

**SOLANO  
City-County Coordinating Council**

MEMBERS

Jack Batchelor  
Chair  
*City of Dixon*

Linda J. Seifert  
Vice Chair  
*Supervisor, Solano  
County, District 2*

Elizabeth Patterson  
*Mayor, City of Benicia*

Harry Price  
*Mayor, City of Fairfield*

Norman Richardson  
*Mayor, City of Rio Vista*

Pete Sanchez  
*Mayor, City of Suisun  
City*

Steve Hardy  
*Mayor, City of Vacaville*

Osby Davis  
*Mayor, City of Vallejo*

Erin Hannigan  
*Supervisor, Solano  
County, District 1*

Jim Sperring  
*Supervisor, Solano  
County, District 3*

John Vasquez  
*Supervisor, Solano  
County, District 4*

Skip Thomson  
*Supervisor, Solano  
County, District 5*

SUPPORT STAFF:

Birgitta Corsello  
*Solano County  
Administrator's Office*

Michelle Heppner  
*Solano County  
Administrator's Office*

Daryl Halls  
*Solano Transportation  
Authority*

Sean Quinn  
*City of Fairfield*

**AGENDA**

**September 12, 2013**

Location - Solano County Water Agency, Berryessa Room,  
810 Vaca Valley Parkway, Suite 203, Vacaville, CA.

**7:00 P.M. Meeting**

**PURPOSE STATEMENT – City County Coordinating Council**

“To discuss, coordinate, and resolve City/County issues including but not necessarily limited to land use, planning, duplication of services/improving efficiencies, as well as other agreed to topics of regional importance, to respond effectively to the actions of other levels of government, including the State and Federal government, to sponsor or support legislation at the State and Federal level that is of regional importance, and to sponsor or support regional activities that further the purpose of the Solano City-County Coordinating Council.”

*Time set forth on agenda is an estimate. Items may be heard before or after the times designated.*

**ITEM**

**AGENCY/STAFF**

**I. CALL TO ORDER (7:00 p.m.)**

Roll Call

**II. APPROVAL OF AGENDA (7:00 p.m.)**

**III. OPPORTUNITY FOR PUBLIC COMMENT (7:05 p.m.)**

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter of the jurisdiction of the agency and which is not on the agency's agenda for that meeting. Comments are limited to no more than 5 minutes per speaker. By law, no action may be taken on any item raised during public comment period although informational answers to questions may be given and matter may be referred to staff for placement on future agenda.

This agenda shall be made available upon request in alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42U.S.C.Sec12132) and the Ralph M. Brown Act (Cal.Govt.Code Sec.54954.2) Persons requesting a disability-related modification or accommodation should contact Jodene Nolan, 675 Texas Street, Suite 6500, Fairfield CA 94533 (707.784.6108) during regular business hours, at least 24 hours prior to the time of the meeting.

**IV. CONSENT CALENDAR**

- a. Approval of Minutes for May 9, 2013  
(Action Item)

Chair Batchelor

**V. DISCUSSION CALENDAR**

1. Healthcare Reform Update  
(7:00 p.m. – 7:45 p.m.)

Presenters: Bela Matyas, Health Officer,  
Solano County Department of Health  
and Social Services

2. P4 (Public-Public / Public-Private Partnerships) - Community Partnership Initiative – Oral Report  
(7:45 p.m. – 8:00 p.m.)

Presenters: Sean Quinn, City Manager, City of Fairfield, and Sandy Persons, President, Solano Economic Development Corporation

3. Legislative Update  
(8:00 p.m. – 8:30 p.m.)

Presenters: Michelle Heppner, Solano County, Paul Yoder, Shaw, Yoder, Antwih, LLC. And Nancy Bennett, League of California Cities

## **VI. ANNOUNCEMENTS**

## **VII. CCCC CLOSING COMMENTS**

**ADJOURNMENT:** The next City-County Coordinating Council meeting is scheduled for November 14, 2013 at 7:00 p.m. at the Solano County Water Agency – Berryessa Room, 810 Vaca Valley Parkway, Suite 203, Vacaville, CA.

**CITY-COUNTY COORDINATING COUNCIL  
May 9, 2013 Meeting Minutes**

The May 9, 2013 meeting of the Solano City-County Coordinating Council was held in the Berryessa Room at the Solano County Water Agency located at 810 Vaca Valley Parkway, Ste 303, Vacaville, CA 95688.

**I. Roll and Call to Order**

**Members Present**

Jack Batchelor, Chair	Mayor, City of Dixon
Linda Seifert, Vice	Solano County Board of Supervisors (District 2)
Elizabeth Patterson	Mayor, City of Benicia
Harry Price	Mayor, City of Fairfield
Steve Hardy,	Mayor, City of Vacaville
Osby Davis	Mayor, City of Vallejo
Erin Hannigan	Solano County Board of Supervisors (District 1)
Jim Spering	Solano County Board of Supervisors (District 3)
John Vasquez	Solano County Board of Supervisors (District 4)
Skip Thomson	Solano County Board of Supervisors (District 5)

**Members Absent:**

Pete Sanchez	Mayor, City of Suisun
Norm Richardson	Vice Mayor, City of Rio Vista

**Staff to the City-County Coordinating Council Present:**

Birgitta Corsello	County Administrator, Solano County
Sean Quinn	City Manager, City of Fairfield
Michelle Heppner	Legislative, Intergovernmental, & Public Affairs Officer, Solano County

**Other Staff Present**

David Okita	General Manager, Solano County Water Agency
Bob Macaulay	Director of Planning, Solano Transportation Authority

**I. Meeting Called to Order**

The meeting of the City-County Coordinating Council called to order at 7:00 pm.

**II. Approval of Agenda**

*Motion to approve the Agenda was made by Mayor Patterson and seconded by Mayor Hardy. Agenda approved by 10-0 vote.*

**III. Opportunity for Public Comment**

There were no public comments.

