

5225-001-0001 Corrections and Rehabilitation  
 Public Safety Agenda, Page 4  
 Issue 165 – Offenders with Sentences of Three Years or Less Serve Locally

Conference Compromise

- Reject Governor’s Three-Year Jail Term proposal.
- (Conforming issue) funding from 0.5 percent Vehicle License Fee (VLF).
- Approve Trailer Bill Language to dedicate these revenues to local public safety programs, as outlined below.
- Approve creation of Board of Community Corrections.

**Summary of Restructuring Funding Amounts Provided by Component**  
*(In millions of dollars)*

<b>Component</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>
1. Funding for Management of Wobbler Offenders	\$375	\$773	\$796	\$820
2. Parole realignment pilot	\$0	\$20	\$40	\$40
3. Youth Offender Block Grant	\$92	\$95	\$98	\$101
4. Local subvention programs <sup>(a)</sup>	\$0	\$455	\$469	\$483
<b>Totals</b>	<b>\$467</b>	<b>\$1,343</b>	<b>\$1,403</b>	<b>\$1,444</b>

<sup>(a)</sup> Funding in 2010-11 already provided through existing VLF revenues.

## **Component 1 – Funding for Management of Wobbler Offenders**

- **Description.** Provide counties with resources 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. Does not 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. May need to address longer-term local capacity needs. Assumes January 1, 2011 implementation date.

## **Component 2 – Parole Realignment Pilot**

- **Description.** Pilot parole realignment in four counties. Major components of realignment include release to the jurisdiction of the court upon completion of prison term, supervision by county probation, revocation proceedings conducted by local courts, and revocation time served in county jail. This plan assumes that all offenders 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.
- **Policy Rationale.** The LAO has recommended parole realignment in the past on policy merits. 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 and probation caseloads; determining appropriate allocation of resources to courts and county agencies; addressing jail overcrowding; and how to coordinate transition of offenders from CDCR to probation. This assumes 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 – Local Subvention Programs**

- **Description.** Maintain existing funding stream for 16 local public safety programs funded by .15 percent of VLF that will otherwise expire at the end of 2010-11. Programs funded include Citizens Options for Public Safety (COPS), Juvenile Justice Crime Prevention Act (JJCPA), juvenile probation and camps funding, and booking fees.
- **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 as part of the February 2009 special session. This funding source 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 of eliminating these local public safety programs or adding about a half billion dollars in new annual General Fund costs beginning in 2011-12.
- **Implementation.** No significant implementation required by state or counties.