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Independent Prison Oversight

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Blueprint Monitoring Tenth Report

The OIG's Monitoring of the Delivery of the Reforms Identified by the California Department of Corrections and Rehabilitation in Its Report Titled *The Future of California Corrections: A Blueprint to Save Billions of Dollars, End Federal Court Oversight, and Improve the Prison System* and Its Update

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Summary

California Penal Code section 6126 mandates that the Office of the Inspector General (OIG) periodically review the delivery of the reforms identified by the California Department of Corrections and Rehabilitation (the department) in its report titled *The Future of California Corrections: A Blueprint to Save Billions of Dollars, End Federal Court Oversight, and Improve the Prison System* (the *Blueprint*). In January 2016, the department issued *An Update to the Future of California Corrections* (the *Update*), which provides a summary of the goals identified in the initial *Blueprint* and the progress made, along with its future vision for rehabilitative programming, and classification and housing.

Of the five key *Blueprint* components the OIG monitors, the department previously achieved a 100 percent adherence rate for custody staffing patterns that matched budgeted levels and, in addition, implemented its inmate classification score system. This report evaluates the remaining *Blueprint* components—adherence to the standardized staffing model for education programs, and total inmates served in rehabilitative programs—and changes following the *Update*, such as rehabilitative program expansion, specialized housing, gang management, and population management.

The OIG sent staff to each of the department's 35 adult institutions, during which time they reviewed and reconciled departmental documents,¹ interviewed staff, and observed departmental programs in operation. This report presents our tenth review of the *Blueprint*, and our findings are based on information collected from January 16, 2019, through February 19, 2019, except for departmental population figures, which extend through May 8, 2019.

The OIG's review of rehabilitative programming found 92 percent of the academic education and 82 percent of the career technical education programs operating during our on-site visits. This was a 2 percentage point increase in academic education courses that were in operation, and no change in career technical education programs that were in operation, compared with our July 2018 report reviewing the *Blueprint*. However, our review identified high vacancy rates at two prisons, as further described in the standardized staffing section for career technical education.

¹ A review of departmental documents and records includes, in part, rehabilitative roster sign-in sheets, a listing of education employees, and a listing of inmate activity groups.

Select Definitions for Terms Used in This Report

Ashker Settlement Agreement	<p>On January 26, 2016, the U.S. District Court granted final approval of the settlement agreement for <i>Todd Ashker, et al., v. Governor of the State of California, et al.</i>, Northern District of California, Case No. 4:09-cv-05796-CW (<i>Ashker v. Brown</i>). The agreement involved changes to policies and practices for placing, housing, managing, and retaining inmates who have been validated as prison gang members and associates, along with conditions in each of the department's four security housing unit (SHU) institutions. The agreement was also significant because it allowed the department to address housing challenges, as the movement of step down program (SDP) inmates from SHU to general-population housing freed up (former) SHU beds to lesser security levels.</p>
California Logic Model	<p>In 2011, an Expert Panel on Adult Offender and Recidivism Reduction Programs issued a report recommending the department implement the California Logic Model. The model consists of eight components for delivering effective rehabilitation by applying evidence-based principles.</p>
California Static Risk Assessment (CSRA)	<p>An assessment tool that considers an inmate's past criminal history and characteristics, such as age and gender. The tool is used to predict the individual's risk to reoffend. Based on the score, the California Static Risk Assessment (CSRA) assigns the inmate a classification category: low, moderate, or high risk.</p>
Core Correctional Offender Management Profiling for Alternative Sanctions (COMPAS)	<p>An assessment tool used to identify criminogenic needs of offenders and parolees based on their responses to interview questions. Criminogenic need categories can include any of the following: substance abuse, anger management, employment problems, criminal personality, and family support. COMPAS results assist in identifying an inmate's criminal risk factors and assess whether the inmate has a low, medium, or high need for certain types of offender rehabilitative programming.</p>
Housing (or Security) Levels	<p>The department's institutions provide four levels of housing, as follows:</p> <ul style="list-style-type: none"> • Level I facilities and camps primarily consist of open dormitories with a low-security perimeter. Inmates typically have a placement score from zero through 18. • Level II facilities primarily consist of open dormitories with a secure perimeter, which may include armed coverage. Inmates typically have a placement score from 19 through 35. • Level III facilities primarily have a secure perimeter with armed coverage and housing units or cellblock housing with cells that are not adjacent to exterior walls. Inmates typically have a placement score from 36 to 59. • Level IV facilities have a secure perimeter with internal and external armed coverage and housing units or cellblock housing with cells that are not adjacent to exterior walls. Inmates typically have a placement score above 60. <p>Lower-level housing may be considered as Levels I and II, with higher-level housing as Levels III and IV. It is possible for an inmate to be housed in a facility that does not correspond with his placement score, based on an override by department officials, due to an administrative determinant (irregular placement condition).</p>
Nondesignated Programming Facilities (NDPFs)	<p>Nondesignated programming facilities (NDPFs) do not identify inmates as sensitive needs yard or general population. The department is slowly transitioning its lower-level housing facilities (I and II) into NDPFs, as inmates in these facilities are deemed "programming" inmates. The focus of the NDPF is to offer an environment that provides greater rehabilitative opportunities for inmates demonstrating positive programming efforts.</p>
Proposition 57	<p>In November 2016, California passed Proposition 57, the California Parole for Non-Violent Criminals and Juvenile Court Trial Requirements Initiative, requiring the department to adopt regulations implementing new parole and sentence credit provisions to enhance public safety, and authorizing the department to award sentence credits for rehabilitation, good behavior, or educational achievements.</p>
Security Threat Group (STG)	<p>Within the department, the overarching term "security threat group" now replaces the individual terms "prison gang," "disruptive group," and "street gang."</p>
Sensitive Needs Yard (SNY)	<p>Sensitive needs yards are facilities at several male institutions designated primarily to safely house inmates who are victims of assault, are gang dropouts, or have significant enemy or other safety concerns.</p>
Security Housing Unit (SHU)	<p>A specialized housing unit where inmates have restrictions placed on their movements, privileges, and workgroup status. Inmates in SHU are released to general population if they complete their SHU terms without committing additional acts of misconduct.</p>
Step-Down Program (SDP)	<p>This program provides inmates with increased incentives to promote positive behavior and encourage individuals to stop participating in STG activities, with the ultimate goal to be released from the SHU to general population.</p>

The statewide rehabilitative programming model resulted in a slight decrease in slots² filled for substance use disorder treatment, and an increase in slots filled for cognitive-behavioral treatment and preemployment transitions in fiscal year 2018–19. The OIG found 78 percent of the substance use disorder treatment slots filled,³ 87 percent of the cognitive-behavioral treatment slots filled,⁴ and 58 percent of the preemployment transitions classes fully operational. Compared with our July 2018 *Blueprint* report, the rate of inmate participation in programs (the ratio of occupied slots to available slots) decreased by 1 percentage point for substance use disorder treatment, increased by 4 percentage points for cognitive-behavioral treatment programs, and increased by 8 percentage points for preemployment transitions programs.

The department was not able to meet its initial *Blueprint* goal of ensuring that at least 70 percent of offenders in its target population receive rehabilitative programming consistent with their criminogenic needs prior to their release. The department demonstrated that only 52 percent of offenders in its target population met this objective during fiscal year 2015–16, the last fiscal year the department tracked this benchmark. Subsequently, the department developed a new counting rule to track program information for all offenders instead of focusing on a target population. Minimum participation in a program is defined as the number of offenders who have been enrolled in a program for a minimum of 30 calendar days, with associated in-classroom time. Our previous reports reviewing the *Blueprint* discussed the difficulties associated strictly with measuring attendance, whether the inmate attended only one day of class or completed an entire program, and recommended a more substantive measure of participation. The department reported in July 2017 that it began collecting additional data for new reporting methodologies to improve its counting rule methodology.

The department is continuing its efforts to address housing and population challenges, including creating two separate housing options: programming and nonprogramming sensitive needs yards (SNYs). The department continues to expand its nondesignated programming facilities (NDPFs). NDPFs are now located at 33 of

² As noted in the December 2017 publication by the Legislative Analyst's Office titled *Improving In-Prison Rehabilitation Programs*, "slots are generally defined as the number of inmates who could be enrolled for the full duration of the program in any given year." For example, a five-month-long substance use disorder treatment program with 36 students equals approximately 86 students/slots served annually (12 months/5 months x 36 students). (From <https://lao.ca.gov/reports/2017/3720/In-Prison-Rehabilitation-120617.pdf>; URL accessed on June 12, 2019.)

³ This figure does not include inmates receiving substance use disorder treatment within the long-term offender program. The long-term offender program is voluntary and provides treatment to offenders serving long-term sentences.

⁴ This figure does not include inmates receiving cognitive-behavioral treatment within the long-term offender program.

the 35 adult institutions, and include all minimum support facilities and enhanced outpatient program housing units.⁵ These facilities are designed to provide rehabilitative environments for offenders who have demonstrated positive programming efforts and a desire to refrain from violent behaviors.

On August 31, 2015, the department entered into a settlement agreement in *Todd Ashker, et al., v. Governor of the State of California, et al. (Ashker v. Brown)*, which modified the policies and practices involving inmates whom the department had validated as prison gang members and associates, along with stipulating that the department bring about conditional change in each of its four security housing unit (SHU) institutions. The *Ashker* settlement agreement resulted in a substantial decline in both the number of step-down program (SDP) participants and the SHU population since implementing its security threat group (STG) plan in 2012. The OIG found only 15 remaining SDP participants and three SDP facilitators, compared with the figures from our most recent report reviewing the *Blueprint*, in which we noted 10 SDP participants and four SDP facilitators.

⁵ The department has two prisons, California City Correctional Facility and California State Prison, Solano, that are currently without a nondesignated programming facility. The department converted to NDPF housing units for all of its enhanced outpatient programs in January 2018 and minimum support facilities in May through June 2018.

