

SUBCOMMITTEE NO. 5

Agenda

Senator Nancy Skinner, Chair
Senator Joel Anderson
Senator Jim Beall



Thursday, May 17, 2018
9:30 a.m. or upon adjournment of Session
State Capitol - Room 113

Consultant: Christopher Francis

PART B

<u>Item</u>	<u>Department</u>	<u>Page</u>
Vote-Only Items		
0250	Judicial Branch	
Issue 1	Stability for Legal Aid	4
Issue 2	Courts Honest Budget Adjustment	5
Issue 3	Chief Justice's Priorities	5
Issue 4	Self-Help Centers in Trial Courts	6
Issue 5	Self-Represented Litigants e-Services Web Portal Spring Letter	6
Issue 6	County Law Libraries Proposal	6
Issue 7	Pilot Project for Online Adjudication of Traffic Violations	6
Issue 8	Deferral of Sentencing Trailer Bill Language	6
Issue 9	Unfunded Appellate Judgeships Proposal	7
Issue 10	Court Reporters in Family Law Proposal	7
Issue 11	Traffic Tickets and License Suspensions	7
5225	Department of Corrections and Rehabilitation (CDCR)	
Issue 12	Supportive Housing Pilot for Mentally Ill Parolees	8
Issue 13	Health Care Facility Improvement Program (HCFIP) Spring Letter	8
Issue 14	Hepatitis C Treatment Funding	8
Issue 15	Contraband Interdiction Program	8
Issue 16	Training Initiatives	9
Issue 17	Healthcare Services for Reentry Programs	9
Issue 18	Correctional Counselor I Ratio Adjustment	9
Issue 19	Juvenile Justice ID Card Trailer Bill Language	9
Issue 20	Innovative Programming Grants	9
Issue 21	Juvenile Justice Reform	10
Issue 22	Academy- Division of Juvenile Justice	10
Issue 23	Video Surveillance for Mental Health Units at CSP-Sacramento	10

	CALFIRE, CDCR, and California Conservation Corps.	
Issue 24	Ventura Training Center	11
	Various Departments	
Issue 25	State Penalty Fund Adjustment	11
Issue 26	Reentry and Diversion Programs in California	12
Issue 27	Driving Under the Influence Trailer Bill Language Proposal	12
8120	Commission on Peace Officer Standards and Training (POST)	
Issue 28	Revising Hate Crime Model Policy	12
5227	Board of State and Community Corrections (BSCC)	
Issue 29	Standards and Training for Local Corrections Trailer Bill Language May Revise Proposal	13
Issue 30	California Violence Intervention & Prevention (CalVIP) Grant Proposal	13
Issue 31	New Earth Proposal	13
0820	Department Of Justice	
Issue 32	Tax Recovery and Criminal Enforcement (TRaCE) Task Force Augmentation Proposal	13
Issue 33	Juvenile Court and Probation Statistical System Proposal	13
Issue 34	Bureau of Medi-Cal Fraud and Elder Abuse Technical Redirection May Revision Proposal	14
Issue 35	Cybercrime Investigation Teams May Revision Proposal	14
Issue 36	Sex Offender Registry May Revision Proposal	14
Issue 37	Statewide Forensics Services May Revision Proposal	15
Issue 38	Sexual Assault Kit Proposal	15
Issue 39	Proposition 56 May Revision Technical Adjustment	15
0280	Commission on Judicial Performance	
Issue 40	State Audit	16
	Discussion Items	
5225	Department of Corrections and Rehabilitation (CDCR)	
Issue 41	Rehabilitative Achievement Credit Staffing	17
Issue 42	Court Resentencing Petitions May Revise Proposal	17
Issue 43	General Population Adjustments	17
Issue 44	Institutional Staffing Needs	18
Issue 45	Overtime Base Budget Adjustment	18
Issue 46	Medical Guarding and Transportation	18
Issue 47	Janitorial Services at the California Health Care Facility	19

Public Comment

Pursuant to the Americans with Disabilities Act, individuals who, because of a disability, need special assistance to attend or participate in a Senate Committee hearing, or in connection with other Senate services, may request assistance at the Senate Rules Committee, 1020 N Street, Suite

255 or by calling (916) 651-1505. Requests should be made one week in advance whenever possible.

PROPOSED FOR VOTE ONLY**0250 JUDICIAL BRANCH**

- 1. Stability for Legal Aid.** Civil legal aid organizations provide free legal assistance to low-income Californians, people with disabilities, and seniors. Legal aid helps people with problems such as foreclosure, unemployment, domestic violence, health access, consumer debt, housing, and reentry. Although many people believe that they have a “right to an attorney,” there is no right to an attorney in civil cases. Legal aid attorneys help those who are most vulnerable and who most need an attorney’s assistance.

Equal Access Fund (EAF). The EAF supports approximately 100 legal aid non-profits providing critical assistance to low-income Californians throughout the state. The EAF was established in 1999 with a \$10 million ongoing General Fund appropriation. In subsequent years, the EAF began to receive a portion of court filing fees. Legal aid services providers argue that their funding remains unchanged despite significant increases in the number of clients who need their services. Providers further note that California was 10th in the nation in state funding for legal services, but has now fallen to 22nd in the nation. They further note that the state of New York provides \$85 million per year for their legal aid programs. The 2017 budget included a two-year \$10 million augmentation for the Equal Access Fund.

