

# SUBCOMMITTEE NO. 5

# Agenda

Senator Loni Hancock, Chair  
Senator Joel Anderson  
Senator Holly Mitchell



Thursday, March 6, 2014  
9:30 a.m. or Upon Adjournment of Session  
State Capitol - Room 113

Consultant: Julie Salley-Gray

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## **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 included 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. The current year adult inmate population is 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>

## INFORMATIONAL ITEMS

### Issue 1: Female Offender Status Report

#### Panel 1 – Overview

**Jay Virbel**, Associate Director, Female Offender Program (10 minutes)

**Robert Barton**, California’s Inspector General (10 minutes)

#### Panel 2 – Perspectives

**Mianta McKnight**, Female Offenders Treatment and Employment Program, Treasure Island (10 - 15 minutes)

**Vitka Eisen**, Chief Executive Officer, Health Right 360 (10 - 15 minutes)

**Cynthia Chandler**, Attorney, Justice Now (10 - 15 minutes)

#### Panel 3 – Challenges, Successes, and Options

**Wendy S. Still**, Chief Adult Probation Officer, Adult Probation Department, City and County of San Francisco (15 minutes)

#### Public Comment

**Female Offender Population.** On February 19, 2014, CDCR’s female population was 6,153. The Governor’s Budget projects that CDCR’s female population will be 6,179 by June 30, 2014, and will increase to 6,383 by June 30, 2015.

CDCR currently houses female offenders at three institutions; California Institute for Women in Corona, Central California Women’s Facility in Chowchilla, and Folsom Women’s Facility at Folsom State Prison near Sacramento. The following is the population in each facility as of February 19, 2014.

Prison	Population	Capacity	Percent of Capacity
California Institute for Women	2,092	1,398	149.6%
Central California Women’s Facility	3,645	2,004	181.9%
Folsom Women’s Facility	357	403	88.6%
<b>Total</b>	6,094	3,805	160.2%

**Local Jail Population.** According to the BSCC's County Jail Populations Profile, 2nd Quarter Reporting for 2013 (April - June), there were 10,593 female offenders in county jails, 6,002 of which were not yet sentenced.

**Parole and Probation Population.** In addition to the approximately 17,000 women incarcerated in California, there will be an estimated 6,300 in post-release supervision, 2,800 of those women will be supervised under the state parole system and up to 3,500 will be in Post Release Community Supervision (PRCS) overseen by county probation departments.

**Juvenile Offenders.** In addition to the adult female offenders, as of December 31, 2013, there were 19 female juvenile offenders incarcerated at the Ventura Youth Correctional Facility in Camarillo. The average length of stay for young women in this facility is 32.5 months. Finally, there are approximately 1,000 girls currently under the care and supervision of county probation departments.

**Recidivism.** Women are considerably less likely than men to return to prison after they are released. A 2011 study from CDCR found that women have a 55 percent chance of returning to prison. On the other hand, 66 percent of men return to prison within three years of their release. This constitutes an 11 percent difference. First time offenders have a lower recidivism rate than repeat offenders. 47 percent of women return to prison after serving their first sentence while 58 percent of men return. Further, inmates designated as serious or violent offenders recidivate at a lower rate than those who are not. Finally, inmates participating in mental health programs return at a rate that is 6 percent to 11 percent higher than other inmates.

**National Statistics on Female Offenders.** A 2012 report from the Sentencing Project in Washington, D.C. provides the following information on incarcerated women in the United States:

- Between 1980 and 2010, the number of incarcerated women increased 646 percent, from 15,118 to 112,797. When local jails are included, the number rises to over 205,000 women.
- During that period, the number of women in prison increased at nearly 1.5 times the rate of men (646 percent versus 419 percent).
- Counting probation and parole, in 2010 more than 1 million women were under the supervision of the criminal justice system.
- In 2010, African American women were incarcerated at nearly 3 times the rate of white women and Hispanic women were incarcerated at 1.6 times the rate of white women.

- However, between 2000 and 2010, the rate of incarceration decreased 35 percent for African American women and increased 28 percent for Hispanic women and 38 percent for white women.
- Women are more likely to be in prison for drug and property offenses, while men are more likely to be in prison for violent offenses.
- Women in prison are more likely than men to be victims of sexual misconduct. More than three-quarters of all reported staff sexual misconduct involves women who were victimized by male correctional staff.
- Nearly three-quarters of women in state prison in 2004 had symptoms of a current mental health problem, compared to 55 percent of men.
- 62 percent of women in state prisons have minor children.
- 64 percent of mothers in prison lived with their children before they were sent to prison.
- 1 in 25 women in state prisons and 1 in 33 women in federal prisons are pregnant when admitted to prison.
- The majority of children born to incarcerated mothers are immediately separated from their mothers.

