

AGENDA

ASSEMBLY BUDGET SUBCOMMITTEE NO. 5

ON PUBLIC SAFETY

ASSEMBLYMEMBER SHIRLEY N. WEBER, PH.D., CHAIR

MONDAY, APRIL 16, 2018
2:30 P.M. – STATE CAPITOL, ROOM 437

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VOTE-ONLY**8120 CALIFORNIA PEACE OFFICER STANDARDS AND TRAINING**

VOTE-ONLY ISSUE 1: LEARNING PORTAL CONVERSIONS

The Commission on Peace Officer Standards and Training (POST) requests \$155,000 State Penalty Fund and one permanent position in 2018-19 and ongoing to convert online training courses from expiring technology. Adobe Flash software which was used to develop 17 of the Learning Portal courses and one performance support tool will no longer be supported by Internet browsers beginning 2020. Currently, 600 state and law enforcement agencies and 10,000 peace officers participate in POST and rely on online trainings to complete necessary trainings within budget restrictions.

Staff Recommendation: Approve as Budgeted.

0250 JUDICIAL BRANCH

VOTE-ONLY ISSUE 2: ADVANCING THE IMPLEMENTATION OF THE STRATEGIC PLAN FOR LANGUAGE ACCESS IN THE CALIFORNIA COURTS

The Judicial Council requests \$4 million General Fund in 2018-19 to further advance the implementation of the Strategic Plan for Language Access in the California Courts. Funding is one time only and will be utilized to expand the availability of interpreters in civil matters, resulting in 9,000 additional interpreter service days per year, through 2020.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 3: COLLECTIVE BARGAINING

The Judicial Council requests \$610,000 General Fund, of which \$56,000 is one-time only, and three positions in 2018-19, \$554,000 and three positions in 2019-20, and \$369,000 and 2 positions in 2020-21 and ongoing to support costs associated with increased workload for the Judicial Council as a result of the enactment of Chapter 835, Statutes of 2017 (AB 83), the Judicial Council Employer-Employee Relations Act.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 4: COURT APPOINTED SPECIAL ADVOCATE GRANTS PROGRAM

The Judicial Council requests \$500,000 General Fund in 2018-19 and ongoing to support the Court Appointed Special Advocate (CASA) grants program. CASA programs consist of nonprofit organizations that provide trained volunteers who are assigned by a juvenile court judge to a child in foster care.

Staff Recommendation: Approve as Budgeted.

0820 DEPARTMENT OF JUSTICE

VOTE-ONLY ISSUE 5: REGISTRY OF CHARITABLE TRUSTS

The Department of Justice requests an increase of \$525,000 in the Registry of Charitable Trust Funds (Registry) in 2018-19 and \$462,000 in 2019-20 and ongoing to sustain continued enforcement of charity compliance and related activities. The Registry manages 119,070 registered organizations and of these, 63,520 are delinquent in their annual filings. The Registry has also identified 137,149 unregistered organizations.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 6: BUREAU OF CHILDREN'S JUSTICE

The Department of Justice requests Public Rights Law Enforcement Fund spending authority of \$3.57 million and 14 positions in 2018-19 and ongoing to support the Attorney General's Bureau of Children's Justice, which investigates critical cases dealing with school segregation and discrimination, disability abuse and discrimination in non-public schools, civil rights violations by school police, juvenile justice conditions of confinement in county probation facilities, among other matters.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 7: CHAPTER 495 STATUTES OF 2017 (SB 54) IMMIGRATION DATA GOVERNANCE

The Department of Justice requests \$2.41 million General Fund and 13 positions in 2018-19, \$1.81 million and 10 positions in 2019-20 and \$1.12 million and 10 positions ongoing to address the mandates of Chapter 495 Statutes of 2017 (SB 54). Among its provisions, SB 54 requires the Attorney General by March 1, 2019 and every year thereafter to report the total number of arrests made by joint law enforcement task forces, and requires the Attorney General to publish model policies limiting assistance with immigration enforcement to the fullest extent possible consistent with federal laws in certain specified locations.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 8: CHAPTER 782 STATUTES OF 2017 (AB 651) NONPROFIT HEALTH FACILITIES