Cy Pres. In the context of class action settlements, the cy pres doctrine permits a court to distribute unclaimed or non-distributable portions of a class action settlement fund to the “next best” class of beneficiaries for the *aggregate, indirect, prospective benefit* of the class. AB 103 (Committee on Budget), Chapter 17, Statutes of 2017, was a budget trailer bill that amended Section 384 of the Code of Civil Procedure, which governs the distribution of residual funds from class action litigation. Previous to the bill, there were three entities that these residue funds could be distributed to: 1) “nonprofit organizations or foundations to support projects that will benefit the class or similarly situated persons, or that promote the law consistent with the objectives and purposes of the underlying cause of action”, 2) child advocacy programs or 3) nonprofit organizations providing civil legal services to the indigent class. There was no requirement that any one group receive any minimum or maximum of the available funds. AB 103 mandates that 25 percent of the funds be distributed to the Equal Access Fund of the Judicial Branch and 25 percent be distributed to the Trial Court Improvement and Modernization Fund for collaborative courts or grants for Sargent Shriver Civil Counsel. The remaining 50 percent is distributed to the three groups listed above, which includes the possibility for legal aid to receive additional funding on top of the 25 percent earmark. The remaining 50 percent is distributed to the three groups listed above, which includes the possibility for legal aid to receive additional funding on top of the 25 percent earmark. While the current formula under AB 103 was intended to provide a stable funding source for legal aid, the money generated under cy pres is neither consistent nor reliable. The lack of steady revenue can cause a reduction of additional resources for organizations intended to benefit the class or similarly situated persons.

This proposal contains two components:

- That the two-year \$10 million augmentation granted in BY 2017-18 for the EAF be made permanent with \$10 million ongoing starting in BY 2019-20.
- Adopts placeholder trailer bill language that does the following:
 - Reestablishes California’s previous cy pres rule without specific earmarks to the organizations previously listed.
 - Requires attorneys to disclose to the court their connection or relationship to a cy pres recipient that creates the appearance of impropriety.
 - Requires the California Research Bureau, starting on January 1, 2024, to publish a report every five years on cases awarding cy pres distributions.

Staff Recommendation. Adopt placeholder trailer bill language and approve the proposed funding for the EAF.

2. **Courts Honest Budget Adjustment.** The Legislature proposes a budget adjustment of \$67.5 million in 2019-20, which increases by \$67.1 million in 2020-21 and then increases by \$69 million in 2021-22. These figures are based on the Legislative Analyst Office’s estimates for the cost of providing an annual increase for the judicial branch through 2021-22. These numbers reflect cost-of-doing-business increases for all judicial and court employee salaries and benefits as well as operating expenses and equipment, but do not include most facility related expenses (such as court construction debt service and facility modification projects).

Staff Recommendation. Approve adjustments as proposed.

3. **Chief Justice’s Priorities.** The Governor’s January budget proposes an increase in funding to support various proposals, nearly all of which is ongoing, including:
 - \$75 million discretionary funding for allocation to trial courts by the Judicial Council (JC).
 - \$47.9 million for allocation to certain trial courts that are comparatively underfunded relative to other trial courts.
 - \$34.1 million to backfill a further decline in fine and fee revenue to the Trial Court Trust Fund, increasing the total backfill to \$89.1 million in 2018-19. A backfill has been provided since 2014-15.
 - \$25.9 million for increased trial court health benefit and retirement costs.

Staff Recommendation. Approve the Governor’s proposal along with budget bill language that does the following:

- Distributes the \$75 million to trial courts according to the JC’s Workload Allocation Funding Methodology (WAFM) model that was modified and subsequently approved by the JC on January 12, 2018.
- Directs the LAO to jointly work with the Department of Finance to re-evaluate WAFM—with technical assistance from the judicial branch as necessary—and offer potential recommendations for change by November 1, 2019. The intended outcome would be a workload-based model that can be used for both estimating trial court needs and allocating trial court operations funding in the future.

4. **Self-Help Centers in Trial Courts.** The Judicial Council requests an ongoing augmentation of \$19.1 million General Fund beginning in 2018-19 to implement recommendations of the Chief Justice's Commission on the Future of the California Courts regarding self-represented litigants. This item is part of the Governor's January budget.

Staff Recommendation. Approve augmentation of \$19.1 million on a limited-term basis through 2020-21. Adopt budget bill language directing the Judicial Council to conduct an independent comprehensive cost-benefit analysis of self-help services and provide a report on its findings by November 2020.

5. **Self-Represented Litigants e-Services Web Portal Spring Letter.** The Judicial Council proposes a General Fund augmentation of \$3.236 million in 2018-19, \$1.9 million in 2019-20, and \$709,000 ongoing beginning in 2020-21, to design, build, and maintain a statewide Self-Represented Litigants e-Services Web Portal to enable those without legal representation to research, e-file, and track noncriminal cases via an online portal. This proposal also requests four positions at the Judicial Council of California to provide support in administering and maintaining the statewide e-Services Web Portal. This item is part of the Governor's January budget.