**Female Offender Programs and Services/Female Offender Master Plan.** In July 2005, the California correctional system reorganized to address directly the rehabilitative and re-entry needs of all inmates and parolees. As part of this reorganization, CDCR established the Female Offender Programs and Services (FOPS) office, to manage and provide oversight of adult female programs, including prisons, conservation camps, and community programs. FOPS developed a gender-responsive, culturally sensitive approach to program and policy development to improve recidivism outcomes for the adult incarcerated and paroled female offenders under the supervision of CDCR.

In addition, CDCR established a Gender-Responsive Strategies Commission (GRSC) to assist in the development of a master plan for female offenders. This advisory commission was comprised of representatives of the various disciplines within CDCR, community partners, nationally recognized experts on female offenders, previously incarcerated individuals, family members of women offenders and other external stakeholders, including labor, the California Commission on the Status of Women, the Little Hoover Commission (LHC) and legislative representatives. Several subcommittees provide input to CDCR on institutional operational practice and policy, treatment programs, community re-entry, medical and mental health, and parole.

Collaboratively, FOPS and GRSC developed a master plan, a gender-responsive, culturally sensitive approach to program and policy development to improve recidivism outcomes for the adult incarcerated and paroled female offenders under the supervision of CDCR. The plan provides a blueprint for CDCR to incorporate national standards in operational practice, program development, medical and mental health care, substance abuse treatment, family reunification, and community reentry.

**Gender Responsive Planning.** Gender-responsive means creating an environment through site selection, staff selection, program development, content, and material that reflects an understanding of the realities of women’s lives and addresses the issues of the participants. Gender-responsive approaches are multidimensional and are based on theoretical perspectives that acknowledge women’s pathways into the criminal justice system. These approaches address social (e.g., poverty, race, class and gender inequality) and cultural factors, as well as therapeutic interventions. These interventions address issues such as abuse, violence, family relationships, substance abuse and co-occurring disorders. They provide a strength-based approach to treatment and skill building. The emphasis is on self-efficacy.

Six guiding principles frame the Gender Responsiveness Approach adopted by CDCR:

<b>Gender</b>	Acknowledge that gender makes a difference.
<b>Environment</b>	Create an environment based on safety, respect, and dignity.
<b>Relationships</b>	Develop policies, practices, and programs that are relational and promote healthy connections to children, family, significant others, and the community.
<b>Services and Supervision</b>	Address substance abuse, trauma, and mental health issues through comprehensive, integrated, culturally relevant services, and appropriate supervision.
<b>Socioeconomic Status</b>	Provide women with opportunities to improve their socioeconomic conditions.
<b>Community</b>	Establish a system of community supervision and re-entry with comprehensive, collaborative services.

The gender-responsive approach is built on research that has found that female offenders’ pathways to criminality are significantly different from those of their male counterparts. In addition, the types of crimes committed by female offenders, their level of violence, their responses to custody and supervision, and their family situations and responsibilities have also been shown to be very different than those of male offenders. Among women, the most common pathways to crime are based on survival (of abuse and poverty) and substance abuse. Research on female offenders has established that women enter the criminal justice system in ways different from those of male offenders. California’s female offenders have a specific profile that mirrors national findings. They are less likely than men to have committed violent offenses and more likely to have been convicted of crimes involving property or drugs—posing a lesser risk to the community.

Women in community-based, family-focused settings face fewer obstacles to visitation and maintaining family connections. Community-based settings can emphasize treatment, service provision, and community reentry. Addressing the risk and needs of the female offender requires an appropriate assessment. There are multiple instruments that provide assessments, but counties should consider using gender-responsive risk and needs assessment instruments that incorporate women's pathways and recommend gender-appropriate placements, treatment, and supervision.

As part of community programming, this system of supervision and support in communities should include: housing, education, job training, employment, family counseling, child care and parenting education, drug and alcohol treatment, health and mental health care, peer support, and aftercare. Wraparound services and other integrated approaches can also be very effective because they address multiple needs in a coordinated way and facilitate access to services.

