

AGENDA**ASSEMBLY BUDGET SUBCOMMITTEE NO. 5 PUBLIC SAFETY****ASSEMBLYMEMBER REGINALD B. JONES-SAWYER SR., CHAIR****WEDNESDAY, APRIL 23, 2014
1:30 P.M. - STATE CAPITOL ROOM 437**

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VOTE ONLY ISSUES

8120 CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

VOTE ONLY ISSUE 1: 9/11 MEMORIAL LICENSE PLATE ANTITERRORISM FUND
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The Governor's January Budget included a one-time \$500,000 augmentation from the Antiterrorism Fund to continue its plan to develop and deliver anti-terrorism training to law enforcement personnel.

The budget assumes total revenue of \$2.8 million in the Antiterrorism Fund and proposes \$1.8 million in expenditures. Along with the \$500,000 expenditure for Peace Officer Standards and Training (POST), \$723,000 is proposed to be spent within the Office of Emergency Services and \$548,000 within the California Department of Food and Agriculture. The remaining fund balance for 2014-15 would be \$992,000.

In enacting Chapter 38, Statutes of 2002, the Legislature created the memorial plate, which supported the Memorial Scholarship Program (scholarship program) and still supports antiterrorism activities. The revenue generated from the sale of memorial plates provided scholarships of \$5,000 to each eligible dependent of California residents killed in the terrorist attacks (terrorist attacks) that occurred on September 11, 2001, in New York City, at the Pentagon, and in Pennsylvania through the scholarship program, and it continues to provide funding for antiterrorism activities. State law required Motor Vehicles to deposit into the California Memorial Scholarship Fund (scholarship fund) 15-percent of the revenue generated from the memorial plate's issuance and to deposit into the Antiterrorism Fund (antiterrorism fund) the remaining 85-percent.

Staff Recommendation: Approve as proposed.

5227 BOARD OF STATE AND COMMUNITY CORRECTIONS

VOTE ONLY ISSUE 1: EXTENSION OF STATEWIDE PUBLIC SAFETY REALIGNMENT TRAINING FUNDS

Spring Finance Letter Proposal. The Administration's spring finance letter requests the creation of Budget Item 5227-401. This new Item would extend the availability of funding (until June 30, 2018), to support statewide training for counties on the continued implementation of the 2011 Public Safety Realignment. Of the \$2 million made available for training in 2011 and 2012, \$1.25 million is still available.

Staff Recommendation: Approve as proposed.

ITEMS TO BE HEARD

8120 CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

The Commission on Peace Officer Standards and Training (CPOST) is responsible for raising the competence level of law enforcement officers in California by establishing minimum selection and training standards, improving management practices, and providing financial assistance to local agencies relating to the training of law enforcement officers.

ISSUE 1: PEACE OFFICERS' TRAINING FUND REDUCTION

The issue before the subcommittee is the proposal to reduce expenditures from the Peace Officers' Training Fund to account for an unanticipated revenue shortfall.

PANELISTS

- Commission on Peace Officer Standards and Training (CPOST)
- Department of Finance
- Legislative Analyst's Office
- Public Comment

BACKGROUND

The Governor's Budget includes a reduction of \$1.1 million in 2013-14 and \$6.6 million in 2014-15 to maintain solvency of the Peace Officers' Training Fund (POTF) through June 2015. The savings plan in effect from January 2014 to June 2015 includes suspending certain training cost reimbursements, reducing contracts, and postponing some symposia, workshops, and seminars conducted by the Commission.

The reduction is being requested based on projections indicating that the POTF will become insolvent during the 2014-15 fiscal year if left unchecked. The Administration has identified an unanticipated decline in State Penalty Assessment Fund revenue (from \$40 million in 2006-07 to \$31 million in 2012-13) as the main driver of the shortfall.

