

SUBCOMMITTEE NO. 5

Agenda

Senator Loni Hancock, Chair
Senator Joel Anderson
Senator Holly Mitchell



OUTCOMES

Thursday, May 8, 2014
9:30 a.m. or upon adjournment of Session
Room 113

Consultant: Julie Salley-Gray

Items Proposed for Vote-Only

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PROPOSED FOR VOTE ONLY**Office of the State Public Defender**

1. **State Public Defender (SPD) Augmentation for Rent Cost Increases.** The Governor's budget proposes a four-year \$175,000 incremental increase in the SPD's budget to offset the increases in the SPD's Oakland office lease. The request is for \$45,000 for 2014-15, \$40,000 for 2015-16, \$58,000 for 2016-17, and \$32,000 for 2017-18.

Board of State and Community Corrections

2. **State Fire Marshal Fees.** The Governor's budget proposes a \$516,000 (General Fund) augmentation for the Board of State and Community Corrections (BSCC) to augment its baseline budget for services charged by the Office of the State Fire Marshal for plan review activities and fire and life safety inspections for state-financed local jail construction programs administered by the BSCC.

Department of Corrections and Rehabilitation

3. **Sex Offender Management Board Spring Finance Letter.** The Administration submitted a Spring Finance Letter requesting two, two-year, limited-term positions and \$311,000 (General Fund) for the training requirements and workload increases imposed by Chelsea's Law (Chapter 219, Statutes of 2010) for the California Sex Offender Management Board and the State Authorized Risk Assessment Tools for Sex Offenders.
4. **CalPIA Janitorial Services BCP.** The Governor's budget proposes to expand the California Medical Facility (CMF) pilot project regarding the cleaning of correctional health care facilities on a statewide basis. Specifically, the budget proposes a \$14.5 million General Fund augmentation for 2014-15, which would increase to \$19.5 million in 2015-16, for the receiver to enter into a statewide health care facility janitorial contract with the California Prison Industry Authority (CalPIA). By contrast, without this proposal the receiver's office would likely spend around \$8 million to keep health care spaces in the prisons clean. The Governor's budget also proposes the elimination of 83 receiver staff positions in 2014-15, as the CalPIA contract will replace existing receiver janitorial resources. The budget proposes to transfer these janitorial positions to CalPIA. In addition, the proposal includes one full-time staff position for program oversight, and anticipates employing 628 trained inmate laborers. The statewide contract cost will be approximately \$28 million in 2015-16 (upon full implementation), which translates to a cost of \$1.38 per square foot serviced. (For more detail, see the 5/1/14 subcommittee agenda.)

5. **Medical Classification Staffing Model BCP.** The Governor's budget requests the reduction of 148 positions and the approval of the implementation of a new population methodology that will be used to adjust medical staffing based upon patient-inmate acuity and each institution's medical mission. There is no salary savings associated with the reduction in positions. The savings were already captured through the reduction in the prison population due to realignment. (For more detail, see the 5/1/14 subcommittee agenda.)
6. **Armstrong Compliance BCP.** The Governor's budget requests 42 full-time, permanent positions and \$4 million (General Fund) in order to assist in complying with the Armstrong Remedial Plan and the requirements of the Americans with Disabilities Act (ADA). (For more detail, see the 5/1/14 subcommittee agenda.)
7. **Armstrong Spring Finance Letter.** The Administration submitted a Spring Finance Letter requesting a one-time augmentation of \$17.5 million (General Fund) to begin construction of ADA improvements at four prisons and to begin the design phase for improvements at 15 additional institutions. (For more detail, see the 5/1/14 subcommittee agenda.)
8. **Medical Inspections BCP.** The Governor's budget proposes a \$1.262 million (General Fund) augmentation to establish four permanent positions in the Medical Inspections Unit of the Office of the Inspector General (OIG) to evaluate medical care provided to inmates in state prison. In addition, the budget proposes reducing the California Correctional Health Care Services (CCHCS) budget by \$645,000 (General Fund) and two positions. The net cost of the proposal is \$617,000. (For more detail, see the 5/1/14 subcommittee agenda.)
9. **Pharmaceuticals Augmentation BCP.** The Governor's budget proposes adjustments to the inmate pharmaceutical budget for both the current and budget years. For 2013-14, the budget proposes to reduce the current-year pharmaceutical budget to \$168 million. For 2014-15, and ongoing, the budget proposes \$161 million for inmate pharmaceuticals. This \$161 million budget would become the new baseline for the receiver's pharmaceutical spending, establishing an ongoing budget based on current purchasing and prescribing practices. (For more detail, see the 5/1/14 subcommittee agenda.)

Action: Approved Items 1 through 9

Vote: 3 – 0

Items to be Heard

5227 Board of State and Community Corrections

Originally, the Board of Corrections (BOC) was established in 1944 as part of the state prison system. Effective July 1, 2005, as part of the corrections agency consolidation, the Corrections Standards Authority (CSA) was created within the California Department of Corrections and Rehabilitation (CDCR) by bringing together the BOC and the Correctional Peace Officers Standards and Training (CPOST) commission. The reorganization consolidated the duties and functions of the BOC and CPOST and entrusted the CSA with new responsibilities.

