

AGENDA**ASSEMBLY BUDGET SUBCOMMITTEE NO. 5 PUBLIC SAFETY****ASSEMBLYMEMBER REGINALD B. JONES-SAWYER SR., CHAIR****WEDNESDAY, MARCH 11, 2015
1:30 P.M. - STATE CAPITOL ROOM 444**

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ITEMS TO BE HEARD

8120 COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

ISSUE 1: SB 852 (2014 BUDGET ACT) REPORT - INFORMATIONAL ITEM

The issue before the subcommittee is the Commission on Peace Officer Standards and Training's report to the Legislature on options for maintaining training reimbursements for local law enforcement agencies.

PANELISTS

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

BACKGROUND

Senate Bill 852: Budget Act of 2014 was approved by Governor Brown on June 20, 2014. The below language was notated in the Budget Act of 2014:

8120-101-0001 Provision 1. "Not later than February 1, 2015, the Commission on Peace Officer Standards and Training shall submit to the chairpersons of the committees and appropriate subcommittees that consider the State Budget options to maintain training reimbursement costs in future years." This report is intended to assist the Legislature's budget committees and subcommittees as they consider POST's budget and allocation for training reimbursement to local law enforcement agencies.

Report Findings:

Option 1: The State Operations Account could be reduced in the area of training contracts (8120- 011-0268). Training contracts assist in keeping POST developed training courses accessible throughout the state. Each contract allows for a specific number of presentations of relevant training courses to be presented throughout the state. The number of presentations of each course could be reviewed, with stakeholder input, to assess the impact of decreasing the total number of presentations offered.

Option 2: POST could review its reimbursement structure in conjunction with POST's course certification regulations. There are currently over 4,000 POST certified training courses available to agencies to meet statutory and regulatory training requirements and meet ongoing regional training needs. Reimbursement varies by course and reimburses agencies for a combination of tuition, travel, per diem and backfill. POST has initiated a review of course certification regulations and will be reviewing the reimbursement structure once the course certification regulations are finalized.

Option 3: If the revenue into the State Penalty Fund continues to decline and a permanent solution is not found to assist the Commission, an option would be to consider an allocation from the state's General Fund in order to maintain training reimbursement. The ultimate goal is to maintain local assistance funding to assist California law enforcement agencies in ensuring peace officers and dispatchers continue to receive current and contemporary training to assist them in maintaining the safety of the communities they serve.

ISSUE 2: PROGRAM ADMINISTRATION REDUCTION

The issue before the subcommittee is the Governor's proposal to reduce the Commission on Peace Officer Standards and Training's administration budget by \$5.2 million and 36.9 positions.

PANELISTS

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

BACKGROUND

The Commission on Peace Officer Standards and Training (POST) was established by the Legislature in 1959 to set minimum selection and training standards for California law enforcement. The POST organization, with more than 130 staff members, functions under the direction of an Executive Director appointed by the Commission.

POST funding comes from the Peace Officers' Training Fund (POTF). The POTF receives money from the State Penalty Assessment Fund, which in turn receives money from penalty assessments on criminal and traffic fines. Therefore, the POST Program is funded primarily by persons who violate the laws that peace officers are trained to enforce. No tax dollars are used to fund the POST Program.

The POST Program is voluntary and incentive-based. Participating agencies agree to abide by the standards established by POST. More than 600 agencies participate in the POST Program and are eligible to receive the Commission's services and benefits which include:

- job-related assessment tools
- research into improved officer selection standards
- management counseling services
- the development of new training courses
- reimbursement for training, and
- quality leadership training programs

POST also awards professional certificates to recognize peace officer achievement and proficiency.

POST at a Glance

- POST services 58 County Sheriffs' Departments; 350 municipalities; 605 law enforcement agencies; 80,000 sworn officers, 5,000 reserve officers, and 8,000 dispatchers.
- POST ensures any mandated training enacted by the Legislature meets the needs of ALL California law enforcement (from small to large agencies).
- Post provides timely reimbursement funding to agencies enabling peace officers and public safety dispatchers to receive training.
- Provides course certification, essential training workshops

QUESTIONS FOR POST

1. How would the proposed reduction impact the delivery of training to sworn officers?

LAO RECOMMENDATIONS

- **Reject Proposed Expenditure Increase.** The LAO recommends rejecting the proposed \$8.6 million increase in Peace Officers Training Fund (POTF) expenditures. This would result in POST continuing to suspend certain training reimbursements (such as for overtime and travel), limiting the number of training courses provided through contracts, and postponing some workshops.
- **Make Targeted Reductions.** The LAO recommends rejecting the proposed 30 percent staffing reduction to POST. Instead, the LAO recommends the Legislature direct POST to implement some of the expenditure reduction options outlined in POST's February report. Specifically, the LAO recommends further reducing the number of training courses provided through contracts and to reevaluate the training reimbursement structure.

