

Public Safety Restructuring Package – Concept Description**Summary of Funding Amounts Provided by Component (Sub-Account #1)***(in millions of dollars)*

Component	2010-11	2011-12	2012-13	2013-14
Funding for Management of Wobbler Offenders	\$375	\$773	\$796	\$820
Parole realignment pilot	\$0	\$20	\$40	\$40
Youth Offender Block Grant	\$92	\$95	\$98	\$101
COPS/JJCPA	\$0	\$455	\$469	\$483
Totals	\$467	\$1,343	\$1,403	\$1,444

Component 1 – Funding for Management of Wobbler Offenders

- **Description.** Provide counties with revenues associated with the state’s cost to incarcerate offenders convicted and sent to prison for wobbler crimes. The funding “follows” the offender. To the extent that those resources are used to manage the offender locally, for example with jail, probation, drug courts, or other programs, the county would retain the revenue. If an offender was sent to state prison, the revenue would be transferred to the state. Would apply prospectively only, to those offenders convicted after the implementation of the policy.
- **Background.** Current law permits various lower level crimes to be prosecuted as either misdemeanors or felonies. These crimes are frequently referred to as “wobblers” and primarily include drug and property crimes such as possession of a controlled substance, petty theft with a prior, receiving stolen property, forgery/fraud, and vehicle theft. There are currently about 40,000 inmates in state prison convicted of wobbler offenses.
- **Policy Rationale.** This option is preferable to the Governor’s three-year jail term proposal on several counts, including:
 - Greater long-term state fiscal savings.
 - Significantly more funding to counties to manage increased responsibilities. Doesn’t provide funding in arrears.
 - Maintains prosecutorial discretion to charge wobblers as felonies if case warrants prison term.
 - Provides locals and courts greater flexibility regarding housing and supervision options.
 - Improves public safety over longer-term to the extent counties use funds to expand and improve local public safety and treatment infrastructures.

- **Implementation.** Minimal state implementation effort required. Due to existing jail and probation capacity limitations, some counties may continue to send most of their wobbler offenders to state prison in the near term, but this is permissible under proposed structure. Need to determine amount of flexibility to allow counties in distribution of funding among various law enforcement and treatment agencies. Assumes January 1, 2011 implementation date.

Component 2 – Parole Realignment Pilot

- **Description.** Pilot parole realignment in four counties. Major components of parole realignment include being released to the jurisdiction of the court upon completion of prison term, supervision by county probation, and serving revocation time in county jail. Definition of which offenders were subject to parole realignment could be structured different ways. This plan assumes that all parolees with wobbler offenses would be subject to realignment in the pilot counties.
- **Background.** There are roughly 110,000 parolees statewide, and about 44 percent of these offenders have wobbler controlling offenses. There are about 16,000 state parolees currently housed in county jails or state prison on a revocation term or awaiting their revocation hearing. There are about 68,000 administrative revocations each year. (These figures do not include the impact of non-revocable parole.)
- **Policy Rationale.** This option has the potential to have several benefits in the pilot counties, including:
 - Reduced “churning” of short-term offenders in and out of state prison, particularly in expensive reception centers.
 - More local control of criminal justice outcomes via court system rather than Sacramento-based Board of Parole Hearings.
 - Better public safety outcomes because state courts are better able to connect offenders to local county and community-based services, as well as provide immediate sanctions, such as flash incarceration, when appropriate.
 - By piloting approach, state can evaluate outcomes to determine whether parole realignment should be expanded in the future.
- **Implementation.** Significant implementation efforts required in the pilot counties, particularly by the courts and probation, as well as CDCR. Some of the most significant implementation issues that would need to be addressed are expansion of court calendars and caseloads; determining the appropriate allocation of resources to courts and county agencies; addressing jail overcrowding; and how to coordinate transition of offenders from CDCR to probation. It would also be necessary to select which four counties participated in the pilot. For these reasons, we assume a phased-in realignment that does not begin until 2011-12.

Component 3 – Youth Offender Block Grant

- **Description.** Provide Youth Offender Block Grant (YOBG) funding through this revenue stream, rather than from state General Fund.
- **Background.** The YOBG was established under SB 81 (2007) and provides counties with \$92 million for purposes of supervising lower level wards adjudicated by juvenile courts and supervised by county probation departments instead of being sent to state juvenile facilities. This block grant is currently paid from the state General Fund.
- **Policy Rationale.** This change would relieve the state of a General Fund cost and provide the funding directly to local probation agencies. Senate plan provides for growth with inflation, unlike current law.
- **Implementation.** No significant implementation required by state or counties.

Component 4 – COPS/JJCPA

- **Description.** Maintain existing funding stream for certain local public safety programs funded by .15 increase in VLF. Programs funded include Citizens Options for Public Safety (COPS), Juvenile Justice Crime Prevention Act (JJCPA), juvenile probation and camps funding, and booking fees, among others.
- **Background.** Funding for various local law enforcement programs had been provided for from the General Fund prior to 2009-10. Funding was shifted to VLF increase approved as part of the February 2009 special session. This increase is scheduled to sunset at the end of 2010-11.
- **Policy Rationale.** If the VLF increase is allowed to expire, the Legislature will be faced with the choice eliminating this funding source for local public safety programs or adding almost a half billion dollars in new annual General Fund costs beginning in 2011-12.
- **Implementation.** No significant implementation required by state or counties.