

# SUBCOMMITTEE NO. 5

# Agenda

Senator Loni Hancock, Chair  
Senator Joel Anderson  
Senator Jim Beall



Thursday, May 5, 2016  
9:30 a.m. or upon adjournment of session  
State Capitol - Room 113

Consultant: Julie Salley-Gray

<u>Item</u>	<u>Department</u>		<u>Page</u>
<b>Vote-Only Items</b>			
<b>8120</b>	<b>Commission on Peace Officer Standards and Training (POST)</b>		
Item 1	Homeland Security Training		3
Item 2	Mental Health Training (SB 11 and SB 29)		3
<b>5225</b>	<b>California Department of Corrections and Rehabilitation</b>		
Item 3	AB 900 Reappropriation		3
<b>0250</b>	<b>Judicial Branch</b>		
Item 4	Spring Letter: Trial Court Capital Outlay Reappropriations		3
Item 5	Mendocino – New Ukiah Courthouse Reappropriation		3
Item 6	Stanislaus – New Modesto Courthouse Reappropriation		3
<b>4440</b>	<b>Department of State Hospitals</b>		
Item 7	Enhanced Treatment Unit Reappropriation		4
<b>Discussion Items</b>			
<b>5225</b>	<b>California Department of Corrections and Rehabilitation</b>		
Issue 1	Board of Parole Hearings – Youthful Offender Parole Hearings		5
Issue 2	Board of Parole Hearings – Confidential File Summaries		6
Issue 3	Board of Parole Hearings – Administrative Law Judges Increase		7
Issue 4	California Rehabilitation Center – Critical Repair Funding		8
Issue 5	Capital Outlay Proposals		10
Issue 6	Spring Letter: Career Technical Education Curricula and Certification		12
Issue 7	Spring Letter: Automated Reentry Management System		14
<b>0250</b>	<b>Judicial Branch</b>		
Issue 1	Capital Outlay Proposals		16
Issue 2	Trial Court Automation		20

<b>4440</b>	<b>Department of State Hospitals</b>	
Issue 1	Capital Outlay	22
Issue 2	Unified Hospital Communications Public Address System	23

---

*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.*

**PROPOSED FOR VOTE ONLY****Commission on Peace Officer Standards and Training (POST)**

1. **Homeland Security Training.** The Commission on Peace Officer Standards and Training (POST) requests \$455,000 (Anti-terrorism Fund) one-time in 2016-17 to design, deliver and implement timely, relevant and credible anti-terrorism and threat assessment training for peace officers and first responders to prevent, disrupt, mitigate, detect and respond to acts of terrorism and violent extremism.
2. **Mental Health Training (SB 11 and SB 29).** The Commission on Peace Officer Standards and Training requests \$777,000 (Peace Officers' Training Fund) in 2016-17 and \$156,000 (Peace Officers' Training Fund) beginning in 2017-18 to provide reimbursements to local law enforcement agencies for peace officers attending new mental health training courses mandated by Senate Bill 11 (Beall and Mitchell), Chapter 468, Statutes of 2015, and Senate Bill 29 (Beall), Chapter 469, Statutes of 2015.

**California Department of Corrections and Rehabilitation (CDCR)**

3. **AB 900 Reappropriation.** CDCR requests budget bill language allowing the reappropriation of funding for six AB 900 projects that have been delayed for various reasons, including delays in design and the need for additional structural design. CDCR anticipates that all of these projects will begin construction in fall 2016. The projects include five Health Care Facility Improvement Program projects and a potable water storage reservoir projects at Calipatria State Prison.

Chapter 7, Statutes of 2007 (AB 900, Solorio), was designed to relieve the significant overcrowding problems facing state prisons. Specifically, AB 900 authorized a total of approximately \$7.7 billion for a broad package of prison construction and rehabilitation initiatives.

**Judicial Branch**

4. **Spring Letter: Trial Court Capital Outlay Reappropriations.** The Judicial Branch requests budget bill language allowing the reappropriation of approximately \$70.4 million from the Immediate and Critical Needs Account (ICNA) due to delays in planning and construction for five courthouses (Santa Barbara, Sonoma, El Dorado, Sacramento, and Glenn).
5. **Mendocino—New Ukiah Courthouse.** The Judicial Council requests a re-appropriation from the Immediate and Critical Needs Account (Fund 3138) of \$6.1 million for the working drawings phase for the Mendocino— New Ukiah Courthouse. This project will provide a new eight-courtroom courthouse of approximately 90,206 building gross square feet (BGSF) in the City of Ukiah. Re-appropriation is being requested due to delays in the Acquisition phase related to the clean-up of the site prior to acquisition by the state.
6. **Stanislaus-New Modesto Courthouse.** The Judicial Council requests a re-appropriation from the Immediate and Critical Needs Account (Fund 3138) of \$15.3 million to complete the working drawings phase for the Stanislaus—New Modesto Courthouse. The project will provide a new 27-courtroom, approximately 308,964 building gross square feet (BGSF) courthouse in the City of Modesto.

**Department of State Hospitals (DSH)**

7. **Enhanced Treatment Unit Reappropriation.** DSH requests a \$12,336,000 capital outlay reappropriation due to delays surrounding the renovations to provide Statewide Enhanced Treatment Units (ETU) at two state hospitals. DSH is proposing a retrofit of existing facilities in order to provide statewide ETU rooms system-wide.