Staff Recommendation. Approve this proposal.

6. **County Law Libraries Proposal.** This proposal requests a one-time allocation of \$16.5 million for County Law Libraries to account for the difference between civil filing fee revenue in 2009 and currently.

Staff Recommendation. Approve the one-time allocation for \$16.5 million General Fund.

7. **Pilot Project for Online Adjudication of Traffic Violations.** The Administration requests that Item 0250-001-0001 be decreased by \$1,040,000, and that Items 0250-101-0932 and 0250-111-0001 each be increased by \$1,040,000 to reflect a technical correction for the Pilot Project for Online Adjudication of Traffic Violations proposal included in the Governor's Budget.

Governor's January budget. The Judicial Council requests \$3.4 million and seven positions in FY 2018-19 and an ongoing amount of \$1.365 million and seven positions to design, deploy and maintain software to adjudicate traffic violations online in designated pilot courts.

Staff Recommendation. Approve proposal, and May adjustments with placeholder trailer bill language that includes, at a minimum, the following provisions:

- Requires an ability to pay calculation which includes an 80 percent presumptive baseline reduction of fees that may be overridden by a judge
- Adds pilot counties that have minimum population thresholds
- Includes evaluation language and a sunset date

8. **Deferral of Sentencing Trailer Bill Language.** This proposal makes statutory language in the deferral of sentencing program that was piloted in L.A., through AB 2124

(Lowenthal), Chapter 732, Statutes of 2014 permanent and applicable statewide through trailer bill language.

Staff Recommendation. Adopt placeholder trailer bill language.

- 9. Unfunded Appellate Judgeships Proposal.** This proposal requests an augmentation of \$1.2 million General Fund to the judicial branch for the purpose of funding the costs of a new appellate court justice and accompanying staff. This request would increase the number of judges in the second division of the fourth District Court of Appeal located in the San Bernardino/Riverside area to eight judges.

Staff Recommendation. Approve this proposal.

- 10. Court Reporters in Family Law Proposal.** This proposal requires court reporters in all family court matters. Court reporters serve a critical function in court proceedings. Without a transcript of the proceedings, litigants are: (1) unable to appeal decisions (2) unable to draft orders effective; and (3) unable to accurately recount what happened during proceedings. While there is a strong need for court reporters in all court proceedings, the need for court reporters in family law proceedings is especially critical.

Staff Recommendation. Approve the following: 1) \$10 million in BY 2018-19, 2) \$20 million in BY 2019-20, and 3) \$30 million in BY 2020-21 and ongoing. Adopt placeholder trailer bill language.

- 11. Traffic Tickets and License Suspensions.** A traffic ticket is a citation to appear in traffic court. The citation requires a ticket recipient to appear in court on, or before a specific date. A person that receives a traffic citation does not need to appear in court if they pay the full amount of the fine. Until recently, when people with traffic tickets failed to pay the fine, the court notified DMV of the failure to pay. The passage AB 103 (Committee on Budget), Chapter 17, Statutes of 2017, eliminated the ability for the courts and DMV to suspend an individual's license based on a failure to pay the traffic fine. AB 103 went into effect on June 27, 2017. Courts retain the power to notify DMV of a failure to appear (FTA) in court and DMV will continue to suspend driver's licenses on receipt of such information.

Staff Recommendation. Adopt placeholder trailer bill language that includes, at a minimum, the following provisions:

- Requires that after a person who has an FTA satisfies the order of the court to appear, the court shall lift any driver's license hold. The court shall not issue a bench warrant for a failure to appear.
- Requires the court to mail a courtesy warning notice to the defendant at least 20 days before sending a notice to the Department of Motor Vehicles (DMV) that the defendant failed to appear in court, when the court seeks to notify DMV of a failure to appear, pursuant to specified law.

5225 DEPARTMENT OF CORRECTIONS AND REHABILITATION (CDCR)

12. Supportive Housing Pilot for Mentally Ill Parolees. This proposal would require CDCR to provide supportive housing to parolees experiencing homelessness or at risk of homelessness through existing funding, and partner with counties once the participant transitions off of parole and into the community. Current participants in Integrated Services for Mentally Ill Parolees program would continue to receive the same treatment they are currently receiving. As program participants transition off of parole, new participants would transition into the pilot program.

Additionally, it would require CDCR to enter into a Memorandum of Understanding (MOU) with counties. CDCR would use savings from receiving federal reimbursement for mental health treatment to pay for rental assistance and services in supportive housing during the participant's term of parole. The participating county would agree to provide community-based mental health treatment and would fund rental assistance and services under Proposition 63 (Mental Health Services Act program) once the participant transitions off of parole.

Staff Recommendation. Approve proposal with a \$5 million General Fund one-time allocation and placeholder trailer bill language.