Due to the lower level of workload POST would have as a result of these reductions, the LAO also recommends that POST make targeted administrative reductions. For example, the Legislature could eliminate the 10 positions that are currently vacant as well as any positions that would no longer be needed following a reduction in the training expenditures described above. The LAO recommends that POST provide the Legislature with an updated expenditure reduction plan as part of the Governor's May Revision.

- **Direct POST to Consider Fees.** Finally, the LAO recommends directing POST to evaluate whether it would make sense to charge fees for some of its services and provide a report to the Legislature no later than January 10, 2016 on its findings. Charging fees for some services would provide additional revenue to stabilize funding for POST and mitigate the need for greater reductions in future years in the event that POTF revenues continue to decline.

5227 CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS**ISSUE 3: CITY LAW ENFORCEMENT GRANTS**

The issue before the subcommittee is the Governor's Proposal to continue a \$40 million (General Fund) allocation for front-line law enforcement activities.

PANELISTS

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

BACKGROUND

As part of the 2012-13 budget, the Governor proposed and the Legislature approved a three-year grant program (from 2012-13 through 2014-15) to provide state General Fund support to city law enforcement, primarily police. At the time the funding was proposed, the administration indicated that the intent was to partially offset budget reductions that city law enforcement departments were facing due to the recession. The funds were initially approved at \$24 million each year, then were increased to \$27.5 million in 2013-14, and again to \$40 million in 2014-15.

The distribution model for these funds calls for the Board of State and Community Corrections to allocate the funding on a county by county basis, convey the funds to be expended in each county to one agency within that county who serves as the fiduciary, and then permit the police chiefs in each county to determine the allocation of those funds.

The process has been inherently collective and collaborative with police chiefs determining the best use of the funding for their particular region. Moreover, the pattern has been to share resources across agency lines, and even to include non-municipal front-line agencies.

In an effort to better understand how the chiefs in each county used this funding in the past, the California Police Chiefs Association surveyed member Chiefs in each county. Although individual protocols differed by county, the unifying thread was to find strategic ways to address the challenges diminished resources. Generally, the strategies clustered in the following areas:

- a. The funding has been primarily used to increase probation compliance checks in counties such as Imperial, Kern, Lake, Lassen, Los Angeles, Madera, Merced, Modoc, Monterey, Napa, Riverside, Sacramento, San Bernardino, San Joaquin, Santa Barbara, Santa Clara, Solano, Sonoma, Sutter, Tulare, Ventura, Yolo, and Yuba. These compliance checks allow for increased contact between probationers and law enforcement and aim to reduce repeat offences among probationers. The objective is to secure compliance from PRCS clients, assure that they are participating in their appropriate programming, and generally develop strategies to minimize the prospects of this cohort re-offending. These strategies appear to be enhancing the success probabilities of this cohort.
- b. Chiefs have also utilized the new funds in order to enable inter-agency communications and connectivity. Increased communications allow cities to better address transient offenders. Increased communications have been demonstrated through common data sharing platforms between partner agencies and cities. For example, San Luis Obispo County Police Chiefs have used its funding to hire a Probation Liaison Officer in an effort to improve connectivity between cities and probation. Santa Barbara County introduced a Collaborative Response Team to work at a county level in monitoring realigned offenders.
- c. Chiefs in counties such as Butte, Glenn, Mendocino, San Diego, Santa Clara, Stanislaus, Tulare, Tuolumne, Ventura and Yuba are using elements of their funding to increase overtime for officers. Increased overtime arises as a result of increased demand for services attributable to the loss of officers through past budget cuts as well as additional challenges created by realignment. Counties such as Butte County are using their money to fund overtime task forces to conduct proactive, rather than reactive, enforcement. This funding makes these essential overtime operations possible and seeks secure better outcomes for PRCS persons.
- d. Chiefs in other counties such as Alameda, Contra Costa, Fresno, Humboldt, Marin, Nevada, San Bernardino, San Benito, San Mateo, Santa Cruz, Shasta, Stanislaus and Tehama have used portions of their funding to increase crime analysis by investing in new crime monitoring technology or a crime analyst. These funds have allowed for agencies to more effectively allocate their resources to meet the public safety needs made obvious by crime data. Moreover, this enables officers to have a more informed sense of the presence of realignment felons in their jurisdictions.
- e. Many counties have invested their funds in technology that allows officers to use their time more effectively
 - i. The Lemoore PD in Kings County is instituting an on-line reporting system to free up patrol officers
 - ii. Chiefs in Fresno country are using a portion of their funding to implement an Email Filing System for last day complaint packages