**Subcommittee Staff Recommendation:** Approve budget and spring finance letter requests.

## ITEMS TO BE HEARD

**5225 DEPARTMENT OF CORRECTIONS AND REHABILITATION****Issue 1: Board of Parole Hearings (BPH) – Youthful Offender Parole Hearings Workload**

**Governor's Budget.** The proposed budget includes \$3.7 million General Fund and 19 permanent, full-time positions for the Board of Parole Hearings (BPH) and Division of Adult Institutions (DAI) for the workload associated with implementing SB 261 (Hancock), Chapter 471, Statutes of 2015, and SB 519 (Hancock), Chapter 472, Statutes of 2015.

**Background.** On October 3, 2015, Governor Brown signed into law SB 261. This bill amends Sections 3051 and 4801 of the Penal Code. Whereas previous law requires BPH to conduct a parole suitability hearing for inmates convicted of specified crimes if they were under the age of 18 at the time of the offense, SB 261 extends these "youth offender hearings" to inmates who were under the age of 23 at the time of their offense.

The bill requires BPH to complete, by July 1, 2017, all youth offender parole hearings for inmates who were sentenced to indeterminate terms and who are eligible for a hearing on January 1, 2016, when the bill took effect. The bill requires BPH to complete, by July 1, 2021, all youth offender parole hearings for determinately-sentenced inmates who become eligible for a hearing as a result of this bill. Finally, the bill requires BPH to provide these determinately-sentenced youth offenders with a consultation by July 1, 2017. Governor Brown also signed SB 519 as a companion to SB 261. This law adds Section 3051.1 to the Penal Code to extend each of the deadlines in SB 261 by six months. As a result, BPH has until December 31, 2017 to provide a parole hearing for indeterminately sentenced youth offenders, and until December 31, 2021 to provide a parole hearing to determinately-sentenced youth offenders who become eligible for a hearing as a result of SB 261. Finally, BPH will have until December 31, 2017, to provide indeterminately-sentenced youth offenders with a consultation.

**Staff Recommendation.** Approve as budgeted.

**Issue 2: Board of Parole Hearings (BPH) – Confidential File Summaries**

**Governor’s Budget.** The proposed budget includes \$705,000 General Fund and five permanent full-time positions to complete confidential file summaries in order to provide procedural due process to inmates. The CDCR, Board of Parole Hearings (BPH) is requesting five positions (one correctional counselor III [CCIII] and four correctional counselor Is [CCI]) to perform the following functions:

- Review information contained in the confidential portion of an inmate's central file prior to a board hearing, and generate summaries of that information to be served on the inmate and his or her attorney prior to the hearing. Create summaries of confidential information to be used in parole suitability determination.
- Review pre-hearing documents submitted by inmates, their counsel, victims, and prosecutors to determine whether they contain confidential information and if this information should be redacted, placed in the confidential section of the inmate's central file, or both.

**Background.** The Attorney General has opined that it is a violation of due process of law for BPH to deny an inmate parole based on information contained in the confidential section of the inmate's central file without first notifying the inmate that the information exists and providing the inmate with a summary of the information. Several writs have been filed against BPH on this issue. The Division of Adult Institutions (DAI) is the custodian of records for inmate central files and only a CCIII or above can authorize information be deemed confidential and provide a summary of it. BPH and DAI need to determine what confidential information in an inmate's central file may be relevant to BPH and the Governor when determining the inmate's parole suitability, and provide the inmate and his attorney with a summary of it in advance of the hearing. BPH currently schedules 400-450 hearings per month throughout the state.

**Staff Recommendation.** Approve as budgeted.

**Issue 3: Board of Parole Hearings (BPH) – Workload Increase**

**Governor’s Budget.** The proposed budget includes a request for \$1.7 million General Fund and 9.6 additional administrative law judge and clinical psychologist positions due to a projected increase in the number of hearings and comprehensive risk assessments in 2016-17.

**Background.** BPH’s deputy commissioners are administrative law judges who perform a variety of hearing officer duties mandated by statute and court order. Among other duties, they serve on two and three-person panels with a commissioner to determine the parole suitability for life-term and other long-term inmates. The deputy commissioners are also responsible for reviewing offender files and issuing written decisions for a variety of hearing-related issues. In addition, they are responsible for determining whether parolees should be discharged from parole, and for reviewing outstanding warrants for parolees who have absconded.

BPH’s Forensic Assessment Division is comprised of forensic clinical psychologists who provide BPH parole suitability hearing panels with expert opinions regarding a life-term offender’s potential risk of future violence. They prepare reports using evidence-based risk assessment tools, interview each inmate, perform comprehensive reviews of the inmate’s history and compile it into a comprehensive risk assessment report.

