

Corrections and Law Enforcement

The following represents the significant adjustments proposed in the May Revision for various public safety departments.

Enhancing Public Safety in California

The Governor is strongly committed to enhance public safety and has demonstrated this commitment by providing additional resources for state and local law enforcement agencies, including \$25.1 million General Fund proposed in the January budget to fund Sexual Assault Felony Enforcement Task Forces, Gang Suppression Enforcement Teams, the California Methamphetamine Strategy Program, and the Department of Justice, Special Crimes Unit.

In recognition of this commitment, the May Revision proposes an additional \$142.2 million for public safety programs.

California Multijurisdictional Methamphetamine Enforcement Team Program

The California Multijurisdictional Methamphetamine Enforcement Team (CAL-MMET) currently works in conjunction with the federally funded Central Valley High Intensity Drug Trafficking Area to intensify the current methamphetamine eradication efforts of those participating law enforcement agencies by providing additional resources for investigators and prosecutors specializing in methamphetamine offenses, as well as support staff, equipment, training and facilities. The May Revision proposes to strengthen methamphetamine

eradication across the state by providing an additional \$20 million General Fund for allocation on a regional basis.

Vertical Prosecution Block Grants

The 2006-07 January Governor's Budget includes \$8.2 million to fund vertical prosecution units to dedicate specialized prosecutors, investigators, and/or victims advocates to follow specific heinous cases such as child and elder abuse, rape, and stalking through the entire judicial process. The May Revision proposes an additional \$10.1 million General Fund to increase the state's support for vertical prosecution units. This increase would restore the program to its historical funding level.

Mentally Ill Offender Crime Reduction Grant Program

The May Revision proposes \$50 million General Fund to award competitive grants for the implementation and assessment of multi-agency projects designed to curb recidivism among mentally ill offenders. In the past, over \$100 million General Fund was invested in this program. Based on evaluations conducted by the Corrections Standards Authority (CSA), the program has significantly reduced the number of mentally ill inmates in jails and improved their success rate once released from custody.

Citizens' Options for Public Safety/Juvenile Justice Crime Prevention Act

The May Revision proposes a \$42.6 million General Fund increase (\$21.3 million for the Citizens' Options for Public Safety (COPS) and \$21.3 for the Juvenile Justice Crime Prevention Act (JJCPA)) to return the funding to the 2000-01 level. With respect to COPS, these resources would provide additional police officers and sheriffs deputies, as well as support for jail operations and district attorneys. The JJCPA funding would expand community-based programs that have proven effective in reducing crime and delinquency among at-risk youth and juvenile offenders.

Standards and Training for Local Corrections Staff

The CSA works in collaboration with local corrections agencies and public/private training providers to develop and administer programs designed to ensure the competency of local corrections professionals. Historically, the CSA provided funding to local corrections agencies to offset the costs of attending training classes, however, the 2003 Budget Act eliminated the funding. As a result of this reduction, the quality and availability of the training programs has diminished. In order to improve the level of training and address inconsistencies between

counties, the May Revision proposes \$19.5 million to offset the costs of training local sheriffs' deputies and probation officers who work in jails and juvenile halls.

Department of Corrections and Rehabilitation

- 2005-06 \$45.9 million
- 2006-07 \$219.6 million

The May Revision proposes an increase of \$219.6 million General Fund for the California Department of Corrections and Rehabilitation (CDCR), which includes the following:

Adult Inmate/Parolee Population/Caseload Changes

Current Year

Based upon the latest estimates, including the most recent actual population data, the May Revision reflects an estimated institutional Average Daily Population (ADP) of 168,018 inmates. This is 1,680 more than projected in the 2006-07 Governor's Budget. This is due to an increase in new admissions from the courts and Parole Violators with New Terms (PV-WNT).

The projected parolee ADP is 115,290. This is a decrease of 234 from the number projected in the 2006-07 Governor's Budget. This change is due to recent population data that is below projected levels.

The net effect of these population changes is increased costs to the General Fund of \$43.7 million and an increase of \$331,000 from the Inmate Welfare Fund.

Budget Year

The May Revision reflects an estimated institutional ADP of 175,627 inmates. This is 5,422 more than projected in the 2006-07 Governor's Budget. The increased population is mainly due to an increase in new admissions (3.8 percent increase over the prior year), parole violators with new terms (10.7 percent increase over the prior year), and parole violators returned to custody (4.0 percent increase over the prior year).

The projected parolee ADP is 117,754. This is an increase of 1,534 from the number projected in the 2006-07 Governor's Budget. The parole population is expected to increase due to a significant increase in the number of inmates released to parole.