In addition, several research studies have found that gender responsive approaches are more effective in reducing recidivism and improving outcomes for female offenders when implemented according to these principles.<sup>1</sup>

***Community Prisoner Mother Program (CPMP).*** The Community Prisoner Mother Program (CPMP) is a community substance abuse treatment program where non-serious, nonviolent female offenders may serve a sentence up to six years. The CPMP has been in existence since 1985 and is mandated by Penal Code (PC) Section 3410. Women are placed in the program from any of the female institutions. Program eligibility requires that the female offender have up to two children less than six years of age, have no additional felony charges pending, nor any prior escapes. The female offender must sign a voluntary placement agreement to enter the program, followed by three years of parole. The CPMP facilities are not the property of CDCR, and a private contractor provides program services at a facility in Pomona. The treatment program addresses substance issues, emotional functioning, self-esteem, parenting skills, and employment skills.

The primary focus of the CPMP is to reunite mothers with their children and re-integrate them back into society as productive citizens by providing a safe, stable, wholesome and stimulating environment, establishing stability in the parent-child relationship, and providing the opportunity for inmate mothers to bond with their children and strengthen the family unit.

Since January 2012, 59 inmates and their children had participated in the program in Pomona. The program has 24 beds available and has an average daily population of 19 women and their children (80 percent of its maximum capacity).

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<sup>1</sup> The background on gender-responsive planning was included in a letter to probation officers and Community Corrections Partnership members from Barbara Owen, Professor, Criminology, CSU-Fresno and Barbara Bloom, Professor and Chair, Criminology & Criminal Justice Studies, Sonoma State University.



***Alternate Custody Program (ACP).*** In 2010, Senate Bill 1266 (Liu), Chapter 644, Statutes of 2010 established the ACP program within the CDCR. The program was subsequently expanded in 2012 by SB 1021 (Committee on Budget and Fiscal Review), Statutes of 2012, Chapter 41. Under this program, eligible female inmates, including pregnant inmates or inmates who were the primary caregivers of dependent children, are allowed to participate in lieu of their confinement in state prison. Through this program, female inmates may be placed in a residential home, a nonprofit residential drug-treatment program, or a transitional-care facility that offers individualized services based on an inmate's needs. The program focuses on reuniting low-level inmates with their families and reintegrating them back into their community.

All inmates continue to serve their sentences under the jurisdiction of the CDCR and may be returned to state prison for any reason. An inmate selected for ACP is under the supervision of a parole agent and is required to be electronically monitored at all times.

To be eligible for the program, a woman must volunteer for the program, meet the eligibility criteria, and cannot have a current conviction for a violent or serious felony or have any convictions for sex-related crimes.

Services for ACP participants can include: education/vocational training, anger management, family- and marital-relationship assistance, substance-abuse counseling and treatment, life-skills training, narcotics/alcoholics anonymous, faith-based and volunteer community service opportunities.

CDCR implemented ACP on September 12, 2011. Since its inception, 345 women have participated in the program and an additional nine women are currently awaiting transfer into the program. As of February 25 of this year, the daily population was 77 women. There are currently 287 women in various stages of the application process. Approximately one-third of those women will be deemed eligible; the remainder will most likely be disqualified because of their offenses. Of the 345 participants to date, 39 have been returned to prison due to their behavior in the community or for committing new crimes.

CDCR reports that after realignment, it became much more difficult to find women who could qualify for the program since the lower level offenders are now incarcerated in county jails. Prior to realignment, processing an application for the program took between 60 and 90 days. Currently, it takes 120 to 150 days to determine whether or not a woman is eligible for the program.

***Female Offender Treatment and Employment Program (FOTEP).*** FOTEP is a program designed to provide a transition for female offenders from custody to the community by focusing on intensive, gender responsive counseling services. In addition, there is a comprehensive case management component that assesses the needs of the participants and provides the services and programs that would most likely result in their recovery and employment success. FOTEP allows women to have their

children reside with them while they are in treatment. The program lasts for up to 15 months.

There are currently five community programs throughout the state running FOTEP programs. The total capacity for those programs is 300 beds. Current enrollment in those programs is 161 women, or 54 percent of capacity.

***Female Rehabilitative Community Correctional Facility (FRCCC).*** The FRCC located in Bakersfield is a reentry program designed for non-serious, non-violent female offenders who have 36 months or less remaining on their sentences. The program is designed to provide gender-specific wraparound services such as education, healthcare, mental health, vocational training, and substance abuse and trauma treatment. There are 75 beds available in the FRCCC and 34 women participating in the program (46 percent of capacity).