#### **IV. Consent Calendar**

##### **a. Approval of minutes for March 14, 2013**

*Motion to approve the March 14, 2013 minutes was made by Supervisor Vasquez and seconded by Supervisor Seifert. Minutes approved by 10-0 vote.*

#### **V. Discussion Calendar**

##### **1. Countywide Economic Diversification Project.**

Steve Pierce, Solano County's Public Information Officer, proved background information on how the project stemming back to the 2007 Economic Summit that included Solano County and the cities in the county. Fast forward to 2013, Solano County received a grant for \$369,000 to conduct an economic and diversification study. Mr. Pierce introduced David Zehnder, Managing Principle for Economic and Planning Systems Inc., provided an overview of the project, the project team, and their strategy for conducting a comprehensive analysis of the economic impact of Travis Air Force Base on Solano County including exploring ways to capitalize on the ongoing presence of the base operations to the economic benefit of the region, and to provide recommendations on how the public and private sector entities across the county can further diversify the Solano County economy. Mr. Zehnder noted the extensive outreach that will be conducted among various stakeholder groups including the cities, the County, Travis AFB, and the agricultural community. He further noted that the final report is slated to be complete by June 2014 and will include the following six components:

- 1. Market Assessment of Economic Conditions:** Includes an economic and demographic profile, an assessment of Travis AFB-related industries, and an analysis of the supply-chain, value-chain relationships.
- 2. Competitive Position of the County:** Includes an assessment of the business climate; analysis of the workforce, commute patterns, and existing infrastructure; and cataloging of economic development programs and services.
- 3. Identification of Viable Growth Industry Sectors and Clusters:** Includes the selection of up to eight industry sectors and clusters that will serve as targeted sectors to be researched fully to determine viability in the County.
- 4. Real Estate Feasibility Analysis:** Includes an identification of real estate development prototypes within targeted economic sectors for the purpose of testing financial feasibility and identifying critical constraints to investment.
- 5. Identification of Assets and Gaps:** Includes an evaluation of workforce demands; a Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis; and an understanding of the relationship between real estate, infrastructure and economic development.
- 6. Countywide Economic Diversification Plan:** The culmination of all of the interim technical analysis, this plan will present various economic diversification strategies, implementation plan and methodology for measuring outcomes.

Mr. Zehnder introduced Amy Lapin, Project Manager, who provided an overview of the four phases of the project and timeline. She also noted the first stakeholder symposium would be held on June 6, 2013 at the Jelly Belly visitor center in Fairfield.

## **2. Strategic Growth Council Climate Action Planning Report**

Bob Macaulay, Director of Planning for Solano Transportation Authority, provided a status update and next steps for development of Climate Action Plan's (CAP) funded by a state Strategic Growth Council (SGC) grant. This is a follow-up to the PG&E-funded Green Communities Program Energy Chapter Climate Action Plans (ECCAPs). Mr. Macaulay noted that the Solano Transportation Authority (STA) retained the services of AECOM, the firm that prepared the ECCAPs, to assist in the SGC CAP implementation. Mr. Macaulay introduced Yana Badet from AECOM who noted that although several milestones have already been achieved, an important next step is to identify the gap between the draft GHG emission reduction targets contained in the ECCAPs and the reductions anticipated by energy reduction measures in the ECCAPs. Forecast 2020 emissions growth varies from city to city: Suisun City is estimated to experience the highest growth (19%), followed by Fairfield (16%), Rio Vista (10%), and Dixon (10%), and are based upon the current emission inventories prepared by AECOM and the growth forecasts contained in the draft Plan Bay Area.

## **3. Legislative Update.**

Michelle Heppner noted Assemblymember Frazier who was in attendance and invited him to address the CCCC members. Assemblymember Frazier announced his proposed legislation AB 936, San Francisco Bay Area Water Emergency Transportation Authority (WETA): terms of board members, was voted out the Assembly and is moving to the Senate, and that the County is one step closer to regional participation on the WETA board. In addition, Assemblymember Frazier noted the progress on AB 417 that provides CEQA exemption on bike lanes which is close to moving to the Senate for action. Assemblymember Frazier shared his gratitude for working closely with the members of the CCCC and further extended an invitation for future specific issues where he could assist.

Paul Yoder of Shaw, Yoder, Antwih Inc., provided an update on State legislation in process in the Assembly and Senate. One key discussion was the Assembly Democratic Caucus, of whom Assemblymember Frazier is a member, released their Blueprint for a Responsible Budget which includes a proposal for a State "rainy day" fund which relies on capital gains revenue. The blueprint document also includes education strategies to repay Prop 98 deferrals, and to fill any gaps in the Governor's proposed formulas, and funding to implement the common core State standards statewide. Mr. Yoder reminded the group that there is approximately \$4.6 billion accruing by virtue of Prop 98 to schools. The

Blueprint for a Responsible Budget document also includes a proposal to fund grants for middle class college students, veterans, and small businesses.

Mr. Yoder reported that Governor Brown is proposing to reform Proposition 65 with the priority of ending frivolous lawsuits. Senate Pro Tem, Darryl Steinberg has a new mental health proposal aimed at the idea that the State will need to release approximately 9,000 additional prisoners to reduce prison overcrowding.

Mr. Yoder noted that CSAC met with the Governor to discuss the MediCal expansion. The concern is that the Governor wants to divert 1991 realignment funds back to the State and requested a proposal from CSAC. CSAC initially proposed no funds to be diverted in FY13/14 but was not well received by the the Administration. Expect to see major funding reductions under the 1991 realignment in the Governor's May revise which is due out on May 14th.

Mr. Yoder provided a status update on AB 5 (Ammiano) Homelessness bill that would require local governments to maintain 24-hour hygiene centers. The bill is currently in the Assembly Appropriations Committee. Birgitta Corsello, County Administrator urged the Mayors to take the bill back to their jurisdictions for analysis.

Mr. Yoder noted another bill that may be problematic to cities. It is ASB 443 (Walters) Organized Camps which expands the definition of organized camps to resident camps and day camps and puts additional educational and training requirements on local governments who run summer camp programs. In addition, it requires the County's Public Health Officer to review certain activities related to summer camp programs and passes the cost on to cities because it allows the County to charge the cities for the service provided by the Public Health Officer.

**VI. ANNOUNCEMENTS:**

There were no announcements.

**VII. ADJOURNMENT:** The meeting was adjourned at 8:26 p.m. The next meeting will be November 14, 2013 in the Berryessa Room at the Solano County Water Agency located at 810 Vaca Valley Parkway, Ste 303, Vacaville, CA 95688.