**Staff Recommendation.** Approve as budgeted.

**Issue 4: California Rehabilitation Center – Critical Repair Funding**

**Governor’s Budget.** The proposed budget includes a request for \$6 million General Fund for critical repairs needed to maintain the health and safety of inmates and staff at the California Rehabilitation Center. Specifically, the funding will allow for the following repairs:

- ***Water Distribution System - \$500,000.*** CDCR proposes to replace five pairs of water valves at key distributions points. The aforementioned valves have failed in the closed position which prevents the distribution of fresh water to certain sections of the institution. The State Water Resource Control Board, Drinking Water Division has issued several quarterly Notice of Violations (NOV) for low or non-detectable chlorine residual levels at the established testing points in the institution. The replacement of these valves is required to circulate potable water and achieve compliance relative to the NOV.
- ***Building #107 - \$1.5 million.*** This building was constructed by the United States Navy after 1941 and served as a hospital for wounded soldiers. The plumbing and mechanical systems have exceeded their 50-year life expectancy and are in need of replacement. The Inmate Ward Labor program has renovated seven bathroom/shower facilities; however, there are five more facilities that require renovation in order to comply with applicable building and health codes. The plumbing system has leaked for several years and as a result: the plaster has deteriorated, the wall and floor tiles have sustained significant damage, the paint is peeling in several areas, and the ventilation systems are not capable of removing humidity that is generated by hot water from the showers. A complete replacement of the piping, mechanical systems, walls, and tile is required to restore the bathroom/shower facilities to a usable condition.
- ***Electrical Distribution Replacement - \$2 million.*** The high voltage electrical distribution system was initially installed in 1929 and is approximately 86 years old. On November 6, 2015, during a wind storm event, the institution experienced a total black-out as a result of high voltage conductor wires, with worn-off insulation, making contact with one another. The dilapidated condition of the high voltage power poles, cross arms, insulators, and the wire conductors requires immediate attention in order to prevent another black-out and potential catastrophic system-wide failure. Due to the age of the system and related ultraviolet damage, the insulation protecting the wiring conductor has deteriorated and in many instances, has completely failed fully exposing the conductors to potential circuit shorting. Although there is a separation between the high voltage conductors, approximately 80 years of service life has allowed the copper conductors to fatigue, stretching them at least 25 percent. This condition allows the wind to swing the wire conductors into one another and because the insulation has deteriorated or is non-existent, the conductors are able to make contact, creating electrical shorts between phases and potentially to a grounding source. This condition violates all applicable National Electrical Codes, presents risk to those who work on the system, and creates significant operational problems during unanticipated black-out conditions. A complete replacement of the overhead distribution system which includes power poles, insulators, and conductors is necessary to prevent power outages due to the aforementioned conditions.
- ***Repair Wooden Dorms - \$2 million.*** The dorms currently used by CRC inmates were initially constructed by the US Navy in 1941. These wooden barracks were constructed to house sailors and met the Federal Standards of that era; however, the barracks do not meet current building codes or the California Department of Corrections and Rehabilitation Design Criteria Guidelines. The structures have housed inmates since the early 1960s but were never intended to function beyond their expected



useful life and require extensive repairs in the restroom/shower portions of the buildings. Since 1963, the institution's maintenance staff has attempted to make repairs to the wooden dorms; however, the extent of the repairs required in this case is beyond the staff's capabilities. CDCR's internal Architectural and Engineering Section has assessed these dorms and have concluded that a complete renovation of the shower/restroom areas is required in order to continue use of these housing units.

**Legislative Analyst's Office (LAO).** The LAO recommends that the Legislature reject the Governor's proposed augmentation of \$6 million for special repairs at CRC as these repairs would be unnecessary if CRC is closed.

**Staff Recommendation.** Approve as budgeted.

**Issue 5: Capital Outlay**

The department proposes three capital outlay proposals and support services totaling approximately \$36.7 million (General Fund). The proposals include:

- **California Correctional Center, Susanville: Arnold Unit and Antelope Camp Kitchen/Dining Replacement.** This proposal requests funding to demolish and replace two existing kitchen/dining buildings, one each at Arnold Unit and Antelope Camp. The project scope includes the design and construction of new, pre-engineered metal kitchen/dining buildings, with exterior paving and fencing.

Preliminary plans were funded in the 2014 Budget Act and working drawings were funded in the 2015 Budget Act. The 2016-17 Governor's budget proposed \$14,302,000 for the construction phase. This request updates the construction amount to \$15,353,000, an increase of \$1,051,000. The increase is based on the refinement of construction costs and resolution of construction phasing during the working drawing phase. A new location for the Antelope Camp kitchen/dining building was identified to allow continued use of the existing building to feed Arnold and Antelope Camp inmates while construction of the new building was underway. The current total estimated project cost is \$17,392,000.

- **Deuel Vocational Institution: New Boiler Facility.** This proposal requests \$4 million to build a new central high-pressure steam boiler facility at Deuel Vocational Institution. Boiler replacement is required for compliance with San Joaquin Valley Air Pollution Control District regulations for gas-fired boiler emissions standards. Funding is being requested for the construction phase of this project. Design of this project was funded by the department's Special Repair budget. The total estimated project cost is \$4,414,000.
- **Deuel Vocational Institution: Solid Cell Fronts.** This proposal requests \$11.6 million to replace the existing barred cell fronts in the K-Wing Administrative Segregation Unit (ASU) at the Deuel Vocational Institution (DVI) with solid cell fronts. The K-Wing contains 143 cells, one Americans with Disabilities Act (ADA) cell, and six showers that do not currently have solid cell fronts. The scope of work will include new locking mechanisms, solid fronts on the six showers that serve the unit, modifications to the existing heating/ventilation system, upgrades to the electrical system, asbestos and lead paint abatement, and the addition of local fire alarm and fire suppression systems.

