

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
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Report

TO: Members of the Judicial Council

FROM: Executive and Planning Committee
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DATE: October 25, 2007

SUBJECT: Statutory Appointment Under Assembly Bill 900 (Action Required)

Issue Statement

Recently enacted Assembly Bill 900, the Public Safety and Offender Rehabilitation Services Act of 2007, creates a three-member panel composed of the State Auditor, the Inspector General, and an appointee of the Judicial Council.

Recommendation

The Executive and Planning Committee recommends that the Judicial Council, effective October 26, 2007, appoint William C. Vickrey, the Administrative Director of the Courts, to the three-member panel created by Assembly Bill 900.

Rationale for Recommendation

Assembly Bill 900 (Solorio), the Public Safety and Offender Rehabilitation Services Act of 2007, (Stats. 2007, ch. 7), is a \$7.7 billion prison reform package recently passed by the Legislature and signed into law by Governor Schwarzenegger.¹ The bill authorizes 53,000 beds (40,000 for state prisons, and 13,000 for county jails), to be constructed in two phases, with funding for the second phase being contingent on significant program enhancements designed to reduce recidivism.

Phase I construction will be funded by \$3.6 billion in lease revenue bonds. Phase II construction will be funded by \$2.5 billion in lease revenue bonds, which must be enacted by 2014. Before the State Public Works Board will release funding for Phase II construction, a “three-member panel, composed of the State Auditor, the Inspector General, and *an appointee of the Judicial Council*” must certify that the Department of Corrections and Rehabilitation has met various conditions and specified benchmarks.

¹ Relevant sections of AB 900 are attached for reference.

(Pen. Code, §§ 7021(a), (b); emphasis added.) Those conditions and benchmarks include commencement of construction of at least 4,000 prison beds, all of which include rehabilitation services; commencement of construction of at least 2,000 beds in reentry facilities; establishment of at least 2,000 slots in substance abuse treatment facilities; institution of prison drug treatment programs that have averaged at least 75 percent participation over a six-month period; implementation of inmate assessment at reception centers; and other benchmarks for reentry and rehabilitation programs. (Pen. Code, § 7021(a).)

The State Auditor and Inspector General have indicated that they do not intend to delegate their responsibilities under this statute. It is appropriate for the Judicial Council to appoint a principal of the same stature who has the knowledge for this assignment. The Executive and Planning Committee recommends that the Judicial Council appoint William C. Vickrey, Administrative Director of the Courts, to be on the three-member panel established by AB 900. Mr. Vickrey is a principal on par with the State Auditor and Inspector General and has the knowledge for the position.

Alternative Actions Considered

Not applicable.

Comments From Interested Parties

Not applicable.

Implementation Requirements and Costs

The only costs will be travel costs, which would exist regardless of who is selected as the appointee.

Attachment

Penal Code section 7021

7021. (a) The State Public Works Board may not release any funds provided for projects in Section 15819.41 of the Government Code or Section 6271.1, until a three-member panel, composed of the State Auditor, the Inspector General, and an appointee of the Judicial Council of California, verifies that the conditions outlined in paragraphs (1) to (13), inclusive, have been met. The Legislative Analyst shall provide information and input to the three-member panel as it considers whether the conditions have been met.

(1) At least 4,000 beds authorized in subdivision (a) of Section 15819.40 of the Government Code are under construction.

(2) The first 4,000 beds authorized in subdivision (a) of Section 15819.40 of the Government Code include space and will provide opportunities for rehabilitation services for inmates.

(3) At least 2,000 of the beds authorized in subdivision (a) of Section 6271 are under construction or sited.

(4) At least 2,000 substance abuse treatment slots established in Section 2694 have been established, with aftercare in the community.

(5) Prison institutional drug treatment slots have averaged at least 75 percent participation over the previous six months.

(6) The Department of Corrections and Rehabilitation has implemented an inmate assessment at reception centers, pursuant to Section 3020, and has used the assessment to assign inmates to rehabilitation programs for at least six consecutive months.

(7) The Department of Corrections and Rehabilitation has completed the Inmate Treatment and Prison-to-Employment Plan, pursuant to Section 3105.

(8) At least 300 parolees are being served in day treatment or crisis care services, pursuant to Section 3073.

(9) The California Rehabilitation Oversight Board (C-ROB), created pursuant to Section 6140, has been in operation for at least one year, and is regularly reviewing the Department of Corrections and Rehabilitation's programs. This condition may be waived if the appointments to the C-ROB have not been made by the Legislature.

(10) The Department of Corrections and Rehabilitation has implemented a plan to address management deficiencies, pursuant to Section 2061, and at least 75 percent of management positions have been filled for at least six months.

(11) The Department of Corrections and Rehabilitation has increased full-time participation in inmate academic and vocation education programs by 10 percent from the levels of participation on April 1, 2007.

(12) The Department of Corrections and Rehabilitation has developed and implemented a plan to obtain additional rehabilitation services, pursuant to Section 2062, and the vacancy rate for positions dedicated to rehabilitation and treatment services in prisons and parole offices is no greater than the statewide average vacancy rate for all state positions.

(13) The Department of Corrections and Rehabilitation has reviewed existing parole procedures.

(b) The provisions of Section 15819.41 of the Government Code and Section 6271.1 shall not authorize construction of facilities until the three-member panel specified in subdivision (a) has certified that the requirements of that subdivision has not been met. Those sections shall

become inoperative on January 1, 2014. Any projects already under way may continue, and funding for those projects shall remain.

(c) The requirements set forth in Section 7021 are contingent upon the Legislature making funds available for the rehabilitation programs set forth in the Public Safety and Offender Rehabilitation Services Act of 2007.