**SOLANO  
City County Coordinating Council  
Staff Report**

**Meeting of. September 12, 2013**

**Agency/Staff: Bela Matyas, Solano  
County Health Officer**

**Agenda Item No: V.1**

**Title /Subject:**

Receive a presentation from Solano County Health and Social Services Department on the anticipated impacts of the 2010 Federal Patient Protection and Affordable Care Act

**Background:**

Overview of the ACA

The 2010 ACA is intended to ensure that all Americans have access to affordable, quality healthcare. Prior to enactment of the ACA, many Solano County residents were unable to afford the high cost of health insurance, were denied health insurance due to pre-existing conditions, and were ineligible for or unable to access the complex public healthcare system. Lack of health coverage limits access to care and leads to higher acuity rates and excessive use of emergency rooms; the end result is more expensive healthcare and poorer health outcomes. While the United States spends at the highest amount per capita on healthcare of the industrialized nations, health outcomes are well below those of other countries spending less. The Federal Medicaid and Medicare programs cover millions of Americans who meet the income, age, or medical criteria to be eligible for care under these programs and cost billions of dollars in Federal and State funds, but there are many individuals who are not eligible and, due to cost, do not have or receive healthcare until it is urgent or an emergency. The ACA is intended to expand eligibility for Medicaid beginning January 1, 2014 and to offer affordable health insurance for those who are not eligible for federal/state programs.

Key Components

Much of the discussion on the ACA at the national level has centered on mandating state actions, cost and coverage, especially a controversial section of the federal law regarding a mandate for individual healthcare coverage. The ACA will benefit California counties because they are required under the Welfare and Institutions Code Section 17000 to provide or arrange for healthcare for "Medically Indigent Adults" (MIAs), who are income eligible but are not categorically linked (i.e. do not have children and are not blind, elderly, or disabled) and who will become eligible for expanded Medicaid under the ACA. The ACA has many components which are essential to achieving the goal of affordable, quality healthcare for all Americans and includes a number of other provisions to expand or enhance programs to improve overall health, including:

- Prevention and Public Health Fund to support the Public Health system, including health promotion and education and prevention services, such as immunizations;

- Maternal, Infant, and Early Childhood Home Visiting Program;
- Additional funding and increased reimbursements for primary care services;
- Improving the efficiency and effectiveness of healthcare through standardized quality measures and financial incentives consistent with quality care;
- Development of the healthcare workforce;
- Expansion of community services and supports to promote healthy lifestyles and to allow disabled and aged persons to remain safely in their homes; and
- Adoption of standard health information documentation and use of electronic health records to improve healthcare delivery, reduce redundancy and errors, and increase consumer involvement in their healthcare.

Coverage requirements in the ACA include:

- Individual mandate;
- Health Benefit Exchanges for low-cost insurance;
- Private insurance requirements to prevent individuals from losing coverage;
- Expansion of Medicaid (Medi-Cal in California) to include children currently enrolled in Healthy Families and MIAs; and
- Establishment of a high-risk medical pool for certain individuals.

**Discussion:**

*Implementation of the ACA in California*

Given the high number of uninsured residents in California, estimated at 7.1 million, the State has been motivated to move rapidly in implementing the ACA and began taking action early in 2011, as follows:

- Established a Pre-existing Condition Insurance Program, providing coverage to 11,000 previously uninsured Californians;
- Implemented the Bridge to Health Care Reform Medical waiver, which allowed the State to begin to expand coverage to those who would become eligible for coverage under an expanded Medi-Cal program. Under the waiver, counties implemented Low Income Health Programs (LIHP), building on their existing programs serving the MIA population, including the Path 2 Health program implemented by the County Medical Services Program (CMSP);
- Transitioned 900,000 children from the Healthy Families program to Medi-Cal in four phases, beginning in January 2013;
- Expanded Medi-Cal managed care statewide, replacing the fee-for-service system (estimated to be completed by September 2013); and
- Established Coordinated Care Initiatives to help low-income seniors (receiving benefits through Medicare and Medi-Cal) improve their health outcomes, reduce out-of-home placements and provide community-based services through a single health plan.

*Covered California/State Health Benefit Exchange*

California has established a Health Insurance Exchange for low-income persons up to 400 percent of the Federal Poverty Level (FPL) to purchase low-cost health insurance. "Covered California" has received approval from the Federal government and has already acted to:

- Establish the process to certify qualified health plans that provide low-cost insurance;
- Educate consumers on health plan choices;
- Establish the uniform benefit package; and
- Implement an electronic enrollment system, an easy to use insurance database, allowing consumers to compare health plans and costs.

County Roles in ACA implementation

- As a medical provider: maintaining the safety net for the most vulnerable residents, including provision of services, payment and responsibility for services to low-income populations.

Actions to date in Solano County's safety net role (Section 17000) include the following:

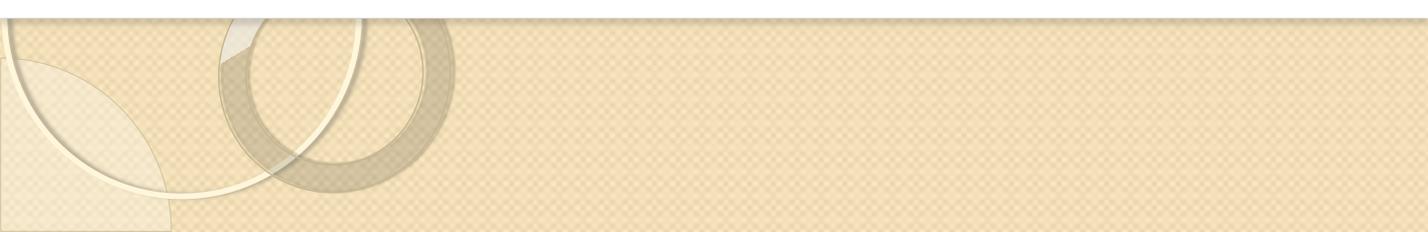
- Committed to improving the health of Solano residents as provided in the Board's strategic plan and financially supported the Solano Healthy Kids program by matching funds for insurance premiums;
- Promoted access to healthcare through the Master Tobacco Settlement Agreement Strategic Plan and ongoing financial and staff support to the Solano Coalition for Better Health;
- Expanded the County's primary care clinics, opening new facilities in Vallejo, Fairfield and Vacaville in the past several years;
- Integrated behavioral health and physical health in the primary care setting, a key facet of the ACA provision to provide compressive care in a medical home;
- Established the Nurse-Family Partnership program, providing home visits to mothers and infants;
- Supported the local community clinics through financial contributions;
- Began enrolling an estimated 5,780 children currently enrolled in Healthy Families into Medi-Cal; and
- Participated in the State's Bridge to Health Care Reform, enrolling adults into the CMSP Path 2 Health program in preparation for the transition of these clients to Medi-Cal in 2014.