Legislation associated with the 2011 Budget Act abolished the CSA and established the Board of State and Community Corrections (BSCC or board) as an independent entity, effective July 1, 2012. The BSCC absorbed the previous functions of the CSA as well as other public safety programs previously administered by the California Emergency Management Agency (CalEMA). Specific statutory changes included:

- Abolishing the CSA within CDCR and established the BSCC as an independent entity.
- Transferring the powers and duties of the CSA to the BSCC.
- Transferring certain powers and duties from the California Emergency Management Agency (CalEMA) to the BSCC.
- Eliminating the California Council on Criminal Justice and assigning its powers and duties to the Board.

Assuming the responsibilities of the CSA, the BSCC works in partnership with city and county officials to develop and maintain standards for the construction and operation of local jails and juvenile detention facilities and for the employment and training of local corrections and probation personnel. The BSCC also inspects local adult and juvenile detention facilities, administers funding programs for local facility construction, administers grant programs that address crime and delinquency, and conducts special studies relative to the public safety of California's communities.

As part of the 2011 Budget Act legislation, the BSCC was tasked with providing statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system. Particularly, the BSCC coordinates with, and assists local governments, as they implement the realignment of many adult offenders to local government jurisdictions that began in 2011. The intent is for the BSCC to guide statewide public safety policies and ensure that all available resources are maximized and directed to programs that are proven to reduce crime and recidivism among all offenders.

The BSCC is an entity independent from CDCR. However, the BSCC is chaired by a local law enforcement representative and the Secretary of the CDCR serves as its vice chair. The BSCC consists of 13 members, streamlined from both its immediate predecessor (CSA), with 19 members, and its former predecessor (BOC), which had 15 members. Members reflect state, local, judicial, and public stakeholders. The current members of the BSCC are:

Linda Penner	Chair
Jeffrey Beard	Secretary of CDCR
Daniel Stone	Director of Adult Parole Operations, CDCR
Dean Growdon	Sheriff of Lassen County
Geoff Dean	Sheriff of Ventura County
Susan Mauriello	County Administrative Officer, Santa Cruz County
Michelle Brown	Chief Probation Officer, San Bernardino County
Adele Arnold	Chief Probation Officer, Tuolumne County
William R. Pounders	Retired Judge, Los Angeles County
David L. Maggard Jr.	Chief of Police, City of Irvine
Scott Budnick	Founder of the Anti-Recidivism Coalition
David Steinhart	Director of Juvenile Justice Program Commonweal
Mimi H. Silbert	Chief Executive Officer and President of Delancey Street Foundation

The Governor's Budget proposes total funding of \$134.2 million (\$44.9 million General Fund) and 84.3 positions for the BSCC.

(dollars in millions)

	Funding	Positions
Program 10 - Administration, Research and Program Support	\$ 4.6	24.0
Program 15 - Corrections Planning and Grant Programs	103.4	26.3
Program 20 - Local Facilities Standards, Operations, and Construction	3.4	21.0
Program 25 - Standards and Training for Local Corrections	22.8	13.0
BSCC Total	\$134.2	84.3

Issue 1: Public Safety Data Collection and Analysis

Background. One of the primary drivers in establishing the BSCC was the need for a state/local body that could serve as the backbone of California's public safety continuum. To facilitate local success, California needs to strategically coordinate support, foster local leadership, target resources, and provide technical assistance.

Pursuant to the establishing statute, the BSCC is charged with collecting and maintaining available information and data about state and community correctional policies, practices, capacities, and needs; including, but not limited to, prevention, intervention, suppression, supervision, and incapacitation, as they relate to adult corrections, juvenile justice, and gang problems. The BSCC is required to collect and make publicly available up-to-date data and information reflecting the impact of state and community correctional, juvenile justice, and gang-related policies and practices enacted in the state, as well as information and data concerning promising and evidence-based practices from other jurisdictions.

At its January 17, 2013 meeting, the BSCC moved to establish the Data and Research Standing Committee in order to benefit the BSCC by providing expertise and stakeholder input in this subject area. In addition, the BSCC reported last spring that it was in the process of realigning staff and resources to be better positioned to address high-priority issues. From May 2012 through February 2013, the members of the BSCC identified priorities, which they utilized as the basis of a strategic plan being developed by the BSCC staff. Through a collaborative strategic planning process with the Crime and Justice Institute, BSCC developed the following four goals:

1. Collect, analyze, and report corrections data in a manner that meets mandates and informs effective policy and practice at the state and local level.
2. Support the implementation of best practices and policies to produce better outcomes for the criminal justice system and provide comprehensive training and technical assistance.
3. Promote the effective utilization of local corrections facilities and quality alternatives to incarceration to maximize public safety and resource efficiency.
4. Serve as a primary information source on managing criminal and juvenile populations.

2013-14 Budget Act Reporting Requirement. The 2013-14 Budget Act required the BSCC to submit a report to the Legislature by May 1, 2014, detailing the board's recommendations for how it plans to build its clearinghouse and technical assistance capacity for collecting and providing user-friendly information to assist the state and local corrections with selecting, implementing, and evaluating evidence-based or promising programs, services, and treatment practices for managing criminal offenders in the community. The report was also required to include information on how the board developed its recommendations.

