrence of these incidents. The proposed project would begin August 2014 and construction would conclude in September 2015.

The budget proposal notes the following six incidents that have recently occurred at VYCF:

- Upon entering one of the visiting halls, a ward walked up to a second ward and the two began fighting. A third ward and family members became involved shortly thereafter. (7/12)
- Once un-cuffed for a visit, one ward began fighting with a second ward. (12/12)
- A family member attempted to pass a baggie of methamphetamine to a ward during a visit. (5/13)
- A family member was found in possession of two large bags of marijuana and razor blades. (8/13)
- A family member attempted to pass a cell phone to a ward during a visit. (8/13)
- A ward attempted to switch shoes with a family member during a visit, in an effort to introduce contraband shoes into the facility. (9/13)

**Legislative Analyst’s Office (LAO) Recommendation.** The LAO recommends that the Legislature deny the request to construct noncontact visiting booths at VYCF. Given the likelihood that the population of offenders needing these booths will continue to decline, noncontact visiting booths could become largely unnecessary by the time they are completed in September 2015. To the extent that the population of BTP offenders remains at VYCF, the LAO recommends that Department of Juvenile Justice (DJJ) use alternative means to provide these offenders with visits. For example, VYCF could consult with N.A. Chaderjian (NAC) and O.H. Close (OHC) Correctional Facilities in Stockton to determine whether strategies used at the northern facilities could be employed at VYCF.

**Questions for the Administration.** The department should be prepared to present the proposal and to address the following questions:

1. Please explain why VYCF seems to have problems with their BTP offenders that the other two institutions do not appear to have.
2. Please confirm that given the new leadership at VYCF, the Administration is no longer pursuing the non-contact visiting booths as the best way to deal with the problems highlighted in the budget proposal.

**Staff Comment.** The Administration has informed the Legislature that this proposal was developed under the previous superintendent at VYCF and that the current superintendent does not believe that the non-contact booths are necessarily the proper approach. They are considering other possible alterations to their visiting areas. Given, that the Administration has moved away from the proposed approach, the Legislature may wish to consider rejecting this proposal and the Administration can come back with a new approach.