Solano County Health and Social Services Employment and Eligibility Division

- Under the ACA effective October 1, 2013, Health & Social Services Employment and Eligibility Division will be responsible for assisting applicants whether they apply in person, online, or through the Covered California call centers. It is anticipated that Covered California will screen calls asking 4-5 high level questions to determine whether one or more household members are potentially Medi-Cal eligible. These callers will be transferred to a new "County Service Center Network" consisting of the 18 CalWIN counties, of which Solano County is included. The Covered California Call Centers are anticipated to accept incoming calls from 8:00am to 8:00pm Monday through Saturday. Therefore, the County will be modifying its call center hours of operation to accept calls from the State established exchange Covered California.

**Recommendation:**

Receive a presentation from Dr. Bela Matyas, Solano County Health Officer, on the anticipated impacts of the 2010 Federal Patient Protection and Affordable Care Act in Solano County.



# Solano County Affordable Care Act Implementation

September 12, 2013

# Federal Healthcare Reform

- Patient Protection and Affordable Care Act (ACA) – signed into law in 2010
- Major provisions affecting Medicaid and the purchase of insurance go into effect in 2014
  - Income and eligibility for Medicaid
  - States have the option (per the Supreme Court) to expand Medicaid up to 138% FPL
  - Insurance Exchanges (Covered California)

# Federal Health Reform Context

## Who is covered?

- Medi-Cal expansion up to 138% FPL
  - 1.4 million newly eligible
  - 1.3 million currently eligible but not enrolled
- Health Exchange – subsidies for 138 – 400 %  
FPL
  - Approximately 2 million will be eligible

• Source: UC Berkeley Labor Center/UCLA Center for Health Policy Research

# Federal Poverty Level and Coverage under the Affordable Care Act (ACA)

2013 Poverty Guidelines for the 48 Contiguous States and the District of Columbia

# Persons in family household	Poverty guideline (100%)	Medi-Cal		CMSP		Health Exchange	
		138% FPL	Path 2 Health	200% FPL	Covered California	400% FPL	
1	\$11,490	\$15,856	\$22,980	\$45,960			
2	15,510	\$21,404	\$31,020	\$62,040			
3	19,530	\$26,951	\$39,060	\$78,120			
4	23,550	\$32,499	\$47,100	\$94,200			
5	27,570	\$38,047	\$55,140	\$110,280			
6	31,590	\$43,594	\$63,180	\$126,360			
7	35,610	\$49,142	\$71,220	\$142,440			
8	39,630	\$54,689	\$79,260	\$158,520			

For families/households with more than 8 persons, add \$4,020 for each additional person.

# Federal Health Reform Context (cont.)

## Who remains uninsured?

- Between 3 to 4 million in 2019; 1 million due to immigration status
- Undocumented
- Anyone who chooses to pay the penalty rather than purchase insurance (penalty cheaper than premiums)

• Source: UC Berkeley Labor Center/UCLA Center for Health Policy Research

# Federal Health Reform: State Impacts

- Enrollment and eligibility changes = more people staying on Medi-Cal for longer periods of time
- Marketing for Covered California may increase Medi-Cal enrollment among existing eligibles
- Pressure to increase Medi-Cal rates to attract providers
- Federal government pays 100% of the costs of the Medi-Cal expansion in 2014 -2016, pays 90% of the costs by 2019

# Federal Health Reform: State Impacts

- Covered California
  - Marketplace for people purchasing insurance in the individual market and for small businesses
  - More transparency for consumers
  - Applies to apples comparison of products
  - Premiums and co-pays, with subsidies
  - 3-month open enrollment period

# 2013 Governor's Budget

- California to proceed with “mandatory” and “optional” expansions
- Mandatory: enrollment and eligibility changes, primarily for parents and children
- Optional: expand Medi-Cal up to 138% FPL to adults not otherwise eligible today (primarily childless adults)

# Solano County ACA Implementation Impacts Expected by January 1, 2014

- Solano County currently has 74,000 (out of 410,000 residents) on Medi-Cal
- With expansion of Medi-Cal to all individuals and families up to 138% of the FPL, estimate 8,900 individuals will be newly eligible
- CMSP currently has 7,100 enrollees up to 200% FPL in Path 2 Health who will be eligible for Medi-Cal or Health Exchange
- For individuals and families up to 400% of the FPL, estimate 16,000 – 19,000 individuals will be eligible for Health Exchange (Covered California)

# Community Health Clinics

## **Solano County Clinics**

Facilities located in: Vallejo,  
Fairfield & Vacaville

## **ACA Implementation**

### **Efforts:**

- Health Delivery Transformation
- Workforce Capacity
- Access to Care for Remaining Uninsured

## **Community Clinic Consortium:**

- La Clinica: Vallejo
- Planned Parenthood Shasta Pacific: Fairfield
- Community Medical Centers: Dixon & Vacaville

# **Non-Profit Hospitals Serving Solano County**

## **Kaiser Permanente, Sutter Solano, NorthBay Healthcare**

### Opportunities and Challenges for Hospitals Under the ACA

- Expanded Coverage and Access to Care
- Enrollment and Registration
- Impacts on Hospital Emergency Departments
- Demand for Primary and Specialty Care
- New Care Models and Improved Patient Outcomes

# Status of Current Providers and Future Provider Needs

Napa Solano Medical Society

- Primary Care
- Specialty Care

Touro University

- Increase in demand for services
- Utilizing supportive medical staff including Physician Assistants and Nurse Practitioners

David Grant USAF Hospital, Mare Island & Travis Clinics

- Primary Care
- Specialty Care

• Technological role

Solano Community College

- Nursing & Medical Technician Programs

Medical Delivery Partners

## Partnership Health Plan of California

- Partnership Health Plan (PHC) was established May 1, 1994 as the County Organized Health System for Medi-Cal Clients; PHC currently serves 14 counties
- PHC is estimating to have an additional 59,500 Medi-Cal enrollees by January 2014