Introduction

In July 2012, the Legislature tasked the Office of the Inspector General (OIG) with monitoring the California Department of Corrections and Rehabilitation's (the department's) adherence to *The Future of California Corrections: A Blueprint to Save Billions of Dollars, End Federal Court Oversight, and Improve the Prison System* (the *Blueprint*). California Penal Code section 6126 mandates the OIG to periodically review the delivery of the reforms identified in the *Blueprint*, including, but not limited to, the following:

1. The establishment of and adherence to the standardized staffing model at each institution;
2. The establishment of and adherence to the new inmate classification score system;
3. The implementation of and adherence to the comprehensive housing plan described in the *Blueprint*;
4. Whether the department has increased the percentage of inmates served in rehabilitative programs to 70 percent of the department's target population prior to the inmates' release; and
5. The establishment of and adherence to the new prison gang management system, including changes to the department's current policies for identifying prison-based-gang members and associates, and the use and conditions associated with security housing units.

In January 2016, the department issued *An Update to the Future of California Corrections* (the *Update*), which included a summary of goals identified and progress made, with reference to the initial report, along with the department's future vision for both rehabilitative programming, and classification and housing. The *Update* included a goal to modify the target for rehabilitation to a minimum program participation level. Whereas the *Blueprint's* benchmark was that the department serve 70 percent of its target population in rehabilitative programs prior to release, the *Update*, along with the department's new metric for a minimum participation level, did not identify an objective benchmark or standard for the department to achieve. In addition, the *Update* included an expansion of programs to address in-prison substance abuse treatment and long-term offenders, and other new items included several pilot programs for inmate access to community college courses and in-prison sex-offender treatment.

To assess and monitor these reforms, the OIG reviewed and obtained budgeted capacity and operational capacity, collected and evaluated data, interviewed numerous departmental staff, and compared the assessment results with goals identified in the *Update*. This report presents the results assembled from our tenth review of the department's implementation of its *Blueprint* and the *Update* based on information collected from January 16, 2019, through February 19, 2019, with the exception of departmental population figures, which extend through May 8, 2019. We have organized this report into three sections that represent the key areas the OIG continues to monitor: rehabilitative programs, standardized staffing of rehabilitative programs, and classification and housing.

The rehabilitative programs section outlines the department's current processes for determining which offenders should be prioritized for program placement, as well as its program delivery models. It also provides details about the department's various rehabilitative efforts, including its rehabilitative case plan module, long-term offender program, and sex-offender treatment program.

The standardized staffing of education programs provides additional information about the department's rehabilitative staffing levels at each of its adult institutions.

The classification and housing section provides additional information about the department's population management efforts following the *Update* and the passage of Proposition 57. It also provides details about the status of the department's step-down program (SDP) following the *Ashker* settlement agreement.

Rehabilitative Programs

The department provides rehabilitative programs to adult offenders during their incarceration and upon their release. In-prison programming includes academic education, career technical education, substance use disorder treatment, cognitive-behavioral treatment, and preemployment transitions. Upon release, the department provides offenders with substance use disorder treatment, education programs, and employment services. The illustration below depicts the journey an inmate travels from incarceration to release.

The Step-By-Step Process

Inmate enters prison

STEP 1: Inmate enters reception area

Overview Inmates received are provided orientation regarding key policies and procedures (PREA, ADA, Medical, MH, etc.) and various assessments, including their risk to reoffend and criminogenic needs: California Static Risk Assessment (CSRA), Correctional Offender Management Profiling for Alternative Sanctions (COMPAS), Test of Adult Basic Education (TABE) Reading, Division of Adult Institutions (DAI) Security Assessments, Healthcare Evaluations.

STEP 2: Begin classification process

Overview Following reception and once at their home institution, an inmate meets with their correctional counselor and goes through the classification committee process where they are placed on appropriate programming lists, including educational, treatment, and jobs/work assignments. Rehabilitative placements should be driven from CSRA, COMPAS, and TABE Reading along with an inmate's discussion of needs/wants and case file information.

STEP 3: Programming: Day 90–Up to 60 months left to serve

Overview Inmate may be placed in various programming aimed to focus on gaining any necessary educational achievements along with any voluntary programs: Education, Innovative Grant/Inmate Activity Groups, Library Services, Recreation Programs.

STEP 4: Programming: 48–60 months left to serve

Overview Inmate may be placed in various programming aimed to address criminogenic needs, obtain a higher education level, or both: Career Technical Education (CTE), Cognitive-Behavioral Treatment (CBT), College Programming.

STEP 5: Programming: 12–15 months left to serve

Overview Inmate may continue receiving treatment and educational programming in prison or may elect, if eligible, to participate in community-based reentry programs: Custody to Community Transitional Reentry Program (CCTRP), Male Community Reentry Program (MCRP).

STEP 6: Programming: 210 days left to serve

Overview Inmate may also enroll in community-based programs designed to help them successfully reenter the community from prison: Transitions Reentry Program, CAL-ID Program, Parole Planning.

The Roadmap to Rehabilitation



STEP 7: Parole / Back into the community

Overview Parolee successfully rejoins society. DRP works closely with DAPO to provide comprehensive postrelease rehabilitative programs and services located in communities throughout the state of California delivered through residential, outpatient, and drop-in centers: Day Reporting Centers (DRC), Community-Based Coalition (CBC), Parolee Service Center (PSC), Transitional Housing Program (THP), Specialized Treatment for Optimized Programming (STOP), Computer Literacy Learning Center (CLLC), Substance Abuse Treatment And Recovery Program (STAR).

Infographic adapted from "The Roadmap to Rehabilitation," created by the Division of Rehabilitative Programs, the California Department of Corrections and Rehabilitation (URL: <https://www.cdcr.ca.gov/rehabilitation/about/process/>; accessed June 12, 2019.)

In Prison: Assess Needs

The department uses concepts identified in the California Logic Model⁶ to determine its target population for rehabilitative programs. The model requires calculating an inmate's risk to reoffend coupled with an assessment of the inmate's criminogenic needs to determine program placement. The department uses the California Static Risk Assessment (CSRA) to determine an inmate's risk to reoffend and the Core Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) assessment tool to identify an inmate's criminogenic needs.⁷ In addition to assessing these risk and needs factors, the department prioritizes placement by the offenders' dates of release, focusing on offenders who are within five years of their earliest possible release date. The department explains that the classification process also considers an offender's needs and interests, and this process may supersede any assessment-based prioritization.

In December 2017, according to the department, it redefined eligibility criteria, program waiting list placement, and assignment prioritization to improve offenders' access to rehabilitative programs prior to release. The department stated it was also working with the University of California, Irvine, Center for Evidence-Based Corrections,⁸ to develop a new program fidelity monitoring tool that will ultimately strengthen the delivery of in-prison programming services. Additionally, the department began meeting quarterly with reentry programming contract providers to work collaboratively and improve the delivery of services. Developing this program monitoring tool for in-prison programming marked a positive step to assist in determining if the department was implementing reliable rehabilitative programs.

⁶ The eight basic components of the California Logic Model are the following: assess high risk; assess needs; develop behavior management plans; deliver programs; measure progress; prep for reentry; reintegrate; and follow up.

⁷ Inclusion in the target population does not necessarily trigger the placement of inmates into specific programs. COMPAS assessment results are used for placement into cognitive-behavioral treatment and preemployment transitions programs, but for placing inmates into other programs, the department uses individual case factors, such as results derived from inmates taking the Tests of Adult Basic Education (TABE®) to ensure inmates are placed into the appropriate academic program level. Visit <http://tabetest.com> to learn more about the origin of these tests (URL accessed on June 12, 2019).

⁸ University of California, Irvine, administers a project titled "DRP Program Performance Process Development" in conjunction with the department. Visit <http://ucicorrections.seweb.uci.edu/current-projects/> to learn more about the center and its work. Additional information can be found at <http://ucicorrections.seweb.uci.edu/publications/> and <https://news.uci.edu/2014/10/27/uci-corrections-policy-center-receives-2-million-to-continue-work/> (URLs accessed on June 12, 2019).

Table 1 below displays the data for CSRA and COMPAS assessments, as of February 27, 2019. The total inmate population numbered 126,428. The department's Division of Rehabilitative Programs identified 1,427 inmates under Community Rehabilitative Program Placements supervision or housed in the Department of State Hospitals. Of the remaining 125,001 inmates, 123,340 (98 percent) had received a CSRA risk assessment, and of that group, 60,591 (49 percent) had a moderate or high risk to reoffend. Many offenders are excluded from receiving a COMPAS assessment, such as those with the designations of enhanced outpatient program level of care or higher, those serving life without parole, and condemned inmates. Among the total population of 126,428 inmates, 111,712 (88 percent) were eligible to receive a COMPAS assessment. Of the 111,712 eligible offenders, 5,686 were still going through the classification process while housed in a reception center. This resulted in 106,026 (95 percent) eligible and classified offenders, of whom 104,095 (98 percent) had received a COMPAS assessment.

Table 1. CSRA and COMPAS Assessments

Total Inmate Population	126,428*	Relation to Cohort	
		Percentage	Specific Cohort
Inmates with a CSRA risk assessment	123,340	98%	Total inmate population
Inmates with a moderate or high CSRA score	60,591	49%	Inmates with CSRA
Inmates eligible to receive a COMPAS assessment†	111,712	88%	Total inmate population
Inmates located at reception centers who are currently unclassified and do not have a qualifying COMPAS assessment	5,686	5%	Inmates eligible to receive a COMPAS assessment
Inmates eligible to receive a COMPAS assessment who have been classified	106,026	95%	Inmates eligible to receive a COMPAS assessment
Inmates eligible and classified who have received a COMPAS assessment	104,095	98%	Inmates eligible to receive a COMPAS assessment who have been classified

* Source: The California Department of Corrections and Rehabilitation weekly population report as of February 27, 2019.

† The Division of Rehabilitative Programs excludes inmates on temporary release, such as inmates under supervision as community rehabilitative program placements or those housed within the Department of State Hospitals.

Rehabilitation Program Report

As the OIG noted in its prior reviews of the delivery of reforms identified in the *Blueprint*, the department is implementing rehabilitation programs at all institutions. However, the department has not been able to provide in-prison rehabilitative programs to 70 percent of its target population prior to the inmates' release. Even if the department had met this goal, it would lack substantive meaning since the counting metric equated inmates being in one program for one day as having their needs partially met. As a result, the department developed a new metric for assessing program participation and is using "minimal participation," that is, the number of offenders who have been enrolled in a program for a minimum of 30 calendar days, as a minimum threshold for defining offenders participating in rehabilitative programming. This counting rule also requires a demonstrated association between in-classroom time and attendance by the offender.

