

California Department of Corrections and Rehabilitation

# Prison Infrastructure Improvement Strategy



February 2022

## Prison Infrastructure Improvement Strategy

### Introduction

Supplemental Reporting Language (SRL) to the 2021 Budget Act (Exhibit A) requires CDCR to provide information regarding long-term facility needs at its institutions in conjunction with the 2022 Governor's Budget. The Master Plan Annual Report (MPAR), which CDCR has published annually since 1981, includes information about recently completed, active (in construction), and proposed (in the design phase or close to starting construction) projects at each institution. In the MPAR for calendar year 2021, CDCR also reports future projects (projects that have not commenced design) with estimated costs of \$5 million or more that are likely to be needed within the next 10 years to provide a better picture of the investments the Department considers necessary to maintain operations at that institution. The MPAR addresses the specific information requested for these projects in SRL Section (a)(i), (ii), and (iii). Consistent with SRL Section (e), CDCR will highlight changes to the future projects in subsequent MPARs.

The supplemental information presented in this document provides the balance of the information required in the SRL to provide both houses of the Legislature and the Legislative Analyst's Office a more comprehensive view of CDCR's facility infrastructure. Specifically, this supplement includes a discussion of how the Department evaluates project alternatives, how it would consider prison consolidations, how it is building a durable portfolio of infrastructure to meet CDCR's programmatic goals, and efforts to minimize investments at facilities that may be closed.

### Prison Infrastructure Supports the Department's Vision and Mission

CDCR's vision is to enhance public safety and promote successful community reintegration through education, treatment and active participation in rehabilitative and restorative justice programs. Its mission is to facilitate the successful reintegration of the individuals in its care back to their communities equipped with the tools to be drug-free, healthy, and employable members of society by providing education, treatment, rehabilitative, and restorative justice programs, all in a safe and humane environment. CDCR's physical infrastructure exists for the purpose of providing facilities that allow CDCR employees to fulfill this vision and mission. In that same vein, decisions regarding repairs or improvements to CDCR's infrastructure must also take into account CDCR's continued ability to fulfill this vision and mission.

Prison infrastructure goes far beyond housing the incarcerated population. The infrastructure must meet the needs of a population that has many defining characteristics and needs. These characteristics and needs intersect into a variety of sub-population housing and treatment needs for the incarcerated population. Population characteristics include varying levels of secure housing, medical and mental health needs, rehabilitative programming, educational programming, vocational education programming, and reentry services. A durable portfolio of prison capacity must meet all of these intersecting needs, but no single institution is able to meet the requirements of every incarcerated individual.

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The infrastructure within California’s prisons is aging and requires a constant level of investment to keep functioning well. In the early 2000s, budget constraints led to an insufficient investment in maintenance and repair projects, which further compounded the existing facility issues and led to a heightened awareness of infrastructure deficiencies within the system. In recent years, the Legislature has made a number of key investments to better maintain and improve prison infrastructure. This includes a doubling of annual funding for facility maintenance since 2018 (from \$37 million to \$75 million), which provides more resources for routine maintenance activities. This increased maintenance funding allows individual prisons to better address routine maintenance and component replacements in equipment. Over time, this will lead to less deferred maintenance and will avoid costlier repairs that may have been needed as a result of catastrophic system or equipment failure due to lack of preventive repairs. In addition, since 2015, the Legislature has provided \$204 million in one-time funding for deferred maintenance projects on top of base annual special repair funding of \$26 million. Also, since 2017, the Legislature has provided \$313 million for roof replacement projects at 11 institutions, and has made investments to address accessibility needs of the incarcerated population. These continuing investments have improved the physical condition of the prisons to provide safe and humane conditions for the incarcerated population and staff.

Because CDCR’s programs and the infrastructure to support them are complex, the drivers of capital, special repair, and deferred maintenance projects are varied. Some projects are necessary to maintain an institution’s basic fire and life safety conditions. Other projects are needed to provide the space necessary to deliver medical and mental health care, education, vocational education, and rehabilitative programs. Projects may be necessary to comply with evolving regulations or specific permit requirements, or to address failure of infrastructure systems. In the MPAR, projects specific to each institution are provided.

CDCR is committed to making the best possible decisions regarding its infrastructure investments based on what is known at the time the decisions are being made. Keeping CDCR’s infrastructure in the condition necessary to support the Department’s mission will require continuing investments; however, annual operational costs of an institution are more driven by the programs and services it delivers and the associated staffing required to provide the programs and services, rather than the costs of deferred maintenance or proposed capital outlay projects.