# Mental Health and Substance Abuse under ACA

- Mandated provision of services to Medi-Cal eligible clients
- Mental Health Parity and Addiction Equity Act of 2008: Counties and States are working on obtaining clarity of the Federal government interpretation under the ACA
- Under 2011 Realignment, State revenue and responsibilities for Substance Abuse and Mental Health became the responsibilities of the Counties. It is unknown if there will be sufficient revenue to meet the mandate

# ACA Impact on Employers

- Who will be impacted?
  - Government Agencies
  - Military
  - Small Businesses
- According to the 2010 US Census there are 90,814 businesses providing employment in Solano County
- According to 2012 UCLA Center for Health Policy Research 61.3% of adults and 62.5% of teens/children receive their healthcare through employment
- Employers with over 50 employees will be required to offer Health Coverage or pay a penalty

# ACA Known and Unknown

## Medically Indigent Adult Healthcare

- County obligations under Welfare and Institution Code §17000
- Unknown Residual Population: Undocumented residents, legal immigrants in the U.S. for less than 5 years
- Unknown those who choose not to enroll in a mandated insurance program
- State will take back 60% of 1991 Realignment funding to pay for State cost of ACA expansion (County & CMSP)
- Infrastructure readiness (Call Centers, IT system) timing is questionable
- Jail inmates

# Key Concepts of Healthcare Reform

- Almost everyone is eligible for coverage
  - No longer is it a question of *is* a customer eligible, but instead **for which option/program** is a customer eligible
- No “wrong door” concept
  - Customers served through various channels/access points: mail, phone, online, in-person at county offices, through community-based assisters
- High quality customer service
- Coordinated service – “horizontal integration”
  - Proactively offering customer the opportunity to apply for other services for which there is apparent eligibility, like CalFresh or CalWORKs

# ACA Enrollment Impacts

- Beginning October 1, 2013, State of California call centers will be required to answer calls within 30 seconds, calls transferred to counties are also expected to be answered within 30 seconds.
  - Fully process applications on that call (one and done)
  - Take calls for other counties to assist with required service levels
- Call centers and counties will be required to maintain extended hours
  - 8 AM – 8 PM Monday – Saturday (open enrollment periods)
  - 8 AM – 6 PM Monday – Friday, 8 AM – 5 PM Saturday (non-open enrollment)
- Counties are expected to provide access to other programs such as CalFresh and CalWORKs
- Counties are also the “Face to Face” option for ACA applications

# Potential Impact of ACA on Solano County Clinics

- Current County Operated Clinics:
  - Vallejo: primary care, ICC (adult psychiatry clinic), dental
  - Fairfield: adult primary care, pediatrics, ICC, dental
  - Vacaville: primary care, ICC, dental
  - Mobile dental van and primary care services
- Clinics are Federally Qualified Health Centers (FQHC)
  - Required to serve all clients, regardless of ability to pay

# Impacts on Clinics in Solano County

- Current clients
  - Medi-Cal, CMSP, Medicare
  - Private insurance (“self-pay”)
  - Uninsured
- ACA: Expansion of Medi-Cal (to 138% FPL)
  - Some new clients with insurance (able to pay)
  - Net impact likely minimal, because most clients will shift from CMSP

# Impacts on Clinics in Solano County

- ACA: Enrollment of currently eligible un-enrolled clients (“woodwork effect”)
  - More current clients who can pay (fewer uncompensated visits) and new insured clients
  - Net impact likely modest in number as 2/3 assigned to other providers, and spread out over time
- ACA: Health Benefits Exchange (Covered CA)
  - Net impact likely minimal as likely to seek services from private providers

**SOLANO  
City County Coordinating Council  
Staff Report**

Meeting of. September 12, 2013

Agency/Staff: Sean Quinn, City  
Manager, of Fairfield

Agenda Item No: V.2

**Title /Subject: Oral Presentation - P4 (Public-Public / Public-Private Partnerships)  
Community Partnership Initiative.**

**Background:**

The P4 program was created to explore cost-saving opportunities through partnerships and shared services with local communities and the private sector.

**Discussion:**

The P4 program, also known as the Air Force Community Partnership Initiative is a framework through which installation and community leaders can develop creative ways to leverage their capabilities and resources to focus on achieving reduced costs, or reductions in risk, by finding shared value.

The P4 program brings public-public and public-private partnership opportunities together under one initiative and is a 'win-win' opportunity for reducing costs and strengthening communities as a whole. Such partnerships enable collaboration between multiple entities, creating opportunities through which military and community leaders can identify common objectives with the goal of managing available resources efficiently and effectively.

**Recommendation:**

Receive an oral presentation of the P4 program

Attachments:

### MILCON Construction FY2000-FY2013

Year	President's Budget	Add	Total
FY13	\$0	\$0	\$0
FY12	\$22,000,000	\$0	\$22,000,000
FY 11	\$0	Continuing Resolution did not fund ADDS	\$0
FY10	\$22,257,000	\$6,000,000	\$28,257,000
FY09	\$0	\$12,100,000	\$12,100,000
FY08	\$26,600,000	\$10,800,000	\$37,400,000
FY07	\$73,900,000	Continuing Resolution did not fund ADDS	\$73,900,000
FY06	\$31,600,000	\$14,800,000	\$46,400,000
FY05	\$30,344,000	\$3,650,000	\$33,994,000
FY04	\$12,723,000	\$0	\$12,723,000
FY03	\$40,320,000	\$33,469,000	\$73,789,000
FY02	\$24,950,000	\$3,300,000	\$28,250,000
FY01	\$0	\$9,870,000	\$9,870,000
FY2000	\$3,754,000	\$11,246,000	\$15,000,000
<b>Total</b>	<b>\$ 288,448,000</b>	<b>\$105,235,000</b>	<b>\$393,683,000</b>

#### FY13

- Air Force requested a one year pause in Military Construction in FY13, requesting only \$388 million down from \$1.4 billion in FY12
- Congressional earmark moratorium prohibits member adds for FY13

#### FY12

- Inclusion of \$22 million in the President's Budget and the FY12 Military Construction Appropriations bill for the 144 room dormitory
- Congressman Garamendi attempted to include a \$10 million increase to the Maintenance and Production Facilities account in the National Defense Authorization, which could have been used fund the Base Civil Engineering Complex, but the effort failed in the House Armed Services Committee
- Congressional earmark moratorium prohibits member adds for FY12

#### FY11

- **Adds:** Congress did not add any earmarks in FY11 due to the year-long continuing resolution. Prior to the approval of the continuing resolution, the House appropriated \$387,000 for planning and design of Base Civil Engineering Complex and \$750,000 for the North Gate Project.