13. Health Care Facility Improvement Program (HCFIP) Spring Letter. The CDCR requests trailer bill language to increase the lease revenue appropriation authorized by Government Code Section 15819.403(a) by \$73 million to complete construction of HCFIP projects and proposes legislation for allocating funds for the projects. Individual HCFIP projects at 25 prisons have been established by the State Public Works Board utilizing the lease revenue bond financing authority in Government Code Sections 15819.40-15819.404.

Staff Recommendation. Reject this proposal.

14. Hepatitis C Treatment Funding May Revise Proposal. The California Correctional Health Care Services (CCHCS) is requesting an augmentation of \$105.8 million annually in General Fund for three Fiscal Years (FY), beginning in FY 2018-19, and ongoing through FY 2020-21, to enable CCHCS to fully implement the expansion of the hepatitis C virus (HCV) treatment program. This funding will result in a total budget of \$165 million for HCV treatment in FY 2018-19. After FY 2020-21, the baseline HCV treatment funding will be evaluated and adjusted as needed to meet the needs of the projected population to be treated.

Staff Recommendation. Approve as proposed.

15. Contraband Interdiction Program May Revise Proposal. The CDCR is requesting \$9.1 million General Fund in 2018-19 and \$8.3 million General Fund in 2019-20 to implement a two-year Contraband Interdiction Program at the California Substance Abuse Treatment Facility (SATF). The program will deploy contraband interdiction devices at the front

entrance areas, employ a staffing complement to operate the devices, expand SATF's canine teams, conduct enhanced vehicle and institution searches, and institute a Medication Assisted Treatment (MAT) program to respond to the opioid crisis.

Staff Recommendation. Approve as proposed.

16. Training Initiatives May Revision Proposal. The CDCR requests \$12.9 million General Fund in 2018-19 and five positions, \$21.6 million General Fund in 2019-20 and 2020-21, and \$19.3 million General Fund in 2021-22 and ongoing to add essential training for peace officer and supervisory positions.

Staff Recommendation. Approve proposal along with placeholder trailer bill language.

17. Healthcare Services for Reentry Programs May Revision Proposal. The CDCR requests \$10.8 million General Fund in 2018-19 and ongoing to contract with either the Department of Health Care Services, or with third-party vendors, to provide healthcare services for reentry program participants.

Staff Recommendation. Approve as proposed.

18. Correctional Counselor I Ratio Adjustment May Revision Proposal. The CDCR's Division of Adult Institutions, requests \$13.5 million General Fund in 2018-19 and 89.2 positions to adjust the offender to Correctional Counselor I (CCI) ratio from 150:1 to 135:1 to provide enhanced rehabilitation and program enrollment assistance to the offender population.

Staff Recommendation. Approve as proposed.

19. Juvenile Justice ID Card Trailer Bill Language May Revision Proposal. The Administration requests that trailer bill language be added to authorize the Division of Juvenile Justice (DJJ) to obtain California identification cards issued by the Department of Motor Vehicles to youth offenders upon discharge.

Staff Recommendation. Adopt placeholder trailer bill language.

20. Innovative Programming Grants. The CDCR requests \$4 million Inmate Welfare Fund in 2018-19 and ongoing for Innovative Programming Grants to non-profit agencies to provide rehabilitative services to offenders within institutions. This item is part of the Governor's January budget.

Staff Recommendation.

- Approve this requested funding with an additional \$1.5 million in 2018-19 and an additional \$5 million in 2019-20 and ongoing. This provides a total of \$9 million per year, on a permanent basis.

21. Juvenile Justice Reform May Revision. The CDCR's Division of Juvenile Justice (DJJ) requests to amend the juvenile justice reform proposal included in the January budget by (1) delaying implementation of the Young Adult Offender Program, (2) making a technical correction to fix an error in projecting offsetting reductions in CDCR's adult prison population resulting from the proposed juvenile justice reforms, (3) revising the estimated population increase in the juvenile ward population, and (4) providing funding for a Basic Correctional Juvenile Academy. This results in a reduction of \$1.7 million General Fund and 16.4 positions in 2018-19, an increase of \$1.3 million General Fund and 6.6 positions in 2019-20, and an increase of \$4.2 million General Fund and 23.3 positions in 2020-21.

January Proposal. The CDCR's DJJ requested \$3.8 million General Fund and 25.6 positions in 2018-19, \$7.3 million General Fund and 51.3 positions in 2019-20, and \$9.2 million General Fund and 67.8 positions in 2020-21 and ongoing to raise the age of jurisdiction to 25 for juvenile court commitments, to increase the age of confinement to 25 for superior court commitments, and to begin implementation of a program that houses young adult offenders at a juvenile facility who would otherwise be housed in adult prison.

Staff Recommendation. Approve proposal with May Revision amendments and adopt placeholder trailer bill language that includes, at a minimum, the following provisions:

- Ensures that length of confinement time for youth currently committed to DJJ and similarly situated youth committed to DJJ in the future will not be increased as a result of the change in maximum age of jurisdiction.
- Establishes the Young Adult Program at DJJ as a five-year pilot with specified evaluation and reporting requirements.