On May 5, the BSCC submitted a 6-page paper to the Legislature that provided general information about the role that BSCC intends to play in terms of collecting and disseminating information on state and local criminal justice. Despite its existence since October of 2013, it does not appear from the information provided that the Standing Committee on Research and Data has established any data and research priorities. Nor have they determined the way in which the BSCC will assist the counties in managing their criminal justice populations or reducing recidivism.

Juvenile Justice Data. Along with a need for information on adult offenders, experts in the field of juvenile justice in California have long pointed out the serious lack of information and data on the youth in the state and local juvenile justice systems. Within the BSCC is a Juvenile Justice Standing Committee (JJSC). The 13 member committee includes juvenile justice practitioners and experts representing courts, law enforcement, probation, education, health, philanthropy, youth service and related disciplines. On February 13, 2014, the standing committee released a set of guiding principles for juvenile justice development in California. Among those principles is the following:

In terms of program development, the Principles are presented as an outline of points that deserve attention in the process of formulating programs for children and youth under justice system control. In particular, the principles cited in relation to data development and performance measures are included as statements of how the system could or should operate in a more efficient and more fully resourced future. . . .

5. Juvenile justice system interventions—including programs, facilities, placements, supervision and aftercare—should be monitored appropriately using standardized youth performance outcome measures for all California counties. These performance outcome measures should include, to the extent feasible, measures that go beyond simple recidivism by incorporating and addressing the broader developmental needs of youth under all forms of justice system control. . . .

6. The programs and sanctions implemented by state and local juvenile justice agencies should meet minimum and consistent criteria for program effectiveness. This means that publicly funded juvenile justice programs, facilities and services should be developed and implemented in a manner that is consistent with evidence-based principles for proven and promising practices. A coordinated and statewide effort by juvenile justice stakeholders is needed to guide the development of reasonable performance and quality assurance criteria for publicly funded juvenile justice programs, facilities and services. . . .

7. Juvenile justice performance measures at all levels of intervention must be supported by adequate, modern data systems. Data, including data on caseloads and case outcomes, should be maintained and reported in a consistent and accessible manner at the local and state levels. California's data systems in this regard are presently inadequate, necessitating a further and perhaps substantial investment to modernize and coordinate new data capacity across multiple agencies at the state and local government levels. . . .

8. Comprehensive aggregate data on the caseloads, operations, costs and outcomes of the California juvenile justice system, at the state and local levels, should be transparent and accessible to policymakers, stakeholders and members of the public. To the extent feasible, the information should be available through state-based websites, dashboards or clearinghouses where relevant information can be located and downloaded for multiple uses.

Questions for the Administration. The Administration should be prepared to provide an update on their data collection efforts, present the findings from the plan outlined in their upcoming report and address the following questions:

1. Please explain why the BSCC did not provide the Legislature with a detailed report that contained, among other information, data collection priorities, anticipated data collection efforts, timelines for implementation, information technology needs, and estimated costs.
2. In last year's budget, BSCC was provided with five research positions. Please tell the subcommittee when each of those positions was filled and describe, in detail, what hwat they have accomplished in that time.
3. When do you intend to actually develop and implement data plan and when can the counties and the Legislature expect to begin receiving data on realignment?
4. How does the BSCC propose measuring the successes and failures of the first three or four years of realignment without the appropriate data?
5. Please describe the BSCC's plans for facilitating the principles outlined in the JJSC's guiding principles, particularly those noted above that are directly related to outcome measures, data collection, and evidence-based interventions.
6. How does the BSCC intend to collect and disseminate much needed data on juveniles in our juvenile justice systems?
7. Is data on the state's juveniles who are being supervised by county probation departments being captured in the Child Welfare Services data collection efforts?

Staff Comment. Over two and a half years into public safety realignment, concerns continue to be raised that the state may be risking an opportunity to set and gather baseline and initial metrics and data that will be critical to assessing success and appropriately informing policymakers for future decisions. For instance, various bills, including budget trailer bill language, have been proposed that would impact or alter parts of the 2011 Public Safety Realignment. The data and analysis needed to make informed and objective decisions regarding these matters remains unavailable.

Although the BSCC was established on July 1, 2012, the BSCC's predecessor agencies had historic responsibilities centered on standards for the construction and operation of local jails

and juvenile detention facilities and for the employment and training of local corrections and probation personnel, facility inspection, and grant administration. The majority of the BSCC's personnel have carried over from the CSA and have experience and core competencies in these historic responsibilities. In addition, the BSCC has assumed an increase in responsibilities related to local facility construction and grant management. In assessing the BSCC's assumption of responsibilities related to 2011 public safety realignment data, the Legislature may wish to consider allocating responsibility across multiple entities to take advantage of academic or private resources.

As noted above, despite the addition of five research positions and the direction of the 2013-14 budget act that the BSCC provide a plan for building its clearinghouse and technical assistance capacity in order to assist state and local corrections with selecting, implementing, and evaluating evidence-based programs, services, and treatment practices, the BSCC has failed to provide such a plan. Instead, the BSCC submitted a general discussion of their establishment of a Standing Committee on Research and Data and the fact that it currently has not developed a set of data priorities or a plan for carrying out their mission as a clearinghouse for criminal justice information.