#### FY10

- Inclusion of \$6.9 million in the President's Budget and the FY10 Military Construction Appropriations bill for the KC-10 Cargo Load Training Facility
- Inclusion of \$15.357 million in the President's Budget and the FY10 Military Construction Appropriations bill for Replacement of Fuel Distribution System

- *ADD: Inclusion of \$6 million in the FY10 Military Construction Appropriations bill for the Taxiway Mike Bypass Road Project.*

#### FY09

- *ADD: Inclusion of \$12.1 million in the FY09 Military Construction Appropriations bill for a Large Fire/Crash Rescue Station.*
- *Note: Approximately \$14.5 million in Military Construction funds were provided to Travis through the 2009 Economic Stimulus bill.*

#### FY08

- Inclusion of \$4.6 million in the President's Budget and the FY08 Military Construction Appropriations bill for C-17 Road Improvements
- Inclusion of \$22 million in the President's Budget and the FY08 Military Construction Appropriations bill for a C-17 Southwest Landing Zone
- *ADD: Inclusion of \$10.8 million in the FY08 Military Construction Appropriations bill for a Global Support Squadron*

#### FY07

- Inclusion of \$6.2 million in the Presidential Budget and FY07 Military Construction Appropriations bill (continuing resolution) for a C-17 Munitions Storage Facility
- Inclusion of \$8.8 million in the Presidential Budget and FY07 Military Construction Appropriations bill (continuing resolution) for C-17 Roads/Utilities
- Inclusion of \$8.5 million in the Presidential Budget and FY07 Military Construction Appropriations bill (continuing resolution) for C-17 Taxiway Lima
- Inclusion of \$50.4 million in the Presidential Budget and FY07 Military Construction Appropriations bill (continuing resolution) for a C-17 Two-2-Bay Hanger
- *Adds:* Congress did not add any earmarks in FY07 due to the year-long continuing resolution. Prior to the approval of the continuing resolution, the House authorized and appropriated \$1.134 million for planning and design of the Reserve C-5/C-17 Squad Ops. The Senate had authorized \$11.9 million for the Large Fire/Crash Rescue Station.

#### FY06

- Inclusion of \$19 million in the Presidential Budget and the FY06 Military Construction Appropriations bill for an AMOG Global Reach Deployment Center.
- Inclusion of \$1.3 million in the Presidential Budget and the FY06 Military Construction Appropriations bill for a C-17 ADAL Life Support.
- Inclusion of \$3.2 million in the Presidential Budget and the FY06 Military Construction Appropriations bill for a C-17 ADD Composite Shop.
- Inclusion of \$8.1 million in the Presidential Budget and the FY06 Military Construction Appropriations bill for a C-17 Maintenance Training Facility.
- *Add: Inclusion of \$3.9 million in the FY06 Military Construction Appropriations bill for a C-17 Wheel and Tire Shop (34<sup>th</sup> AF Reserve).*
- *Add: Inclusion of \$10.9 million in the FY06 Military Construction Appropriations bill for an Aerospace Ground Equipment (AGE) facility.*

**FY05**

- Inclusion of \$2,400,000 in the Presidential Budget and the FY05 Military Construction Appropriations Bill for a C-17 Engine Storage Facility.
- Inclusion of \$12,844,000 in the Presidential Budget and the FY05 Military Construction Appropriations Bill for C-17 utilities and road construction.
- Inclusion of \$15,100,000 in the Presidential Budget and the FY05 Military Construction Appropriations Bill to replace the Hydrant Fuel System. (DoD account).
- *Add: Inclusion of a \$3,650,000 for a Security Forces Armory in the FY05 Military Construction Appropriations Bill.*

**FY04**

- Inclusion of \$12,723,000 in the Presidential Budget Request and the FY04 Military Construction Appropriations Bill for 56 housing units.

**FY03**

- Inclusion of \$24,320,000 in the FY03 Presidential Budget and Military Construction Appropriations Bill for 110 housing units.
- Inclusion of \$16,000,000 in the Presidential Budget and the FY03 Military Construction Appropriations Bill to replace bulk fuel storage tanks. (DoD account).
- *Add: Inclusion of \$9,600,000 in the FY03 Military Construction Appropriations Bill for a C-5 Squadron Operation Facility.*
- *Add: Inclusion of \$23,869,000 in the FY03 Military Construction Appropriations Bill for three facilities and infrastructure projects (flight simulator, parts storage and utilities and supporting infrastructure) to accommodate the bed-down of C-17 aircraft.*

**FY02**

- Inclusion of \$6,800,000 in the Presidential Budget and the FY02 Military Construction Appropriations Bill to replace Support Facilities.
- Inclusion of \$18,150,000 in the Presidential Budget and the FY02 Military Construction Appropriations Bill for 118 housing units.
- *Add: Inclusion of \$3,300,000 in the FY02 Defense Authorization and Military Construction Appropriations Bills for the construction of a Radar Approach Control Center.*

**FY01**

- *Add: Inclusion of \$9,870,000 in the FY01 Defense Authorization and Military Construction Appropriations Bills for the construction of 64 housing units.*

**FY2000**

- *Add: Inclusion of a \$5,500,000 increase to the FY2000 Military Construction Presidential Budget Request of \$2,000,000 for the War Readiness Warehouse. Total Project: \$7,500,000.*

- *Add: Inclusion of a \$5,746,000 increase to the FY2000 Military Construction Presidential Budget Request of \$1,754,000 for a Physical Fitness Facility. Total Project: \$7,500,000.*