QUESTIONS FOR CPOST

CPOST, please address the following questions during your presentation:

- 1) Has CPOST identified what is driving the decline in State Penalty Assessment Fund revenue?
- 2) What is the Backfill Reimbursement program and how is it normally utilized by California's local law enforcement agencies?
- 3) Are there any mandatory training courses that cannot be offered remotely?
- 4) Has CPOST surveyed local law enforcement agencies to gain a comprehensive understanding of how the proposed suspension of the Backfill Reimbursement program will impact day-to-day operations?
- 5) Has CPOST explored the potential of relieving cost pressures on the Peace Officers' Training Fund by attempting to identify current expenditures that could be shifted to alternate funding sources?

STAFF COMMENTS

This proposal will likely create cost and/or access issues for California's law enforcement personnel and agencies seeking mandatory and/or voluntary training. To mitigate any such issues, the Administration has identified the use of remote access courses.

While remote access courses could be leveraged to address much of the training need, it is unclear what the menu of remote access courses would include and if they would encompass all of the mandatory training courses. To the extent that the number of remote access course offerings is not sufficient, local law enforcement agencies could be faced with a choice between 1) directing officers to attend training courses while leaving public safety posts unmanned or 2) directing officers to continue manning public safety posts at the risk of falling out of compliance with existing training requirements.

The Subcommittee may wish to further examine this issue to better understand the unidentified risks of this proposal and how public safety could be impacted.

5227 CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS**ISSUE 1: CALIFORNIA GANG REDUCTION AND INTERVENTION PROGRAM (CALGRIP)**

The Issue before the Subcommittee is the upcoming round of California Gang Reduction and Intervention Program (CalGRIP) grants.

PANELISTS

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

BACKGROUND

The California Gang Reduction and Intervention Program (CalGRIP) provides state funds to cities using a local collaborative approach for gang prevention, intervention, education, job training and skills development, family and community services, and/or suppression activities.

CalGRIP is funded through the State Restitution Fund. The most recent round of grant awards, January 1, 2014 – December 31, 2015, included \$9.2 million in awards to the following cities:

- Town of Apple Valley (\$302,446):
- City of Carpinteria (\$499,967):
- City of Chico (\$392,014)
- City of Compton (\$250,000)
- City of Corona (\$444,270)
- City of Fillmore (\$500,000)
- City of Fresno (\$500,000)
- City of Gilroy (\$500,000)
- City of Lompoc (\$500,000)
- City of Long Beach (\$500,000)
- City of Los Angeles (\$1,000,000)
- City of Parlier (\$500,000)
- City of Pasadena (\$398,700)
- City of Riverside (\$239,177)
- City of San Bernardino (\$308,435)
- City of San Leandro (\$500,000)
- City of Santa Barbara (\$500,000)
- City of Stanton (\$500,000)
- City of Vista (\$499,991)
- City of Watsonville (\$380,000)

QUESTIONS FOR BSCC

BSCC, please address the following questions during your presentation:

1. As the next grant cycle approaches, is BSCC doing outreach to ensure cities are aware of the program and understand the application process?
2. Are there any recent changes to the program that applicants should be made aware of?
3. What is the timeline for the new grant program?
4. Will BSCC be providing counties with technical support during the application process?

Informational Item

ISSUE 2: COUNTY JAILS: CURRENT JAIL POPULATIONS AND CURRENT REQUEST

The issue before the subcommittee is the current state of California's County Jails and the \$500 million request for new county jail construction.

PANELISTS

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

BACKGROUND (PROVIDED BY LAO)