to the DAs in order to free up officer time (especially in small, remote departments).

- f. Counties such as San Francisco, San Joaquin, Butte, Calaveras and Madera stressed the importance of the funds in allowing law enforcement to be more proactive rather than reactive. This funding allocation has allowed agencies to prevent crime from occurring rather than reacting after the fact.
- g. Placer County Chiefs have designated funds to the education and supervision of PRCS clients in order to develop strategies to reduce recidivism.
- h. Tehama County Chiefs are combining its allocation with Prop 30 funds to create a G.R.E.A.T. / SRO officer to work on gang mitigation at the middle school. The goal of the program is to reduce gang involvement early in order to reduce gang related crime later.
- i. Los Angeles County noted that lack of funding hinders the county's ability to provide rehabilitative programs.
- j. Fort Bragg, in Mendocino County, will use the money for an additional CSO and transports to the county jail which will then free up officer patrol time.
- k. San Bernardino County conducted a county-wide gun buyback program that involved every police department in the county.

LAO RECOMMENDATIONS

Proposal Lacks Sufficient Justification. The Governor's proposal to provide \$40 million to extend the police grants for an additional year lacks justification for the following reasons:

- **Need To Address Recession-Era Cuts Unclear.** The Legislature authorized a three-year program as a stopgap measure to help city law enforcement address budget cuts resulting from the recession. However, the recession ended five years ago and in that time local revenues appear to have recovered to pre-recession levels. It is unclear how many additional years past the end of the recession the Governor thinks such funding is appropriate.
- **Funds Unlikely to Make Significant Impact.** The funding proposed is only a small fraction of total city police budgets and is unlikely to have a significant effect on the level of service provided by city law enforcement.

Recommendation. In view of the above, we recommend that the Legislature reject the Governor's proposal to provide \$40 million in city law enforcement grants in 2015-16.

STAFF COMMENT

Noting that there are few parameters for the use of this funding, the Assembly may wish to consider linking this funding to Assembly priorities in local law enforcement.

ISSUE 4: CALIFORNIA GANG REDUCTION AND INTERVENTION PROGRAM (CALGRIP)

The issue before the Subcommittee is an overview of the California Gang Reduction and Intervention Program (CalGRIP).

PANELISTS

- Board of State and Community Corrections (BSCC)
- Lieutenant Leronne Armstrong, Oakland Police Department
- Tamisha Walker, Community Organizer, CCISCO & The Safe Return Project
- Ben McBride, Oakland City Director, CityTeam
- Department of Finance
- Legislative Analyst's Office
- Public Comment

BACKGROUND

The California Gang Reduction Intervention and Prevention Program began in 2007 when Governor Schwarzenegger created the Governor's Office of Youth Violence Policy (OGYVP). The CalGRIP program was initiated to help communities support strategies to reduce gang and youth violence. The program was first administered by the OGYVP and later transferred to the California Emergency Management Agency (CalEMA), which is now the California Office of Emergency Services. At its onset, CalGRIP provided anti-gang funding to many state departments including: job training, education and intervention programs through the CalEMA, and the Employment Development Department; the Corrections Standards Authority (now the Board of State and Community Corrections (BSCC)) to spend \$1.1 million on anti-gang programs; and \$7 million for the California Highway Patrol to help local jurisdictions combat gang violence.