# **United States Air Force**

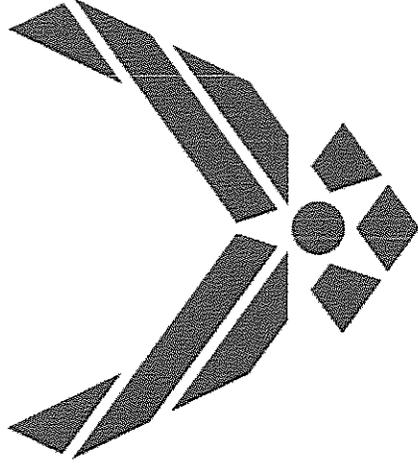
---

*Integrity - Service - Excellence*

## **AF Community Partnership Initiative**

**Public-Public; Public-Private Partnerships (P4)**

*“Leveraging military installation and local  
community capabilities and resources to  
reduce operating and service costs  
in support of the AF mission”*

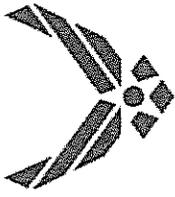


**Steven W. Zander**  
**Director**

**AF Community Partnership Initiative**  
**5 August 2013**

---

# **U.S. AIR FORCE**

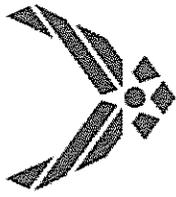


U.S. AIR FORCE

---

# Shared Environment

- Reduced budgets & fiscal challenges
- Manpower cuts; hiring freezes; realignments; furloughs
- Force structure changes and defense industry reductions
- Innovative partnerships—sparked by new legislation
- Need to make “Every Dollar Count,” provide quality services, allocate risk, share value



U.S. AIR FORCE

# *Vision and Goals*

---

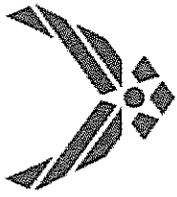
## *AF and Local Community Leadership is key!*

**Bring AF leadership and resource support as  
Installation and Community leaders develop,  
prioritize and implement community partnership  
initiatives**

## *Practice the “Art of the Possible”*

**Identify ways to get to “Yes” by identifying  
resource requirements:  
Time, Money, Manpower, Authority**

People closest to the mission are generating ideas in the “best interests of the Air Force”



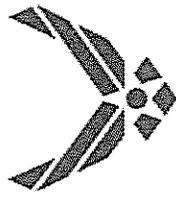
U.S. AIR FORCE

# Prototype AF Framework, Policy & Guidance

---

- Developed and in progress: learning by doing, how to support Installation and Community leaders with policy and guidance.
  - Leverage new and existing authorities to identify potential P4 initiatives
  - Created a cross-functional Task Force of subject matter experts to address potential issues
  - AF Policy Directive in coord; AF Instruction drafted
- Based upon a prototype AF process that empowers Installations and Community leaders by using a 7-step process.
  - An analytical, methodical approach to achieve mutual understanding and create shared value
  - Foundation for enduring relationship to build partnership capacity

Set conditions to enable Installation and Community Leaders to see opportunities

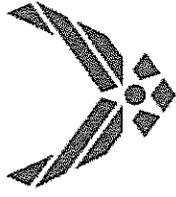


# AF Community Partnership Task Force

---

U.S. AIR FORCE

- A Cross-functional Air Force Community Partnership Task Force, chaired by SAF/IEI helps guide efforts to identify and reduce potential AF-wide operating costs
  - Members' expertise assists you through P4 process:
    - Installations                      Public Affairs                      Small Business
    - Energy                                Services                                Office of Economic
    - Contracting                        Air Operations                      Adjustment
    - Communications                Logistics                              Base Exchange?
    - Finance                              Security                                DoD Schools?
    - Legal                                 National Guard
    - Legislative Liaison              Health
    - Reserve Affairs                    Cost Efficiency
-



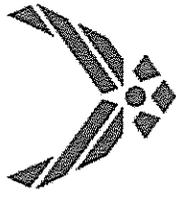
U.S. AIR FORCE

---

# Possible Stakeholders

---

- **Local, State & Federal Governments (City Managers, Emergency Management, and Public Works)**
- **Regional Planning Organizations**
- **Key Tenant Organizations**
- **Economic Development Organizations**
- **Educators and University Organizations**
- **Non-Governmental Organizations**
- **Conservation Organizations**
- **Union Representatives**
- **Utility Companies**
- **Community Thought Leaders (e.g., Community Alliances, Chambers of Commerce)**
- **Non-Profits**
- **Private sector experts (as appropriate)**

