



## CALIFORNIA PROBATION, PAROLE AND CORRECTIONAL ASSOCIATION

To: All CPPCA Members

From: Danielle Higgs, Legislative Representative, [Danielle@warnerandpank.com](mailto:Danielle@warnerandpank.com)

Date: January 9, 2014

Re: Governor Brown Releases Proposed January 2014-15 Budget

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Today, Governor Brown released his proposed 2014-15 budget. The budget proposes approximately \$155 billion in spending, but also reflects the Governor's stated desire to continue to be prudent in the way we spend public funds despite the more positive economic turn. Subsequently, the budget represents a strong commitment to public safety among other key program areas.

The public safety chapter is written to encapsulate historical policy changes into a narrative consistent with the state's court filings and in an effort to be persuasive to the Three Judge Panel as they contemplate how to enforce the 137.5 capacity cap. The budget assumes the court will grant a 2 year extension to meet the population cap to allow the Administration to continue their reform efforts. The budget goes on to make some significant budget and policy changes to implement Realignment. In all, the budget supports efforts in probation and public safety and proposes more jail construction, split sentence presumption and a bright line for those sentenced for 10 years or more to serve time in state prison.

Please note that this is the Governor's proposed January Budget, which will eventually turn into the May Revision, and then be turned over to the Legislature for review and changes. The final budget is due to the Governor by June 15 and must be signed into law by July 1, 2014.

You can access the full budget summary at: <http://www.ebudget.ca.gov/FullBudgetSummary.pdf>

### **OVERVIEW**

- The budget calls for spending \$154.9 billion from all funds, including \$106.8 billion from the general fund.
- Make a \$1.6 billion payment into the state's Rainy Day Fund.
- Directs \$967 million to a Special Fund for Economic Uncertainties.
- Directs approximately \$11 billion to pay off past budgetary borrowing.
- Includes an \$815 million package of investment to address deferred maintenance projects in state parks, on highways, local streets and roads and at K-12 schools, community colleges, courts, prisons, state hospitals and other state facilities.

### **PUBLIC SAFETY DETAILS**

- **Presumption of Split Sentences (Pages 83-84)** - Any county jail felony sentence will be split unless the court makes a finding that in the interest of justice based on the particular facts of the case it is appropriate to impose a straight sentence.

- **SB 678 (Page 75)** – As a result of statutory changes contained in SB 105 signed last year, the funding formula for SB 678 is projected to be \$128 million out of the general fund in 2014-15. The formula is based on a \$29,491 per inmate cost. Without this change SB 678 would have been \$42 million this fiscal year.
- **AB 109 Allocation (Pages 86-87)** - While there is a discussion about the history and process there is no new allocation formula proposed at this time. The only statement is that the allocation should continue to be flexible for the next several years as we gather more reliable data. The CSAC Realignment Allocation Committee (RAC) is actively meeting to come up with an allocation formula. CSAC will present a recommendation to Finance and they can do the allocation administratively through the State Controller's Office.
- **AB 109 Growth (Page 54)** - Projected at \$159.8 million in 14-15 for the Community Corrections Subaccount. While this number is significant, please note that this number can fluctuate as it did last year based on tax receipts collected throughout the year.
- **CCP Implementation Grants (Page 82)** - \$7.9 million is again proposed in the 14-15 budget year to go out to the counties that report on their efforts to the BSCC.
- **Recidivism Reduction Fund (RRF) (Pages 90-91)** - As a part of the SB 105 deal struck last year, a Recidivism Reduction Fund was established to be funded by any savings to the state based on receiving an extension from the federal courts which then would eliminate the need to buy as many out of state beds to meet the population cap. The Administration proposes the budget with the assumption that they will receive a two year extension from the courts. ***If*** that transpires the Administration proposes the following expenditures from the RRF:
  - *Augmenting State Prison budget for Substance Use Disorder Treatment* - \$11.8 million for 10 non-reentry hubs and \$9.7 million to in-state contracted facilities.
  - *Integrated Services for Mentally Ill Parolees* - \$11.3 million to allow CDCR to expand the slots from 600 to 900 in 14-15.
  - *State Reentry Hub (Northern Ca Reentry Facility, Stockton)* - \$8.3 million to renovate 600 bed facility. Renovations projected to take over two years.
  - *State Reentry in the Community* - \$40 million for a variety of reentry programs intended for inmates within one year of release. This can be addressed in several models, including programs in county jails or in an appropriate state, local or private community facility. The intent would be to allow state corrections and county probation to work with these offenders prior to release.
- **SB 105 Process (Pages 87-88)** - Governor has tasked the Chair of the BSCC to hold stakeholder meetings as required by SB 105 to collect broad input on criminal justice reforms. An interim report will be sent to the Legislature April 1, 2014; however they cite mental health and substance use disorders as a common theme and the use of split sentences as being raised in these early discussions.
- **Court Ordered Efforts regarding State Capacity (Pages 76-77)** - While these are not new budget proposals by the Governor they were ordered in the Three Judge Panel filings last summer and will continue to be implemented along with the other reforms outlined in the budget and increase capacity solutions:
  - *Medical Parole* – expansion of the current program to cover more inmates with severe physical or cognitive conditions.