Action: Reduced the BSCC budget by \$385,608 (General Fund) and five positions (one research specialist V, one research specialist III, two research program specialists, and one research analyst I).

Vote: 3 – 0

Issue 2: Community Corrections Partnership Plans Update

Background. Since 2011, the Board of State and Community Corrections (BSCC) has been the repository for the Community Corrections Partnership (CCP) Plans developed by each county to implement the provisions of public safety realignment. Since January 1, 2013, the BSCC is required annually to collect and analyze available data regarding the implementation of local plans and other outcome-based measures. As of July 1, 2013, the BSCC is required to provide the Governor and the Legislature with an annual report on the implementation of the plans.

Community Corrections Partnerships (CCP). In 2009, the Legislature passed, and the Governor signed, the California Community Corrections Performance Incentive Act (SB 678 [Leno], Chapter 608, Statutes of 2009). In part, that legislation created CCPs in each county. The CCPs were tasked with advising the counties in adopting evidence-based programs designed to reduce the number of individuals that each county sent to state prison. CCPs are chaired by the county chief probation officers and are made up of the following members:

1. The presiding judge of the superior court, or his or her designee.
2. A county supervisor or the chief administrative officer for the county.
3. The district attorney.
4. The public defender.
5. The sheriff.
6. A chief of police.
7. The head of the county department of social services.
8. The head of the county department of mental health.
9. The head of the county department of employment.
10. The head of the county alcohol and substance abuse programs.
11. The head of the county office of education.
12. A representative from a community-based organization with experience in successfully providing rehabilitative services to persons who have been convicted of a criminal offense.
13. An individual who represents the interests of victims.

With the implementation of public safety realignment in 2011, the role of the CCPs was expanded to require CCPs to recommend a local plan to the county board of supervisors for the implementation of realignment. The realignment legislation, AB 109 (Committee on Budget), Chapter 15, Statutes of 2011, required each county's local CCP to form an executive committee to develop and recommend a local plan to the county board of supervisors. Consistent with local needs and resources, the plan could include recommendations to maximize the effective investment of criminal justice resources in evidence-based correctional sanctions and programs, including, but not limited to, day reporting centers, drug courts, residential multiservice centers, mental health treatment programs, electronic and GPS monitoring programs, victim restitution programs, counseling programs, community service programs, educational programs, and work training programs.

CCP plans are voted on by the executive committee of each county's CCP, which consists of the chief probation officer of the county as chair, a chief of police, the sheriff, the district attorney, the public defender, the presiding judge of the superior court, or his or her designee, and one department representative from the head of the county department of social services, the head of the county department of mental health or the head of the county alcohol and substance abuse programs, as designated by the county board of supervisors for purposes related to the development and presentation of the plan. CCP plans are deemed to be accepted by the county board of supervisors, unless rejected by a vote of four-fifths of the board, in which case the plan goes back to the CCP executive committee for further consideration.

Questions for the Administration. The Administration should be prepared to provide information on how counties are implementing realignment, including which counties are implementing innovative and evidence-based programs, designed to reduce the jail populations. In addition, the Administration should be prepared to address the following questions:

1. What types of variation have you seen among the counties in terms of their approaches to realignment?
2. Are some counties employing more evidence-based sanctions and programs than other counties? If so, have you done any analysis of the results of the different approaches?
3. Based on your analysis, have you found any changes to realignment or additional performance incentives that the Legislature should consider implementing in order to improve local outcomes and further reduce the jail and prison populations?
4. Have you found the make-up of the CCPs to be appropriate for developing the implementation plans and fulfilling their statutory requirements?

Issue 3: Extension of Realignment Training Funds

Spring Finance Letter Request. The Administration submitted a Spring Finance Letter requesting an extension of the deadline for spending \$2 million in statewide Public Safety Realignment training funds appropriated in the 2011 and 2012 budget acts. Any unspent funds are scheduled to revert to the General Fund after June 30, 2015. This letter requests that the date be moved to June 30, 2018.

Background. The foundations of the statewide associations of the counties, probation chiefs, and sheriffs shared in two, one-time General Fund appropriations to support statewide training to counties on the implementation of 2011 Public Safety Realignment AB 109 (Committee on Budget), Chapter 15, Statutes of 2011. The 2011-12 Budget Act provided a first round of \$1 million, which the three foundations, through a jointly-established governing board, decided to pool and deploy in a coordinated fashion. The 2012-13 Budget Act appropriated a second round of \$1 million, which the three foundations opted to keep segregated and are using for individual association-defined training priorities and strategies.

The governing board provided direction to the three associations – which have designated themselves as the Joint Training Partnership (JTP) – on priority training needs. In the intervening two and a half years, the JTP training efforts have reached thousands of county officials and other key stakeholders across a range of disciplines – county supervisors and administrators, probation chiefs, sheriffs, district attorneys, public defenders, judges and court executives, police chiefs, behavioral health directors, other social service officials, as well as a broad array of sheriff and probation mid-level management and line staff. JTP trainings also are open to other interested stakeholders – including legislators, legislative policy and budget staff, state agency personnel and industry officials. In the three jointly sponsored statewide conferences offered by the JTP, more than 1,500 attendees have gathered in Sacramento to share best practices, focus on collaboration, and explore data-driven, evidence-based practices. The JTP is building a successful training “brand,” and its course offerings tend to draw participation from across the state – including representation from a range of disciplines and regions of the state. Additional details on the training initiatives are provided below.