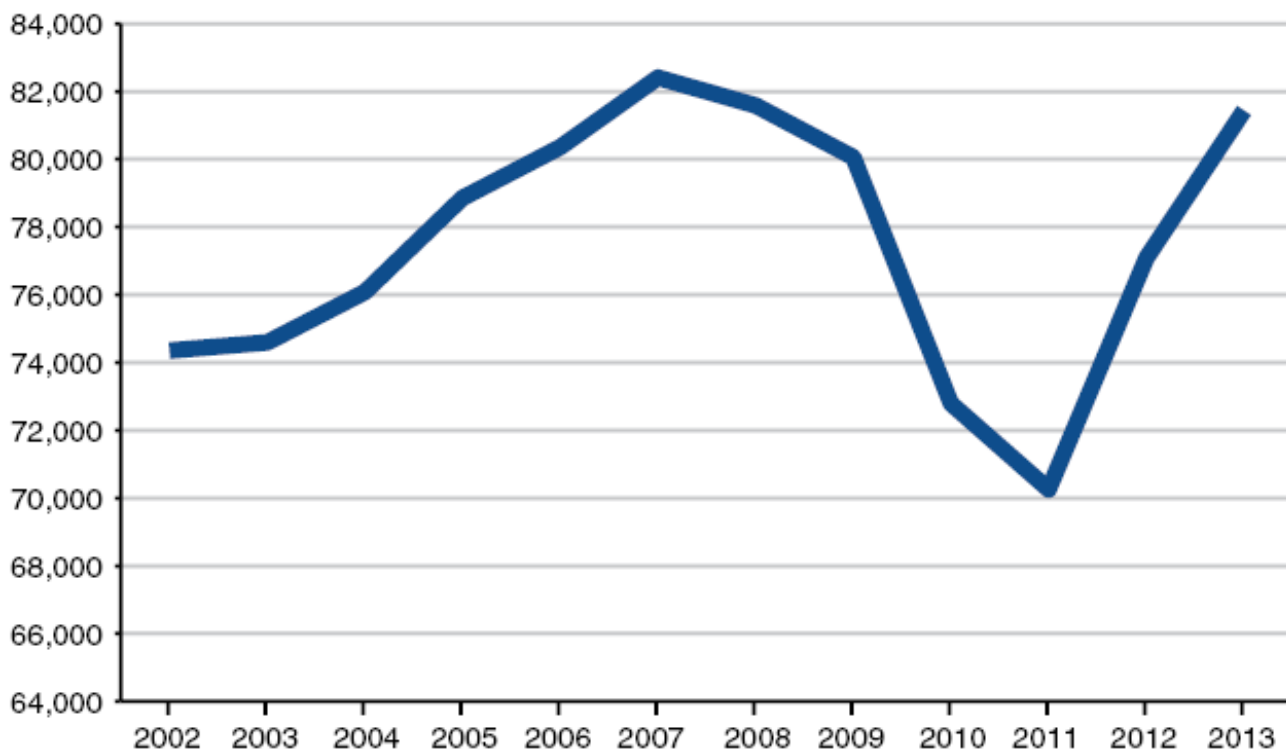
2011 Realignment. As part of the 2011–12 budget package, the state enacted legislation to realign to counties the responsibility for three different felon populations.

- **Lower-Level Offenders.** The 2011 realignment limited which felons can be sent to state prison, thereby requiring that more felons be managed by counties. Specifically, sentences to state prison are now limited to registered sex offenders, individuals with a current or prior serious or violent offense, and individuals that commit certain other specified offenses. Felons who do not meet these criteria are either (1) required to serve their entire felony sentence in county jail or (2) receive a “split sentence,” in which they spend the initial portion of their sentence in jail and the concluding portion in the community under the supervision of county probation departments.
- **Certain Parolees.** Before realignment, individuals released from state prison were supervised in the community by state parole agents. Following realignment, however, state parole agents generally only supervise individuals released from prison whose current offense is serious or violent. The remainder are released to the community under the supervision of county probation departments.
- **Parole Violators.** Prior to realignment, individuals released from state prison could be returned to prison for violating the terms of their community supervision. Following realignment, however, those offenders released from prison—whether supervised by the state or counties—must generally serve their revocation term in county jail.

Impact of Realignment on County Jail Populations. As shown in Figure 20, the statewide jail population has increased by 11,000 inmates since 2011, nearing the peak population of 82,000 inmates that occurred in 2007. Realignment is responsible for most of this increase.

Figure 20

Average Daily Jail Population Is Reaching Peak Levels



As of June 2013, 56 jail facilities in 25 counties had average daily populations that exceeded their rated capacities. In total, these facilities had 11,500 more inmates than their rated capacity. However, other jails had more capacity than inmates. Specifically, 65 jail facilities in 45 counties had an average daily population below rated capacity. In total, these facilities had 6,000 inmates less than their rated capacity. We note that there are some counties with multiple facilities where one facility may exceed its capacity while another may have available bed space. This typically occurs where the facilities serve different populations (by gender or security need for example) and the counties cannot move inmates between facilities.