- *Elderly Parole* – Inmates 60 years or older who have served 25 years of their sentence can appeal to the Board of Parole Hearings for determining suitability for parole. Inmate must be determined not to pose an unreasonable risk to public safety.
- *Credit Enhancements* – Increase non-violent second strike inmate eligibility for good time credits from 20 percent to 33.3 and make them eligible for milestone credits for program completion. This will only be done on a prospective basis. Any offenders released earlier than their projected release date will go on to parole until the time they would have been eligible for PRCS release. Any parole revocation on this population would be served in state prison.
- **Long Term Offenders (Page 85)** – Recognizing that jails are not intended to house overly long sentences, the Administration proposes sentences over 10 years be eligible for state prison. They recognize they must balance this issue with the 137.5 capacity threshold but their estimates have this at approximately 300 offenders on an annual basis. The proposal is vague on the details surrounding how this might be implemented and in briefings the Administration vows to work with the stakeholders to implement. The change can also only take place if the Administration is “successful in its efforts to meet its court-ordered population cap”.
- **Fire Camp Expansion (Page 82)** - In an effort to address the impact of longer term offenders on jails, CDCR has agreed to reduce the daily rate to send a jail inmate to a CDCR Fire Camp to \$10 per day after \$81 per day during training.
- **Jail Facilities (Page 84)** – An additional \$500 million in lease-revenue bonds is being proposed for SB 1022-type facilities. There will be a 10% county match. Any application for these funds shall include documentation of the use of risk assessment for the use of pre-trial programming.
- **Augmentation to Support City Law Enforcement Activities (Page 81)** – The Budget includes \$27.5 million in 2014-15 for cities for front line law enforcement activities.

## CDCR

A total of \$9.8 billion is proposed for 2014-15 CDCR budget. There is an overall discussion on population and projections. DJJ population is at 711 for 2013-14, which is slightly higher than last year’s budget projections but is projected to go down to 645 in 2014-15. There are no proposals related to changes within DJJ. There is an acknowledgment of the various ongoing court cases and adjustments being done to meet some of the federal oversight. Other significant CDCR expenditures proposed (Page 93):

- \$61.7 million to expand Basic Correctional Officer Academy capacity from 720 to 3,400 cadets. Expansion efforts are needed due to the high vacancy rate related to retirements and attrition.
- \$14 million to establish enhanced drug and contraband interdiction program.
- \$75 million increase for worker’s compensation costs.

## MENTAL HEALTH

- **Federal Health Care Reform (Page 6)** - The Budget commits \$670 million in new General Fund spending to fund the expansion of Medi-Cal benefits, including mental health, substance use disorder, adult dental, and specialized nutrition services.

## JUDICIAL BRANCH

- Augments the Judicial Branch’s budget by \$100 million for trial court operations and \$5 million to support the state judiciary (Page 123).