22. Academy-DJJ. The CDCR requests \$721,000 General Fund in 2018-19 and 2019-20 to conduct one Basic Correctional Juvenile Academy each year to support the DJJ workforce. In 2016-17, CDCR began the process of ramping up the juvenile academy due to the growing number of peace officer vacancies from retirements, promotions, and separations. CDCR received funding for two years to meet this need and continued to evaluate workforce trends. Based on current vacancies and an annual attrition rate, CDCR is anticipating the need for 80 cadets over the next two years. This item is part of the Governor's January budget.

Staff Recommendation. Approve the proposal.

23. Video Surveillance for Mental Health Units at the CSP – Sacramento. The Governor's January budget proposes \$1.5 million General Fund in 2018-19 and \$177,000 ongoing to install and monitor an audio/video surveillance system within designated mental health segregation units at California State Prison – Sacramento (SAC). This item is part of the Governor's January budget.

Staff Recommendation. Staff recommends the following:

- Approve as proposed.

- Adopt supplemental reporting language (SRL) that includes information on the number and outcomes of inmate allegations against staff and inmate appeals as well as officer use of force in the units where cameras are installed.
- In addition, the SRL shall direct the department to provide the Legislature with any reports from court monitoring teams or other external groups that tour these housing units.

CALFIRE, CDCR, AND CALIFORNIA CONSERVATION CORPS. (CCC)

24. Ventura Training Center. CALFIRE, CCC, and CDCR request a total of \$7.7 million General Fund in 2018-19, \$6.3 million General Fund ongoing, and 12.4 positions, to operate a Firefighter Training and Certification Program for ex-offenders at the Ventura Training Center located at the Ventura Conservation Camp in Ventura County. Additionally, CAL FIRE requests \$18.9 million General Fund for the preliminary plans, working drawings, and construction phases of a capital outlay project to make necessary improvements for the ongoing operation of the Ventura Training Center. This item is part of the Governor's January budget.

Staff Recommendation. Approve proposal with placeholder trailer bill language that includes the following provisions:

- Mandates that all participants must have a high school diploma or GED equivalent prior to the program's completion.
- Include professional licensing provisions.

VARIOUS DEPARTMENTS

25. State Penalty Fund (SPF) Adjustment May Revision Adjustments. The Administration estimates that about \$80.6 million in criminal fine and fee revenue will be deposited into the SPF in 2018-19. Of this amount, it proposes to allocate about \$67 million to seven programs. This includes the Administration's proposed \$3.4 million augmentation in SPF funding for the Commission on Peace Officer Standards and Training program, to provide the program with the same level of funding it received in 2017-18. It also reflects the shift of funding support for the BSCC's Standards and Training for Corrections (STC) program from the SPF to the General Fund. After accounting for a few other relatively minor expenditures, the Administration is projecting that the SPF will retain a fund balance at the end of 2018-19 of about \$11.7 million.

Governor's January Proposal. The Governor's January budget projected that about \$81 million in criminal fine and fee revenue will be deposited into the SPF in 2018-19—a decline of \$12.6 million (or 13.5 percent) from the revised current-year estimate. Of this amount, the Administration proposes to allocate \$79.5 million to eight different programs in 2018-19—all of which received SPF funds in the current year.

Staff Recommendation. Approve this May Revision proposal and adjustment.

26. Reentry and Diversion Programs in California. Upon release from incarceration, ex-offenders often face a range of challenges.¹ Many have low levels of education and literacy, limited prior attachment to the legal workforce, reduced ties to family and community, and histories of substance abuse and mental health problems. Former prisoners may also confront a number of barriers that can directly limit their ability to gain employment, including lack of basic documentation, such as a current driver's license, the use of criminal background checks by employers, and state laws and licensing requirements for jobs in certain fields. Research has also shown that large numbers of prisoners are released into a disproportionately small number of vulnerable communities, causing instability and reduced social cohesion within these neighborhoods.² Reentry refers to the transition of individuals who are incarcerated in prisons or jails back into the community after release.

Staff Recommendation:

- Approve one-time allocation of \$100 million General Fund towards reentry and diversion efforts which includes:
 - Provides \$15 million to fund Social Workers in Public Defender Offices: which allows for the hiring of social workers to support cases where minors are arrested and prosecuted in either juvenile or criminal court, depending on the need of the office. The social workers may also support youth re-entry and other critical youth related needs of the public defender office.
 - Directs \$50 million to community based organizations for reentry housing efforts
 - Grants \$35 million that focuses on diversion and reentry efforts
 - Adopt placeholder trailer bill language to improve reentry outcomes and divert low-level offenders from jail and prison.

27. Driving Under the Influence Trailer Bill Language Proposal. This proposal requests technical changes to Vehicle Code sections 23612, 23577, and 23578 to bring the state into compliance with the U.S. Supreme Court ruling in *Birchfield v. North Dakota* (2016).

Staff Recommendation. Adopt placeholder trailer bill language.

8120 COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING (POST)

28. Revising Model Hate Crimes Policy Proposal. This proposal requests a one-time, \$45,000 augmentation to the POST budget to allow POST to update its model hate crimes policy and guidelines pursuant to Penal Code Section 13519.6.

Staff Recommendation. Approve this one-time, \$45,000 General Fund augmentation.

