
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Loni Hancock, Chair

2015 - 2016 Regular

Bill No: AB 2061 **Hearing Date:** June 14, 2016
Author: Waldron
Version: April 25, 2016
Urgency: No **Fiscal:** Yes
Consultant: AA

Subject: *Supervised Population Workforce Training Grant Program*

HISTORY

Source: Author

Prior Legislation: AB 2060 (V. Manuel Pérez) – Chapter 383, Statutes of 2014

Support: A New Way of Life Re-entry Project; California Catholic Conference; California Correctional Peace Officers Association; California Public Defenders Association; California Workforce Association; Legal Services for Prisoners with Children; Rock Church Prison Ministry; Second Chance; one individual

Opposition: None known

Assembly Floor Vote: 76 - 0

PURPOSE

The purpose of this bill is to 1) establish an additional Supervised Population Workforce Training Grant (SPWTG) Program priority for applications that include one or more employers who have demonstrated interest in employing individuals in the supervised population, including “earn and learn” opportunities, and intent to hire; 2) expand the areas of the final program assessment to include whether the SPWTG Program provided training opportunities in areas related to work skills learned while incarcerated, including, but not limited to, while working with the Prison Industry Authority; and 3) make additional technical changes.

Current law establishes the California Workforce Investment Board. (Unemp. Ins. Code, § 14010 et seq.)

This bill updates references to the California Workforce Investment Board to reflect its new name, the California Workforce Development Board (CWDB).

Current law establishes the Supervised Population Workforce Training Grant Program (SPWTGP), to be administered by the California Workforce Investment Board (now known as the CWDB). (Pen. Code, §1234.1.)

Current law requires the CWDB to administer the SPWTGP by doing the following:

- a) Developing criteria for the selection of grant recipients, as provided;
- b) Design the grant program application process to ensure outreach and technical assistance is available to applicants;
- c) Ensure grants are awarded on a competitive basis; ensure small and rural counties are competitive in applying for funds;
- d) Encourages applicants to develop evidence-based best practices for serving the workforce training and education needs of the supervised population; and
- e) The education and training needs of individuals with some postsecondary education and those who need basic education are addressed. (Pen. Code, § 1234.2.)

Current law provides that preference shall be awarded to applications for the following:

- a) Propose matching funds, as specified;
- b) Is proposed by a county that currently administers or participates in a workforce training program for the supervised population; and
- c) Proposes participation by one or more nonprofit community-based organizations that serve the supervised population. (Pen. Code, § 1243.3, subd. (e).)

This bill would also give preference to an application that proposes participation by one or more employers who have demonstrated interest in employing individuals in the supervised population, including, but not limited to, earn and learn opportunities and intent to hire letters for successfully completing the program.

This bill defines “earn and learn” to have the same meaning as in Section 14005 of the Unemployment Insurance Code.¹

Current law requires, on at least an annual basis, and upon completion of the grant period, grant recipients to report to the California Workforce Development Board regarding their use of the funds and workforce training program outcomes. (Penal Code § 1234.4 (a).) *Current law* further requires that, by January 1, 2018, the State WIB California Workforce Development Board shall submit a report to the Legislature using the reports from the grant recipients. The report is required to contain all the following information:

- The education and workforce readiness of the supervised population at the time individual participants entered the program and how this impacted the types of services needed and offered;
- Whether the programs aligned with the workforce needs of high-demand sectors of the state and regional economies;
- Whether there was an active job market for the skills being developed where the member of the supervised population was likely to be released;

¹ That provision states, “(q) (1) “Earn and learn” includes, but is not limited to, a program that does either of the following: (A) Combines applied learning in a workplace setting with compensation allowing workers or students to gain work experience and secure a wage as they develop skills and competencies directly relevant to the occupation or career for which they are preparing. (B) Brings together classroom instruction with on-the-job training to combine both formal instruction and actual paid work experience. (2) “Earn and learn” programs include, but are not limited to, all of the following: (A) Apprenticeships. (B) Preapprenticeships. (C) Incumbent worker training. (D) Transitional and subsidized employment, particularly for individuals with barriers to employment. (E) Paid internships and externships. (F) Project-based compensated learning.”

- Whether the program increased the number of members of the supervised population that obtained a marketable and industry or apprenticeship board-recognized certification, credential, or degree;
- Whether the program increased the numbers of the supervised population that successfully complete a job readiness basic skill bridge program and enroll in a long-term training program;
- Whether there were formal or informal networks in the field that support finding employment upon release from custody;
- Whether the program led to employment in occupations with a livable wage; and
- Whether the metrics used to evaluate the individual grants were sufficiently aligned with the objectives of the program. (Pen. Code, § 1234.4.)

This bill would add whether the program provided training opportunities in areas related to work skills learned while incarcerated, including, but not limited to, while working with the Prison Industry Authority.

RECEIVERSHIP/OVERCROWDING CRISIS AGGRAVATION

For the past several years this Committee has scrutinized legislation referred to its jurisdiction for any potential impact on prison overcrowding. Mindful of the United States Supreme Court ruling and federal court orders relating to the state's ability to provide a constitutional level of health care to its inmate population and the related issue of prison overcrowding, this Committee has applied its "ROCA" policy as a content-neutral, provisional measure necessary to ensure that the Legislature does not erode progress in reducing prison overcrowding.

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

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

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

While significant gains have been made in reducing the prison population, the state must stabilize these advances and demonstrate to the federal court that California has in place the "durable solution" to prison overcrowding "consistently demanded" by the court. (Opinion Re: Order Granting in Part and Denying in Part Defendants' Request For Extension of December 31, 2013 Deadline, NO. 2:90-cv-0520 LKK DAD (PC), 3-Judge Court, *Coleman v. Brown, Plata v.*

Brown (2-10-14). The Committee's consideration of bills that may impact the prison population therefore will be informed by the following questions:

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

COMMENTS

1. Stated Need for This Bill

The author states:

Returning to responsible working life after incarceration or drug/alcohol intervention is a critical and often a difficult process. Finding employment for rehabilitated persons is a major contribution to reducing recidivism rates. Business and non-profits that hire former convicts significantly help them, their families, and communities they will live in.

In reality, it is difficult, if not daunting, for a previously convicted person to attain employment due to lack of training, social skills, bias or fear. AB 2061 will bridge the gap in making it easier for a business or non-profit to hire those rehabilitated persons, allowing them to learn much needed job skills and experience in order to fully return to life in society.

2. Background

This bill refines provisions enacted into law in 2013 by AB 2060 (V. Manuel Pérez). That measure created the Supervised Population Workforce Training Grant Program, administered by the CWIB, to provide grant funding for vocational training and apprenticeship opportunities for offenders under county jurisdiction who are on probation, mandatory community supervision, or post-release community supervision. CWIB is required to administer the grant program through a public process, as specified. SB 852 (Leno), the 2014-2015 budget bill, contained an appropriation of \$1 million for “support of Employment Development Department, for a recidivism reduction workforce training and development grant program, payable from the Recidivism Reduction Fund”

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