The renovation of ASUs with solid cell fronts addresses an important security need within prison facilities. In addition, the replacement of barred cell fronts and cell modifications related to heating/ventilation systems reduces suicide risks, which is of interest to the federal court in *Coleman v. Brown*.

Preliminary plans were funded in the 2007 Budget Act and working drawings were funded in the 2015 Budget Act. This proposal requests project funding for the construction phase, which has been updated to include current fire code requirements identified during design. The total estimated project cost is \$12,814,000.

- **Statewide: Master Plan for Renovation/Replacement of Original Prisons.** This proposal requests \$5.4 million for consultant services to perform a study of the prisons constructed prior to 1980. The study will evaluate the existing housing, program, and services buildings and infrastructure systems

and develop recommendations regarding renovations or replacements necessary to maintain the current level of operations. This study is necessary to ensure continued compliance with the Three Judge Panel occupancy benchmark.

- **Statewide: Budget Packages and Advance Planning.** This request provides \$250,000 in annual funding to perform advance planning and prepare budget packages for capital outlay projects to enable the Department to provide detailed information on scope and costs of planned projects.

**Staff Recommendation.** Approve as budgeted.

**Issue 6: Spring Finance Letter – Career Technical Education Curricula and Certification**

**Governor’s Budget.** The California Department of Corrections and Rehabilitation (CDCR) will open this issue with a brief overview of the request for \$4.1 million (General Fund) and seven permanent positions in 2016-17, \$2 million (General Fund) in 2017-18 and \$1.4 million (GF) ongoing for the Career Technical Education Curricula and Certification Compliance project.

**Background.** The CDCR, Division of Rehabilitative Programs (DRP) requests resources and funding for the Career Technical Education (CTE) Curricula and Certification Compliance Project, which will bring CDCR's current vocational infrastructure into compliance with industry certifications and curricula necessary to promote offender employment upon release. This infrastructure allows online access for classroom coursework, real-time shop exercises, and certification exams while providing inmate-students digital literacy skills and enhanced professional development.

The requested seven permanent positions are from the Enterprise Information Services (EIS) Division and will be necessary in the implementation and support of this initiative. Specifically, EIS is requesting four system software specialists (SSS) II (technical), one SSS I (technical), and two staff information systems analysts (specialist).

The department's Office of Correctional Education (OCE) delivers CTE. The program prepares inmate-students with viable, industry required skills, course content to ensure skill attainment, and provides recognized certifications to promote offender employment upon release, in an effort to ultimately reduce recidivism. Additionally, CTE programs provide inmates with the opportunity to earn milestone credits, which can reduce inmates' time of incarceration through the active participation and completion of certain rehabilitative programs.

The OCE provides 19 CTE programs with a total capacity of approximately 8,450 inmates. CTE programs currently use a combination of file and written material, as well as audio and video media, from physical CDs and DVDs, to provide instruction across these programs. Inmates currently receive classroom training from instructors, and take CTE certification tests using written and hands-on proof of learning methods in the CTE designated areas within the institutions. However, commercial vendors are progressively moving their information content to digital-network media (e.g., Internet, organizational intranet, local area network) and are discontinuing the physical and paper-based media, standalone computer software loading, including the critical certification testing and issuance process. This renders the current method of physical and paper based methods obsolete. There is currently no mechanism in place to support online access for inmate-student use in the CTE shops or classroom areas.

Five certification exams are now only offered exclusively online: Automotive Service Excellence (ASE) - Auto Mechanics; Inter-Industry Conference on Auto Collision Repair (ICAR) - Auto Body; Electronic Technician Association (ETA) - Electronics; Office Service and Related Technologies (OSRT); and Computer Literacy (includes computing fundamentals and Microsoft certification). Five out of nineteen or twenty-six percent (26 percent) of CTE programs will not meet the completion requirements for inmates to take the certification exams. These five programs combined make up approximately 5,000 of the total CTE capacity of approximately 8,450. Additionally, the remaining twelve programs are beginning to migrate their text books, teacher resources, and instructional videos to an online or digital format, while two programs are migrating to digital only. The current system is no longer sustainable for students without access to a secured Internet.

**Staff Recommendation.** Approve as budgeted.

**Staff Comment.** The subcommittee received an overview of prison education programs during its April 7<sup>th</sup> hearing. Please see that agenda for details regarding CDCR's educational programs.

**Issue 7: Automated Reentry Management System (ARMS)**

**Governor's Budget.** CDCR requests \$4.5 million (General Fund) in 2016-17 and 2017-18 to implement phase two of the Automated Reentry Management System (ARMS).

**Background.** ARMS is a new case management system that will track offender program participation, assist with meeting legal mandates, and provide data for better evidence-based practices for offender rehabilitation.

The Division of Rehabilitative Programs is responsible for managing contracts that provide rehabilitative program services (in-prison and community-based) to offenders statewide; the Division of Adult Parole Operations contracts with providers for rehabilitative services for sex offenders and mentally ill parolees; and the Division of Adult Institutions contracts with providers of community and contracted correctional facilities that administer rehabilitative programs.

As part of the Three-Judge Court order to implement prison population reduction measures, CDCR expanded rehabilitation programs. To assist with these expansions and the tracking of rehabilitative programming across various divisions, CDCR implemented the first phase of ARMS. Phase one of ARMS allows CDCR to appropriately collect data that shows offenders have completed in-prison programs.

