

ASSEMBLY BILL

No. 788

Introduced by Assembly Member Quirk-Silva

February 18, 2025

An act to amend Section 12838.1 of the Government Code, and to amend Sections 3430 and 5066 of, and to add Sections 3431 and 3432 to, the Penal Code, relating to prisons.

LEGISLATIVE COUNSEL'S DIGEST

AB 788, as introduced, Quirk-Silva. Prisons: facilities for female offenders.

Existing law creates within the Department of Corrections and Rehabilitation, under the Undersecretary for Operations, the Division of Adult Institutions, among others, and requires each division to be headed by a director, who is appointed by the Governor, as specified. Existing law also requires the Governor to appoint 4 subordinate officers to the division, as specified. Existing law requires each subordinate officer appointed to oversee an identified category of adult institutions, one of which oversees female offender facilities.

This bill would instead require the Governor to appoint 3 subordinate officers, as specified, who would oversee an identified category of male adult institutions. The bill would create within the department, and under the Undersecretary for Operations, the Division of Female Programs and Services. The bill would require the director of this division to be responsible solely for female adult institutions and community facilities housing female offenders. The bill would require the director to report to the undersecretary and to have a minimum of 5 years of expertise serving the female correctional population. The bill would also require this new division to manage and provide oversight

of adult female programs, including prisons, conservation camps, and parole and community programs and to develop gender-responsive, trauma-informed, culturally sensitive approaches to program and policy development.

Existing law requires the department to create a Female Offender Reform Master Plan and present it to the Legislature by a specified date. Existing law requires the department to, among other things, create policies and operational practices that are designed to ensure a safe and productive institutional environment for female offenders. Existing law also requires the department to contract with nationally recognized gender responsive experts in prison operational practices staffing, classification, substance abuse, trauma treatment services, mental health services, transitional services, and community corrections to, among other things, develop programs and training for department staff in correctional facilities.

This bill would require the department to provide a report to the Legislature on the implementation of the plan, and update statistics contained in the plan, by March 1, 2026, and every 3 years thereafter. The bill would also require the department to post the plan, any reports, and any updates to the plan to the department's internet website. The bill would require the department to establish the Gender Responsive Strategies Commission to develop active partnerships, involving the community, treatment experts, and related agencies in its efforts toward gender-responsive practice.

Existing law requires the secretary of the department to expand the existing prison ombudsperson program to ensure the comprehensive deployment of ombudspersons throughout the state prison system with specific focus on the maximum security institutions.

This bill would instead require the Undersecretary for Operations to perform this duty and would require the undersecretary to appoint an ombudsperson solely assigned to adult female institutions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12838.1 of the Government Code is
2 amended to read:

12838.1. (a) There is hereby created within the Department of Corrections and Rehabilitation, under the Undersecretary for Administration, the following divisions:

(1) The Division of Enterprise Information Services, the Division of Facility Planning, Construction, and Management, and the Division of Administrative Services. Each division shall be headed by a director, who shall be appointed by the Governor, upon recommendation of the secretary, subject to Senate confirmation, who shall serve at the pleasure of the Governor.

(2) The Division of Correctional Policy Research and Internal Oversight. This division shall be headed by a director, who shall be appointed by the Governor, upon recommendation of the secretary, who shall serve at the pleasure of the Governor.

(b) There is hereby created in the Department of Corrections and Rehabilitation, under the Undersecretary for Health Care Services, the Division of Health Care Operations and the Division of Health Care Policy and Administration. Each division shall be headed by a director, who shall be appointed by the Governor, upon recommendation of the secretary, subject to Senate confirmation, who shall serve at the pleasure of the Governor.

(c) (1) There is hereby created within the Department of Corrections and Rehabilitation, under the Undersecretary for Operations, the Division of Adult Institutions, the Division of Adult Parole Operations, ~~the Division of Juvenile Justice, the Division of Female Programs and Services,~~ and the Division of Rehabilitative Programs. Each division shall be headed by a director, who shall be appointed by the Governor, upon recommendation of the secretary, subject to Senate confirmation, who shall serve at the pleasure of the Governor.

(2) *The Director for Female Programs and Services shall be responsible solely for female adult institutions and community facilities housing female offenders. The director shall report to the undersecretary and shall have a minimum of five years of expertise serving the female correctional population.*

(d) The Governor shall, upon recommendation of the secretary, appoint ~~four~~ *three* subordinate ~~officers to the Division of Adult Institutions,~~ *officers,* subject to Senate confirmation, who shall serve at the pleasure of the Governor. Each subordinate officer appointed pursuant to this subdivision shall oversee an identified

1 category of adult institutions, one of which shall be female offender
2 facilities. *male adult institutions.*

3 (e) (1) Unless the context clearly requires otherwise, whenever
4 the term “Chief Deputy Secretary for Adult Operations” appears
5 in any statute, regulation, or contract, it shall be construed to refer
6 to the Director of the Division of Adult Institutions.

7 (2) Unless the context clearly requires otherwise, whenever the
8 term “Chief Deputy Secretary for Adult Programs” appears in any
9 statute, regulation, or contract, it shall be construed to refer to the
10 Director of the Division of Rehabilitative Programs.

11 ~~(3) Unless the context clearly requires otherwise, whenever the~~
12 ~~term “Chief Deputy Secretary for Juvenile Justice” appears in any~~
13 ~~statute, regulation, or contract, it shall be construed to refer to the~~
14 ~~Director of the Division of Juvenile Justice.~~

15 SEC. 2. Section 3430 of the Penal Code is amended to read:

16 3430. The Department of Corrections and Rehabilitation shall
17 do all of the following:

18 (a) (1) Create a Female Offender Reform Master Plan, and
19 shall present this plan to the Legislature by March 1, 2008.