As recommended in our July 2018 *Blueprint* report, the department's new metric for assessing program participation fails to account for whether an offender attends and participates during this 30-day period, and it does not measure if the program meets the offender's need. This updated metric simply allows the department to count both the number of offenders who attend for a specific period of time and the number of those who complete the programming.

The department has taken actions to implement the OIG's recommendation regarding minimal participation. According to the department, its Division of Rehabilitative Programs utilizes minimal participation as an operational measure to indicate whether there is significant turnover in programs that may need further review. The department assesses completion as the appropriate measure of success. During its year-end cohort reviews for participants, three measures were proposed by the department to indicate the full scope of programming:

1. Those offenders assigned at any point to a particular program;
2. Of those offenders, those who were enrolled for a 30-day period (minimal participation); and
3. Of those offenders, those who completed the identified program (those who have been unassigned with a status of completed).

The department states these measures provide a multilevel review of those offenders participating in academic and treatment programming. Division of Rehabilitative Programs staff note that any percentage measure assigned to program completion, such as 50 percent, may give the impression that 50 percent of a targeted benchmark will show

appropriate outcomes. The Division of Rehabilitative Programs believes that definitive outcome-based research on partial programming is necessary before conclusions of appropriate outcomes can be reached.

The department's Division of Rehabilitative Programs is using five other measures to actively monitor access to programming for rehabilitation, academic education, and career technical education, and to address any operational issues involving the delivery of rehabilitative programming. The division is also working collaboratively with other internal divisions to ensure uniform application of these rules throughout the department when referencing rehabilitative data. The department's internal "Rehabilitation Program Report," effective July 1, 2017, outlines budgeted capacity, operational capacity, and active enrollments. The five measures are as follows:

- **Budgeted Capacity:** The maximum number of available daily program slots based on budgeted staff positions. Budgeted capacity assists in determining the status of rehabilitative programs implemented within institutions statewide consistent with budgeted staff positions.
- **Active/Operational Capacity:** The maximum number of available daily program slots based on facility and space limitations along with staff vacancies. This information is compared against the budgeted capacity to identify operational impacts on the ideal budgeted capacity.
- **Enrollment (Assignment):** The number of offenders who have an assignment status of "Assigned" in the Strategic Offender Management System (SOMS) who are enrolled in a program. This information allows the department to review active or operationally available capacity in an effort to ensure it is filling all available classroom seats or program slots.
- **Completions:** The exit code in SOMS indicating that inmates have completed the course curricula, required hours of participation in SOMS, and any testing, as applicable.
- **Attendance Rate:** The number of actual classroom hours that offenders attended divided by the maximum number of hours offered, that is, the sum of actual classroom hours offenders attended, hours of absences due to institutional reasons, hours of excused absences, and hours of unexcused absences. This formula creates a percentage rate of offender "in-classroom" time versus excused and unexcused absences.

Case Management Plan

According to the *Blueprint*, a critical component for successful rehabilitation and reducing recidivism is an effective case management system. The department developed the SOMS case plan module to address this need. The department's project team utilized risk and needs assessments, time left to serve, and program profiles to develop an individual case plan that follows an offender throughout his or her incarceration. A case management plan is an integral part of effective rehabilitative programming. Case management plans help ensure that the department assigns offenders to appropriate programs based on their overall risk potential and criminogenic needs. Such plans also help staff determine the type, frequency, and timing of programming an offender should receive to most effectively reduce the likelihood of reoffending. This case plan should also transfer with the offender upon release to parole or to county supervision as it assists with identifying the most effective follow-up programming.

The department implemented the SOMS rehabilitative case plan in September 2016, an example of which is shown in Appendix A of this report. This individualized plan outlines an offender's addressed needs and recommended plans for future programming, providing an incarceration time line and rehabilitative program recommendations for the offender. Correctional counselors and other in-prison program staff use the plan as a tool to assist with determining offenders' assessed needs for possible program placement into various rehabilitative programs prior to an offender's committee actions.

The rehabilitative case plan also lists the certificates, diplomas, and milestones the offender has earned or reached. The department also created an offender program overview report containing the same information found in the plan, excluding the incarceration time line, allowing an offender the ability to maintain a copy upon release to parole or county supervision.

OIG Fieldwork Review

The OIG obtained rehabilitative programming figures for fiscal year 2018–19 from the department’s Division of Rehabilitative Programs and performed fieldwork to determine the operational status of each institution’s various programs. To determine programs’ operational status, the OIG requested figures from the department to learn the number of its authorized rehabilitative staff positions per institution, discussed any discrepancies with rehabilitative program managers at the institutions, reviewed monthly attendance reports, and visited institutions to conduct spot checks of classrooms. The following three elements must be in place before the OIG can deem a course fully operational: a corresponding instructor, an assigned classroom, and data charting monthly inmate attendance.

Appendix B provides a statewide summary of rehabilitative programs at each institution. It identifies programs the department has planned and their operational status, as determined from OIG inspectors’ visits that occurred in January and February 2019. The following section discusses the current status of these various programs identified from the Division of Rehabilitative Program’s data for fiscal year 2018–19.

Table 2 on the following page shows the results from the fieldwork our staff completed at all of the department’s prisons. We determined that 92 percent of the academic programs and 82 percent of the career technical education programs were operational. This represents a 2 percent increase, or 35 additional instructors for academic programs, and no percentage change for career technical education programs from the values we published in our 2018 report reviewing the *Blueprint*.

Table 2. OIG Fieldwork Summary of Operational Programs

Programming Types	Program Staff				Differences	
	As of 12/2017–1/2018*		As of 1/2019–2/2019*		Actual	Final
	No. of Persons	Percentage	No. of Persons	Percentage	No. of Persons	Percentage
Academic Education	491	90%	526	92%	35	2%
Career Technical Education	250	82%	249	82%	-1	0%
Programming Types	Students in Program [†]				Differences	
	As of 12/28/2017 [‡]		As of 1/24/2019 [‡]		Actual	Final
	No. of Persons	Percentage	No. of Persons	Percentage	No. of Persons	Percentage
Substance Use Disorder Treatment	3,532	79%	3,512	78%	-20	-1%
Cognitive-Behavioral Treatment	4,452	83%	4,669	87%	217	4%
Preemployment Transitions	1,274	50%	1,479	58%	205	8%
Long-Term Offender Program: Substance Use Disorder Treatment	592	59%	789	79%	197	20%
Long-Term Offender Program: Cognitive-Behavioral Treatment	1,248	52%	2,121	88%	873	36%

* The department's figures for the budgeted (or proposed) staff did not remain constant between FY2017–18 and FY2018–19.

[†] The OIG obtained the department's "Rehabilitative Program Report," effective December 28, 2017, and January 24, 2019, respectively, during our on-site collection of data. These figures were not audited by the OIG, and we do not make any representation concerning the accuracy of the data received from the department. The OIG reviewed the actual offender enrollments and observed departmental programs in operation during our on-site reviews in January and February 2019.

[‡] The department's figures for the budgeted program slots/annual student capacity categories did not remain constant between FY2017–18 and FY2018–19.

For the remaining in-prison programs, our fieldwork showed that 78 percent of the substance use disorder treatment slots were filled, 87 percent of the cognitive-behavioral slots were filled, and 58 percent of the preemployment transitions slots were filled. Each of these programs experienced changes in the ratio of participation to availability, with one decreasing and two increasing, respectively, over the last reporting period. The long-term offender programs we reviewed had 79 percent of the substance use disorder treatment slots filled and 88 percent of the cognitive-behavioral slots filled. These programs experienced significant increases in the ratio of participation to availability, rising by 20 and 36 percentage points, respectively, over the last reporting period.

Academic Education

The department identified a total of 572 academic positions budgeted during fiscal year 2018–19.⁹ From January 2019 through February 2019, OIG staff reviewed the institutions' records and performed 35 site visits to determine whether these academic positions, as provided by the department, were fully operational, as shown in Appendix B, which also displays annual student capacities.

At the conclusion of the fieldwork, the OIG found 526 of the 572 academic positions were fully operational, a 92 percent compliance rate. This reflects a 2 percentage point increase in compliance for operational academic programs and 35 additional positions since our 2018 report reviewing the *Blueprint*. The primary reason academic courses were not operational was due to teacher vacancies (extended leave, workers' compensation, retirement, etc.). Our review identified that the California Institution for Men had the highest number of vacant academic education positions, seven, and the highest vacancy rate, 29 percent. Further information regarding this prison and statewide vacancies can be found in the Standardized Staffing section of this report. Table 3 below summarizes our fieldwork review of the department's academic education programs.

Table 3. Summary of Academic Education Programs

Academic Education	Budgeted Staff	Actual Program Staff	Staff Vacancy Rate
General Population	306	271	11%
Voluntary Education Program	234	226	3%
Enhanced Out-Patient	25	23	8%
Alternative Programming	7	6	14%
TOTALS	572	526	8%

Source: The California Department of Corrections and Rehabilitation provided the figures for the Budgeted Staff and the Budgeted Student Capacity categories. OIG site visit reviews identified the numbers for the Actual Program Staff.

⁹ These include courses titled Adult Basic Education (ABE) I, II, and III; High School; General Equivalency Diploma; and Face-to-Face College. ABE I: reading scores between 0.0 and 3.9; ABE II: reading scores between 4.0 and 6.9; and ABE III: reading scores between 7.0 and 8.9.

Career Technical Education

The department identified a total of 304 career technical education positions budgeted during fiscal year 2018–19. From January through February 2019, OIG staff reviewed the institutions' records and performed site visits to determine whether 304 career technical education positions were fully operational. When our staff concluded their fieldwork, the OIG found 249 of the 304 positions were filled and fully operational, an 82 percent compliance rate, as shown in Appendix B, which also displays annual student capacities. This reflects a staffing decrease of one position and no percentage change in career technical education programs being operational since our 2018 report reviewing the *Blueprint*.

The most common career technical education programs were Computer and Related Technologies, Electronics, Building Maintenance, and Welding. Our review identified that California State Prison, Corcoran, had the highest percentage of career technical education programs not operational. We found three of its seven career technical education courses (43 percent) not operational.

The Standardized Staffing section of this report provides specific information regarding these prisons and statewide vacancies. Table 4 below summarizes our fieldwork review of the department's career technical education programs.