The Department of Justice requests a permanent augmentation of one Deputy Attorney General and one legal secretary and \$369,000 General Fund in 2018-19 and \$356,000 for 2019-20 and ongoing to implement the mandates of Chapter 782 Statutes of 2017 (AB 651). AB 651 requires additional public meetings in non-profit hospital transactions.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 9: CHAPTER 810 STATUTES OF 2017 (SB 536) FIREARM VIOLENCE RESEARCH CENTER--GUN VIOLENCE RESTRAINING ORDERS

The Department of Justice requests \$138,000 General Fund in 2018-19 and \$130,000 ongoing to support one position to implement the mandates of Chapter 810 Statutes of 2017 (SB 536). SB 536 requires the DOJ to make gun violence restraining orders maintained in their database available to specified researchers concerned with the study and prevention of violence.

Staff Recommendation: Approve as Budgeted.

8940 CALIFORNIA MILITARY DEPARTMENT

VOTE-ONLY ISSUE 10: ADVANCE PLANS AND STUDIES

The California Military Department requests \$300,000 General Fund for Architect-Engineering services to conduct design studies and programming charrettes for future capital projects. The requested funds are based on the number of anticipated studies and direct market experience with existing work of a similar character currently under contract. This request has a federal matching provision of \$150,000.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 11: CYBER NETWORK DEFENSE TEAM REIMBURSEMENT AUTHORITY INCREASE

The California Military Department requests reimbursement authority of \$2.63 million and 10 permanent positions for cyber-related activities for the Military Department's Cyber Network Defense Team (CND). The funding will also pay for hardware, software, and other expenses needed to conduct cyber security assessments for 70 state and local entities annually. CND would also be able to simultaneously respond to four cyber incidents per year to mitigate loss of data, restore network services, and assist law enforcement.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 12: LOS ALAMITO NATIONAL GUARD READINESS CENTER

The California Military Department requests \$24.71 million General Fund in 2018-19 for the construction phase of continuing the National Guard Readiness Center project in Los Alamitos. This amount was originally approved in 2017-18 in lease revenue bond financing. The request will result in a reversion of the unencumbered balance of the 2017-18 lease revenue bond appropriation and shift the fund source of the construction phase of the project lease revenue bond financing to General Fund.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 13: SAN DIEGO READINESS CENTER RENOVATION

The California Military Department request \$3.93 million for the construction phase of the San Diego Readiness Center Renovation Project. The renovation will result in a two-story, 4,400 gross square foot addition to the existing facility which will include modernized and upgraded HVAC, electrical, lighting, and plumbing systems. This request has a federal matching provision of \$1.965 million.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 14: SUSTAINABLE ARMORY RENOVATION PROGRAM--BURBANK

The California Military Department requests \$5.72 million General Fund in 2018-19 for the performance criteria and design-build phase of the Sustainable Armory Renovation Program in Burbank. The funding will support the renovation of 31,800 square feet of the Burbank Readiness Center which was built in 1951 and will specifically allow for a more efficient use of space, improve security with vault upgrades, and include general facility improvements. This request has a federal matching provision of \$2.861 million.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 15: SUSTAINABLE ARMORY RENOVATION PROGRAM--SAN JOSE

The California Military Department requests \$4.92 million for the performance criteria and design-build phase of the Sustainable Armory Renovation Program in San Jose. The funding will support the renovation of 31,800 square feet of the San Jose Readiness Center which was built in 1950, and will specifically allow for a more efficient use of space, improve security with vault upgrades, and include general facility improvements. This request has a federal matching provision of \$2.46 million.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 16: SUSTAINABLE ARMORY RENOVATION PROGRAM--SANTA ROSA

The California Military Department requests \$5.62 million General Fund for the performance criteria and design-build phase of the Sustainable Armory Renovation Program in Santa Rosa. The funding will support the renovation of 16,900 square feet of the Santa Rosa Readiness Center which was built in 1951, and will specifically allow for a more efficient use of space, improve security with vault upgrades, and include general facility improvements. This request has a federal matching component of \$2.809 million.