20 (2) *No later than March 1, 2026, and every three years*
21 *thereafter, prepare and submit a report to the Legislature on the*
22 *implementation of the plan described in paragraph (1), including*
23 *updated statistics contained in the plan. These reports shall be*
24 *submitted in compliance with Section 9795 of the Government*
25 *Code.*

26 (3) *Maintain the plan, including all subsequent updates and*
27 *reports, in consultation with the Gender Responsive Strategies*
28 *Commission and with nationally recognized experts in gender*
29 *responsive prison operational practices, staffing, classification,*
30 *substance abuse, trauma treatment services, mental health services,*
31 *transitional services, and community corrections.*

32 (4) *Post the plan, any reports, and any updates to the plan to*
33 *the department’s internet website.*

34 (b) Create ~~policies~~ *policies, programs,* and operational practices
35 that are designed to ensure a safe and productive institutional
36 environment for female offenders.

37 (c) Contract with nationally recognized gender responsive
38 experts in prison operational practices staffing, classification,
39 substance abuse, trauma treatment services, mental health services,

1 transitional services, and community corrections to do ~~both~~ *all* of
2 the following:

3 (1) (A) Conduct a staffing analysis of all current job
4 classifications assigned to each prison that houses ~~only~~ females.
5 The department shall provide a plan to the Legislature by March
6 1, 2009, that incorporates those recommendations and details the
7 changes that are needed to address any identified unmet needs of
8 female inmates.

9 (B) *No later than March 1, 2026, and every three years*
10 *thereafter, the department shall prepare and submit to the*
11 *Legislature the updated staffing analysis described in*
12 *subparagraph (A). These reports shall be submitted in compliance*
13 *with Section 9795 of the Government Code.*

14 (2) Develop programs and training for department staff in
15 correctional ~~facilities~~. *facilities to include not less than one week*
16 *of training at the academy and annual training specifically focused*
17 *on working with a female population.*

18 (3) *Perform a comprehensive review of office's policies and*
19 *practices and other aspects of women-centered corrections*
20 *developed to enhance safety and rehabilitative efforts. This review*
21 *should engage collaboratively with internal experts,*
22 *community-based organizations, medical and mental health*
23 *experts, labor, incarceration reform advocates, and national*
24 *consultants on best practices to improve all aspects of operational*
25 *practice and treatment, with an emphasis on sexual safety and*
26 *gender-responsive, trauma-informed principles.*

27 (d) Create a gender responsive female classification system.

28 (e) Create a gender responsive staffing pattern for female
29 institutions and community-based offender beds.

30 (f) Create a needs-based case and risk management tool designed
31 specifically for female offenders. This tool shall include, but not
32 be limited to, an assessment upon intake, and annually thereafter,
33 that gauges an inmate's educational and vocational needs, including
34 reading, writing, communication, and arithmetic skills, health care
35 needs, mental health needs, substance abuse needs, and
36 trauma-treatment needs. The initial assessment shall include
37 projections for academic, vocational, health care, mental health,
38 substance abuse, and trauma-treatment needs, and shall be used
39 to determine appropriate programming and as a measure of progress
40 in subsequent assessments of development.

(g) Design and implement evidence-based gender specific rehabilitative programs, including “wraparound” educational, health care, mental health, vocational, substance abuse and trauma treatment programs that are designed to reduce female offender recidivism. These programs shall include, but not be limited to, educational programs that include academic preparation in the areas of verbal communication skills, reading, writing, arithmetic, and the acquisition of high school diplomas and GEDs, and vocational preparation, including counseling and training in marketable skills, and job placement information.

(h) Build and strengthen systems of family support and family involvement during the period of the female’s incarceration.

(i) Establish a family service coordinator at each prison that houses only females.

SEC. 3. Section 3431 is added to the Penal Code, immediately following Section 3430, to read:

3431. (a) The Division of Female Programs and Services shall do both of the following:

(1) Manage and provide oversight of adult female programs, including prisons, conservation camps, and parole and community programs.

(2) Develop gender-responsive, trauma-informed, culturally sensitive approaches to program and policy development that will improve recidivism outcomes for the adult incarcerated and paroled female offenders under the supervision of the department.

(b) The office shall be headed by a person who has relevant professional experience in planning and implementing recidivism reduction programs and services that are gender-responsive and trauma-informed.

SEC. 4. Section 3432 is added to the Penal Code, immediately following Section 3431, to read:

3432. (a) The department shall establish the Gender Responsive Strategies Commission to develop active partnerships, involving the community, treatment experts, and related agencies in its efforts toward gender-responsive practice.

(b) The commission shall be composed of representatives of community-based organizations, research and policy experts, legislators, union representatives, and formerly incarcerated women.

(c) The commission shall meet quarterly and publish minutes for each meeting on the department's internet website.

SEC. 5. Section 5066 of the Penal Code is amended to read:

5066. ~~The Director of Corrections~~ *Undersecretary for Operations* shall expand the existing prison—~~ombudsman~~ *ombudsperson* program to ensure the comprehensive deployment of ~~ombudsmen~~ *ombudspersons* throughout the state prison system with specific focus on the maximum security institutions. *The Undersecretary for Operations shall appoint an ombudsperson solely assigned to adult female institutions.*