In July 2012, as a result of AB 1464 (Chapter 21, Statutes of 2012), the BSCC acquired sole administrative responsibility for the program. The administrative responsibility of the \$9.2 million annual grant program came to BSCC along with an increased level of accountability. Under the BSCC the CalGRIP allocation is based upon an applicant's ability to demonstrate that funding is used to implement proven evidence-based prevention, intervention and suppression programs.

With the signing of Assembly Bill 109 (Chapter 15, Statutes of 2011), the Legislature and the Governor enacted Public Safety Realignment with an understanding that

California must reinvest in its criminal justice resources to support community-based corrections programs that focus on evidence-based practices that will improve public safety. In conjunction with AB 109, the Governor signed Senate Bill 92 (Chapter 26, Statutes of 2011), which established the BSCC, effective July 1, 2012, to provide statewide leadership, coordination, and technical assistance to effectively manage California's adult and juvenile criminal justice populations. As part of the creation of the BSCC, several grant programs, including the CalGRIP, were consolidated, and administrative responsibility was transferred from other agencies to the BSCC. This responsibility also requires the BSCC to submit a report and evaluation of the CalGRIP program to the fiscal committees of the Legislature not later than April 1, 2014.

The use of evidence-based strategies represents a significant shift throughout the criminal justice field that places an emphasis on achieving measurable outcomes while ensuring that the services that are provided and the resources that are used are effective. As a condition of funding recipients are now required to evaluate programs and report on outcomes. The new funding strategy, with its focus on proven programs, aligns this program with BSCC's mandate for implementing certain provisions of AB 526 (Chapter 850, Statutes of 2012 (Dickinson)). AB 526 requires the BSCC to:

- Move toward consolidating the grant application processes for delinquency, intervention and prevention funds for grant programs with similar program purpose,
- Incentivize comprehensive regional partnerships, and
- By January 1, 2014, develop funding allocation policies that ensure that within three years, no less than 70 percent of funding for "gang and youth violence suppression, intervention, and prevention programs and strategies is used in programs that utilize promising and proven evidence-based principles and practices."

In early 2013, the BSCC established a Gang Issues Standing Committee (Committee) and tasked the Committee with, among other things, providing policy recommendations to address the BSCC's requirements under AB 526. In November 2013, the 13-member BSCC Board (Board) adopted the Committee-recommended funding allocation policies that directed BSCC staff to clearly define what is meant by evidence-based programs, practices and strategies, and to identify the grant funding streams that will be included when determining the 70 percent threshold. The Board's approval of Committee-recommended policy also set the course for the BSCC to explore incentives that encourage regional collaborative partnerships. Regional collaborations were a significant component of previous CalGRIP awards and the BSCC will continue to emphasize these partnerships moving forward.

BSCC field representatives are in the process of becoming certified by the University of Cincinnati to assess evidence-based strategies. Ultimately, trained BSCC staff will be able to help locals direct funding to programs and practices that will best reduce gang activity while ensuring that state funds are used effectively.

According to a July 2013 BSCC survey of stakeholders, gang issues continue to be a public safety priority across California. Consequently, demand for CalGRIP funding

remains strong. In the most recent grant cycle, 49 cities submitted proposals in request for nearly \$20 million to implement anti-gang programs. On January 1, 2014, the BSCC began to distribute the current round of funding to the 20 cities whose proposals were deemed most likely to produce positive results. Pursuant to Budget Bill Item 5227-101-0214 (SB 92, Chapter 36, Statutes of 2011), the CalGRIP Program appropriates \$9.2 million each year from the State Restitution fund with the following six provisions:

1. (a) \$1 million grant annually to the City of Los Angeles; (b) \$8.2 million competitive grants to all other cities
2. All grantees must provide a dollar for dollar match
3. The BSCC must submit a report and evaluation to the Legislature no later than April 2014
4. The grants shall be competitive to cities; no grant shall exceed \$500,000; at least two grants shall be awarded to cities with populations of less than 200,000; preference shall be given to regional approaches
5. Grants require collaboration with local Juvenile Justice Coordinating Councils, and each grantee must establish an Advisory Council with specified representation to help prioritize the use of the funds
6. A minimum of 20 percent of the funds received by grantees shall be distributed to community-based organizations.