It is also noted that many county jail facilities are under self-imposed or court-imposed population caps. As of June 2013, 39 facilities in 19 counties were operating under either self-imposed caps or court-imposed caps. When such facilities exceed their population caps, they release inmates early. For example, in the first half of 2013, an average of about 13,000 inmates per month were released early.

In addition to changing the number of offenders in county jail, the 2011 realignment changed the type of offenders in jail. Prior to realignment, jails generally held

defendants awaiting trial on arraignment and individuals sentenced to serve less than one year in jail. These offenders typically were in jail for relatively short amounts of time. After realignment, however, certain felony offenders began serving all or a portion of their sentence in county jail, rather than in state prison. For example, a 2013 survey conducted by the California State Sheriff's Association of 52 of the 58 counties found that 44 inmates are currently serving sentences longer than ten years whereas there were none prior to realignment. The most common sentence for these longer-term inmates is drug trafficking.

Since existing jails were not generally designed to house long-term offenders, the longer sentences resulting from realignment create challenges for counties. For example, jails often have only limited space for rehabilitative programs that serve long-term offenders. Jails also often have limited medical facilities to effectively treat long-term inmates with health problems, which can frequently result in inmates being transported to local medical facilities at a significant cost.

State Has Influence Over County Jail Populations. Statutes enacted by the Legislature and Governor establish the body of laws that define crimes and specify the punishments for such crimes. Criminal sentencing laws influence the size of county jail populations in two primary ways. First, it defines the types of crimes that are punishable by county jail terms. For example, offenders convicted of crimes that are defined in statute as misdemeanors cannot be sentenced to prison. Similarly, as discussed above, offenders with no prior convictions for serious, violent, or sex offenses who are convicted of non-serious, non-violent crimes are also generally required to serve their sentences in county jail. In addition, criminal sentencing law dictates the amount of time offenders spend in jail. For example, statute limits misdemeanor jail terms to less than one year, and specifies the amount of time offenders convicted of felonies can be required to spend in jail. The state's ability to control what offenses are eligible for punishment in county jail and the amount of time offenders spend in county jail exerts major influence over the size of county jail populations.

Counties Also Have Significant Influence Over Jail Population. Under current law, various factors at the county level exert significant influence over the size of their jail populations. Some of the primary ways counties can influence the size of their jail population include:

- ***Sentencing.*** Although judges are ultimately responsible for the sentences offenders receive, county agencies have significant influence over the sentencing process. For example, probation departments provide presentencing reports to the courts. These reports usually detail the relevant history of the offender (such as prior criminal arrests and convictions, family circumstances, work experience, and educational background) and include a sentencing recommendation. The court uses these reports to make sentencing decisions. In addition, county district attorneys (DAs) can influence sentencing based on how they charge offenders. For example, DAs can decide to charge a crime as a felony or a misdemeanor, with the latter resulting in lesser jail time. In addition, they can seek sentences that result in limited or no jail time. For example, DAs can seek a

split sentence or probation in which offenders serve their sentence in the community and are only incarcerated if they violate the terms of their supervision.

- **Community Supervision and Revocation.** Counties can also influence the size of their jail populations by the manner in which they manage the offenders they supervise in the community. For example, counties can reduce their jail populations through programs aimed at reducing the extent to which the offenders commit new offenses and are returned to jail. In addition, counties also have flexibility in choosing how to punish offenders that violate the terms of their supervision. For example, rather than returning such offenders to jail for extended periods of time, counties can use tools such as flash incarceration, in which a violator is incarcerated in jail for up to ten days. Other alternatives to longer jail terms include electronic monitoring (also known as house arrest) and referrals to programs such as drug abuse treatment programs.
- **Pretrial Release.** Trial court judges are responsible for deciding whether to release criminal defendants from custody before the courts adjudicate their cases, as well as what conditions to place on that release (such as a requirement to post bail and be supervised). In cases where the judge requires bail, defendants who are unable to pay may be required to stay in jail until their cases are adjudicated. Such individuals (known as “pretrial” defendants”) make up 63 percent of the jail population. Some counties and courts use pretrial risk assessments to determine which defendants could safely be released even if they cannot post bail. These tools typically require staff to collect certain information about the defendant (such as residential history). Most tools then provide a single risk score on the likelihood that a defendant will be rearrested or miss a court appearance. By using such tools to identify pretrial defendants to safely release, counties can significantly reduce their jail populations.