Table 4. Summary of Career Technical Education Programs

Program	Budgeted Staff	Actual Program Staff	Staff Vacancy Rate
Career Technical Education	304	249	18%

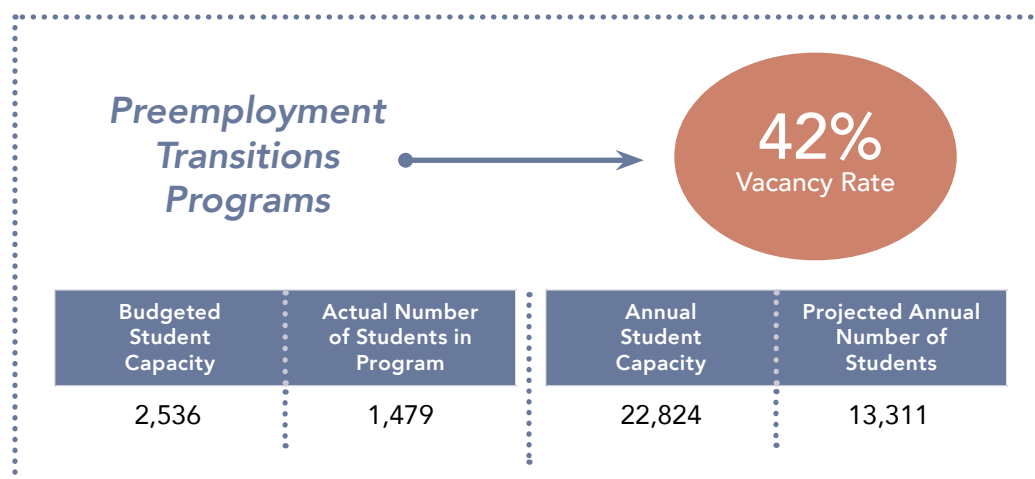
Source: The California Department of Corrections and Rehabilitation provided the figures for the Budgeted Staff and the Budgeted Student Capacity categories. OIG site visit reviews identified the amounts for the Actual Program Staff.

Preemployment Transitions

The department designates the preemployment transitions program as a means to provide offenders with employment preparation skills to aid them in successful reentry into society. This program is offered primarily during the last six months of incarceration to enable offenders to learn these skills before they are released. This program teaches inmates skills in preparing themselves for entering the workforce and searching for jobs, managing money, and acquiring financial literacy. In addition, it provides offenders with community resources that can help them as they transition back into the community.

From January through February 2019, OIG staff reviewed the institutions' records and performed site visits to determine the operational status of preemployment transitions programs statewide. The OIG found that 1,479 of the planned 2,536 daily slots were fully operational, an 58 percent compliance rate and an increase of 8 percentage points in compliance since our 2018 report reviewing the *Blueprint*. Below, Figure 1 displays the vacancy rate (unoccupied student slots) based on the actual number of students in the preemployment transitions programs in January 2019.

Figure 1. Summary of Preemployment Transitions Programs, January 2019



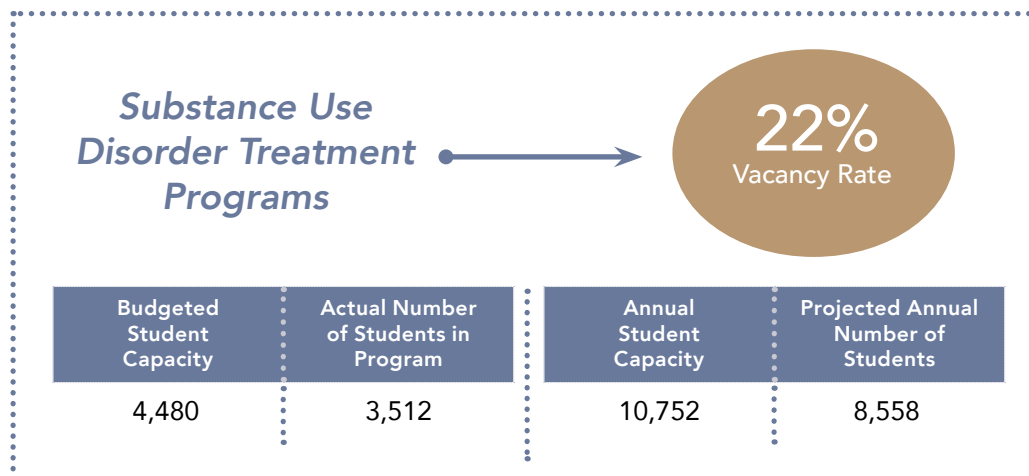
Source: The California Department of Corrections and Rehabilitation provided the figures for the Budgeted Student Capacity and Actual Number of Students in Program. We reviewed the actual student enrollments and observed departmental programs in operation during our on-site reviews in January and February 2019.

Substance Use Disorder Treatment

The department states its substance use disorder treatment programs prepare offenders upon release by helping them develop the knowledge and skills necessary to avoid relapse and successfully integrate back into the community. Some of these classes have transitioned away from an open-enrollment concept and now have fixed enrollment and completion dates. The offender must complete a minimum of 350 hours, with the training lasting approximately five months. From January through February 2019, OIG staff reviewed substance use disorder treatment programs statewide to determine whether the department's treatment slots were fully operational.

The OIG found that offenders occupied 3,512 of the 4,480 daily program slots, an 78 percent compliance rate. This reflects a 1 percentage point compliance decrease in the occupied daily program slots since our 2018 report reviewing the *Blueprint*. Below, Figure 2 displays the vacancy rate (unoccupied student slots) based on the actual number of students in the substance use disorder treatment programs in January 2019.

Figure 2. Summary of Substance Use Disorder Treatment Programs, January 2019



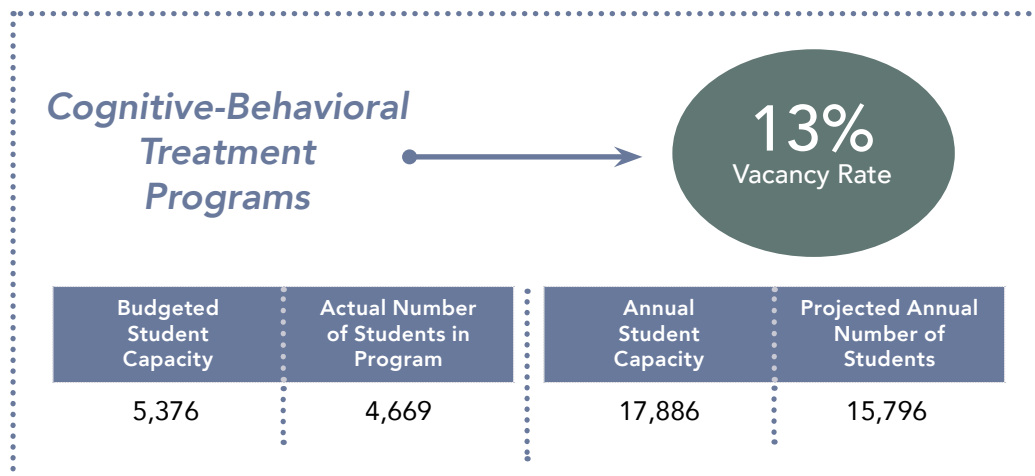
Source: The California Department of Corrections and Rehabilitation provided the figures for the Budgeted Student Capacity and Actual Number of Students in Program. We reviewed the actual student enrollments and observed departmental programs in operation during our on-site reviews in January and February 2019.

Cognitive-Behavioral Treatment

Cognitive-behavioral treatment takes a hands-on, practical approach to problem-solving by working to change patterns of thought or behaviors. Offenders have access to treatment programs that offer methods (or modalities) for inmates to learn more about cognitive behaviors; these include discussions concerning criminal thinking, anger management, and the dynamics of family relationships. These programs are available at all 35 institutions.

From January through February 2019, OIG staff reviewed the institutions' documents and performed site visits to determine whether the department had implemented cognitive-behavioral treatment programs. The OIG found 4,669 of the planned 5,376 daily slots fully operational, an 87 percent compliance rate. This reflects a 4 percentage point increase in the ratio of occupied to available daily program slots since our 2018 report reviewing the *Blueprint*. Below, Figure 3 displays the vacancy rate (unoccupied student slots) based on the actual number of students in the cognitive-behavioral treatment programs in January 2019.

Figure 3. Summary of Cognitive-Behavioral Treatment Programs, January 2019



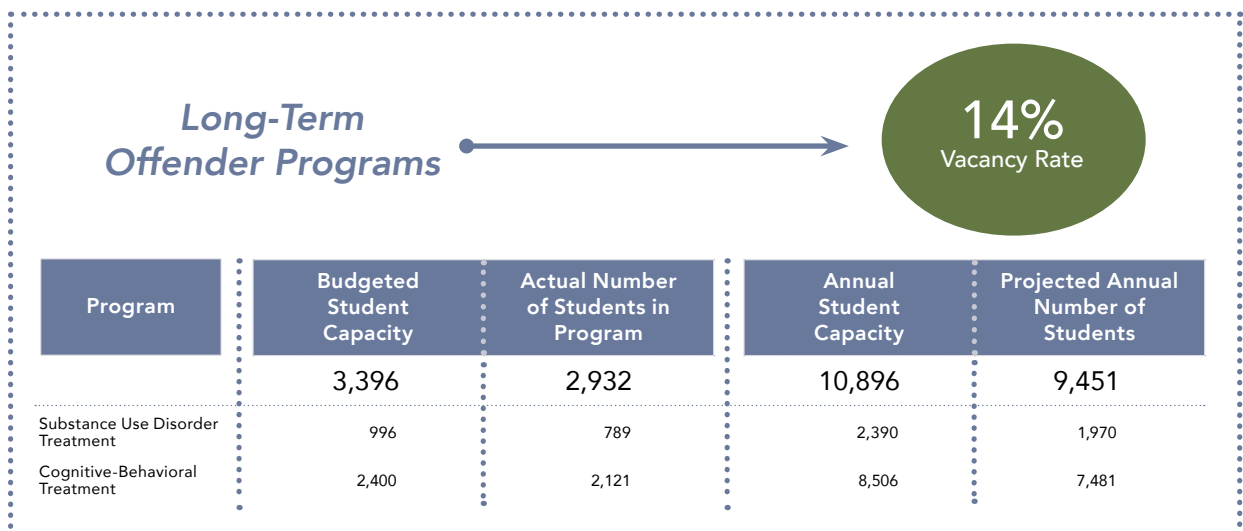
Source: The California Department of Corrections and Rehabilitation provided the figures for the Budgeted Student Capacity and Actual Number of Students in Program. We reviewed the actual student enrollments and observed departmental programs in operation during our on-site reviews in January and February 2019.

