

## 2011 CRIMINAL JUSTICE REALIGNMENT FACT SHEET

### CONTRA COSTA COUNTY

November 02, 2011

#### Statewide View:

The 2011/12 State Budget provides \$6.3 billion to local governments (primarily counties) to fund various criminal justice, health, and social services programs. The \$6.3 billion comes from a shift of existing state and local tax revenues.

The California Legislature passed the Public Safety Realignment Act (Assembly Bill 109), which transfers responsibility for supervising specific low-level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties. Assembly Bill 109 (AB 109) took effect October 1, 2011 and realigns three major areas of the criminal justice system. On a prospective basis, the legislation:

- a. Transfers the location of incarceration for lower-level offenders, the Non-Non-Non (specified non-violent, non-serious, non-sex offenders) from state prison to local county jail and provides for an expanded role for post-release supervision for these offenders;
- b. Transfers responsibility for post-release supervision of lower-level offenders (those released from prison after having served a sentence for a non-violent, non-serious, and non-sex offense) from the state to the county level by creating a new category of supervision called Post-Release Community Supervision (PRCS);
- c. Transfers the housing responsibility for parole and PRCS revocations to local jail custody

The State's Realignment of Public Safety Programs will result in significant increase in prisoners assigned to County Probation and County Facilities. Preliminary discussions by the Community Corrections Partnership (CCP) would indicate that the anticipated impacts from the transfer of prisoners from the State to the County are likely to significantly exceed the amount of funds we will receive for reimbursement.

While there is a promise of funding beyond FY 2011/12, there is no guarantee. Counties are actively seeking a constitutional amendment to secure a guarantee of continued funding to support the shifted responsibilities. Absent a constitutional amendment, all program realignments would continue as would the diversion of state and local tax revenues, but with no assurance of adequacy. The state would be vulnerable to county claims for mandate reimbursements to the extent that counties are required to subsidize the costs of the realigned programs.

The current and former realignment (1991) of state responsibilities to local government were enacted, in part, because of a multi-billion dollar state fiscal shortfall and also with the belief that outcomes would be improved.

Currently, State sales tax and VLF revenues are not being realized at projected levels and counties are at risk of being under-funded in FY 2011/12 for the newly realigned programs. The only programs that are guaranteed funding in FY 2011/12 are the Local Law Enforcement Services; however, that funding guarantee is secured not by the State General Fund but by the State Realignment Account; therefore, any shortfall in sales tax or VLF revenue will result in reduced realignment allocations to counties.

**Contra Costa County View:**

The budget legislation establishes myriad formulas to determine how much revenue is deposited into each state program account and, from there, how each account is then distributed to counties for FY 2011/12, but not beyond 2012. The budget does not permit counties to shift funds among the various realigned programs.

The formula used to apportion state funds to counties for the newly realigned responsibilities for non-violent adult offenders and state parolees unfairly places Contra Costa, Alameda, and San Francisco counties at a fiscal disadvantage as compared to other counties. Contra Costa County is now characterized as a “donor” county in that we appear to subsidize the programs of other counties to the detriment of our own programs.

**Formula elements:**

- 60% County’s anticipated Average Daily Population (CA Dept of Finance)
- 30% County’s total population aged 18-64 (Census)
- 10% County’s performance under SB 678 (experimental program providing counties incentive and high performance funding for successful reduction in the number of probation failures committed to state prison through the use of evidence-based practices)

Since Contra Costa County has historically sent a disproportionately low number of offenders to state prison, our 2011/12 allocation under this formula of \$4.5 million is low and does not reflect our crime and arrest rates.

**Contra Costa County AB 109 Spending Plan, FY2011-2012**

<b>Agency</b>	<b>FY2011-2012 (9-Month) Budget</b>	<b>Percent of Total FY2011- 2012 (9-Month) Budget</b>
Sheriff's Office	\$2,489,750	54.4%
Probation Department	\$1,025,596	22.4%
Health Services	\$ 895,109	19.6%
Office of the Public Defender	\$ 94,995	2.1%
District Attorney Office	\$ 67,500	1.5%
<b>Sub-Total</b>	<b>\$4,572,950</b>	<b>100%</b>
DA & Public Defender (Parole Rev)	<u>163,920</u>	
<b>Total</b>	<b>4,736,870</b>	

**First three weeks of experience...**

The Sheriff currently has 90 parole violators in custody, which is nearly **exactly what was projected** for the first month.

The Sheriff currently has 18 AB 109 new commitments to "County Prison", which is **50% higher** than projected.

The Sheriff has held no offenders on a "flash incarceration" to date.

Probation received 16 PRCS offenders in October as compared to the 24 projected/mo. However, Probation is expecting 38 new cases in November, which when added to October's count equals 54, which is **12.5% higher** than projected.

The County has received the first of nine monthly AB 109 payments in the amount of \$287,000, representing three weeks of state revenue. If annualized, this payment reflects a future funding stream of about \$3.4 million, which is about **\$1.3 million short** of the promised amount. It is very early to make a long-term projected, however, this is the best information we have at this time.

### **The Work Continues...**

The Community Corrections Partnership (CCP) will meet again on December 1 and January 5 at 6:00 p.m. at the Probation Department Madrone Room (2<sup>nd</sup> floor). These are public meetings.

The CCP will establish a community advisory body and anyone interested in serving may contact the County Probation Officer.

The Superior Court is convening a staff committee to study the bail schedule and sentencing practices in an effort to reduce the pre-sentence population in jail custody.

Justice department staff will continue to train and hone knowledge and skills on evidence-based practices and risk assessment tools.

The CCP will continue to work with community stakeholders to develop and implement successful rehabilitative and social programs to help transition released offenders back into the community.

The Sheriff continues to explore options for increasing jail capacity to address inmate classification issues.

The County continues to lobby for changes to the AB 109 funding distribution formula to secure a more equitable funding allocation that recognizes the population and crime and arrest rates in Contra Costa County.

The County continues to support CSAC's efforts to secure a constitutional amendment to protect realignment funding from state raids.

### **Community Corrections Partnership (CCP) Executive Committee**

Diana Becton, Presiding Judge

Cynthia Belon, Health Services

Philip Kader, Chief Probation Officer (Chair)

Robin Lipetzky, Public Defender

David Livingston, Sheriff-Coroner

Chris Magnus, Chief, Richmond Police Department

Mark A. Peterson, District Attorney