¹ Jeanne Bellotti et al., "Examining a New Model for Prisoner Re-Entry Services: The Evaluation of Beneficiary Choice Final Report," March 16, 2011. https://www.dol.gov/asp/evaluation/completed-studies/Examining_a_New_Model_for_Prisoner_Reentry_Services/FINAL_REPORT_examining_new_model_prisoner_reentry_services.pdf.

² Ibid.

5227 BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC)

29. Standards and Training for Local Corrections Trailer Bill Language May Revise Proposal. The Administration requests that Item 5227-002-0001 be added in the amount \$2.5 million and 13 positions, that reimbursements be added in the amount of \$100,000 and that Item 5227-102-0001 be added in the amount of \$14.8 million. The request also includes trailer bill language in Penal Code Section 6040 to strike out references to the Corrections Training Fund and broadly refers to funds used for the costs of administration, the development of appropriate standards, the development of training, and program evaluations.

Staff Recommendation. Approve May Revision as proposed.

30. California Violence Intervention & Prevention (CalVIP) Grant Proposal. This proposal requests a reauthorization of the CalVIP program and ongoing appropriation of \$18.43 million General Fund to the program, which is an additional \$9.215 million above the 2017-18 funding level.

Staff Recommendation. Approve as proposed.

31. New Earth Proposal. New Earth Organization is requesting limited-term funding of \$1.5 million over the next two years. This financial infusion would enable them to sustain and grow their wrap-around services and programs for system-involved and “in-risk” youth ages 13-25. New Earth provides a host of transformative arts, educational and vocational programs for at-risk, foster care and probation youth.

Staff Recommendation. Approve a one-time allocation of \$1.5 million General Fund.

0820 DEPARTMENT OF JUSTICE (DOJ)

32. Tax Recovery and Criminal Enforcement (TRaCE) Task Force Augmentation Proposal. This proposal requests an allocation of \$11.86 million in 2018-19, \$17.32 million in 2019-20, and \$16.62 million in 2020-21 to support the augmentation of the Tax Recovery and Criminal Enforcement (TRaCE) task force program. Specifically, this funding will be used towards full-time dedicated staffing, an increase in DOJ agents, and expansion of the force to major metropolitan areas.

Staff Recommendation. Approve as proposed.

33. Juvenile Court and Probation Statistical System Proposal. Per Penal Code section 13010.5, the DOJ is mandated to collect data pertaining to the juvenile justice system for criminal history and statistical purposes. The Juvenile Court and Probation Statistical System (JCPSS) is the primary statewide database of information collected from county probation departments on all juvenile probation referrals, court actions and final dispositions. The system collects and compiles data on the number of juveniles referred to

a Probation Department, pursuant to Welfare & Institutions Code sections 601 and/or 602. The system also maintains data on a defined universe of data elements for each individual juvenile whose identifying information is entered into the system. Counties submit data into the JCPSS on a monthly basis, via either a manual data entry or the web-enabled uploading process. Counties that enter data manually via the web-enabled application may enter it throughout the month. Counties that submit data via the upload process must submit the data by the tenth working day of month following the reporting period. The deficiencies of the JCPSS data system were fully documented by the California Juvenile Justice Data Working Group in its 2016 report to the Legislature (“Rebuilding California’s Juvenile Justice Data System”). JCPSS is outdated and the data system lacks the capacity to produce data supporting analysis or evaluation of juvenile justice programs, policies, practices and grant programs. There is no capacity to produce recidivism reports or analysis.

Staff Recommendation. Adopt placeholder trailer bill language requiring the following:

- That the Department of Justice produces a plan for upgrading or replacing the JCPSS juvenile justice data system, including costs and options for modernization that will result in a capacity for recidivism-related analysis.
- That the plan should be developed in coordination with key stakeholders and experts, to identify the goals, options and costs related to system replacement. This could be achieved by the appointment of an advisory group or committee (including perhaps members of the JJ Data Working Group), or by designating specific agencies and organizations to cooperate with DOJ in plan development.
- That the plan should be produced and returned to the Legislature by March 1, 2019.

34. Bureau of Medi-Cal Fraud and Elder Abuse Technical Redirection May Revision Proposal. The Administration proposes that Item 0820-001-0378 be decreased by \$3 million to reflect the redirection of General Fund to the Bureau of Medi-Cal Fraud and Elder Abuse. The Administration also requests that Provision 3 of Item 0820-001-0001 be eliminated to reflect the conclusion of the Lloyd's of London (*Stringfellow*) litigation. Funding specified in Provision three for *Stringfellow* litigation will be redirected to the Bureau of Medi-Cal Fraud and Elder Abuse to use as a federal match.

Staff Recommendation. Approve as proposed.

35. Cybercrime Investigation Teams May Revision Proposal. The DOJ Bureau of Investigation, requests \$5.6 million General Fund in FY 2018-19 and \$4.8 million General Fund in FY 2019-20 and ongoing, along with 19.0 permanent positions, to establish two investigative teams, one in the Northern California region and one in the Southern California region, focusing on cybercrimes, white collar crimes, and human trafficking crimes involving the use of technology.

Staff Recommendation. Reject this proposal.