Recent Funding Provided for Jail Construction. In recent years, the state has provided additional funding for jail construction. For example, the Legislature approved Chapter 7, Statutes of 2007 (AB 900, Solorio), which provided \$1.2 billion to construct new jails. These funds will add about 10,000 beds to county jails. In addition, in response to the additional pressures created by realignment, the Legislature adopted Chapter 42, Statutes of 2012 (SB 1022, Committee on Budget and Fiscal Review), which authorized an additional \$500 million for jail construction. As can be seen in Figure 21, Chapter 42 will add program and medical space to jails as well as about 1,400 additional beds. According to the BSCC, these additional funds were geared mainly toward increasing the ability of counties to provide rehabilitation services rather than increasing county jail capacity.

Figure 21 - Overview of State-Funded Jail Construction Projects
(Dollars in Millions)

County	Award Amount	Estimated Additional Beds to Be Constructed	Estimated Completion Date
AB 900^a (Phase I)			
Calaveras	\$26	95	Completed
Madera	30	144	Completed
San Bernardino	100	1,392	Completed
Solano	62	362	April 2014
San Luis Obispo	25	155	June 2016
San Diego	100	842	2016
Amador	23	89	TBD
San Joaquin	80	1,280	TBD
Subtotals	(\$446)	(4,359)	
AB 900 (Phase II)			
Imperial	\$33	232	December 2015
Kings	33	252	April 2016
Stanislaus	80	456	September 2016
San Benito	15	60	May 2017
Kern	100	822	June 2017
Santa Barbara	80	376	February 2018
Tulare	60	514	May 2018
Orange	100	512	November 2018
Los Angeles	100	1,024	TBD
Madera ^b	3	—	TBD
Monterey	36	288	TBD
Riverside	100	1,250	TBD
Siskiyou	24	150	TBD
Sutter	10	42	TBD
Subtotals	(\$741)	(5,746)	
Chapter 42^c			
Fresno ^d	\$79	-200	TBD
Lake	20	40	TBD
Napa	13	96	TBD
Orange	80	384	TBD
Sacramento ^b	56	—	TBD
San Joaquin	33	384	TBD
San Mateo ^b	24	—	TBD

Santa Barbara	39	228	TBD
Santa Cruz	25	64	TBD
Shasta	20	64	TBD
Solano ^b	23	—	TBD
Tehama	7	64	TBD
Tulare	40	82	TBD
Tuolumne	20	198	TBD
Subtotals	(\$480)	(1,404)	
Totals	\$1,667	11,509	

^a Chapter 7, Statutes of 2007 (AB 900, Solorio).

^b Madera, Sacramento, San Mateo, and Solano Counties are building medical and/or programming space instead of additional beds.

^c Chapter 42, Statutes of 2012 (SB 1022, Committee on Budget and Fiscal Review).

^d Fresno County is replacing a 500-bed building with a 300-bed expansion to an existing building.
TBD = to be determined.

LAO RECOMMENDATION

The LAO recommends the Legislature request additional information from the administration justifying the \$500 million in lease-revenue bonds proposed for jail construction. Specifically, we recommend directing the administration to conduct an analysis of the extent to which counties need additional jail funding. Such an analysis should include an assessment of (1) the extent to which counties have maximized use of existing jail space, (2) how effectively counties plan to use any proposed space for rehabilitation programs, and (3) the ability of counties to fund jail construction with local resources.

STAFF COMMENTS

Staff concurs with the LAO's suggestion that the Legislature should better understand the request and/or need for additional resources dedicated to county jail construction. Further, staff recommends the Legislature explore the infrastructure needs of all entities impacted by Realignment (including probation departments, county mental health agencies, county drug treatment agencies, etc.) to determine if the current \$500 million proposal is the best solution.