Staff Recommendation: Approve as Budgeted.

VOTE-ONLY ISSUE 17: SUSTAINABLE ARMORY RENOVATION PROGRAM--TORRANCE

The California Military Department requests \$4.82 million General Fund for the performance criteria and design-build phase of the Sustainable Armory Renovation Program in Torrance. The funding will support the renovation of 10,600 square feet of the Torrance Readiness Center which was built in 1955, and will specifically allow for a more efficient use of space, improve security with vault upgrades, and include general facility improvements. This request has a federal matching component of \$2.411 million.

Staff Recommendation: Approve as Budgeted.

ITEMS TO BE HEARD

0280 COMMISSION ON JUDICIAL PERFORMANCE

ISSUE 1: COMMISSION ON JUDICIAL PERFORMANCE

The State Auditor's Office will open this issue with an update on the audit of the Commission on Judicial Performance.

PANELISTS

- State Auditor
- Commission on Judicial Performance
- Public Comment

BACKGROUND

The California Commission on Judicial Performance (CJP) is the independent state agency responsible for investigating complaints of judicial misconduct and judicial incapacity, and for disciplining judges pursuant to Article VI, Section 18 of the California Constitution. It is the only body with such authority in the state. Its jurisdiction includes all active judges and justices of California's superior courts, Courts of Appeal and Supreme Court, and former judges for conduct prior to retirement or resignation. CJP is also responsible for handling judges' applications for disability retirement.

Complaint Process. Matters are brought before the CJP through written complaints that may be submitted anonymously. The CJP also considers matters it learns of, through news articles or from information received, in the course of an investigation. Their authority is limited to investigating alleged judicial misconduct and imposing discipline. Judicial misconduct is conduct that is in conflict with the standards set forth in the Code of Judicial Ethics, and may also involve improper off the bench conduct such as misuse of judicial title or using court resources for personal matters. The CJP can take the following actions regarding complaints that are investigated:

1. Close cases that do not establish misconduct and provide notice to the complainant.
2. Issue an advisory letter for relatively minor misconduct.
3. Issue a private admonishment for more serious misconduct.
4. Issue a public admonishment or public censure for serious misconduct which can occur after a hearing or without a hearing if the judge consents. These actions

consist of notice that describes the misconduct and state the findings of the CJP's investigation. The notice is provided to the complainant, the press, and the general public. In cases that warrant public censure, the CJP may also bar the judge from receiving assignments from any California state court.

5. Remove the judge from office after a hearing for the most serious cases. These cases typically involve pervasive and persistent misconduct. In cases where a judge is no longer capable of performing judicial duties, the CJP may initiate a hearing to involuntarily retire the judge from office.

Actions 2 and 3 are confidential and the complainant will be notified only that "appropriate corrective action has been taken." Judges may petition the Supreme Court for review of an admonishment, censure, removal or involuntary retirement determination. A judge may petition the Supreme Court for a writ of mandate to challenge an advisory letter.

Confidentiality. According to the CJP, the California Constitution and the CJP's rules, complaints to the commission and commission investigations are confidential. CJP ordinarily cannot confirm or deny that a complaint has been received or that an investigation is underway. Only after the CJP orders formal proceedings are the charges and subsequently filed documents available for public inspection. All hearings on charges are also public.

Complaints Received and Investigated in 2017. In 2017, there were a total of 1,844 judgeships within the commission's jurisdiction. In the same year, the CJP considered 1,251 new complaints about active and former judges. These complaints named 1,489 judges (a total of 878 judges). The CJP also received 422 complaints in 2017 concerning individuals and matters that did not come under its jurisdiction, including federal judges, temporary judges, and former judges for matters outside the CJP's jurisdiction. In the last 10 years, of the 11,455 dispositions of cases, a total of 38 judges received a public admonishment, 14 received public censure, and 4 were removed. More than 96% of the cases were either closed after an initial review or closed without disposition after an investigation.