Currently there are two active cycles of CalGRIP funding, each a two-year cycle, ending on December 31, 2014 and December 31, 2015 respectively. The BSCC is administering a total of \$18.5 million in grant funds to 34 cities. Each city is required to provide a local match, which means as of January 1, 2014 more than \$37 million in CalGRIP-initiated anti-gang programs are underway in California. The clerical burden of administering funding, both on the BSCC and applicants, is formidable. In March 2014, the BSCC Board approved changing CalGRIP to a 3-year grant cycle in order to ease the administrative burden, provide for greater project sustainability and, more importantly, because longer grant cycles are the cornerstone of effective evidence-based program implementation. It becomes effective for grant awards that run from January 1, 2015 through December 31, 2017.

In 2014, Governor Brown signed AB 1920 (Campos) Chapter 601, Statutes of 2014. This measure specified that BSCC must include training and employment opportunities within the services to be delivered through regional partnerships and grant funds, and includes at-risk youth in the target population that would receive those services.

QUESTIONS FOR BSCC

1. Will you please provide a brief overview of the CalGRIP report to the Legislatures dated April 2014?
(report available at: http://www.bscc.ca.gov/downloads/CalGRIP_Rpt_FINAL_4.17.14.pdf)
2. Will you please describe how BSCC is planning to implement the provisions of AB 1920 (Campos) Chapter 601, Statutes of 2014.

3. Will you please provide information on how grantees are screened and selected?
4. Will you please provide information on the next round of grants?

ISSUE 5: COUNTY FACILITIES CONSTRUCTION

The issue before the subcommittee is the Governor's Budget request for \$298,000 (General Fund) and 2.0 positions to perform the state's workload related to administering financing programs for local criminal justice facility construction projects.

PANELISTS

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

BACKGROUND

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. It is estimated that these funds will add roughly 10,000 beds to county jails. In addition, 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. SB 1022 is expected to 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. Most recently, the Legislature adopted SB 863 (Chapter 37, Statutes of 2014).

SB 863 authorized \$500 million in state financing for local criminal justice facilities bringing the total amount of state financing for local detention facilities to \$2.5 billion since 2007. The resources being requested in this proposal would address new BSCC workload associated with implementing SB 863.

QUESTIONS FOR BSCC

- 1) How has this type of workload been addressed in the past (with AB 1022, AB 900, SB 81, etc)?

ISSUE 6: COUNTY PROBATION FUNDING AUGMENTATION

The issue before the subcommittee is the Governor's proposal to provide county probation departments with a \$16 million (General Fund) increase to address the temporary increase in the average daily population of offenders on Post Release Community Supervision (PRCS).

PANELISTS

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

BACKGROUND

Pursuant to the 2011 Realignment, CDCR inmates with non-violent and non-serious offenses are released from state prison onto PRCS under the jurisdiction of counties. While the initial intent was to retain these offenders on parole until they otherwise would have been released, law enforcement concurs that it is in the best interest of public safety for these offenders to be under the supervision of one jurisdiction for the length of their supervision term. Therefore, offenders eligible for PRCS immediately begin their supervision under the jurisdiction of county probation.

The requested \$16 million (General Fund) for county probation departments would support the temporary increase in the average daily population of offenders on PRCS as a result of the two additional population reduction measures ordered by the Three Judge Panel, and implemented on January 1, 2015. This proposal would augment the existing \$6.7 million appropriation for increased credit earning for non-violent, non-sex registrant second-strike offenders from 20 percent to 33.3 percent (which began on February 10, 2014). The proposed augmentation would increase total temporary funding to \$22.7 million.

Listed below are the two new population reduction measures, the proposed funding for implementing those measures, and the assumed population increases in 2015-16.

1. New parole determination process for eligible non-violent, non-sex registrant second-strike offenders who have completed 50 percent of their sentence (Effective January 1, 2015):
 - \$13.4 million
 - 1,068 ADP
2. Two-for-one credits for minimum custody inmates currently earning day-for-day credits (Effective January 1, 2015):
 - \$2.7 million
 - 225 ADP

QUESTIONS FOR BSCC

- 2) Has proposition 47 impacted PRCS populations (if so, how)?
- 3) This funding is being requested to address a temporary increase in the average daily population of offenders on PRCS. When is the temporary increase projected to subside?