Long-Term Offender Program

The *Blueprint* called for developing a long-term offender reentry model to be piloted at three institutions projected to have a substantial population of long-term offenders. The department has now expanded the long-term offender program to 30 of its 35 institutions. The program, which is voluntary, provides treatment to offenders who have been sentenced to a life term in prison with the possibility of parole and are subject to the Board of Parole Hearings' parole suitability process. One of the department's goals in expanding its long-term offender services is to reduce its need to transfer offenders to other institutions and minimize disruptions to offenders' programming.

The programs include treatments for substance use disorders and cognitive behaviors. For substance use disorder treatment, the OIG found that 789 of the planned 996 daily slots were fully operational, an 79 percent compliance rate. For cognitive-behavioral treatment, the OIG found that 2,121 of the 2,400 daily slots were fully operational, an 88 percent compliance rate. This reflects a 20 percentage point compliance increase in the occupied daily slots in substance use disorder treatment and a 36 percentage point compliance increase in occupied daily slots in cognitive-behavioral treatment since our 2018 report reviewing the *Blueprint*. Below, Figure 4 displays the vacancy rate (unoccupied student slots) based on the actual number of students in the long-term offender program for substance use disorder treatment and cognitive-behavioral treatment programs, respectively, in January 2019.

Figure 4. Summary of Long-Term Offender Treatment Programs, January 2019



Source: The California Department of Corrections and Rehabilitation provided the figures for the Budgeted Student Capacity and Actual Number of Students in Program. We reviewed the actual student enrollments and observed departmental programs in operation during our on-site reviews in January and February 2019.

Sex Offender Treatment Program

The department intends its Cognitive-Behavioral Interventions for Sex Offenders (CBI-SO) program to serve offenders who are required to register pursuant to California Penal Code section 290, are within 13 months of their scheduled release date, and are mandated to participate in community-based treatment programs upon release. The program is located at the California Substance Abuse Treatment Facility and State Prison, Corcoran, and provides programming for a maximum of 80 offenders.

The program involves both individual and group treatment sessions. Facilitators deliver treatment up to three hours each day, five days per week, with an average duration of eight months. During the first months of treatment, participants undergo a comprehensive psychosocial assessment that includes two measures to assess the likelihood of recidivism risks for both sexual and general offenses. All departmental staff administering the assessments have been certified in the application of state-authorized risk assessment tools used for evaluating sex offenders.¹⁰ From April 2016 to the time of our review, 172 offenders have completed this curriculum, and 46 offenders are assigned in the program.

¹⁰ California Penal Code section 290.09(b)(1): "The sex offender management professionals certified by the California Sex Offender Management Board in accordance with section 9003 who provide sex offender management programs for any probation department or the Department of Corrections and Rehabilitation shall assess each registered sex offender on formal probation or parole using the [state authorized risk assessment tools for sex offenders] SARATSO dynamic tool, when a dynamic risk factor changes, and shall do a final dynamic assessment within six months of the offender's release from supervision."

California Identification Card Program

The *Blueprint* indicated that the California Identification Card program (CAL-ID) would be implemented by the department in partnership with the Prison Industry Authority to assist eligible inmates in obtaining state-issued identification cards to satisfy federal requirements for employment documentation.

On July 1, 2015, the department entered into an interagency agreement with the Department of Motor Vehicles (DMV) in order to fulfill this task. The agreement expanded the CAL-ID program to all 35 adult institutions. The department is working with the DMV to provide DMV-eligible cameras inside institutions to use in obtaining photographs of inmates who have been incarcerated for more than 10 years. This would potentially increase the number of eligible participants for the CAL-ID program as DMV requires a usable photo that is not more than 10 years old. Additionally, the CAL-ID program is now offered at the seven modified community correctional facilities (MCCFs) throughout the state. These facilities work directly with the department and the DMV to facilitate the application, approval, and distribution of identification cards to their inmates.

In the prior fiscal year, the Division of Rehabilitative Programs implemented the Automated Reentry Management System (ARMS) to provide real-time data to perform program quality reviews by departmental staff and stakeholders. These ARMS reports provide operational data that aims to give correctional counselors the necessary information to provide timely reentry identification services, including CAL-ID. The Division of Rehabilitative Programs tracks the status of CAL-ID applications and identification cards. If an inmate is transferred to another institution prior to receiving his or her identification card, departmental staff will update the inmate's CAL-ID status in the ARMS and inform staff at the receiving institution of the status. The Division of Rehabilitative Programs staff at the transferring and receiving institutions work in collaboration to ensure the identification card is provided to the inmate upon release.

The department issued a memorandum in May 2018 to identify its procedures for forwarding the identification cards by institutional staff to parole units. If an inmate has been released to parole before the institution receives the inmate's new identification card, a parole services associate who works within the respective institution forwards the identification card to the respective parole unit. Upon receipt of the identification card, the parole office staff confirms with the institution its receipt of the card and issuance to the inmate. This allows departmental

staff to ensure that the identification cards are being delivered to paroled individuals.

According to the department, it sent 8,271 applications to the DMV for processing between July 1, 2018, and February 28, 2019. The DMV approved and issued 6,762 identification cards (82 percent of those applied for); 5,236 inmates (77 percent of approved applications) were released with an identification card, while the remaining 1,526 were released without an identification card.

Inmates Receiving Academic and Vocational Instruction



Classroom instruction



Welding



Automotive repair



Culinary arts training

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Standardized Staffing for Education Programs

To address issues of population growth and overcrowding, the department established a standardized budget methodology to provide ratio-driven staffing adjustments as the inmate population fluctuated. The department developed a standardized staffing component for its adult institutions, and in the *Blueprint*, it identified the planned staffing patterns for each site.

The OIG has conducted reviews of the operational status of the department's rehabilitative education and career technical education programs in each *Blueprint* review.¹¹ In order to determine the operational status of these rehabilitative programs, the OIG acquired the final rehabilitative authorized position counts per institution from the department. Our office recognized an actual instructor (in Table 5 below) only if a course was determined to be operational. A course was considered operational if it had an instructor, an assigned classroom, and data showing inmate attendance. Table 5 provides our past three OIG reviews of the department's vacancy rates based on operational status for academic education and career technical education.¹²

Table 5. Program Vacancies in Academic Education and Career Technical Education over Three Reporting Periods

Type of Programming	Review Period	Budgeted Instructors	Actual Instructors	Number of Vacant Positions	Vacancy Rate
Academic Education	Jan. 2019 to Feb. 2019	572	526	46	8%
	Dec. 2017 to Jan. 2018	543	491	52	10%
	Dec. 2016 to Jan. 2017	551	452	99	18%
Career Technical Education	Jan. 2019 to Feb. 2019	304	249	55	18%
	Dec. 2017 to Jan. 2018	304	250	54	18%
	Dec. 2016 to Jan. 2017	289	230	59	21%

Source: The California Department of Corrections and Rehabilitation provided the figures for the Budgeted Instructors. OIG site visit reviews identified the amounts for the Actual Instructors.

¹¹ The OIG has issued nine reports regarding the department's implementation of the *Blueprint* since April 2013. In September 2015, the OIG included its statewide summary of the department's rehabilitative programs and staffing levels in the California Rehabilitation Oversight Board annual report.

¹² The vacant positions and the vacancy rate are based on whether a course was determined to be operational by OIG staff. When a course was found to not be operational, it was primarily due to a true teacher vacancy.

According to the California State Auditor’s January 2019 report on the department’s In-Prison Rehabilitation Programs,¹³ the department’s deputy director of rehabilitative programs believes that an appropriate level of vacancies for rehabilitative programming would be less than 10 percent of budgeted positions. As shown in Table 5 (previous page), the department has shown improvement by decreasing its vacancy rate in academic education positions to less than 10 percent during our current review. The department achieved this improved vacancy rate, while at the same time, it was able to add 74 academic education positions from two years ago. However, the department has not improved its vacancy rate for career technical education as it remained at 18 percent, despite an increase of 19 career technical education positions from two years ago. This lack of improvement is notable as the department has made little ground in filling its 55 vacant career technical education positions, which is a decrease of only four vacant positions from the 59 vacant positions two years ago.

¹³ In January 2019, the California State Auditor issued *California Department of Corrections and Rehabilitation: Several Poor Administrative Practices Have Hindered Reductions in Recidivism and Denied Inmates Access to In-Prison Rehabilitation Programs*.

Academic Education

As shown in Table 6 below, our review of vacancy rates for academic education positions shows 23 of 35 prisons (66 percent) had a vacancy rate at 10 percent or below. Three prisons, California Institution for Men, High Desert State Prison, and California State Prison, Solano, had vacancy rates between 21 to 30 percent.

Table 6. Vacancy Rates for Academic Education Instructors across Prisons

Type of Programming	Vacancy Rate	Number of Instructor Vacancies	Number of Prisons*	Percentage of Prisons [†]
Academic Education	0 to 10%	12	23	66%
	11% to 20%	20	9	26%
	21% to 30%	14	3	9%
TOTALS		46	35	100%

* The positions for Folsom State Prison and Folsom Women's Facility were combined for calculating vacancy rates by prison.

[†] Total percentage does not equal 100 percent due to rounding.

Source: OIG site visit reviews identified vacancy rate by type of programming.

The California Institution for Men (CIM) had the highest academic instructor vacancy rate at 29 percent, which includes a vacancy rate of 40 percent for general population programs and 11 percent for voluntary education programs. Seven of its 24 of academic education positions were vacant, as shown in Table 7 (next page). Departmental staff stated that two vacant education positions at CIM were in the process of being transferred once need and space were determined at other institutions, and the two positions would remain assigned to CIM until the positions were transferred. One academic position was not operational due to a job reassignment, and CIM was actively recruiting for the remaining four vacant academic positions. Of note, according to department records, one of the four vacant positions had been vacant for over three years, since December 2015. The department noted this Adult Basic Education teacher position at CIM was the lengthiest vacancy statewide for academic teachers. During many past OIG visits, our staff were informed that this Adult Basic Education teacher position was being actively recruited for, but had yet to be filled.

