
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Loni Hancock, Chair

2015 - 2016 Regular

Bill No: SB 1324 **Hearing Date:** April 12, 2016
Author: Hancock
Version: March 28, 2016
Urgency: No **Fiscal:** No
Consultant: AA

Subject: *Incarceration: Rehabilitation*

HISTORY

Source: Author

Prior Legislation: None

Support: California Catholic Conference, Inc.; California Public Defenders Association

Opposition: None known

PURPOSE

The purpose of this bill is to enact a mission statement in law for the Department of Corrections and Rehabilitation, and to revise existing legislative declarations concerning the purpose of punishment to include rehabilitation, as specified.

Current law creates in state government the California Department of Corrections and Rehabilitation (CDCR), to be headed by a secretary, who shall be appointed by the Governor, subject to Senate confirmation, and shall serve at the pleasure of the Governor. (Government Code § 12838.) CDCR shall consist of Adult Operations, Adult Programs, Health Care Services, Juvenile Justice, the Board of Parole Hearings, the State Commission on Juvenile Justice, the Prison Industry Authority, and the Prison Industry Board. (Id.) As explained in the Legislative Analyst's Office Analysis of the Governor's 2016-17 Proposed Budget:

The CDCR is responsible for the incarceration of adult felons, including the provision of training, education, and health care services. As of February 4, 2015, CDCR housed about 132,000 adult inmates in the state's prison system. Most of these inmates are housed in the state's 34 prisons and 43 conservation camps. About 15,000 inmates are housed in either in-state or out-of-state contracted prisons. The department also supervises and treats about 44,000 adult parolees and is responsible for the apprehension of those parolees who commit new offenses or parole violations. In addition, about 700 juvenile offenders are housed in facilities operated by CDCR's Division of Juvenile Justice, which includes three facilities and one conservation camp.

The Governor's budget proposes total expenditures of \$10.3 billion (\$10 billion General Fund) for CDCR operations in 2015-16.

Current law states the following in the statute creating the Commission on Correctional Peace Officer Standards and Training, which became operative on July 1, 2015:

- 1) The Legislature finds and declares that peace officers of the state correctional system, including youth and adult correctional facilities, fulfill responsibilities that require creation and application of sound selection criteria for applicants and standards for their training prior to assuming their duties. . . .
- 2) The Legislature further finds that sound applicant selection and training are essential to public safety and in carrying out the missions of the Department of Corrections and Rehabilitation in the custody and care of the state's offender population. The greater degree of professionalism which will result from sound screening criteria and a significant training curriculum will greatly aid the department in maintaining smooth, efficient, and safe operations and effective programs.

(Penal Code § 13600.)

This bill would enact a new law providing that, the “mission of the Department of Corrections and Rehabilitation is to promote public safety by providing a safe and constructive prison environment that fosters positive and enduring behavioral change among offenders, both in prison and after their return to the community. All staff of the department perform equally vital and integrated responsibilities in achieving the restorative and rehabilitative goals of the department and shall be supported in realizing the highest levels of professional performance and personal satisfaction consistent with this section.”

Current law reflects a reorganization and consolidation of state correctional departments that was enacted in 2005 (SB 737 (Romero) (Chapter 10, Statutes of 2005)). One purpose of this reorganization was to increase the importance of rehabilitation programming within the department. The reorganization attempted to achieve this by emphasizing rehabilitation as part of the department's mission, including the word “rehabilitation” in the name of what previously was the Department of Corrections. (Government Code § 12838.)

Current law provides that the legislature finds and declares that the purpose of imprisonment for crime is punishment and that this purpose is best served by terms that are proportionate to the seriousness of the offense while at the same time providing for uniformity in sentences of offenders committing the same offense under similar circumstances. (Penal Code § 1170(a)(1).)

This bill revises this section to include rehabilitation, and “a correctional treatment program designed to address the particular criminogenic needs of offenders,” as purposes of imprisonment for crime.

RECEIVERSHIP/OVERCROWDING CRISIS AGGRAVATION

For the past several years this Committee has scrutinized legislation referred to its jurisdiction for any potential impact on prison overcrowding. Mindful of the United States Supreme Court ruling and federal court orders relating to the state's ability to provide a constitutional level of health care to its inmate population and the related issue of prison overcrowding, this Committee

has applied its “ROCA” policy as a content-neutral, provisional measure necessary to ensure that the Legislature does not erode progress in reducing prison overcrowding.

On February 10, 2014, the federal court ordered California to reduce its in-state adult institution population to 137.5% of design capacity by February 28, 2016, as follows:

- 143% of design bed capacity by June 30, 2014;
- 141.5% of design bed capacity by February 28, 2015; and,
- 137.5% of design bed capacity by February 28, 2016.