The effect of the population changes is a cost to the General Fund of \$142 million and a cost to the Inmate Welfare Fund of \$852,000.

Adult Local Assistance

The May Revision includes \$10 million to fully fund local entities for costs incurred for the prosecution of inmate crimes and housing state inmates.

The 2005 Budget Act provided \$17.2 million for the costs associated with prosecuting crimes committed by state inmates, which included \$7.5 million in one-time funds to pay prior year claims. Based on claims received, it is projected that the total costs of claims for 2005-06, including the outstanding balance from 2004-05, will be \$21.5 million resulting in a shortfall of \$4.3 million. The May Revision includes \$4.3 million in one-time funding for 2006-07 to pay the outstanding current year claims, along with \$3.1 million to adequately fund the base to pay projected claims in 2006-07.

Last year, the Administration, working with representatives for local law enforcement entities, created a methodology to establish the Daily Jail Rate based on the state's costs to house similar inmates and provide routine medical care. At that time, the Administration committed to reassessing the Daily Jail Rate each year and revising the rate based on this methodology. As a result, the revised Daily Jail Rate for 2006-07 will increase from \$68.22 to \$71.57. The May Revision includes an additional \$2.5 million to reimburse local entities for the costs of housing state inmates and supplying routine medical care at the revised rate.

Ward/Parolee Population/Caseload Changes

Current Year

For 2005-06, the May Revision estimate for the year-end juvenile institution population is 2,805, a decrease of 155 wards from the projection included in the January Governor's Budget. This decrease is primarily due to higher than expected transfers to adult facilities and fewer contract cases. In addition, the year-end juvenile parole population is projected to be 3,260, a decrease of 160 parolees from the January Governor's Budget projection. Despite the ward and parolee population decline, an additional \$2.1 million is requested to address salaries of trainees in the R.A. McGee Correctional Training Center and correct errors identified in the budgeting of Youth Correctional Counselor salaries.

General Fund expenditures for juvenile institutions are partially offset by General Fund revenues from the sliding scale fees paid by counties. In 2005-06, these revenues are estimated to be \$19.9 million, an increase of \$476,000 over the revenue expected at the time of the January Governor's Budget.

Budget Year

For 2006-07, the year-end juvenile institution population is projected to be 2,660, a decrease of 20 wards from the projection included in the January Governor's Budget. Additionally, the year-end juvenile parole population is estimated to be 2,935, a decrease of 240 parolees since the January Governor's Budget estimates. However, despite these decreases, an increase of \$7.3 million General Fund will be needed to open a new housing unit at Heman G. Stark to address population at that institution, address salaries of trainees in the R.A. McGee Correctional Training Center, and correct errors in how the Youth Correctional Counselors salaries were budgeted in the past.

General Fund expenditures for juvenile institutions are partially offset by General Fund revenues from the sliding scale fees paid by counties. In 2006-07, these revenues are estimated to be \$17.5 million, a decrease of \$208,000 compared to the revenue expected at the time of the January Governor's Budget.

Morrissey v. Brewer Compliance

The May Revision includes \$557,000 General Fund to comply with juvenile parole revocation hearing, evidentiary, and statutory due process standards as established by *Morrissey v. Brewer*. This request provides funding and staff to ensure a ward's parole hearing is conducted within a 50-mile radius of the location of the parole violation.

Board of Parole Hearings

The May Revision proposes \$427,000 General Fund in 2005-06 and \$3.4 million General Fund in 2006-07. This includes \$1 million General Fund in 2006-07 to address costs associated with the court appointed monitors' audit of the Board of Parole Hearing's (Board) compliance with the Valdivia Remedial Plan. The Board indicates that the adult parole hearing workload projected in the January Governor's Budget will not be adjusted, as actual hearings to date have generally tracked according to the initial projection. In addition to the funds provided for the Division of Juvenile Justice related to *Morrissey v. Brewer* compliance, the May Revision proposes \$251,000 General Fund in 2006-07 for the Board of Parole Hearings to conduct parole revocation hearings for youthful offenders.

As part of an April 1 Finance Letter, an increase of \$6.7 million General Fund is proposed to provide legal representation at parole revocation hearings for victims and witnesses of parolee crimes as well as for local law enforcement and parole agents. Currently, only parolees have legal representation at a parole revocation hearing. These resources will enable District Attorneys to provide representation for these groups consistent with the representation provided for parolees.