## STATE HOSPITALS (Pages 58-59)

- **Incompetent to Stand Trial (IST) Workgroup** - The Administration has engaged in an ongoing series of meetings with stakeholders to work on issues related to the IST population with the goal of improving coordination to reduce the waitlist. The Budget includes \$27.8 million General Fund to increase IST bed capacity by 105 beds to help ameliorate the waitlist. The Administration will continue to work with county partners and other stakeholders on the larger IST system issues.
- **Patient Management Unit** — Currently, DSH has no centralized intake management of its patient population. Referrals are made from individual courts to individual hospitals, regardless of current capacity at each facility. This lack of coordination leads to inefficient use of state hospital resources and results in ad hoc management of bed capacity. The Budget includes \$1.1 million General Fund to establish a Patient Management Unit to centralize admissions and transfers. The unit will improve utilization of beds, and direct patients to the hospital most appropriate for their individual needs, thereby reducing the waitlist.
- **Coleman** — The Budget includes \$26.3 million General Fund to keep 137 beds active in the psychiatric programs at Salinas Valley and Vacaville to maintain sufficient capacity for DSH to serve *Coleman* patients during the activation of the California Health Care Facility in Stockton.

## OTHER ITEMS

- **Marijuana Related Enforcement (Page 109)** - \$1.5 million from various special funds and seven positions to investigate and enforce violations of illegal streambed alterations and the Endangered Species Act associated with marijuana production. Currently, marijuana cultivation is threatening water supply, water quality, and the sensitive habitat of endangered species. This proposal will be a coordinated effort with the Water Board.

**Community Corrections Performance Incentive Act of 2009  
Fiscal Year 2014-15 Allocations**

High Performance Grant Funding Availability:

13,025,525

County	Population 18 - 25	High Performance Eligible	High Performance Award Amount	Tier Payment Award Amount	Tier Payment High Performance Grant No Payment	Finalized Tier/HPG Payment Amount to County	Final Payment Including Undistributed Funds
<b>California</b>	4,596,958		13,025,525	116,239,730		122,376,350	126,992,805
Alameda	157,932	No	-	1,699,344	Tier Payment	1,699,344	1,699,344
Alpine	145	No	-	-	No Payment	-	200,000
Amador	4,782	No	-	-	No Payment	-	200,000
Butte	35,616	No	-	-	No Payment	-	200,000
<b>Calaveras</b>	<b>5,381</b>	<b>Yes</b>	<b>172,301</b>	<b>529,832</b>	<b>Tier Payment</b>	<b>529,832</b>	<b>529,832</b>
Colusa	3,223	No	-	48,128	Tier Payment	48,128	200,000
<b>Contra Costa</b>	<b>124,594</b>	<b>Yes</b>	<b>3,989,543</b>	-	<b>High Performance Grant</b>	<b>3,989,543</b>	<b>3,989,543</b>
Del Norte	4,477	No	-	-	No Payment	-	200,000
El Dorado	20,198	No	-	-	No Payment	-	200,000
Fresno	133,330	No	-	5,274,109	Tier Payment	5,274,109	5,274,109
Glenn	4,162	No	-	-	No Payment	-	200,000
Humboldt	19,617	No	-	234,335	Tier Payment	234,335	234,335
Imperial	26,443	No	-	-	No Payment	-	200,000
Inyo	2,302	No	-	-	No Payment	-	200,000
Kern	121,395	No	-	1,760,111	Tier Payment	1,760,111	1,760,111
Kings	23,424	No	-	1,099,217	Tier Payment	1,099,217	1,099,217
Lake	7,295	No	-	141,713	Tier Payment	141,713	200,000
Lassen	6,093	No	-	-	No Payment	-	200,000
Los Angeles	1,202,552	No	-	51,721,663	Tier Payment	51,721,663	51,721,663
Madera	16,681	No	-	1,462,922	Tier Payment	1,462,922	1,462,922
Marin	25,497	No	-	-	No Payment	-	200,000
Mariposa	1,910	No	-	76,500	Tier Payment	76,500	200,000
Mendocino	11,391	No	-	-	No Payment	-	200,000
<b>Merced</b>	<b>38,296</b>	<b>Yes</b>	<b>1,226,251</b>	<b>1,078,758</b>	<b>High Performance Grant</b>	<b>1,226,251</b>	<b>1,226,251</b>
Modoc	1,370	No	-	-	No Payment	-	200,000
Mono	1,688	No	-	81,703	Tier Payment	81,703	200,000
Monterey	53,109	No	-	-	No Payment	-	200,000
Napa	15,607	No	-	3,123	Tier Payment	3,123	200,000
<b>Nevada</b>	<b>11,202</b>	<b>Yes</b>	<b>358,692</b>	-	<b>High Performance Grant</b>	<b>358,692</b>	<b>358,692</b>
Orange	359,499	No	-	6,348,848	Tier Payment	6,348,848	6,348,848
Placer	38,537	No	-	503,162	Tier Payment	503,162	503,162
Plumas	2,654	No	-	289,745	Tier Payment	289,745	289,745
Riverside	301,068	No	-	2,735,321	Tier Payment	2,735,321	2,735,321
Sacramento	171,231	No	-	20,715,027	Tier Payment	20,715,027	20,715,027
San Benito	8,621	No	-	255,400	Tier Payment	255,400	255,400
San Bernardino	293,827	No	-	4,136,956	Tier Payment	4,136,956	4,136,956
San Diego	362,422	No	-	-	No Payment	-	200,000
<b>San Francisco</b>	<b>50,924</b>	<b>Yes</b>	<b>1,630,604</b>	<b>1,157,427</b>	<b>High Performance Grant</b>	<b>1,630,604</b>	<b>1,630,604</b>
<b>San Joaquin</b>	<b>97,322</b>	<b>Yes</b>	<b>3,116,284</b>	<b>3,014,526</b>	<b>High Performance Grant</b>	<b>3,116,284</b>	<b>3,116,284</b>
San Luis Obispo	40,517	No	-	-	No Payment	-	200,000
San Mateo	68,447	No	-	515,223	Tier Payment	515,223	515,223
Santa Barbara	53,796	No	-	1,696,915	Tier Payment	1,696,915	1,696,915
Santa Clara	176,723	No	-	954,874	Tier Payment	954,874	954,874
<b>Santa Cruz</b>	<b>33,290</b>	<b>Yes</b>	<b>1,065,957</b>	-	<b>High Performance Grant</b>	<b>1,065,957</b>	<b>1,065,957</b>
Shasta	24,053	No	-	1,110,904	Tier Payment	1,110,904	1,110,904
Sierra	469	No	-	-	No Payment	-	200,000
Siskiyou	5,737	No	-	271,436	Tier Payment	271,436	271,436
Solano	53,761	No	-	920,429	Tier Payment	920,429	920,429
Sonoma	58,071	No	-	1,270,371	Tier Payment	1,270,371	1,270,371
Stanislaus	71,751	No	-	-	No Payment	-	200,000
Sutter	12,456	No	-	1,096,953	Tier Payment	1,096,953	1,096,953
Tehama	8,734	No	-	-	No Payment	-	200,000
<b>Trinity</b>	<b>1,813</b>	<b>Yes</b>	<b>58,053</b>	<b>180,657</b>	<b>Tier Payment</b>	<b>180,657</b>	<b>200,000</b>
Tulare	64,872	No	-	1,204,550	Tier Payment	1,204,550	1,204,550
<b>Tuolumne</b>	<b>6,945</b>	<b>Yes</b>	<b>222,381</b>	<b>346,318</b>	<b>Tier Payment</b>	<b>346,318</b>	<b>346,318</b>
Ventura	101,859	No	-	-	No Payment	-	200,000
<b>Yolo</b>	<b>37,022</b>	<b>Yes</b>	<b>1,185,457</b>	<b>2,251,503</b>	<b>Tier Payment</b>	<b>2,251,503</b>	<b>2,251,503</b>
Yuba	10,825	No	-	51,728	Tier Payment	51,728	200,000

Current Statewide Probation Revocation Rate:	6.02%
State Cost Avoidance Per ADP:	29,491
<b>Total Deposit into State Fund:</b>	<b>129,265,255</b>
Amount Distributed to Counties After Payment Decision:	122,376,350
AOC Administrative Costs Est.:	1,000,000
<b>Total Expenditure Level:</b>	<b>123,376,350</b>
Funding Not Distributed:	5,888,904