In December of 2015 the administration reported that as “of December 9, 2015, 112,510 inmates were housed in the State’s 34 adult institutions, which amounts to 136.0% of design bed capacity, and 5,264 inmates were housed in out-of-state facilities. The current population is 1,212 inmates below the final court-ordered population benchmark of 137.5% of design bed capacity, and has been under that benchmark since February 2015.” (Defendants’ December 2015 Status Report in Response to February 10, 2014 Order, 2:90-cv-00520 KJM DAD PC, 3-Judge Court, Coleman v. Brown, Plata v. Brown (fn. omitted).) One year ago, 115,826 inmates were housed in the State’s 34 adult institutions, which amounted to 140.0% of design bed capacity, and 8,864 inmates were housed in out-of-state facilities. (Defendants’ December 2014 Status Report in Response to February 10, 2014 Order, 2:90-cv-00520 KJM DAD PC, 3-Judge Court, Coleman v. Brown, Plata v. Brown (fn. omitted).)

While significant gains have been made in reducing the prison population, the state must stabilize these advances and demonstrate to the federal court that California has in place the “durable solution” to prison overcrowding “consistently demanded” by the court. (Opinion Re: Order Granting in Part and Denying in Part Defendants’ Request For Extension of December 31, 2013 Deadline, NO. 2:90-cv-0520 LKK DAD (PC), 3-Judge Court, Coleman v. Brown, Plata v. Brown (2-10-14). The Committee’s consideration of bills that may impact the prison population therefore will be informed by the following questions:

- Whether a proposal erodes a measure which has contributed to reducing the prison population;
- Whether a proposal addresses a major area of public safety or criminal activity for which there is no other reasonable, appropriate remedy;
- Whether a proposal addresses a crime which is directly dangerous to the physical safety of others for which there is no other reasonably appropriate sanction;
- Whether a proposal corrects a constitutional problem or legislative drafting error; and
- Whether a proposal proposes penalties which are proportionate, and cannot be achieved through any other reasonably appropriate remedy.

COMMENTS

1. Stated Need for This Bill

The author states in part:

The mission of CDCR is to promote public safety. This mission can be accomplished only by providing a safe and constructive prison environment. If offenders are expected to change, and if reductions in recidivism are demanded by

policymakers and the public, environments that foster positive and enduring behavioral change among offenders must be created. This cannot be done without skilled, committed and supported staff.

Prisons can be extremely stressful work environments. Correctional fatigue is a very real issue, demonstrated by a high officer suicide rate, alcohol abuse, family strife, physical illness, and professional misconduct. As California's criminal justice systems are retooled to reduce the prison population and increase effective programming for offenders in prison, addressing issues core to the well-being and effectiveness of correctional staff is essential.

Staff preparation and training is critically important in creating positive environments for change. Rehabilitation does not happen in a vacuum – it takes staff to make it materialize, not only those who do the programs but those who help create a prison environment conducive to programming and, ultimately, rehabilitation.

SB 1324 institutes a strong and well-defined mission for the California Department of Corrections and Rehabilitation (CDCR) and its employees consistent with the goals of promoting public safety through professional staff and a safe and constructive correctional rehabilitation environment. This measure also updates existing law regarding the purpose of imprisonment to include rehabilitation and effective rehabilitation programming.

2. What This Bill Would Do

As explained above, this bill would enact a mission statement in law describing the mission of the Department of Corrections and Rehabilitation. This mission generally would reflect values of promoting public safety through safe, constructive prison environments and professional, well-prepared and supported correctional staff. The bill additionally includes rehabilitation in the current statutory provisions describing the purpose of imprisonment.

3. Background

As noted above, in 2005 what had been the Department of Corrections, in the Youth and Adult Correctional Agency, was changed to the Department of Corrections *and Rehabilitation*. In 2004, then-Governor Schwarzenegger convened a "Corrections Independent Review Panel chaired by former Governor Deukmejian. That report, issued to the Governor in June of 2004, stated in part:

Transforming the culture of the Department of Corrections and the California Youth Authority into one in which personal integrity and loyalty to the department mission consistently take precedence over loyalty to co-workers suspected of wrongdoing, requires a vigorous, multi-pronged approach. The effort should be guided by quality management principles incorporating clear objectives and purpose; key performance measures; consistent monitoring; and a system of correction and reward. Quality management principles accomplish the following:

- Provide clarity of purpose in each employee's job;

- Link each person's work to the department's mission;
- Foster continual improvement;
- Bring accountability to all department levels.¹

With respect to mission statement the IRP stated:

A well-crafted mission statement defines a common purpose for the organization and is integral to quality management. Clear objectives are necessary in order to motivate members to fulfill an organization's mission, to prevent miscommunication, and create shared values, fairness, and an ethical model at all organizational levels.²

With respect to the critical importance of the correctional workforce, the IRP stated in part:

The foundation of any organization is in its personnel. In California's correctional system, this foundation amounts to more than 54,000 individuals as diverse and vibrant as the state itself. The budget for salaries and benefits comprises more than \$3,925,583,000. This constitutes 5.6 percent of the general fund. At the state level, this significant investment in human resources supervise and control more than 308,400 inmates, wards, and parolees in order to protect California's citizens.

The key to any successful organization is simple. Hire the best people available and train them to do their jobs with professionalism and integrity. In addition, establish a command succession plan so that the best and the brightest can be promoted through the organization into leadership positions. These activities cement the foundation.³

-- END --

¹ Report of the Corrections Independent Review Panel, June 2004 (http://cpr.ca.gov/Review_Panel/pdf/introto6.pdf)

² *Id.*

³ *Id.*