Table 7. Academic Education Positions for the California Institution for Men

Employment Programs	Proposed Staff	Actual Staff as of February 2019	Difference	Vacancy Rate
General Population	15	9	6	40%
Voluntary Education Program	9	8	1	11%
TOTALS	24	17	7	29%

Source: OIG site visit reviews identified the figures for the Actual Staff to determine the vacancy rate by type of programming.

The OIG's 2018 *Blueprint* report included a recommendation to require each supervisor of correctional education programs to provide recruitment and retention concerns to departmental management, especially for positions remaining vacant for over 90 days. In February 2019, the department provided a listing of 43 academic teacher vacancies by length, as shown in Table 8 below. This figure is comparable to the 46 academic teacher vacancies (courses not operational) we found, as shown in Table 6 (previous page), during our review in January through February 2019. The primary reasons cited for vacancies were transfers to other institutions (35 percent) and retirement (19 percent).

Table 8. Length of Academic Education Position Vacancies

Type of Programming	Length of Vacancy	Number of Vacant Positions	Percentage
Academic Education	Less than 1 month	11	26%
	1 to 6 months	26	60%
	7 months to 12 months	3	7%
	13 months to 24 months	2	5%
	Over 24 months	1	2%
TOTALS		43	100%

Source: The Division of Rehabilitative Programs identified the Length of Vacancy and Number of Vacant Academic Education positions as of February 1, 2019.

Career Technical Education

As shown in Table 9 below, the review of vacancy rates statewide for career technical education showed that 22 of 35 prisons (63 percent) had a vacancy rate over 10 percent. Two prisons had a vacancy rate exceeding 40 percent, California State Prison, Corcoran, and Valley State Prison, as described further below.

Table 9. Vacancy Rates for Career Technical Education

Type of Programming	Vacancy Rate	Number of Instructor Vacancies	Number of Prisons*
Career Technical Education	0 to 10%	4	13
	11% to 20%	16	9
	21% to 30%	14	6
	31% to 40%	13	5
	> 40%	8	2
TOTALS		55	35

* The positions for Folsom State Prison and Folsom Women’s Facility were combined for calculating vacancy rates by prison.

Source: OIG site visit reviews identified the vacancy rate by type of programming.

During the OIG visit to California State Prison, Corcoran, in February 2019, we found three of its seven career technical education courses (43 percent) not operational even though an instructor was employed and available to teach inmates. None of these three courses—Computer and Related Technologies,¹⁴ Machine Shop, and Welding—had been operational during any of our last four *Blueprint* reviews over the past two years.

The Computer and Related Technologies class was not operational due to a mission change in May 2017 and was waiting for new class computers since December 2017 because the old computers were not working properly. The OIG learned that the new computers arrived in March 2019 and the course became operational in June 2019. The machine shop had been undergoing a “total refresh” (equipment update) for the past two years. The department anticipated that the course would be operational by September 2019. The welding course was initially not operational

¹⁴ Formerly referred to as Office Services and Related Technology.

due to a “total refresh” similar to that of the machine shop; however, the institution had been awaiting approval from the State Fire Marshall since December 2017. The OIG learned that the institution received a verbal approval from the State Fire Marshall to occupy the building, and the course became operational in June 2019.

During the OIG visit in January 2019 to Valley State Prison, 5 of its 12 career technical education courses (42 percent) were not operational. The auto mechanics and carpentry classes were pending activation due to the recent hiring of instructors. The welding class was not operational due to an update in equipment. Two other career technical educational courses were not operational due to instructors being out on long-term leave.

Although the rates of nonoperational courses cited above were not primarily due to instructor vacancies, as there were substantial delays due to equipment updates and approval from the State Fire Marshall, the net effect was the same: 1,485 inmates statewide were unable to attend courses to learn entry-level work skills (student capacity of 27 inmates per course).

Classification and Housing

Since the *Blueprint* was issued in 2012, the department updated its comprehensive housing plan and incorporated various components it identified in the report. Those components included changes to the inmate classification score system, changes in housing and population density levels, construction, renovations, conversions, activations, closures, and changes to contract beds and the fire camp population. The results of the comprehensive housing plan at the institutional level are summarized in Appendix B of the department's 2012 *Blueprint*, and we last provided a status accounting in our March 2016 report reviewing the *Blueprint*.

Released in January 2016, the department's *Update* detailed its shifting of focus to offenders' custody designations. The *Update* reported that the department was making revisions to existing regulations related to custody designations, as shown in Table 10 below, to allow more programming opportunities for those with lower security level designations and reduced levels of supervision.

Table 10. Custody Designations

Security Level	Classification Score
I	0–18 points
II	19–35 points
III	36–59 points
IV	60 points and above

Source: The California Department of Corrections and Rehabilitation. The security level and classification score are defined in Title 15, *California Code of Regulations*, Section 3375.1.

In November 2016, California passed Proposition 57, a ballot initiative titled *California Parole for Non-Violent Criminals and Juvenile Court Trial Requirements*, which required the department to adopt regulations implementing new parole and sentence credit provisions to enhance public safety and authorized the department to award sentence credits for rehabilitation, good behavior, or educational achievements. The department projected a reduction of 2,000 offenders in 2017–18, with a further reduction totaling 9,500 by 2021 as a result of these changes.

Housing Plan: Global Benchmarks

The *Blueprint* noted the department was under a federal court order¹⁵ to reduce overall prison overcrowding to 137.5 percent of design capacity. The department met the court-ordered prison population cap of 137.5 percent, as required, by February 28, 2016.

The department's *Update* noted that the court reaffirmed that the department would remain under the jurisdiction of the court for as long as necessary to continue compliance with this benchmark. In 2016, the department activated 2,376 infill beds at Mule Creek State Prison and Richard J. Donovan Correctional Facility. According to the department's May 2019 Status Report to the three-judge court panel, the department has been in full compliance with the court's population-reduction order—137.5 percent of design capacity—for four years. As of May 8, 2019, departmental figures show an in-state prison population of 114,471 inmates housed in the state's 34 adult institutions¹⁶ with a design capacity of 85,083, equaling 134.5 percent of design capacity.

¹⁵ *Brown v. Plata*, 563 U.S. 493 (2011), was a decision by the Supreme Court of the United States holding that a court-ordered mandated population limit was necessary to remedy a violation of prisoners' Eighth Amendment constitutional rights. The court ordered California to reduce its prison population to 137.5 percent of design capacity.

¹⁶ The three-judge panel's February 10, 2014 court order included 34 California Department of Corrections and Rehabilitation institutions. California City Correctional Facility was classified as a private prison (leased facility), and its inmate population is not included in the count of the rate of overcrowding at the department's institutions.

Contract Capacity

In January 2016, the department's *Update* indicated that the department planned to reduce the out-of-state inmate population to 4,900 inmates for fiscal year 2015–16 to maintain compliance with the inmate population cap. According to departmental population figures effective May 8, 2019, a total of 677 inmates are housed out of state in Arizona, which is a decrease of 3,346 inmates since our 2018 report reviewing the *Blueprint*. This reduction included withdrawing inmates from the Mississippi out-of-state facility, which housed 938 inmates according to our 2018 report. If the department returned its 677 out-of-state inmates to California, it would result in a population increase to 135.3 percent of design capacity, still below the court-ordered population figure.

In September 2013, the passage of California Senate Bill 105 authorized the department to increase its level of contracted beds both in and out of state. The bill provided an immediate measure to avoid early release of inmates and allowed the state to comply with the three-judge panel's court order. The bill authorized activating the California City Correctional Facility (CAC), a private prison located in Kern County, which is the first leased facility the department has operated. As of May 8, 2019, CAC housed 2,429 offenders, an increase of 194 prisoners since our 2018 report reviewing the *Blueprint*.

Housing inmates in modified community correctional facilities (MCCFs) helps reduce prison overcrowding. In December 2013, the department requested activation of approximately 1,200 contracted beds in the cities of Delano and Shafter, and in March 2014, the department activated the Taft facility with plans to accommodate up to 600 inmates. The department also activated and increased capacity at several private MCCFs, including Central Valley, Desert View, and Golden State. As of March 8, 2019, the department housed 3,839 inmates in its public and private MCCFs, as shown in Table 11 below. This reflects a total increase of 13 inmates since our 2018 report reviewing the *Blueprint*, which reported that 3,826 inmates were housed in MCCFs.

Table 11. Modified Community Correctional Facilities' Capacity and Population*

Modified Community Correctional Facility	Type	Bed Capacity	Total Inmate Population
Delano, Shafter, and Taft	Public	1,818	1,785
Central Valley, Desert View, and Golden State	Private	2,100	2,054
TOTALS		3,918	3,839

* The figures for the MCCFs do not include the other in-state contract beds, which include the Female Community Reentry Facility (260-bed facility) and the Community Prisoner Mother Program (24-bed facility).

Source: The California Department of Corrections and Rehabilitation; data as of May 8, 2019.

Proposition 57

In early 2017, the department promulgated emergency regulations implementing Proposition 57. Those regulations were approved by the California Office of Administrative Law on April 13, 2017, and adopted on May 1, 2018. The new law enacts the following three key items:

1. Gives inmates the opportunity to earn additional credits for good behavior and participation in rehabilitative, educational, and career training programs;
2. Increases the number of nonviolent offenders eligible for parole consideration and allows parole consideration after nonviolent offenders serve the full term for their primary criminal offense; and
3. Provides juvenile court judges authority over whether juveniles should be sentenced as adults for specified offenses.

As a result of these emergency regulations, a new Good Conduct Credit was implemented on May 1, 2017, and other credit-earning programs, for example, Milestone Completion, Rehabilitative Achievement, and Educational Merit, were implemented on August 1, 2017. All inmates, with the exception of condemned inmates and those sentenced to life without the possibility of parole, will be eligible to earn credit.

According to the department, the earning of credits may advance an inmate's release date if he or she is serving a determinate term, or advance an inmate's initial parole suitability consideration hearing if he or she is serving an indeterminate term. In April 2019, 1,490 inmates earned credit authorized by Proposition 57 toward their advanced release dates.¹⁷ According to the department, these inmates, excluding inmates released from fire camps, earned an estimated average of 127.9 days of additional credit.