Each statewide association is deploying the second round of funding independently. The deadline to expend both the first and second rounds of funding is June 30, 2015. The associations are seeking an extension of the expenditure authority through June 30, 2018.

Questions for the Administration. The Administration should be prepared to present the proposal and address the following questions:

1. How much of the funding has been spent to date?
2. Are the associations currently having difficulty expending the training funds? If so, why?
3. Why do you anticipate it taking three additional years to expend the remaining realignment training funding?

Staff Comment. No concerns have been brought to the subcommittee's attention regarding this Spring Finance Letter.

Action: Approved the proposed extension of the deadline to June 30, 2018.

Vote: 3 – 0

Issue 4: Statewide Correctional Officer Job Analysis BCP

Governor's Budget Proposal. The Governor's budget proposes a one-time \$410,000 increase in spending authority from the Corrections Training Fund for BSCC to conduct a job analysis of the Adult Corrections Officer, Juvenile Corrections Officer and Probation Officer classifications working in city and county jails, local juvenile facilities, and probation departments. The intent of this study is to establish appropriate selection and training standards for those positions.

Questions for the Administration. The Administration should be prepared to present the proposal, describe the elements of the analysis in detail, and address the following questions:

1. Once the analysis is completed, will the information be purely advisory for the counties or does BSCC have the authority to impose requirements on counties?
2. Will the analysis include information on the educational levels of current community corrections officers and probation officers?
3. Will the analysis provide detailed information on the training being provided by each county?
4. Has the BSCC gathered any information on the training currently being provided by counties for their custodial staff? If so, please provide that information to the subcommittee.

Action: Approved the Governor's proposal.

Vote: 3 – 0

Issue 5: Jail Construction Funding

Governor's Budget. The Governor's budget proposes an additional \$500 million in lease-revenue bond financing for "SB 1022-type" facilities. The proposal would give priority to county applications for construction funding that include documentation that the county uses a risk assessment instrument to determine who to release pending trial in order to reduce overcrowding in the jails. The General Fund payments on these bonds would be approximately \$41 million per year over a 25-year period. Once fully paid off, the cost to the state General Fund will be a total of approximately \$1 billion.

Background. Since 2007, the Legislature has approved two measures authorizing a total of \$1.7 billion in lease-revenue bonds to fund the construction and modification of county jails. Assembly Bill 900 (Solorio), Chapter 7, Statutes of 2007, provided \$1.2 billion to help counties address jail overcrowding. SB 1022 (Committee on Budget and Fiscal Review), Chapter 42, Statutes of 2012, authorized an additional \$500 million to help counties construct and modify jails to accommodate longer-term inmates who would be shifted to county responsibility under the 2011 realignment of lower-level offenders. The Board of State and Community Corrections (BSCC) is responsible for managing the jail construction funding program authorized by these measures, which includes developing requests for proposals, rating applications, awarding and administering funds, and overseeing compliance with the conditions of the awards. The State Public Works Board (SPWB) is tasked with issuing the bonds, as well as approving and overseeing the scope and cost of approved projects.

Lease-Revenue Bond Financing. Bond financing is a type of long-term borrowing that state and local governments frequently use to raise money, primarily for long-lived infrastructure assets. They obtain this money by selling bonds to investors. In exchange, they promise to repay this money, with interest, according to specified schedules. The interest the state has to pay investors on the bonds it issues for public infrastructure is exempt from their federal and state income taxes, which makes the state's interest costs on the bonds less than it otherwise would be. Unlike general obligation bonds backed by the full faith and credit of the state, lease-revenue bonds are not, and they may be authorized by law without voter-approval.

The Long-Term Cost of Bond Financing. Funding infrastructure through the use of bonds is significantly more costly than direct appropriations, due to the interest that has to be paid. This extra cost depends primarily on the interest rate and the time period over which the bonds have to be repaid. For example, in the case of the \$1.7 billion already provided for local jail construction, if the terms of the bond require payment over 25 years, the General Fund impact will be approximately \$137 million per year in debt service payments. By the time the bonds are repaid, they will have cost approximately \$3.4 billion in General Fund. In this case, since the funding is for local jails, the buildings funded by the bonds are not state assets; they will belong to the counties.

AB 900 (Solorio), Chapter 7, Statutes of 2007. AB 900, as amended by subsequent legislation, authorized funding in two phases. Under the first phase, AB 900 required counties applying for a grant to fund at least 25 percent of the construction project's costs. In deciding which counties would be awarded funding under the first phase, the bill required the state to

give preference to those counties that agreed to help site a state reentry facility or provide mental health treatment to former parolees. (The Legislature later eliminated funding for the construction of state reentry facilities, and counties who received awards were not required to fulfill this requirement.) Counties receiving funds under the second phase of AB 900 must provide a 10 percent match, and preference for awards was given to counties who committed the most inmates to state prison in 2010. Under both AB 900 and SB 1022 (discussed below), counties with populations of less than 200,000 can request an exemption from the statutorily-required match.