**Conservation/Fire Camps.** In addition to the three institutions and the abovementioned specialized programs, there are three conservation camps in the state being run in collaboration with the California Department of Forestry and Fire Protection. The female inmates live at the camps year round and are trained to serve as inmate firefighters for wild land fire suppression. The camps serve San Diego, Imperial, Riverside, and Los Angeles Counties. As of February 28, 2014, there were 223 women in the camps and the camps have a capacity for 320 women (70 percent of capacity).

**Issue 2: The Three-Judge Panel Court Order****Panelists**

**Jeffrey Beard**, Secretary, CDCR  
**Millicent Tidwell**, Director, Division of Rehabilitative Programs, CDCR  
**Aaron Edwards**, Senior Analyst, LAO  
**Sarah Larson**, Analyst, LAO  
**Drew Soderborg**, Managing Principal Analyst, LAO  
**Department of Finance**

**Public Comment****Background**

In 2009, a federal three-judge panel declared that overcrowding in the state prison system was the primary reason that CDCR was unable to provide inmates with constitutionally adequate health care. The court ruled that in order for CDCR to provide such care, overcrowding would have to be reduced. Specifically, the court ruled that by June 2013, the state must reduce the inmate population to no more than 137.5 percent of the “design capacity” in the 33 prisons operated by CDCR. Design capacity generally refers to the number of beds CDCR would operate if it housed only one inmate per cell and did not use temporary beds, such as housing inmates in gyms. Inmates housed in contract facilities or fire camps are not counted toward the overcrowding limit. In May 2011, the U.S. Supreme Court upheld the three-judge panel’s ruling. Under the population cap imposed by the federal court, the state would need to reduce the number of inmates housed in its 33 state prisons by about 34,000 inmates, relative to the prison population at the time of the ruling.

In October 2012, the federal three-judge panel ordered the state to present two plans for how it would further reduce the state’s prison population either by the original deadline of June 2013, or by a deadline of December 2013. On January 7, 2013, the Administration released its response to the court. The Administration requested that the court modify or vacate its population reduction order altogether. While the three-judge panel did not issue judgment on whether to vacate the population limit, it did extend the deadline for meeting the limit from June 2013 to December 2013. It also ordered the Administration to continue working toward meeting the limit in December but did not order the Administration to take any specific actions.

In June of 2013, the court ordered Governor Brown to reduce the prison population by 9,600 inmates by the end of the year. The state's response was reflected in part by the passage of SB 105 (Steinberg and Huff), Chapter 310, Statutes of 2013. That measure authorizes \$315 million to meet the court's order either through increasing prison bed capacity or, to the extent the court grants more time for California to meet the court's order, increasing California's cost-effective investments in evidence-based practices and policies to reduce recidivism.

On September 24, 2013, the three-judge panel issued an order directing the state to meet with inmate attorneys to discuss how to implement a long-term overcrowding solution. The order also prohibits the state from entering into any new contracts for out-of-state housing without an order of the court. A subsequent order moved the deadline for meeting the population cap to April 18, 2014, and required that both parties in the case work to reach an agreement on how to best reach the 137.5 percent goal.

Unfortunately, the parties were unable to come to a long-term solution by the deadline provided by the court. On January 13, 2014, the court noted the failure of the plaintiffs and the defendants to find a solution and the court ordered both sides to submit plans that they believe would allow the state to achieve compliance with the court-ordered population cap of 137.5 percent of design capacity.

**Recent Court Order.** On February 10, 2014, the court granted the state's request for a two-year extension to meet the population cap and largely adopted the plan submitted by the Administration. The order established the following benchmarks:

Benchmark Date	Percent of Capacity	Number of Inmates <sup>2</sup>	Reduction from Projected Population
June 30, 2014	143%	116,651 <sup>3</sup>	1,266 <sup>4</sup>
February 28, 2015	141.5%	117,030 <sup>5</sup>	12,193 <sup>6</sup>
February 28, 2016	137.5%	116,989 <sup>7</sup>	17,927 <sup>8</sup>

<sup>2</sup> Based on a current prison capacity of 81,574, which grows to 85,083 with the activation of DeWitt and the three infill projects.

<sup>3</sup> Assumes DeWitt is not activated in time to meet this deadline.

<sup>4</sup> Based on the 1/31/2014 institution population of 117,917.

<sup>5</sup> Assumes DeWitt is activated and increases the state's capacity by 1,133 beds.