Phase one of the ARMS solution, which will be fully implemented in June 2016, will "track an offender's rehabilitative life cycle and begin implementing performance-based contracting for rehabilitative services, which help reduce recidivism" by tracking the following for in-prison programs:

- Referral and enrollment in programs
- Secondary assessment data
- Case planning and management, including case notes
- Program participation and session tracking
- Basic reporting information on programs

The improved data availability will assist in the evaluation of program effectiveness by the Pew-MacArthur Results First Initiative.

**Legislative Analyst's Office (LAO).** Given that ARMS may allow the department to improve the provision of rehabilitative services, the LAO does not raise concerns with the goals of the project. They also do not have concerns with the project's cost. However, they are concerned that the initial phase of the project was funded with unspent funds originally budgeted for rehabilitation programs. This raises several issues for legislative consideration. Specifically, the LAO states:

*Redirection of Funds Undermines Legislative Oversight. The \$15 million spent on ARMS since 2013-14 originated from funds budgeted for rehabilitative programs that were unspent. Although the department did not violate any laws or regulations, choosing to fund the program in this manner limited legislative oversight as it effectively prevented the Legislature from assessing whether the project should be undertaken.*

***Underspending Problem Larger Than Originally Thought.*** In recent years, CDCR has had difficulty fully expending its program budgets for rehabilitation programs. This fact has typically come to the Legislature's attention when the department has requested through the Section 26.00 section letter process that unspent funds in the department rehabilitation program budgets be shifted to other program budgets. (Section 26.00 of the budget specifies that any transfer in excess of a certain threshold may only be authorized upon 30-day notification to the Joint Legislative Budget Committee, in order to allow the Legislature to maintain oversight of the funds it appropriates before they are spent for a different purpose than budgeted.) For example, CDCR redirected \$10.3 million in unspent rehabilitation program budget funds in 2013-14 and \$21 million in such funds in 2014-15 through the Section 26.00 process. Underspending can also come to the Legislature's attention when the department reverts unspent funds to the General Fund at the end of a fiscal year. For example, CDCR reverted \$8,000 in funds budgeted for rehabilitation programs in 2013-14 and \$250,000 in such funds in 2014-15.

However, a full accounting of the level of underspending on rehabilitation programs should also include funds shifted from rehabilitation programs to other priorities within the rehabilitation program budgets. In addition to ARMS, the department reports that it used unspent funds within rehabilitation program budgets on various items such as Reentry Kiosks, in-prison modular space, and the Strategic Offender Management System project. The department was unable to provide the total amount of unspent rehabilitation funds that were spent on these items.

***Review Use of Funds.*** Given that the Legislature currently has limited information about these redirections, the Legislature could direct the department to provide additional information on this process either at budget hearings or through supplemental reporting language. Specifically, the Legislature could request:

- A list of rehabilitation programs that did not spend all their allocated funding in the most recent completed fiscal year and how those funds were redirected.
- A list of programs that received any unspent funds.
- An explanation of why each program with unspent resources was unable to spend the funds allocated to it.
- An explanation of how the department prioritized programs that received those unspent funds.
- Similar information, to the extent it is available, on rehabilitation programs not expected to fully utilize their funding in the current year and the department's plans for those funds.

If the Legislature finds that some of the programs that are not fully expending their funds are priorities, it could work with the department to identify legislative responses to help address the issue. For example, if the department is having trouble executing contracts for particular rehabilitative programs, the Legislature could make changes to the contracting process to help the department spend these funds. If the Legislature determines that some of the programs that are not fully expending their funds are lower priorities, it could decide to permanently reprioritize the funds for these programs to higher priorities, including other rehabilitation programs.

**Staff Recommendation.** Approve as budgeted.

## 0250 JUDICIAL BRANCH

### Issue 1: Capital Outlay

**Governor's Budget.** The Judicial Branch proposes sixteen capital outlay proposals and support services totaling approximately \$569 million from various court construction accounts. The proposals include:

- **Trial Court Facility Maintenance.** The Judicial Council requests a one-time augmentation of \$3.5 million from the Immediate and Critical Needs Account for facility modification projects at the Michael Antonovich Antelope Valley Courthouse (Antonovich Courthouse) and the Alfred J. McCourtney Juvenile Justice Center (McCourtney JJC).
- **Imperial County—New El Centro Courthouse.** The Judicial Council requests a \$39.3 million appropriation from the Public Building Construction Fund Sub-Account (Fund 0668) for the construction phase for the Imperial - New El Centro Courthouse.

The project will provide a new four courtroom courthouse of approximately 47,512 building gross square feet (BGSF) in the City of El Centro. This project will consolidate court operations from two facilities and will relieve the current space shortfall, increase security, and replace inadequate and obsolete buildings in Imperial County. The total revised project cost based upon the current schedule and updated to the July 2015 California Construction Cost Index is estimated at \$47.3 million, without financing. The total cost of the project, including financing, will be funded by Senate Bill 1407 (Perata), Chapter 311, Statutes of 2008 revenues.

- **New Alameda Courthouse Capital Outlay Project Funding Plan.** The Judicial Council proposes a transfer of \$377,000 in FY 2016-17 and \$903,000 beginning in FY 2017-18 from the Court Facilities Trust Fund (CFTF) to the Immediate and Critical Needs Account (ICNA) to support the financial plan for the construction of the Alameda County - New East County Hall of Justice.