The BSCC has approved 20 jail construction projects under the first two phases of AB 900. The BSCC estimates suggest that these construction projects will result in a total of about 10,000 jail beds, as well as make improvements at existing jails. Some of the 10,000 beds will be replacements for existing beds and do not result in additional capacity. The following table provides detail on those construction projects.

AB 900 Jail Construction Funding
(Dollar Amounts in Millions)

County	Award Amount	Number of Beds	Estimated Completion Date
Phase I			
Amador	\$23	165	To be determined
Calaveras	\$26	160	August 2013
Madera	\$30	144	September 2013
San Bernardino	\$100	1,368	January 2014
San Diego	\$100	1,270	2016
San Luis Obispo	\$25	198	2015
Solano	\$62	362	April 2014
Total	\$366	3,667	
Phase II			
Imperial	\$33	228	tbd
Kings	\$33	252	April 2016
Los Angeles	\$100	1,604	tbd
Madera	\$3	1	September 2013
Monterey	\$80	576	tbd
Orange	\$100	512	tbd
Riverside	\$100	1,250	tbd
Santa Barbara	\$80	376	February 2018
Siskiyou	\$24	150	tbd
Stanislaus	\$80	456	December 2016
Sutter	\$10	42	tbd
Tulare	\$60	514	tbd
Yolo	\$36	161	tbd
Total	\$739	6,122	
Total Both Phases	\$1,105	9,789	

SB 1022 (Committee on Budget and Fiscal Review), Chapter 42, Statutes of 2012. SB 1022 authorized an additional \$500 million in lease-revenue bonds to fund the construction of local jail facilities. As with AB 900, this legislation required BSCC to administer the program with consideration given to counties that are seeking to replace existing compacted, outdated, or unsafe housing capacity or seeking to renovate existing buildings or build new facilities that provide adequate space for the provision of treatment and rehabilitation services, including mental health treatment. In addition, the legislation specified that a participating county could only add capacity using this authority if it clearly documented an existing housing capacity deficiency and does not lease housing capacity to any other public or private entity for 10 years. As with AB 900, counties applying for jail construction funding under SB 1022 will have to provide a 10 percent match, and awards will be given to counties who are determined by BSCC to be the most prepared to successfully proceed with their projects in a timely manner.

Thirty-six counties applied for construction funding through SB 1022, asking for a total of \$1.3 billion in funding. Of those proposals, 15 counties were awarded funding on January 16, 2014. The following two tables provide detail on all of the counties that submitted funding applications and those projects that were awarded funding.

SB 1022 Total Funding Application Requests
(Amounts in Millions)

County	Requested Amount	Awarded Amount
Butte	\$40	\$0
Colusa	\$15	\$0
Contra Costa	\$80	\$0
Del Norte	\$9	\$0
Fresno	\$79	\$79
Glenn	\$14	\$0
Humboldt	\$18	\$0
Imperial	\$18	\$0
Kings	\$20	\$20
Lake	\$20	\$20
Los Angeles	\$80	\$0
Madera	\$19	\$0
Mendocino	\$10	\$0
Merced	\$40	\$0
Modoc	\$8	\$0
Monterey	\$23	\$0
Napa	\$13	\$13
Orange	\$80	\$80
Riverside	\$80	\$0
Sacramento	\$80	\$57
San Bernardino	\$80	\$0
San Francisco	\$80	\$0
San Joaquin	\$40	\$33
San Mateo	\$24	\$24
Santa Barbara	\$39	\$39
Santa Cruz	\$25	\$25
Shasta	\$20	\$20
Solano	\$23	\$23
Sonoma	\$24	\$0
Stanislaus	\$40	\$0
Tehama	\$20	\$7
Trinity	\$16	\$0
Tulare	\$40	\$40
Tuolumne	\$20	\$20
Ventura	\$41	\$0
Yolo	\$40	\$0
Total	\$1,318	\$500

SB 1022 Funding Awards
(Dollar Amounts in Millions)

County	Award Amount	Number of Beds	Additional Construction or Renovation
Fresno	\$79	300	Program space, medical/mental health services, video visitation, laundry
Kings	\$20	24	Kitchen, vocational space, program rooms
Lake	\$20	79	Stand-alone medical/mental health building, administration building
Napa	\$13	18	Counseling rooms, job search rooms, warming/prep kitchen
Orange	\$80	384	Program space, warehouse and maintenance structures
Sacramento	\$57	26	Mental health treatment building, kitchen, laundry, pharmacy, program space
San Joaquin	\$33	384	Classrooms, vocational space, education program center, medical exam rooms
San Mateo	\$24	46	Mental health treatment center, mental health wellness pod, recreation yard
Santa Barbara	\$39	228	Treatment and program space for transitional re-entry
Santa Cruz	\$25	64	Transitional housing unit, program and vocational space, security upgrades
Shasta	\$20	64	Behavioral program space, medical screening, counseling room, intake
Solano	\$23	-	New programming facility
Tehama	\$7	64	Day reporting center, program space
Tulare	\$40	384	Day reporting center, vocational training center
Tuolumne	\$20	198	Service rooms, exercise yards, security center, kitchen, laundry, intake
Total	\$500	2,263	