<sup>6</sup> Based on the Department of Finance "Three-Judge Court Compliance Projections with Two-Year Extension" Prison Population, with Blueprint projection of 129,233.

<sup>7</sup> Assumes activation of all three infill projects approved in the Blueprint, which will increase capacity by 2,376 beds.

<sup>8</sup> Based on the Department of Finance "Three-Judge Court Compliance Projections with Two-Year Extension" Prison Population, with Blueprint projection of 134,916.

In addition, the court order established the following requirements for the state:

1. Prohibits an increase in the number of inmates housed in out-of-state facilities.
2. Requires an immediate increase in credits prospectively for non-violent second-strike offenders and minimum custody inmates. In addition, allows non-violent second-strikers to earn good time credits at 33.3 percent and earn milestone credits.
3. Requires implementation of a new parole determination process which will allow non-violent second-strikers to be eligible for parole once they have completed 50 percent of their sentence.
4. Requires the parole of certain inmates serving indeterminate sentences who have already been granted parole by the Board of Parole Hearings but have future parole dates.
5. Requires the implementation of an expanded parole process for the following types of inmates:
  - a. Medically incapacitated inmates.
  - b. Inmates who are 60 years of age or older and have already served 25 years.
6. Requires the activation of 13 reentry hubs by February 10, 2015.
7. Requires the pursuit of the expansion of the state's pilot reentry program to include additional counties.
8. Requires an expanded alternative custody program for female inmates.
9. Requires monthly status reports to the court.
10. Appoints a Compliance Officer who will release inmates in the event that the established benchmarks are not reached.
11. Waives all statutory, constitutional, and regulatory provisions, except the California Public Resources Code, which may impede the implementation of the order.

**SB 105 (Steinberg and Huff), Chapter 310, Statutes of 2013.** In September 2013, the Legislature passed, and the Governor signed, SB 105 to address the federal three-judge panel order requiring the state to reduce the prison population to no more than 137.5 percent of design capacity by December 31, 2013. SB 105 provides the CDCR with an additional \$315 million in General Fund support in 2013-14 and authorizes the department to enter into contracts to secure a sufficient amount of inmate housing to meet the court order and to avoid the early release of inmates which might otherwise be necessary to comply with the order. The measure also requires that if the federal court modifies its order capping the prison population, a share of the \$315 million appropriation in Chapter 310 would be deposited into a newly-established Recidivism Reduction Fund.

**Governor's Recidivism Fund Proposal.** The Governor's budget reflects total expenditures of \$228 million from the \$315 million appropriated in AB 105 (Steinberg and Huff), Chapter 310, Statutes of 2013. The proposed plan would set aside \$81.1 million for the following recidivism reduction efforts.

- \$11.8 million to expand substance use disorder treatment to ten additional state prisons.
- \$9.7 million to expand substance use and cognitive behavioral treatment to in-state contracted facilities.
- \$11.3 million to increase the number of slots in the Integrated Services for Mentally Ill Parolees program from 600 to 900.
- \$8.3 million for the design and planning necessary to convert a 600-bed facility in Stockton into a reentry hub over the next two years.
- \$40 million to support state reentry programs in the community, either through programs provided in jails or for services provided within communities.

The proposed budget also states the intent of the Administration to immediately begin implementing measures required by the federal court pertaining to expanded medical parole, elderly parole, and credit enhancements. Initial estimates suggest that this may result in the release of approximately 2,000 inmates over the next two years.

**Legislative Analyst's Office (LAO).** On February 28, the LAO released their analysis of the recent court order and the Governor's plan to reduce the prison population. While the LAO agreed that the plan will likely allow the state to reach the 137.5 percent cap by the deadline of February 26, 2016, they did find that the plan is very costly and will not allow the state to maintain compliance with the cap in the long run. The LAO found that the centerpiece of the Governor's plan is to place almost 17,000 inmates in contract beds, 9,000 out of state and 8,000 within the state. They estimate the on-going cost of those beds to be approximately \$500 million per year.