The funds being transferred are from the Gale Schenone Hall of Justice's County Facility Payment which is deposited into the CFTF. The transfer would begin upon the trial courts vacation of the Gale Schenone leased facility after project completion and will be in place until the loan from the ICNA is fully paid off, which is estimated to occur in 7-8 years. The FY 2016-17 amount of \$377,000 has been prorated based on the projected date of the lease termination.

- **Riverside County-New Mid-County Civil Courthouse.** The Judicial Council requests \$5.7 million from the Immediate and Critical Needs Account (Fund 3138) for the working drawings phase of a new nine courtroom courthouse of approximately 89,690 Building Gross Square Feet (BGSF) in the City of Menifee in Riverside County.

This project will replace the existing inadequate and obsolete Hemet court facility, relieve the current space shortfall, and increase security in Riverside County. This project provides four courtrooms for new judgeships. The total revised project cost based upon the current schedule and updated to the July 2015 California Construction Cost Index is estimated at \$90 million, without financing. The total cost of the project, including financing, will be funded by Senate Bill 1407 revenues.



- **Riverside County-New Indio Juvenile and Family Courthouse.** The Judicial Council requests appropriation of \$44.1 million, \$42.4 million from the Public Building Construction Fund Sub-Account and a cash appropriation of \$1.6 million from the Immediate and Critical Needs Account (Fund 3138) for the construction phase for a new approximately 53,255 building gross square feet, five-courtroom courthouse in the City of Indio. The revised square footage of 53,255 BGSF represents a 3.1 percent reduction of 1,712 square feet from the previously authorized project scope. The cash appropriation of \$1.6 million is requested for building demolition, relocation of existing site utilities and demolition and reconstruction of a security fence.

This project will consolidate court operations from two facilities and will relieve the current space shortfall, increase security, and replace inadequate and obsolete buildings in Riverside County. This project provides three courtrooms for new judgeships. The total revised project cost based upon the current schedule and updated to the July 2015 California Construction Cost Index is estimated at \$52.9 million, without financing. The total cost of the project, including financing, will be funded by Senate Bill 1407 revenues.

- **Tuolumne - New Sonora Courthouse.** The Judicial Council requests a \$55.4 million appropriation from the Public Building Construction fund Sub-Account (Fund 0668) for the construction phase for the Tuolumne—New Sonora Courthouse. The project will provide a new five-courtroom courthouse of approximately 61,537 building gross square feet (BGSF) in the City of Sonora.

This project will consolidate operations from three facilities and will relieve the current space shortfall, increase security, and replace inadequate and obsolete buildings in Tuolumne County. The total revised project cost based upon the current schedule and updated to the July 2015 California Construction Cost Index is estimated at \$6.2 million, without financing. The total cost of the project, including g financing, will be funded by Senate Bill 1407 revenues.

- **Los Angeles County - New Hollywood Courthouse.** The Judicial Council requests a one-time appropriation of \$14.7 million from the Immediate and Critical Needs Account (Fund 3138) for cash funding for the design-build phase of the Los Angeles—New Hollywood Courthouse, to provide a four-courtroom courthouse of approximately 61,603 building gross square feet (BGSF), including secure parking, to replace the existing Los Angeles Mental Health Courthouse in the County of Los Angeles. The Judicial Council further requests a change in scope from a modernization of the existing Hollywood Courthouse to the construction of a new building on the site of the existing Hollywood Courthouse. This proposal will replace the previously authorized capital outlay project (91.19.006) for the Los Angeles-Hollywood Courthouse Modernization and will increase the design-build phase authority of \$44.6 million for a total design-build phase appropriation of \$59,332 million. In addition, the Judicial Council is requesting a name change to the New Hollywood Courthouse from the Hollywood Courthouse Modernization.

The total revised project cost based upon the current design-build schedule is estimated at \$60.3 million. The total cost of the project will be funded by Senate Bill 1407 revenues. The County of Los Angeles will contribute towards their share of tenant improvement costs through a one-time payment of their share in cash or in the form of an equity buyout to lease approximately 11,105 usable square feet (USF) of office space.

- **Shasta County-New Redding Courthouse.** The Judicial Council requests a \$133.1 million appropriation from the Public Building Construction fund Sub-Account (Fund 0668) and \$2.3 million from the Immediate and Critical Needs Account (Fund 3138) for the construction phase for the Shasta—New Redding Courthouse. This includes a re-appropriation of \$174,000 previously authorized in the FY 2015-16 Budget Act pursuant to item 0250-301-3138 schedule (3) for construction and an increase of \$2.1 million from that \$.174 million previously authorized for the cash-funded demolition phase and will include additional scope including utility relocation, hazmat abatement. This increase will be offset by a decrease in the bond-funded Construction phase value included in the FY 2016 17 Governor's budget. The project will provide a new 14-courtroom courthouse of approximately 165,296 building gross square feet (BGSF) in the City of Redding.

This project will consolidate court operations from three facilities and will relieve the current space shortfall, increase security, and replace inadequate and obsolete buildings in Shasta County. In addition, this project provides two courtrooms for new judgeships. The total revised project cost based upon the current schedule and updated to the July 2015 California Construction Cost Index is estimated at \$154.7 million, without financing. The total cost of the project, including financing, will be funded by Senate Bill 1407 revenues.