### Project Alternatives and Potential Consolidations (SRL Sections [a][iv] and [b])

A single prison includes many infrastructure components including housing units, programming space, education space, administrative space, health care delivery, kitchen and dining facilities, and various support structures. These buildings are served by infrastructure systems including heating, cooling, ventilation, data transmission, natural gas or steam service, electricity, water treatment and delivery, wastewater treatment and disposal, fire alarm and fire suppression systems, and more. Furthermore, prisons are secure facilities with secure perimeters. To add to this complexity, each prison has specific missions to meet unique needs for the incarcerated population, including security levels and specialized medical, mental health, and rehabilitative services.

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As priority projects are identified through stakeholder reviews in the planning process, CDCR considers project alternatives. A key component of considering project alternatives is whether the solution should be to renovate the specific portion of a building or other type of infrastructure, or if it is better to replace the entire structure. A number of factors are considered by CDCR in making the determination of whether to renovate or build a new structure, such as the age and condition of the existing building, the adequacy of the infrastructure systems serving the building, and what additional construction may be necessary to meet current building code requirements. An additional key factor is whether the existing programs located in the building can continue operation during the building's renovation or if the programs will require swing space. These factors are reviewed to determine if it is more cost-effective to renovate that portion of a building rather than to completely replace the building. Because of unique physical plants and factors for each location and project, this assessment is specific to each project. For the renovation projects proposed in the MPAR, CDCR has determined that renovation is a more viable option than a full replacement. Alternatives are re-assessed during the design phase of the project if new information becomes available. In addition, the Capital Outlay Budget Change Proposal submitted for each capital project also outlines project alternatives considered in development of the project.

Based on the projects identified in the 2021 MPAR, none of the institutions require repair or replacement of a significant portion of the facility that would drive a need to consider replacement or consolidating operations with another prison. Any facility consolidation or relocation would need to consider how CDCR could meet the mission and the needs of the incarcerated population being relocated or consolidated. CDCR's institutions have separate missions to serve different components of CDCR's population that intersect, such as medical, security, and mental health needs, among others.

The guidance on prison closure decisions provided in Penal Code Sections 2067 and 5003.7 covers a multitude of factors, including infrastructure needs. When considering consolidating operations because of declining population, facility condition and needed improvements are an important consideration, but are only one of many factors to consider. Other considerations include continuity of services and care for the remaining incarcerated population, the ability to recruit and retain workforce including specialized workers such as medical and mental health professionals, and annual operating costs. An important component that must be addressed when evaluating a closure decision is whether CDCR can fulfill its mission through secure housing, medical and mental health care, accessibility to programs, gender responsive programming, and rehabilitative programs within the remaining prisons.

The MPAR identifies 45 future projects at 25 institutions with an approximate value of \$1.8 billion (\$1.1 billion capital outlay and \$700 million Deferred Maintenance). Note that many of the estimates for future projects included in the MPAR are "order of magnitude" estimates that will be adjusted as further scoping of the projects is performed and further refined in the design phase. The projects include the continuing rollout of roof replacements, replacement of out-of-date kitchen and dining facilities, addressing deficiencies in fire detection and suppression systems, improvements to backup power capabilities, and addressing regulatory deficiencies.

### How Projects Support a Long-Term, Durable Portfolio of Facilities (SRL Section [c])

The facilities of the prison system must meet a variety of programmatic and operational needs for the Department to successfully deliver its mission. There are several components to providing a durable portfolio of facilities to meet the Department's mission, including:

- **Security.** All facilities must be designed and operated with security in mind. This includes providing a secure perimeter, using durable materials that are not easily broken down, and maintaining sight lines.
- **Housing.** Both dormitory and celled housing are needed to safely house the incarcerated population, and some of this housing must be designed for incarcerated individuals with specialized needs. A durable and flexible portfolio of housing provides a mix of these housing types for the incarcerated population.
- **Medical Care.** The incarcerated population's medical needs are largely provided within the prisons. Some prisons are equipped to provide basic care to a relatively healthy population, while other prisons provide specialty care for medically vulnerable individuals with long-term chronic diseases of varying severity. This requires space to provide primary and specialty medical care, including the preparation and/or distribution of medication.
- **Mental Health Care.** Many incarcerated individuals require a wide range of mental health services. This requires space to provide individual and group therapy as well as to distribute medication. There is also a need to provide licensed housing for those requiring short- or long-term intensive care, and housing space that is designed to be resistant to suicide attempts.
- **Rehabilitative, Substance Use Disorder, Education, and Vocational Education Services.** These services require space for group therapy, individual consultation, classroom settings, family visitation, and various types of specialized space for myriad vocational programs.