The report notes:

*While the plan is likely to achieve compliance with the court order in the short run, current projections indicate that CDCR is on track to eventually exceed the cap. CDCR is currently projecting that the prison population will increase by several thousand inmates in the next few years and will reach the cap by June 2018 and exceed it by 1,000 inmates by June 2019. However, we note that this projection is subject to considerable uncertainty. Given the inherent difficulty of accurately projecting the inmate population several years in the future, it is possible that the actual population could be above or below the court imposed limit by several thousand inmates.*

*In addition, we are concerned that the plan's heavy reliance on contract beds makes it a very costly approach. As we note earlier, the Administration is currently considering alternatives to contracting for additional prison beds indefinitely to maintain long-term compliance with the cap. However, until such alternatives are implemented, the state will likely need to continue spending nearly \$500 million annually on contract beds in order to maintain compliance with the prison population cap. In contrast, other options available to the Legislature could actually decrease state expenditures.*

**Summary of LAO Recommendations.** The LAO makes the following recommendations for the Legislature to consider:

- Reject funding for the Integrated Services for Mentally Ill Parolees (ISMIP) program expansion and require an evaluation.
- Approve the drug treatment expansion but require an evaluation.
- Withhold funding for rehabilitation programming in contract facilities and direct the department to provide a more comprehensive plan during the spring budget hearings.
- Reject the Northern California Reentry Facility (NCRF) proposal.
- Reject the \$40 million jail and community reentry facility proposal.
- Evaluate CDCR's current rehabilitative programs.
- Expand the program created by SB 678 (Leno), Chapter 608, Statutes of 2009, commonly referred to as SB 678, which provides counties a fiscal incentive to

reduce the number of felony probationers that fail on probation and are incarcerated.

- Reclassify certain felonies and wobblers as misdemeanors.
- Reduce sentences for certain crimes.
- Increase the early release credits inmates can earn.
- Expand the Alternative Custody Program to male inmates.
- Modify rehabilitative programs based on the evaluation recommended above.



## ITEMS TO BE HEARD

### Issue 3: Population BCP

**Governor's Budget.** Each year, in the January Budget, the Administration requests modifications to CDCR's budget based on projected changes in the prison and parole populations in the current and budget years. The Administration then adjusts these requests each spring as part of the May Revision, based on updated projections of these populations. The adjustments are made both on the overall population of offenders and various subpopulations (such as mentally ill inmates and sex offenders on parole). This year's proposed budget includes a net increase of \$2.9 million General Fund in the current year and a net reduction of \$23.4 million General Fund in the budget year.

According to the Legislative Analyst's Office analysis of the Governor's proposed budget, the current-year net increase in costs is primarily due to costs from the higher-than-expected 2013-14 parole population, as well as additional unanticipated costs for the recently activated California Health Care Facility (CHCF) in Stockton. These costs are partially offset by savings related to in-state contract beds due to delays in moving inmates into such beds, as well as reduced costs associated with the deactivation of temporary mental health crisis beds at the California Men's Colony in San Luis Obispo. (The increased cost for the Administration's proposed expansion of in-state contracts in the current year is accounted for elsewhere in the Governor's budget for CDCR.)

The budget-year net reduction in costs is largely related to the lower-than-expected 2014-15 parole population and reduced costs associated with deactivating temporary mental health crisis beds at the California Institution for Men in Chino and California State Prison, Sacramento. These reductions are partially offset by increased costs to reimburse counties for various services provided to CDCR (such as housing CDCR inmates when they must appear in court), as well as costs from an increase in certain populations of inmates needing mental health care.

**Legislative Analyst's Office (LAO) Recommendation.** The LAO withholds recommendation on the Administration's adult population funding request until the May Revision. They will continue to monitor CDCR's populations, and make recommendations based on the Administration's revised population projections and budget adjustments included in the May Revision. However, they recommend that the Legislature direct the department to make adjustments as part of the May Revision to reflect the savings from the delayed activation of housing units at CHCF.

**Issue 4: Office of the Attorney General Litigation Services**

**Governor's Budget.** The Governor's budget requests \$1.36 million for five additional full-time deputy Attorney General positions in order to provide ongoing representation for CDCR in the class action cases of *Coleman v. Brown*, *Plata v. Brown*, the Three Judge Panel, and other class action litigation.

**Staff Comment.** The Administration asserts that there is an increased volume of litigation facing CDCR. At this time, the Administration has not provided trend data that demonstrates the growing need. While CDCR does continually face a significant amount of litigation, with the recent decision by the three-judge panel on prison overcrowding, a fairly significant legal workload should be completed.

CDCR's budget currently includes approximately \$40 million GF in fees for legal services provided by the Attorney General's Office. \$40 million provides the funding for approximately 150 attorneys and paralegal staff. In addition, CDCR currently employs 112 in-house attorneys and has a budget of \$69 million (\$28 million of which is dedicated to settlements and judgments) for their Office of Legal Affairs. Of those 112 attorneys, approximately 14 are devoted to class action law suits.