- **Stanislaus County-New Modesto Courthouse** The Judicial Council requests an appropriation from the Immediate and Critical Needs Account (Fund 3138) of \$2.1 million for the pre-construction demolition of eight existing structures located at the site of the Stanislaus—New Modesto Courthouse. This appropriation is requested in addition to the working drawings phase appropriation which is already included in the FY 2016-17 Governor's budget. This pre-construction demolition cost will be deducted from the total construction phase estimate. The project will provide a new 27-courtroom, approximately 308,964 building gross square feet (BGSF) courthouse in the City of Modesto.

This project will consolidate court operations from four facilities and will relieve the current space shortfall, increase security, and replace inadequate and obsolete buildings in Stanislaus County. In addition, this project provides five unfinished courtrooms for new judgeships. The cost to finish the courtrooms will be requested when the judgeships are funded. The total revised project cost based upon the current schedule and updated to the January 2016 California Construction Cost Index is estimated at \$263 million, without financing. The total cost of the project, including financing, will be funded by Senate Bill 1407 revenues.

**Legislative Analyst's Office (LAO).** The LAO finds that the Administration's January and April capital outlay proposals would likely result in ICNA becoming insolvent in about 15 years, with additional future projects speeding up ICNA's insolvency. As a result, the LAO recommends that the Legislature direct Judicial Council to report at budget hearings on how it plans to ensure money would be available to fully fund the debt service of the proposed projects. Pending its receipt and review of this report, they recommend the Legislature withhold action on the Administration's proposals.

Additionally, the judicial branch has eight other courthouse projects that will require construction funding in the future. Because Judicial Council should be matching expenditures to revenues available in ICNA under state law, the LAO recommends the Legislature adopt supplemental reporting language requiring the Judicial Council to submit a plan by January 10, 2017 for addressing the long-term solvency of ICNA within existing financial resources. Such a plan could include alternative financing agreements (such as partnering with counties to finance facilities), delaying projects, reducing expenditures on construction

projects, or reducing expenditures on facility modification projects. The Legislature could then use this plan to help determine what additional projects, if any, should move forward when the projects seek additional funding in the future budgets.

**Staff Recommendation.** Approve as budgeted.

**Issue 2: Trial Court Automation**

**Phoenix Financial System Funding Shift.** The Judicial Council requests an ongoing augmentation of \$8.7 million General Fund to support the Judicial Council state operations costs related to the Phoenix Financial System (Phoenix). The Phoenix program is a statewide system utilized by the trial courts for financial and human resources management assistance. The State Trial Court Improvement and Modernization Fund (IMF) currently funds a portion of the Phoenix Program, but the continued decline in revenue over the past several years has led to potential solvency issues in the IMF.

The Phoenix Financial System enables the courts to produce a standardized set of monthly, quarterly, and annual financial statements that comply with existing statutes, rules, and regulations and are prepared in accordance with generally accepted accounting principles.

The Phoenix Human Resources System provides a comprehensive information system infrastructure that supports trial court human resources management and payroll needs. Designed for integration with the Phoenix Financial System and first deployed in July 2006, the system offers standardized technology for human resources administration and payroll processing, provides consistent reporting, ensures compliance with state and federal labor laws, collects data at the source, provides central processing, and provides manager and employee self-service functions to the courts.

**Information Systems Control Enhancements.** The Judicial Council requests \$3.2 million (in 2016-17) and \$1.9 million (ongoing) to strengthen information technology security controls and enhance the reliability of Judicial Branch data. Specifically, the funds requested would be used for the following information technology related items:

- **Audit and Accountability** - the implementation of user access auditing tools within the courts;
- **Risk Assessment** - the establishment of annual information systems risk assessments;
- **Contingency Planning** - the implementation of information technology disaster recovery infrastructure and capabilities within the Judicial Council;
- **Security Program Management** - the implementation of a formalized information security program within the Judicial Council; and
- **Media Protection** - the preparation for the implementation of a data classification program within the Judicial Council. This request includes three full-time employees to support information technology security and disaster recovery programs within the Judicial Council

The increasing frequency of information technology security breaches in both public and private sector organizations has demonstrated a need for the Judicial Council to review its ability to protect itself from compromise, and should a breach or infrastructure outage occur, to be able to recover effectively and in a timely manner. Focus is needed both within the Judicial Council, and in the Judicial Council's ability to more effectively assist the courts in these areas.

The National Institute of Standards and Technology (NIST), part of the U.S. Department of Commerce, provides standards, guidelines and other useful security-related information which organizations can use to assess their security posture, and to implement or strengthen controls to improve their security posture. Among these offerings is Special Publication 800-53, which provides specific guidance in a broad range of areas including security management, access controls, configuration management, contingency planning, incident response, and more. The Judicial Council has reviewed NIST's Special Publication 800-53, and has identified the five critical areas where investment is critical. These five areas are "Audit

and Accountability", "Risk Assessment", "Contingency Planning", "Security Program Management", and "Media Protection".