36. Sex Offender Registry May Revision Proposal. The DOJ requests \$10 million General Fund and 25 positions in Fiscal Year 2018-19 to begin the first-year implementation activities required to meet the mandates outlined in Senate Bill 384 (Weiner), Chapter 541, Statutes of 2017.

Staff Recommendation.

- Approve proposed funding.
- Adopt placeholder trailer bill language that includes, at a minimum, the following provisions:
- Directs the DOJ to submit a report outlining its plan for fully implementing the registry upon completion of Stage 2 of the California Department of Technology's Project Approval Lifecycle (PAL) process.
- Directs the DOJ to provide annual progress reports on key metrics to help monitor the status of the project. Examples of such metrics include tasks completed, changes to project costs or deadlines for project milestones, challenges or delays that have emerged, and issues or risks that may result in project schedule or budget changes.

37. Statewide Forensics Services May Revision Proposal. The DOJ's Bureau of Forensic Services (BFS) requests a one-time General Fund augmentation of \$11.4 million to support statewide forensics services. Of the requested \$11.4 million increase, \$5.4 million is required to refresh critical laboratory equipment and \$6 million is required as a General Fund backfill for continuing annual declines in revenue to the DNA Identification Fund (DNA ID), which have caused a cash shortfall in the fund.

Staff Recommendation. Approve as proposed

38. Sexual Assault Kit Proposal. This proposal requests one-time augmentation of \$6.5 million to ensure the timely forensic testing of sexual assault kits throughout California communities. As amended by Chapter 874, Statutes of 2014, California law states that law enforcement agencies "should" transfer rape kit evidence to the appropriate forensic laboratory within 20 days and that laboratories "should" process such evidence as soon as possible, but no later than 120 days, following receipt. Due to the current language of the law, this guidance is not currently being followed by a number of law enforcement agencies in the state. As a result, newly collected rape kit evidence in many jurisdictions in California is still not tested in timely fashion. Depending on the jurisdiction in which the crime occurred, the timeframe for submission and analysis of their rape kits may vary widely, slowing the criminal justice process. A significant barrier to rape kit testing is the lack of funding.

Staff Recommendation. Approve a one-time allocation of \$6.5 million and adopt placeholder budget bill language that does the following:

- Specifies that this allocation shall be used for the purposed of reducing the statewide sexual assault kit backlog throughout California.
- Grants an allocation to counties and city/counties provided that they match the grant.

39. Proposition 56 May Revision Technical Adjustment. The Administration requests that items 0820-001-3320 and 0820-101-3320 be eliminated from the budget bill. Expenditures previously budgeted in these items will be transferred to newly-created continuously appropriated items, consistent with Proposition 56 and the provisions of the Revenue and Taxation Code Section 30130.53 (c). Proposition 56, passed by the voters in November 2016, increased the excise tax rate on cigarettes and tobacco products, effective April 1,

2017. The excise tax increased by \$2, from 87 cents to \$2.87 per pack, of 20 cigarettes on distributors selling cigarettes in California. Monies from the collection of the tax are deposited in the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 Fund and related funds to implement the purposes of the Act.

Staff Recommendation. Reject this proposal.

0280 COMMISSION ON JUDICIAL PERFORMANCE (CJP)

40. State Audit. On August 10, 2016, the Joint Legislative Audit Committee (JLAC) unanimously approved an audit of CJP to examine its finances and policies and practices for handling and resolving complaints against judges. In response to the requirements of the audit, CJP filed a complaint against the State Auditor in San Francisco on October 20, 2016 – *Commission on Judicial Performance v. Howle*, CPF515308 (S.F. Super. Ct.). The petition seeks injunctive relief to block the auditor’s access to confidential records related to judicial complaints and investigations, and seeks to ensure the CJP does not bear any cost of the audit. In addition, the petition requests the auditor be required to refrain from auditing the discretionary exercise of CJP’s core constitutional functions as required by the separation of powers doctrine. Members of the Legislature have expressed concerns that rather than comply with the audit.

Staff Recommendation. Reduce the CJP’s budget by \$500,000 for BY 2018-19.

ITEMS TO BE HEARD**5225 DEPARTMENT OF CORRECTIONS AND REHABILITATION****Issue 41: Rehabilitative Achievement Credit Staffing**

Background and Proposal. The CDCR requests \$2.5 million General Fund and 13 positions in 2018-19 and ongoing to implement a Rehabilitative Achievement Credit (RAC) earning program associated with the passage of Proposition 57. Additional Self-Help Sponsors (SHS) funds will ensure that the institutions can expand Inmate Activity Groups (IAGs) to meet inmate demand for RAC-eligible programs. SHSs will sponsor IAGs throughout the institutions and rove between various volunteer support groups to ensure attendance is tracked and input into Strategic Offender Management Systems. The \$1.5 million in SHS funds will allow the Department to obtain an additional 84,602 hours of programming.