Realignment. In 2011, the state approved a broad realignment of public safety, health, and human services programs from state to local responsibility. Included in this realignment were sentencing law changes requiring that certain lower-level felons be managed by counties in jails and under community supervision, rather than sent to state prison. Generally, only felony offenders who have a current or prior offense for a violent, serious, or sex offense are sentenced to serve time in a state prison. Conversely, lower-level felons convicted of non-violent, non-serious, and non-sex-related crimes (colloquially referred to as “non-non-nons”) serve time in local jails under realignment. In addition, of those felons released from state prison, generally only those with a current violent or serious offense are supervised in the

community by state parole agents, with other offenders supervised by county probation departments. Responsibility for housing state parole violators was also shifted from state prisons to county jails.

County Jail Population. After reaching a high of 84,000 inmates in September 2007, the monthly average daily jail population (ADP) declined steadily to a low of 69,000 in May 2011—a decrease of over 17 percent. After realignment, the jail population began to rise and now stands at approximately 82,000 inmates. Of those inmates, 51,000 are awaiting adjudication. Based on the BSCC’s Jail Profile Survey from the 2nd Quarter of 2013, the percentage of inmates in jail awaiting adjudication varies among counties from a high of 83 percent to a low of around 50 percent for larger counties. The statewide average is 63 percent, down from a high of 71 percent in 2010.

According to data provided by the California Probation Officers of California (CPOC), between October 2012 and March 2013, the ADP for realigned inmates incarcerated in county jails was approximately 15,000 inmates. The state and counties are still in the process of determining the average length of jail sentences for the realigned population.

Questions for the Administration. The Administration should be prepared to present the proposal and address the following questions:

1. Besides noting the amount initially requested by counties for SB 1022 jail construction funding, what analysis did the Administration do to determine that counties needed \$500 million more in jail construction funding?
2. The budget proposes establishing “SB 1022-like” requirements for the jail construction funding. However, no language has been provided detailing what the SB 1022-like requirements would be. Please provide that detail to the subcommittee. If it is not available, please explain why and when the Legislature can expect the details?
3. Did the Administration consider broadening the use of local construction grants to allow county boards of supervisors to analyze their local needs in terms of reducing their jail population? For example, perhaps certain counties are in need of treatment beds, mental health facilities or transitional housing, the availability of which might allow them to reduce their jail population and provide much needed services. Wouldn’t such an approach be more in keeping with the spirit of local control envisioned under realignment?
4. Has the Administration considered requiring that counties use risk assessments for the people in jail who are waiting to stand trial?
5. Additionally, has the Administration looked at requiring counties to develop Restoration of Custody (ROC) programs in all of their jails to better deal with the large numbers of mentally ill individuals who are incarcerated for an extended amount of time because they are found to be incompetent to stand trial and beds are not available in the state hospitals?

Legislative Analyst's Office (LAO). It is clear that realignment has resulted in an increase in the county jail population and that some county jails are not currently designed to house long-term offenders. Thus, there is likely a need for funding to support additional county jail projects. However, the Administration has not provided a detailed analysis regarding the magnitude of either programming or capacity needs and the extent to which the Governor's proposal would meet these needs. For example, the Administration has not provided an estimate of the number of additional jail beds counties need or the amount of additional rehabilitation program or health service space needed. Although the population currently exceeds capacity at some jails, we note that few of the grant projects funded from Chapter 42 monies have yet been built.

According to BSCC, it received a total of \$1.2 billion in grant requests in 2013 for jail construction that it did not fund. Although this information could suggest that the current need for additional jail funding potentially exceeds \$500 million, it is insufficient to assess the true extent of the problem. This is because it is unclear whether counties that are requesting additional jail construction funding have:

- **Maximized Alternatives to Increasing Jail Space.** Counties have significant influence over the size of their jail populations. Specifically, counties can use various tools to reduce jail populations, such as split sentences, probation, alternatives to incarceration, rehabilitation programs, flash incarceration, and aggressive pretrial release. Counties can also take other steps, such as contracting for jail space in other county jails. Counties that have not employed such tools may not necessarily need state funds for jail construction to address their jail capacity needs.
- **Planned to Make Effective Use of Program Space.** It is also unclear on the extent to which counties are requesting funding to build facilities that would be used in an effective manner. In particular, while many counties indicate they need additional program space in their jails, such space may not necessarily be used to deliver programs that can be demonstrated to be effective.
- **Identified Local Funding Sources.** In addition, it is unclear to what extent counties have attempted to identify local funding sources to address their jail construction needs.

The absence of such analysis make it more difficult for the Legislature to assess what infrastructure needs counties lack and whether the proposed \$500 million in the Governor's budget for jail construction is needed, or if a different amount would be appropriate.