The department also initiated a new nonviolent offender parole consideration process that was implemented on July 1, 2017. According to departmental figures, from July 1, 2017, through April 30, 2019, the department made 11,245 referrals to the Parole Board. As of April 30, 2019, the Parole Board reviewed 9,194 referrals on their merits, with 1,882 inmates approved for release and 7,312 denied release. According to the department, many referrals are pending review, which includes the 30-day period for written input from inmates, victims, prosecutors, and the Parole Board's jurisdictional review process.

¹⁷ The department's update to the three-judge panel's court order, May 15, 2019.

In December 2018, the Office of Administrative Law approved two emergency regulation packages as outlined in the department's May 2019 update to the three-judge panel's court order. The first item amended the nonviolent offender parole process to distinguish between inmates who were determinately or indeterminately sentenced. A parole consideration process was implemented for indeterminately sentenced offenders. Secondly, credit-earning opportunities were expanded for inmates who achieved a high school diploma or its equivalent or who completed 52 hours of programming under the rehabilitative achievement credit program. The credit-earning package also reduced the minimum amount of time an inmate must serve until release following a sudden award of substantial credit.

Milestone Credits

As an offender progresses through the various rehabilitative programs, the department notes the inmate has completed certain components, or “milestones,” with varying amounts of credit awarded upon final program completion. These credits can reduce the amount of time the offender spends in prison. Following the passage of Proposition 57, the department initiated several changes to enhance and expand these milestone credits.

To improve the benefits of milestone credits, effective August 1, 2017, the milestone credit-earning eligibility categories were expanded and credit-earning capacities were increased. Credit-earning categories were modified to enable credit-earning by violent offenders, indeterminate sentence offenders, and offenders serving life-term sentences.¹⁸ Offenders now can earn up to 12 weeks of credit in a 12-month consecutive period; prior to August 1, 2017, offenders could earn a maximum of 6 weeks of credit in a 12-month consecutive period. Nonviolent offenders housed at fire conservation camps became eligible for greater credit-earning capacity, up to day-for-day credit.

Table 12 (opposite page) presents a sample of various milestone credit changes, which includes the complete Milestone Completion Credit Schedule in the department’s Proposition 57 Revised Regulations.

Additionally, the department created an education merit credit, allowing offenders who earned a high school diploma or equivalency, a college degree, or offender mentor certification while incarcerated to receive a one-time credit of three to six months. The department applies this credit retroactively. The new rehabilitative achievement credit allows offenders who participate in approved self-help programs to earn an additional four weeks of credit per calendar year. The department has determined that for every 52 hours of program participation, one week can be earned with a maximum of 208 hours in a continuous 12-month period. However, any milestone and rehabilitative achievements credit lost as a result of disciplinary behavior will not be restored.

¹⁸ Condemned inmates and those sentenced to life without the possibility of parole remain ineligible for credit-earning programs.

Table 12. Sample of Milestone Completion Credit Schedule Changes

Milestone Type	Course Title	Course Description	Course Value Before Aug. 1, 2017	Course Value Effective July 1, 2018
Academic	High School	English 1st course	4 weeks	3 weeks
	College	Each 3 semester or 4–5 quarter units completed	3 weeks	3 weeks
Core programs	Anger Management	Controlling Anger	N/A	1 week
Long-Term Offender Program	Long-Term Offender Program	Cognitive-Behavioral Treatment – Substance Use Disorder	N/A	4 weeks
Substance Use Disorder Treatment	Substance Use Disorder Treatment	Cognitive-Behavioral Treatment – Substance Use Disorder: 6 months	N/A	5 weeks
Career Technical Education	Auto Mechanics	Basic Auto	2 weeks	7 weeks
	Carpentry	Level I	2 weeks	5 weeks
	Computer and Related Technology	Computer Literacy Core	1 week	4 weeks
General	Firefighting	State Fire Marshal-approved Firefighter I Training	2 weeks	7 weeks

Source: CDCR—Proposition 57 Revised Regulations, Milestone Completion Credit Schedule, as of July 2018. URL accessed on June 12, 2019, from <https://www.cdcr.ca.gov/wp-content/uploads/sites/171/2019/06/adopted-regulations-ncr-18-09.pdf>.

Sensitive Needs Yards

The department continues its efforts to implement changes for its population in sensitive needs yards (SNYs). The department's *Update*, issued in January 2016, noted that the SNY cohort is the fastest-growing population group within the prison system with approximately 41,000 offenders. Departmental goals include allowing greater access to lower-level housing and consideration of other measures, such as programming facilities, that may be effective with this population.

The department initiated nondesignated programming facilities (NDPFs) to provide housing environments for those inmates demonstrating positive programming efforts and a desire to refrain from committing violence. This change allows for greater access to lower-level housing and commensurate privileges, along with various rehabilitative programs, including educational, vocational, and religious activities. Offenders recommended for transfer to an NDPF are not required to waive their SNY designation or display a willingness to attend rehabilitative programming before transfer. If an offender refuses a transfer to an NDPF, he is subject to the department's disciplinary process and may be placed into a higher-level housing designation.

The department states it is using a methodical process to transition to NDPFs, which should allow this change to be closely evaluated. During 2018, the department included all enhanced outpatient program and inpatient mental health beds, along with its minimum support facilities, in NDPFs. The following list shows the institutions at which the department has initiated or added to existing NDPFs in 2019, along with the corresponding time frames for their initiation:

- Avenal State Prison, January 2019;
- Valley State Prison, January 2019;
- Chuckawalla Valley State Prison, February 2019;
- California Correctional Center, March 2019;
- Sierra Conservation Center, March 2019;
- California Substance Abuse Treatment Facility and State Prison, Corcoran, March 2019; and
- California Men's Colony, April 2019.

Security Threat Group Regulations and the Step-Down Program

The *Blueprint* identified several measures recommended as a result of a 2007 study performed by California State University, Sacramento, titled *Security Threat Group Identification and Management*. The *Blueprint* stated the department could begin carefully implementing the recommended measures, such as offering graduated housing, a step-down program (SDP) for inmates, support and education for disengaging from gangs, a weighted point system for gang validation, specific use of segregated housing, and social value programs¹⁹ in preparation for the inmates' return to a general population or SNY facility.²⁰

The department initiated the SDP to provide inmates with increased incentives with the objective of promoting positive behavior and stopping participation in STG activities, with the ultimate goal of release from the SHU.

The SDP was implemented in October 2012 at each of the four SHU institutions: California Correctional Institution; California State Prison, Sacramento; California State Prison, Corcoran; and Pelican Bay State Prison. In December 2015, more than 1,300 inmates were enrolled in the SDP. However, as a result of the January 2016 settlement agreement reached in *Ashker v. Brown*, the department expedited its review of SDP inmates to determine their eligibility for release from the SHU and to receive a transfer to a general population facility. This has resulted in a substantial decrease of SDP inmates, with the result that, as of this report, SDP inmates are located at only two institutions: California State Prison, Corcoran, and Pelican Bay State Prison.

As of May 2019, seven SDP inmates were housed at California State Prison, Corcoran, in the SHU. Two SDP facilitators organize and facilitate the evidence-based rehabilitative programs. The programs include "Building Resilience" and "Thinking for Change" and are provided to SDP inmates in the SHU. The SDP facilitators also conduct journal reviews, hold weekly group sessions, facilitate a book club, and coordinate pre- and post-testing of the participants. In addition to duties associated with the SDP, the facilitators oversee the "Building Resilience" program on the general population yard with approximately 80 participants.

¹⁹ Rehabilitative programs designed to assist inmates in acquiring the social values and behaviors that will aid them as they reintegrate into society.

²⁰ California Department of Corrections and Rehabilitation's *Blueprint* report issued in May 2012, pp. 18–19. See <https://www.cdcr.ca.gov/2012plan/docs/plan/complete.pdf> to read the online version of the department's report (URL accessed on June 12, 2019).

As of May 2019, eight SDP inmates were in the SHU at Pelican Bay State Prison, which has one SDP facilitator. Weekly programming is provided to approximately 85 inmates in the SHU. The group topics include communication skills, building resilience, and religious studies. The department also offers a book club for the restricted custody general population inmates.

The Division of Rehabilitative Programs is currently looking at additional opportunities to utilize its facilitators. The division has proposed expanding its Offender Mentor Certification Program and, if approved in the Governor's proposed budget, its SDP facilitators would assist with this program expansion.

The OIG will continue to report on the status of SDP inmates and consult with the department with a shared interest in achieving the goals set out in both the department's *Blueprint* and the *Ashker* settlement agreement.

Conclusion

The department has shown recent improvements in meeting the *Blueprint* goals regarding filling academic education positions, resulting in a vacancy rate of 8 percent. However, standardized staffing for career technical education positions remains problematic, with a relatively high vacancy rate of 18 percent. Although improvement is still necessary in staffing of its education program positions, the department has increased the number of inmates served in several areas. By implementing the statewide rehabilitative programming model, compared with the figures from our 2018 *Blueprint* report, the department has slightly decreased the percentage of enrolled participants for substance use disorder treatment, and increased the percentage of enrolled participants for cognitive-behavioral treatment programs and preemployment transitions. The OIG found that 78 percent of the substance use disorder treatment slots were filled, 87 percent of the cognitive-behavioral treatment slots were filled, and 58 percent of the preemployment transitions slots were filled. The percentage points in compliance decreased by one for substance use disorder treatment slots, increased by four for cognitive-behavioral treatment slots, and increased by eight for preemployment transitions slots.

As noted in past reports, the department did not meet its *Blueprint* goal to increase the share of inmates served in rehabilitative programs to 70 percent of its target population prior to release. The department was to provide rehabilitative programming in a comprehensive manner to the target population and to design a methodology capable of tracking the efficacy of the programs it had provided once inmates reentered society. The department subsequently developed new counting metrics and is using “minimal participation”—the number of offenders who have been enrolled in a program for a minimum of 30 calendar days—as a minimum threshold. This allows the department to count figures for both the offenders who attended for a specific period of time and those offenders who completed the programming. The department began collecting this data on July 1, 2017, and is working to finalize all current reporting mechanisms for its external stakeholders to streamline and to ensure it represents consistent information. Additionally, the department’s Division of Rehabilitative Programs is using five other measures to actively monitor access to programming for rehabilitation, academics, and career technical education, and to address any operational issues involving the delivery of rehabilitative programming.