Issue 42: Court Resentencing Petitions May Revise Proposal

Background and Proposal. The CDCR requests \$2 million General Fund in 2018-19, \$1.9 million in 2019-20, and \$1.5 million in 2020-21 and ongoing to fully utilize Penal Code section 1170(d)(1), which allows the Department to request the recall and resentencing of inmates who have exhibited exceptional conduct or whose records contain sentencing errors. This request includes funding for 13 permanent positions and two, two-year limited term positions. Currently, the CDCR uses the provision under PC section 1170(d)(1) on a limited basis for the recall and resentencing of inmates who demonstrate exemplary behavior during incarceration.

Issue 43: General Population Adjustments

May Revision Proposed Adjustments. The May Revision makes the following population adjustments based upon updated caseload projections and additional alternative custody program placements:

Adult Population Adjustment – This reflects a net decrease of \$21.8 million and a net increase of 37.3 positions, which is comprised of a reduction of \$21.8 million General Fund and an increase of \$28,000 Inmate Welfare Fund. The May Revision reflects an estimated average daily population of 126,890 in fiscal year 2018-19, which is 522 fewer than projected in the Governor's budget. The projected parolee average daily population is 48,535 in 2018-19, which is a decrease of 1,259 compared to the Governor's budget projection.

Juvenile Population Adjustment – The May Revision includes a decrease \$259,000 General Fund and 1.7 positions and an increase of reimbursements by \$33,000. The May Revision reflects an estimated average daily population of 646 wards in 2018-19, which is one more ward than projected in the Governor's budget.

Issue 44: Institutional Staffing Needs

Background and Proposal. The CDCR requests \$4.4 million General Fund and 31.6 positions ongoing to augment custody positions in prisons. The requests includes an increase in coverage for identified security issues, Health Care Facility Improvement Project modifications, and to increase coverage for third-watch rehabilitative programs. CDCR notes that they are currently paying staff to work overtime to provide the necessary security coverage and that the funding for that workload is coming from vacancies in administrative and operational support positions which is a short-term solution that is not sustainable for the long run. The department notes that they are actively engaged in attempting to fill those critical operational support vacancies. This item is part of the Governor's January budget.

Issue 45: Overtime Base Adjustment May Revision Proposal

May Revision Proposal. The CDCR requests \$16.5 million General Fund in 2018-19 and ongoing to adjust the base overtime budget to reflect approved salary increases.

Background. CDCR's overtime budget has not been adjusted to account for increases in employee compensation since 2014-15. Since then, Correctional Officers, Sergeants, and Lieutenants have received salary increases totaling approximately 17 or 18 percent compounded over the previous five years. In 2014-15, the CDCR's overtime authority supported roughly 2.6 million hours of overtime. In 2017-18, the overtime authority only supports 2.2 million hours of overtime. By providing the requested overtime budget increase, the proposal restores CDCR's ability to purchase 2.6 million hours of overtime. To augment for the past increases, CDCR's overtime requires an increase of \$24.6 million. This need is offset by \$8.1 million due to the realignment of excess lump sum funding, resulting in an increase of \$16.5 million. With this augmentation, there would be a total overtime budget of \$150.1 million. The augmentation will allow the overtime budget to support the employee compensation increases that have occurred annually, since 2014-15.

Issue 46: Medical Guarding and Transportation May Revision Proposal

May Revision Proposal. The CDCR requests \$5.9 million General Fund in 2018-19 and ongoing and 42.7 positions to augment medical transportation custody positions at adult institutions.

Background. Healthcare treatment has steadily increased to meet the needs of the inmate population. The requirement to transport inmates is at the direction of CCHCS medical professionals, and it is the responsibility of CDCR custody staff to ensure such mandated transports are completed expeditiously to ensure inmate access to healthcare. Therefore, the CDCR is unable to delay the transportation of inmates requiring medical or mental healthcare. Based on a review of overtime hours for March 2017 through February 2018 compared to the Access Quality Report (AQR), a report compiled by CCHCS, which tracks inmates' access to medical appointments, of the total unscheduled medical transports, 54 percent occurred during third watch hours.

When unscheduled emergency inmate transports occur during third watch, it results in either an overtime shift or a current on-site third watch staff being redirected from their assigned post to the emergency transports. When a staff member is redirected to perform these duties, the institution

often times must modify or close inmate programs due to the reduced staffing available. As a result, the ability for inmates to participate in programs is negatively impacted where the programs are modified or cancelled due to the lack of custody staffing. These programs include: Self-Help programs, religious activities, Transitional Reentry Programs, Cognitive Behavioral Treatment, Veteran's advocacy, core recreational activities such as yard and dayroom, etc.

Issue 47: Janitorial Services at the California Health Care Facility

May Revision Proposal. The Administration requests that Item 5225-001-0001 is decreased by \$1,676,000 to realign contract funding from California Prison Industry Authority to California Correctional Health Care Services and Item 5225-002-0001 is increased by \$9,717,000 to restore partial year contract funding for PRIDE janitorial services.

Background and January Proposal. The CDCR requests \$185,000 General Fund and 148.9 positions in 2018-19 and \$3.6 million General Fund and 207.8 positions in 2019-20 and ongoing to transition from their janitorial contract with PRIDE Industries to a civil service janitorial staff for the California Health Care Facility (CHCF) in Stockton. This item is part of the Governor's January budget.