These needs all intersect, which makes "prison capacity" a complex system within which various programs are delivered to the incarcerated population regardless of their individual security, medical, mental health, rehabilitative programming, and other needs. The programs all require buildings and supporting infrastructure to operate, including water, wastewater and electricity. An ongoing facility maintenance program (with increased funding since 2018) is a baseline component of maintaining the assets and associated equipment needed for a durable portfolio of facilities. Beyond annual maintenance activities, the active projects, proposed projects, and future projects outlined in the MPAR support institutions' complex missions and provide the necessary facilities and infrastructure to continue fulfilling these missions. For instance, roof replacement projects are necessary to preserve existing buildings and maintain the integrity of the interior spaces necessary to support these services so the buildings can be used for housing, treating, educating, and training the incarcerated population. The Health Care Facility Improvement Program provides new space and rehabilitates existing health care space to deliver health care services to the incarcerated population consistent with the Receiver's Turnaround Plan of Action. Projects to replace kitchens are critical to continue safely feeding the population in a cost-effective manner.

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Beyond supporting the existing mission of each institution, a key to supporting a long-term durable portfolio of facilities to meet the Department's mission and prison capacity needs is to incorporate flexibility when planning for either renovations of existing buildings or new buildings. The needs of the incarcerated population change over time; design of renovations or new buildings should not be tailored to only address the type of population at an institution today but should instead allow for changes in the needs of the incarcerated population in the foreseeable future. This principle is reflected in the design of the Infill Facilities that were activated at Mule Creek State Prison and R.J. Donovan Correctional Facility in 2016. Rather than construct more traditional open dorm housing units, the housing units at each of these facilities are separated into four separate pods with each pod containing multi-occupancy sleeping rooms. Each housing unit also includes programming space and provides extensive bed capacity for incarcerated individuals requiring disabled accessibility. The facility also contains programming space that can be used for a variety of academic, substance use disorder, and enhanced outpatient mental health treatment. These design features reflected lessons learned from prior prison designs that limited CDCR's ability to adjust to new population needs/patterns, new programs and changes in the manner in which programs are delivered.

Another recent example of CDCR's planning for flexibility and durability in continuing to meet the Department's mission is the Mental Health Crisis Facility planned at the California Institution for Men. This building has been designed to meet licensing and programmatic requirements for all levels of inpatient mental health care: Crisis, Intermediate, or Acute. This allows for flexible operation of the building to adjust as the programmatic needs for varying levels of care change over time.

These flexible features provide durability to the prison system through the ability to house incarcerated individuals with varying needs and deliver programs and services in the space in the present, as well as provide the ability to meet the needs of the future population that may have a different combination of programming needs.

### Minimizing Investments in Prisons that may be Closed (SRL Section [d])

Most institution-specific projects are initially conceived and proposed by local institution staff who have first-hand facility knowledge and can identify individual institution needs. The various projects may address a condition that either requires a deferred maintenance solution beyond the capability of institutional staff to perform through its facility operations allocation, or for a capital improvement need to upgrade existing infrastructure or buildings, add new functionality to existing space, or provide new or renovated space to meet a programmatic need. The Facility Planning, Construction and Management Division (FPCM) analyzes all proposed projects to further develop an understanding of the problem that a project will address, the scope of the project, and its criticality. At this stage, FPCM may identify other factors to consider or that are required or triggered by the project, such as code updates, accessibility issues, or coordination with other active or planned projects or infrastructure needs at the prison. FPCM validates whether the project was submitted as the correct type (i.e., special repair or capital outlay) so it can be considered within the proper budgeting mechanism. Other projects may have a

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“top down” genesis directed by CDCR or California Correctional Health Care Services (CCHCS) headquarters’ staff that address a concern on a statewide basis, such as roof replacements, medication distribution, or accessibility improvements.

FPCM identifies other CDCR stakeholders and gathers their recommendations on project need, priority, and alternatives. These stakeholders include the Division of Adult Institutions (DAI), CCHCS, and the Division of Rehabilitative Programs, among others. Their input helps identify programmatic considerations to further refine project scope, validate project need, and inform project prioritization.

For projects funded from CDCR’s base special repair funding or from a one-time deferred maintenance allocation, FPCM works with DAI and CCHCS management to determine which projects to advance into design or construction phase.