The *Update* issued in January 2016 identified new goals and detailed the department’s focus on modifying custody regulations to create additional programming opportunities for offenders with lower supervision needs. The passage of Proposition 57 in November 2016 established a parole consideration process for nonviolent offenders and

gave inmates an opportunity to earn additional credits for good behavior and to participate in rehabilitative, educational, and career training programs.

As part of its rehabilitative efforts, since April 2016, 172 offenders had completed the department's sex offender treatment program. The department had also implemented a rehabilitative case plan in September 2016. In addition, the department expanded its Offender Mentor Certification Program from three to four sessions per year and continues to ensure offenders obtain a state-issued ID card prior to release.

The department is expanding its credit-earning opportunities for inmates who achieve a high school diploma or its equivalent or who complete 52 hours of programming under the rehabilitative achievement credit program. Also, the department amended its nonviolent offender parole process to distinguish between inmates who were determinately or indeterminately sentenced. These changes became effective in December 2018 as emergency regulation packages approved by the Office of Administrative Law.

The department is continuing to make changes to the SNY population. It has developed a new orientation program and has created two separate housing options—programming and nonprogramming SNYs. The department has also initiated nondesignated programming facilities to provide housing for offenders who have demonstrated positive programming efforts and a desire to refrain from violence.

The *Ashker* settlement agreement resulted in comprehensive changes to departmental policies and practices regarding offenders who have been validated as STG members and associates. These changes have resulted in a significant decrease both in the SHU population and the number of SDP participants. Since May 2019, the department has been utilizing two SHUs for its 15 remaining SDP participants. In addition, the department has reduced its SDP facilitator staffing levels down to three staff members. The OIG recommends that these positions continue to facilitate programming for inmates coming out of or remaining in a SHU.

Recommendations

The Office of the Inspector General recommends that the department take the following actions to meet its staffing level goals for rehabilitative programming:


- ✓ Promptly advertise and recruit for all statewide vacant academic and career technical education teacher positions and utilize the “Substitute Academic Teacher (Correctional Facility)” job classification.²¹ We found that the department has 101 courses that are not operational, primarily due to teacher vacancies.
- ✓ Prioritize its recruitment and filling of both the longest-running (over one year, over six months, etc.) and the highest number of teacher vacancies. Determine whether these types of vacant positions at each prison are critical to the department, and if so, determine if the positions should be transferred to another prison with a greater need or ability to fill the position.
- ✓ Establish an experienced worker program to identify a pool of experienced former teachers who would be willing to come back to work as retired annuitants. These teachers could be utilized to fill vacancies at their most recent prisons of employment or at other prisons with vacancies.
- ✓ Require monthly updates from each supervisor of correctional education programs (principal) of courses that are not operational for which a teacher is assigned, but unable to provide instruction. Consider other alternative duties, such as providing support to other teachers by providing educational services to assigned/enrolled students.

²¹ As of June 12, 2019, the department had job vacancy postings for two academic teachers statewide at adult prisons on the CalCareers website. It also had job vacancy postings for two substitute academic teachers at its Division of Juvenile Justice facilities on the CalCareers website (the URLs were accessed on June 12, 2019).

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Appendices

Appendix A: Rehabilitative Case Plan: Example



SOMS
Strategic Offender Management System
Innovation - Automation - Integration

Rehabilitative Case Plan

[Logout](#)

Name: ██████████

Area/Bed: ██████████

Custody: Medium (A) (C4)

DOB: ██████████

DDP: Adequate Cognitive Functioning (NCF)

CDC#: ██████████

Control Date: ██████████

Housing PGM: General Population (GP)

Security Level: Level 2 (19)

Ethnicity: ██████████

Mental Health: GP - General Population (A)

PID #: ██████████

Control Date Type: ██████████

Job Title: ██████████

WK/PV Group: A1 / A

TABE (Read): 12.9

DPPV: None

CPED: ██████████

Date: 6/19/2019

Risk (CSRA Score): 1 (L)

TABE Reading Score: 12.9 **TABE Math:** Score Not Available

Verified GED: N **Verified HS Diploma:** Y

Needs (from COMPAS)

Assessment Date: 02/12/2018 **Version:** Core Men's v.4 Needs Assessment

Substance Abuse: 0 - Low **Educational Problems:** 0 - Low

Criminal Personality: 0 - Low **Employment Problems:** 0 - Low

Anger: 0 - Low **Support from Family of Origin:** 100 - High

Recommended Rehabilitative Programs Timeline

Color Legend

Current
 Future Recommended Program
 Current Recommended Program
 After CPED

Program Name	Program Start Date	Program End Date	2019	2020	2021	2022	2023	2024	2025	2026
Transitions	06/19/2019	07/24/2019								

Current and Completed Rehabilitative Programs Timeline

Color Legend

Current
 Current or Completed Program
 Before Start of Term

Program Name	Program Start Date	Program End Date	2012	2013	2014	2015	2016	2017	2018	2019
Family Relationships (Reentry)	01/24/2019	02/08/2019								
Sub. Abuse Pgm (Reentry)	01/24/2019	02/21/2019								
College (Correspondence)	08/18/2018									
Voluntary e-Learning - Non Tablet	07/18/2018	09/13/2018								
Voluntary e-Learning - Non Tablet	06/07/2018	11/06/2018								
Criminal Thinking (Reentry)	05/05/2018	08/28/2018								
Anger Management (Reentry)	05/05/2018	08/28/2018								

Certificates and Diplomas

No data available.

Source: The California Department of Corrections and Rehabilitation Strategic Offender Management System, Rehabilitative Case Plan, for an inmate housed at the California Health Care Facility.

Appendix B: Statewide Programming Totals

The information displayed in the exhibit, opposite page, identifies the statewide operational status of the rehabilitation programs in fiscal year 2018–19, in summary format for each type of rehabilitative program, including academic education, career technical education, and preemployment transitions, as well as the contract treatment programs for substance use disorder treatment and cognitive-behavioral treatment. The OIG performed fieldwork to assess these programs' operational status at each institution.

The first set of columns identifies the number of proposed teacher positions and the number of budgeted student capacity, as identified by the department. For the contract treatment programs, the first set displays the budgeted student capacity for each program as well as its budgeted annual capacity. The next set of columns displays the results from the OIG's fieldwork, identifying the number of programs or program slots that were fully operational when the fieldwork was performed. These columns also display the projected annual capacity for the contract programs based on existing enrollment figures. The third set of columns identifies the differences between the number of courses that were supposed to be operational and corresponding student capacity, and the number of courses found by the OIG to be operational and the actual number of students served.

The OIG conducted its fieldwork from January 2019 through February 2019. Therefore, the numbers presented herein may have changed since the date we collected our data.

Appendix B: Exhibit

STATEWIDE SUMMARY TOTALS - REHABILITATION PROGRAMS

Types of Programming	CDCR Figures	OIG Fieldwork	CDCR Figures	OIG Fieldwork	Differences	
	FY2018-19	January 2019 - February 2019	FY2018-19	January 2019 - February 2019	(Actuals - Proposed)	
Academic Education	Proposed Staff	Actual Program Staff	Budgeted Capacity	Actual Student Capacity	Differences	Differences
General Population	306	271	16,232	14,307	-35	-1,925
Alternative Programming	7	6	378	324	-1	-54
Enhanced Out Patient	25	23	375	339	-2	-36
Voluntary Educ. Program	234	226	28,080	26,889	-8	-1,191
TOTALS	572	526	45,065	41,859	-46	-3,206
Career Technical Education	Proposed Staff	Actual Program Staff	Budgeted Capacity	Actual Student Capacity	Differences	Differences
Auto Mechanics	18	16	486	432	-2	-54
Auto Body	15	13	405	360	-2	-45
Building Maintenance	29	24	783	648	-5	-135
Carpentry	16	14	432	378	-2	-54
Computer Coding	4	2	121	61	-2	-60
Computer & Related Technologies	80	72	4,180	3,697	-8	-483
CORE	0	0	0	0	0	0
Cosmetology	3	1	81	27	-2	-54
Electrical Works	19	15	540	405	-4	-135
Electronics	32	21	864	567	-11	-297
Heating Ventilation and Air Conditioning (HVAC)	15	10	405	270	-5	-135
Landscaping	1	1	27	27	0	0
Machine Shop	4	1	108	27	-3	-81
Masonry	15	14	405	378	-1	-27
Painting	4	4	108	108	0	0
Plumbing	13	12	351	324	-1	-27
Roofing	1	1	27	27	0	0
Sheet Metal	1	1	27	27	0	0
Small Engine Repair	10	7	270	189	-3	-81
Welding	24	20	648	540	-4	-108
TBD	0	0	0	0	0	0
TOTALS	304	249	10,268	8,492	-55	-1,776
Employment Programs	Program Slots	Actual Students in Program	Annual Student Capacity	Projected Annual Student Capacity	Differences	Differences
Pre-Employment Transitions (PET)	2,536	1,479	22,824	13,311	-1,057	-9,513
TOTALS	2,536	1,479	22,824	13,311	-1,057	-9,513
Contract Treatment Programs	Student Capacity (Program)	Actual Students in Program	Annual Student Capacity	Projected Annual Student Capacity	Differences	Differences
Substance Use Disorder Treatment (SUDT)	4,480	3,512	10,752	8,429	-968	-2,323
Cognitive-Behavioral Treatment (CBT)	5,376	4,669	17,886	15,546	-707	-2,340
TOTALS	9,856	8,181	28,638	23,975	-1,675	-4,664
Long Term Offender Program	Student Capacity (Program)	Actual Students in Program	Annual Student Capacity	Projected Annual Student Capacity	Differences	Differences
Substance Use Disorder Treatment (SUDT)	996	789	2,390	1,894	-207	-497
Cognitive-Behavioral Treatment (CBT)	2,400	2,121	8,496	7,507	-279	-989
TOTALS	3,396	2,910	10,886	9,401	-486	-1,485

Source: The California Department of Corrections and Rehabilitation's Division of Rehabilitative Programs provided the types of programming and departmental figures for FY2018-19. OIG actual figures were collected during site visit reviews conducted from January 2019 to February 2019.

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Blueprint Monitoring **Tenth Report**

OFFICE *of the* INSPECTOR GENERAL

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Inspector General

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Chief Deputy Inspector General

STATE *of* CALIFORNIA
June 2019

OIG