**Staff Recommendation.** Approve as budgeted.

**4440 DEPARTMENT OF STATE HOSPITALS****Issue 1: Capital Outlay**

The department proposes four capital outlay proposals and support services totaling approximately \$37.6 million (General Fund). The proposals include:

- **Metropolitan State Hospital.** The proposed budget includes \$31,182,000 in capital outlay funding for this project is to increase the secured bed capacity at Metropolitan State Hospital (MSH). This project will increase capacity to house forensic inmates by securing 505 beds by constructing a secured fence for two buildings at the hospital. The proposed project will construct two perimeter security fences, one fence around the Continuing Treatment West (CTW) building and adjacent park, and a second perimeter fence around the skilled nursing facility (SNF). The scope includes 16-foot high fences with electronic security features including sensor cable, closed circuit TV, card access, floodlights, and alarms, six new kiosks, interior security enhancements in unit and patios, the addition of perimeter roads, replacement parking, and the construction of a bathroom facility in the park. The total project cost is estimated to be \$35,530,000.

The 2015 Budget Act provided \$3.6 million General Fund for the planning and drawing phases of secured fencing to enclose two buildings and add secured fencing around the adjacent park.

- **Atascadero State Hospital.** This request provides \$5,288,000 for a seismic project that will correct the structural deficiencies in the main East-West corridor at Atascadero State Hospital (ASH). This corridor is a major thoroughfare for the hospital and is integrated with multiple ward buildings. Hundreds of staff and patients travel along this corridor daily. Because this section of the hospital is designated a Risk Level V on the Division of the State Architect's (DSA) Seismic Risk Assessment scale, DSH is proposing to seismically retrofit it to lower the risk of injury or death in the event of an earthquake.
- **Coalinga State Hospital.** This request provides \$603,000 for the design and construction of a secure treatment courtyard at Coalinga State Hospital (CSH). The current main courtyard is undersized and cannot serve as an area of refuge in the event of a fire. Additionally, the current courtyard does not provide sufficient space for group exercise, social interactions, and other outdoor activities. This project will erect a new courtyard that will have enough open-air space to accommodate the full capacity of the facility in the event of a fire and for outdoor activities.
- **Patton State Hospital.** This request provides \$554,000 to remove and replace deficient SimplexGrinnell Fire Alarm Control Panels (FACP) and associated components in four patient occupied buildings at Patton State Hospital (PSH) which have reached the end of their usable life and are no longer serviceable. This project will enable PSH to bring the existing fire alarm systems into compliance with regulatory requirements. The existing fire alarm systems are a safety hazard. The four buildings, 30, 70, U, and EB, included in this project house the majority of PSH's patients. These buildings also contain kitchens, dining rooms, medical and dental clinics, therapeutic areas, offices, and nursing stations for staff. Failure to address the fire alarm systems at PSH puts both patients and staff at risk should a fire occur and the notification alarm to evacuate fails.

**Staff Recommendation.** Approve as budgeted.

**Issue 2: Unified Hospital Communications Public Address System**

**Governor's Budget.** DSH requests \$6.5 million General Fund and two full-time permanent positions in 2016-17 (\$1.6 million in out-years) for the first phase in the development of a Unified Hospital Communications (UHC) system to provide continuity and standardization throughout the state hospitals. Specifically, this request addresses the Public Address (PA) systems and related Local Area Network (LAN) systems at DSH-Coalinga and DSH-Patton.

**Background.** DSH staff throughout the hospital system require regular, accurate and up-to-date hospital communications. PA systems are believed to be a critical component to the overall safety of staff and patients. While every DSH hospital has some form of a PA system, DSH states that these PA systems lack sufficient campus coverage, are outdated, in constant need of repair, and no longer under warranty. For example, the PA system at DSH-Coalinga is ten years old and DSH-Patton is over 30 years old. The DSH proposes the integration of, and where necessary replacement of, existing PA systems into a more comprehensive and reliable network based PA system with wider campus coverage at the Coalinga and Patton State Hospital facilities. DSH-Coalinga and DSH-Patton are the focus of the proposal because both locations have the least amount of coverage and are most prone to errors. DSH hopes to update additional hospitals at a later date.

DSH explains that the new PA system will allow for many health and safety improvements in the communication and dissemination of information quickly and intelligibly throughout the hospital campuses. New technology will allow for two-way communications between public speakers in key areas and dispatch, targeted announcements to specific hospital areas to prevent disruption in non-affected areas, clear and intelligible announcements, and message prioritization to prevent concurrent message delivery. Additionally, improvements and upgrades will help minimize the number of failures and unplanned down time thereby reducing potential health and safety implications for staff and patients.

As a part of this project, DSH will also need to upgrade its existing LAN system wherever necessary to support the new PA technology. These upgrades will be made in accordance with DSH architecture and adhere to the DSH medical grade standard. For many of the aging PA systems, the sound produced is either too quiet to be audible in a busy hospital environment or produces sound that has low intelligibility. Intelligibility is defined as the capability of being understood or comprehended (distinguishable and understandable). Voice alarms that are intelligible ensure that vital emergency messages transmitted through a building's PA system are clearly heard and understood.

DSH states that in a life-threatening situation, the right staff must get to the right place as quickly as possible. Whether it is a doctor page, an assault incident, a security incident or a fire, the PA system must reliably broadcast clear messages that everyone understands.

DSH argues that without the ability to intelligibly broadcast emergencies or security incidents throughout the facility, DSH puts its staff and patients at substantial risk. DSH has the opportunity to ensure that all staff and patients can be reached in emergency situations to reduce the likelihood of patient and staff injury by installing network based PA systems with full campus coverage.

**Staff Recommendation.** Approve as budgeted.