STAFF COMMENTS

In 2016, the Legislature approved an audit of the CJP, which would have been the first audit since the Commission's inception in 1961. When the State Auditor's office attempted to retrieve certain records, they were blocked by the CJP. In an unprecedented move, the CJP sued the State Auditor, claiming that the State Constitution protected the confidentiality of their files. On December 19, 2017, a San Francisco Superior Court judge issued an order in favor of the CJP, stating that the State Auditor has no legal right to access the confidential records. In addition, the judge ruled that "reweighing evidence or second-guessing the propriety of CJP's determinations" related to certain audit topics was also prohibited. The audit is currently on hold and a hearing has not been scheduled.

Staff Recommendation: Hold Open.

5227 BOARD OF STATE AND COMMUNITY CORRECTIONS

ISSUE 2: PROPOSITION 47 OVERVIEW

The Board of State and Community Corrections will open this issue with an overview of Proposition 47 savings as well as how funded programs are evaluated for effectiveness.

PANELISTS

- Board of State and Community Corrections
- Department of Finance
- Legislative Analyst's Office
- Public Comment

BACKGROUND

The Governor's 2018-19 Budget includes a total of \$311 million for the Board of State and Community Corrections (BSCC) which includes infrastructure expenditures. The mission of the BSCC is to provide statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system, including technical assistance and coordination to local governments related to 2011 public safety realignment. The goal is to promote a justice investment strategy that fits each county and is consistent with the integrated statewide goal of improved public safety through cost-effective, promising and evidence-based strategies for managing criminal justice populations. The BSCC also has a capital outlay program to support infrastructure investments. The various programs of the BSCC are listed below:

Administration, Research and Program Support. This program provides policy direction, accountability, administrative oversight, and support to ensure the overall success of all programs. Additionally, the program evaluates the short-term and long-term goals of the BSCC related to data collection and research. Data collection efforts include an analysis of cost-effective, promising and evidence-based strategies that are used to inform best practices related to the state's criminal justice system.

Corrections Planning and Grant Programs. This program provides leadership in the development, administration, and evaluation of grant programs and plans to improve the effectiveness of state and local correctional systems. Specifically, the program provides technical assistance and training in planning and program implementation. In addition, the program is responsible for reviewing plans for implementing the 2011 Public Safety Realignment submitted by counties, and providing technical assistance and coordination to local governments.

Local Facility Standards and Operations. This program works in collaboration with local corrections agencies to maintain and enhance the safety, security, and efficiency of state and local jails and juvenile detention facilities.

Standards and Training for Local Corrections. This program works directly with local corrections officials to establish minimum standards for personnel selection and training. This program also provides technical assistance to agencies to improve local training outcomes, administers a statewide training course certification process designed to ensure the competence of local corrections professionals, and provides funding to local agencies to offset a portion of the costs associated with meeting these training standards.

County Facility Construction. This program works in collaboration with state government and local corrections agencies in administering funding for local detention facility construction projects for the purpose of enhancing public safety and conditions of confinement within local jails and juvenile detention facilities.

Proposition 47

Proposition 47 (Prop 47), known as the Safe Neighborhoods and Schools Act, was a voter-approved initiative on the November 2017 ballot. Prop 47 directs the Director of Finance to calculate savings from its passage on or before July 31 annually, of which the BSCC administers 65% of the savings to support mental health treatment, substance abuse treatment, and diversion programs for people in the criminal justice system, with an emphasis on programs that reduce recidivism of people convicted of less serious crimes and those with substance abuse and/or mental health issues. The BSCC administers these grants using an Executive Steering Committee process. The State Department of Education receives 25% of the savings to reduce truancy and provide support to students at risk of dropping out. The remaining 10% of savings is provided to the California Victims Compensation and Government Claims Board to provide grants to trauma recovery centers for services to victims. The table below illustrates the savings calculated by the Department of Finance that have been disbursed to the BSCC:

	2016-17	2017-18	2018-19 (projected)	Totals
Deposits	\$25,642,000	\$29,370,000	\$41,625,000	\$96,637,000
General Fund Augmentation	\$10,000,000	0	0	\$10,000,000

Staff Recommendation: Hold Open.