LAO Recommendation. The LAO recommends that the Legislature request additional information from the Administration justifying the \$500 million in lease-revenue bonds proposed for jail construction. Specifically, they 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

Does the State Need to Invest in More Jail Construction? As noted by the Legislative Analyst's Office in their *Overview of the Governor's Budget*, the Administration has not yet provided an analysis of county jail needs or other rationale for why the level of funding proposed is needed for jail projects or what criteria would be used to award the lease-revenue funding. For example, it is not clear whether funding would be awarded in a manner to alleviate crowding or to build additional facility space for programs, such as substance abuse treatment classes. Without such information, it will be difficult for the Legislature to assess whether the additional funding will be allocated in a manner that is cost effective and in line with state priorities. The Legislature should consider requiring the Board of State and Community Corrections (BSCC) provide a needs assessment before approving any additional jail construction funding.

Are These the Right Local Facilities In Which to Invest? Rather than adding \$500 million in lease-revenue bond financing to the \$1.7 billion that is currently being distributed, the Legislature may want to consider following the examples of states like Texas, that chose to invest in building treatment facilities rather than expanding capacity. Texas found that by adding probation and parole treatment beds, halfway house beds, mental health pre-trial diversion beds, and outpatient drug treatment slots, along with increased funding for programs, they were able to reduce their prison population and save money. Studies by the Texas Public Policy Foundation found that the alternatives to incarceration implemented since 2007-08 had reduced the incarceration rate by 4.5 percent, while nationally the average state incarceration rate increased by almost one percent.

Action 1: Rejected the Governor's proposal to authorize \$500 million in lease revenue bond financing for jail construction and instead provide \$500 million in lease revenue bond financing for county construction projects designed to provide rehabilitative services and housing to individuals convicted of crimes. Those projects can include, but are not limited to, jail construction, transitional housing, day reporting centers, mental health treatment facilities, and substance abuse treatment facilities. Decisions concerning the proposed projects and subsequent grant applications shall be made by county boards of supervisors.

Vote: 3 – 0

Action 2: Rejected the Governor's placeholder trailer bill language and adopt replacement placeholder language expanding construction possibilities to include other types of facilities in addition to jails, such as mental health treatment facilities, day reporting centers, transitional housing, or substance abuse treatment facilities. County Boards of Supervisors would be responsible for developing the proposals and submitting grant applications.

Vote: 2 – 1 (Anderson: No)

Issue 6: Public Safety Trailer Bill

Governor's Proposal. The Administration has proposed trailer bill language related to state and local public safety issues.

Note on All Actions in This Item: The Governor's proposed trailer bill language is adopted as draft language with the understanding that staff will continue to work with the Administration and stakeholders on the final language.

The proposals for the subcommittee's consideration are:

1. **Custody Credits for Electronic Monitoring/Work Furlough**—Eliminates the discrepancy in credit earning eligibility at the local level, allowing participants in electronic monitoring and/or work furlough programs to earn credits at the same rate, whether their participation is voluntarily or involuntarily.

Action: Approved Vote: 2 – 1 (Anderson: No)

2. **Allocations for Law Enforcement Services Account Programs – Juvenile Reentry Grant Minimums**—Clarifies that under public safety realignment the \$15,000 minimum per juvenile is no longer guaranteed because under realignment there is a fixed amount of available funding based upon dedicated revenues rather than upon caseload. Under realignment, JRG allocations will vary based upon the amount of funding deposited into the special account.

Action: Approved Vote: 3 – 0

3. **Enhancing Law Enforcement Activities Subaccount (ELEAS) Cleanup**—The current allocation percentages for each program under Penal Code Section 13821 total 100.00000001 percent. These programs are within the ELEAS in the Law Enforcement Services Account within the Local Revenue Fund 2011. The proposed language reduces the High Technology Theft Apprehension and Prosecution Program in order to correct the error.

Action: Approved Vote: 3 – 0

4. **Felony Disposition Data for Youthful Offender Block Grant (YOBG)**—Requires the Department of Justice to annually provide the number of juvenile felony court dispositions by county for the previous calendar year. This information needs to be collected annually in order to provide for the timely allocation of YOBG funding. The current language only refers to the “most recent data.”

Action: Approved Vote: 3 – 0

5. **Funding for the Administrative Office of the Courts for SB 678 and Realignment Data Collection**—Specifies that the \$1 million appropriation for the Administrative Office of the Courts for SB 678 and realignment data collection is an annual

appropriation. Existing statute states that the current appropriation is available for encumbrance and expenditure only until June 30, 2014.

Action: Approved Vote: 3 – 0

6. **Mandatory Supervision Beginning Upon Release Technical Clean-Up**—SB 76 amended penal code 1170(h) to clarify that the period of mandatory supervision begins upon release from custody. While SB 76 applied the change to the section that became operative on January 1, 2014, SB 463 was subsequently chaptered to change the operative date to January 1, 2017. Therefore, the amendment in SB 76 needs to be applied to the section that is now operative until January 1, 2017, as well.

Action: Approved Vote: 3 – 0

7. **Delete the Sunset for the County-to-County Transfer of Inmates**—Make permanent the authority to allow a county to contract with another county for the housing of their inmates.

Action: Modify the draft language to extend the current sunset by an additional two years, rather than removing the sunset altogether.

Vote: 3 – 0