Correctional Health Care Services

May Revision Adjustments

In order to address various court requirements related to the provision of medical care and mental health care, the May Revision includes the following adjustments:

- Separate Budget Item for the Correctional Health Care Program-In order to allow the state to quickly respond to the fiscal needs of the Receiver in the Plata v. Schwarzenegger lawsuit, the Administration proposes that the funding for correctional health care programs be placed in a stand-alone item, distinct from the rest of the CDCR budget. This stand-alone item will also include budget bill language that would provide the Legislature with information regarding the goals and performance of the health care programs and allow for the expedited revision of funding provided to the Receiver for the operation of the health care program.
- Pay Enhancements for Psychiatrists-\$12.7 million General Fund to provide CDCR psychiatrists, who meet the qualifications specified by the court, with a ten percent salary increase, as well as establish a recruitment bonus for new employees who come from outside state service. This proposal is in response to Coleman v. Schwarzenegger that requires the state to provide the court with a plan for improving the hiring of psychiatrists. This proposal will provide the funding needed to implement the plan submitted to the court on May 1, 2006. A similar adjustment is proposed for the Department of Mental Health (DMH) budget to provide equivalent pay enhancements for psychiatrists employed by the DMH who provide services in the state prisons.
- Pay Enhancements for Various Mental Health Headquarters Positions-\$915,000 General Fund to provide a three percent pay increase for various positions that oversee the Statewide Mental Health Service Delivery System at CDCR headquarters, as well as several other court-order related pay adjustments for specific positions. This proposal is

primarily in response to *Coleman v. Schwarzenegger* that requires the state to provide headquarters staff with a pay rate higher than that of the field positions they supervise.

Other Court-Driven Augmentations

On April 20, 2006, the Administration submitted an early May Revision request to the Legislature requesting funding to address the following court-driven costs and base shortfalls in the CDCR health care budget:

- Contract Medical and Medical Guarding-\$182.4 million General Fund to adjust the base funding available to pay the increased costs of medical contracts and medical guarding. This adjustment would continue the current level of contract expenditures. The total current base shortfall in this area is \$250.5 million, including \$68.1 million already requested for this purpose in the January Governor's Budget.
- *Plata v. Schwarzenegger*, Court Order Compliance-\$1.3 million General Fund to provide additional staffing to comply with court orders related to death reviews, the review of professional practices in the medical program, and the employee discipline process.
- *Coleman v. Schwarzenegger*, Court Order Compliance-\$20.2 million General Fund to comply with recent court orders that require the implementation of new program guidelines for the Mental Health Delivery System and an increase in the level of headquarters oversight for the Mental Health Program.
- *Perez v. Hickman*, Dental Program Supervision-\$5.8 million General Fund to provide additional supervisory staff for the dental offices at each institution necessary to implement the changes required in the provision of inmate dental care required by the recent stipulated agreement in the *Perez v. Hickman* lawsuit. This proposal would also provide additional staff at the two women's prisons to ensure that pregnant inmates receive the dental services required by Chapter 608, Statutes of 2005.
- Health Care Services Litigation Infrastructure Support-\$6.9 million General Fund to ensure that the Division of Correctional Health Care Services has sufficient staff to meet various recent court orders. This includes the ongoing cost of contract management positions required by a recent *Plata v. Schwarzenegger* court order, staff to perform telemedicine activities at specific institutions as required by a recent *Coleman v. Schwarzenegger* court order, as well as specific staff that are necessary to maintain current levels of direct patient care.

- Comprehensive Health Care Recruitment Staff-\$6 million General Fund to provide additional staff to improve the recruitment and hiring process for all health care positions to meet the hiring time frames specified in Plata v. Schwarzenegger. It will also apply similar processes to the hiring of mental health classifications which are currently experiencing significant vacancy rates, resulting in the Department being out of compliance with court orders in the Coleman v. Schwarzenegger case. This funding includes resources to implement the Live Scan information technology project which will improve the timeliness of background checks for prospective employees.

Other Division of Juvenile Justice Adjustments

- Proposition 98 Division of Juvenile Justice Teacher Salaries-On April 20, 2006, an early May Revision request was submitted for \$6.1 million Proposition 98 General Fund to pay teacher salary adjustments associated with the new bargaining agreement between the State and California Education Authority (Unit 3) that took effect April 1, 2006. The bargaining agreement will allow the Department to improve the recruitment and retention of teachers at youth facilities as required by the Farrell v. Hickman lawsuit.
- Division of Juvenile Justice, Core Treatment Facility Study-On April 20, 2006, an early May Revision request was submitted for \$3 million General Fund to conduct a detailed study of a core treatment facility at the Northern California Youth Correctional Center, Stockton. The 2005 Budget Act requires the Department to submit to the Legislature programs and policies that will reform the Juvenile Justice system, as well as the type of staff and facilities that will be needed to support these programs and policies. This study will provide a detailed schematic design for a prototype core treatment facility to be built at a currently unoccupied site at the Northern California Youth Correctional Center.