Capital outlay requests are also vetted in the manner described above, but additional review of these projects is performed because they are adding or changing capacity or function. FPCM uses the information it develops in the project proposal review process and creates an initial prioritized list of projects to propose for funding in the Governor’s Budget, as well as projects for subsequent years to include in the Five-Year Infrastructure Plan. The proposed project funding requests are evaluated at the Undersecretary level before being submitted as Capital Outlay Budget Change Proposals to the Department of Finance.

The project review process includes high-level decision makers within CDCR, CCHCS, and the Administration who are also involved in potential prison closure considerations. No project is approved without carefully weighing the need for the project against the risk that it could be impacted by future prison closures. This project vetting process is designed to minimize investments in prisons that may be closed. If and when a decision to close an individual prison or portion of a prison is made, a further evaluation of whether to halt or alter projects in those locations is made.

Prison closure decisions are point-in-time decisions due to the dynamic nature of the inputs that inform the decision. The size and needs of the incarcerated population can change suddenly, as evidenced during the COVID-19 pandemic by declining population totals in 2020 and subsequent rising totals in 2021 that are projected to continue in the short-term. Staffing in custody and health care classifications fluctuate, as do the conditions and needs of the physical infrastructure. While this necessarily complicates assessing the risk that any particular project could be rendered no longer needed by a future closure decision, the Administration mitigates such risk by incorporating careful consideration of the various factors that inform prison closure decisions into the project approval process. Such factors include trends in the incarcerated populations and subpopulations, current data by institution on the ability to recruit and retain staff, and the suitability of existing or need for new infrastructure to meet the Department’s mission and programmatic goals after the prison’s closure.

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Against the backdrop of future prison closure decisions, infrastructure needs must continue to be addressed. These activities range from ongoing preventive maintenance, repairs, and equipment replacement funded by annual prison maintenance funding appropriated in the State Budget to the identification of special repair/deferred maintenance and capital outlay project priorities. The design and construction process is lengthy and should not be indefinitely delayed by the possibility of additional closures of prisons or prison facilities because the timeline for these closures is very dynamic. CDCR follows the process outlined above to responsibly identify priority projects and begin the design process. After the one to two year process of design, a re-confirmation of the project's need and priority occurs prior to commencing construction. CDCR's ability to minimize investments in prisons that may close are balanced with the need to maintain appropriate living, programming and working conditions within active prisons.

CDCR appreciates the opportunity to provide the information contained in this document and in the 2021 MPAR in response to the SRL requirement and looks forward to further dialogue on this important topic.



Supplemental Report of the 2021-22 Budget Act

Item 5225-001-0001—California Department of Corrections and Rehabilitation

1. Prison Infrastructure Improvement Strategy. On or before January 10, 2022, the department shall submit to the budget committees of each house of the Legislature and the Legislative Analyst’s Office a report identifying and prioritizing all special repair and deferred maintenance projects and capital outlay projects estimated to cost over \$5,000,000 that are likely to be needed within the next ten years. Furthermore, the department shall describe its process for identifying and prioritizing these projects as well as what viable alternatives it considered. This supplemental report language shall supersede the supplemental report language of the same title adopted with the 2020-21 Budget Act.
  - a) For each project identified, the department shall report all of the following information:
    - (i) A brief description of the project, its estimated cost, the estimated time to complete the project, and why it is needed.
    - (ii) Whether it would be funded as a major capital outlay project or from the support budget for special repair or deferred maintenance.
    - (iii) The category of need it addresses, including fire/life safety, rehabilitative or health care programming, staff and population safety, or court-ordered or regulatory requirements.
    - (iv) In cases when a significant portion of a facility is identified for repair or replacement, via one or multiple projects, the department shall explain what viable alternatives to rebuilding or repairing the facility it considered, such as redesigning, consolidating, or relocating facilities to achieve better outcomes or lower operational costs.
  - b) In identifying the projects, the department shall seek opportunities to consolidate prisons to achieve efficiencies.
  - c) The department shall describe how the identified projects support a long-term, durable portfolio of facilities to meet the department’s mission and the state’s long-term need for prison capacity.
  - d) The department shall describe the steps taken in the project planning and prioritization process to minimize investments in prisons that may be included in closure decisions beyond the number of closures identified in Penal Code Section 5003.7 unless they are needed to ensure safe operation of the facility until it is closed.
  - e) If, after January 10, 2022, the department identifies changes to the projects reported pursuant to this supplemental report, it shall notify the budget committees of both houses of the Legislature and the Legislative Analyst’s Office of the changes and the justification for these changes.