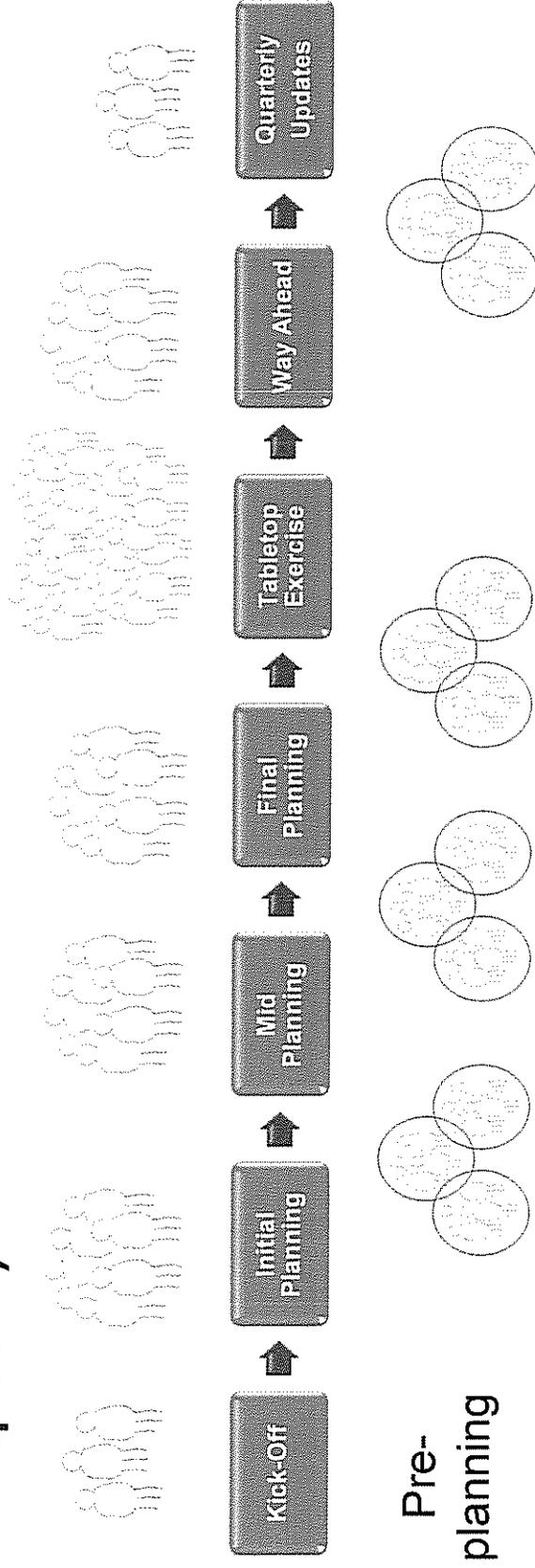


# AF Community Partnership Process

---

U.S. AIR FORCE

- Typically a 7- Step TTX Process: 6-8 months (includes updates)



- The AF Community Partnership process is adaptable
    - Identify focus areas, partners, required meetings
    - Identify priorities and resource requirements
-



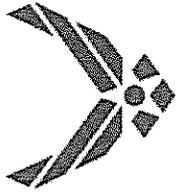
U.S. AIR FORCE

# Authorities

---

- **There are many DoD and Federal agency legal authorities that an installation can utilize for a partnership agreement**
- **Lay out the initiative objectives first, then identify the tools to make it happen**

**This is not a solution looking for requirements; these are requirements looking for solutions**

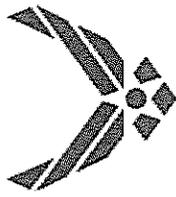


U.S. AIR FORCE

# FY13 NDAA: Shared Services Language

---

- Signed by President Obama on January 3, 2013 (10 USC 2336)
  - Key Provisions:
    - Secretary may enter into an intergovernmental support agreement if the Secretary determines the agreement will serve the best interests of the department
    - Bases may accept payment for services – “credited to the appropriation or account charged with providing installation support”
    - Bases may not use this authority to revoke, preclude or interfere with existing or proposed mutual aid agreements relating to police or fire protection
    - Secretary concerned shall ensure that this authority is not used to circumvent the requirements of OMB Circular A-76
  - Intergovernmental Support Agreements may
    - Be entered into on a sole source basis
    - Be for a term not to exceed five years
    - Use wage grades normal for state or local government providing the service (Davis-Bacon)
    - Only be used when provider already provides such services for its own use
-

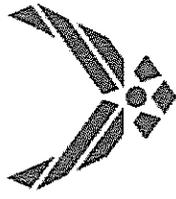


# Potential Cross-Functional Initiatives

---

U.S. AIR FORCE

- Prisoner Detention
  - Shared use Firing Ranges
  - Cooperative Police and Fire Training
  - Cooperative Medical Training
  - Build new school on base property
  - Locate County Emergency Management Service on-base
  - Data Center/Warfare Center Facility on-base
  - Many of the AF Services provided Airmen support programs
    - Youth Programs
    - Lodging
  - Community/Educational Center near front gate
  - Waste Managements/Recycling; Pavements Agreements
  - Chaplain Programs: Airmen Resiliency Center
  - Pharmacy
  - Expand bus/transport system
  - Airport Operations and Maintenance
  - University training of critical need interns
  - Strategic Sourcing
-



U.S. AIR FORCE

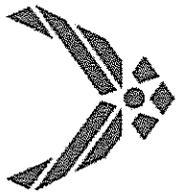
# Summary

---

The AF Community Partnership Process is simple

- Provide a Partnership “Brokering Team” when Installation and Community Leaders commit to using the AF process
- Schedule a series of 7 meetings that enable identifying potential partnership initiatives—this series of meetings helps identify potential initiatives that address mutual need and capacities
- Once initiatives are “fleshed-out” in adequate detail, bring in experts to help define the way forward—this will help drive initiative priority
- By the time of the Table Top Exercise, identify exactly, what resources are required, when resources will be needed and who programs
- Installation & Community Do it! (or program for funding/resources then do it)

The process is simple, but gaining efficiency requires hard work



**U.S. AIR FORCE**

---

# ***Questions***

---

***Integrity - Service - Excellence***

**SOLANO  
City County Coordinating Council  
Staff Report**

**Meeting of. September 12, 2013**

**Agency/Staff: Michelle Heppner,  
Solano County Administrator's  
Office, Paul Yoder, Shaw,  
Yoder, Antwih Inc. and Nancy  
Bennett, League of California  
Cities**

**Agenda Item No: V.3**

**Title /Subject: Legislative Update**

**Background:** CCCC staff, the County's legislative advocate, Paul Yoder, and Nancy Bennett from the League of California Cities will provide an oral update on legislative issues of concern to the County and the cities.

Of particular interest and dominating the last two weeks of the legislative session are two proposals to address prison overcrowding in California. The proposals are in response to the Federal Courts order to reduce the prison population to 137.5 percent of its design capacity by December 31, 2013. Currently, the State's prison population is about 8,800 inmates above that threshold. The Federal Court concluded that the level of overcrowding was the primary cause of an unconstitutional level of health and mental health care.

The Legislature has before it two measures to address the population gap: SB 105 (Emmerson), a plan offered by the Governor and supported by three of the legislative leaders along with law enforcement, local officials, and CSAC, and the Senate Democrats plan contained in AB 84 (Assembly Committee on Budget). A side-by-side summary of each proposal is provided at Attachment 3 of this report. In addition, the legislative bill language for each bill is contained in Attachments 2 and 3 respectively. The Legislative Analyst's Office (LAO) summary of both plans is also included in Attachment 4.

Just prior to the distribution of this agenda, an announcement was made by the Governor and Senate President Pro Temore that an agreement had been reached between the two proposals however no bill language was available at the time. Staff will provide an oral update on the agreement.

**Discussion:** At each CCCC meeting, staff provides a legislative update to keep members informed of activities at the State and Federal level.

**Recommendation:** Receive a report on legislative matters of concern.

**Attachments:**

1. Summary Comparison of AB 105, Governor's proposal to address prison overcrowding and SB 84 Senate Democrats counter-proposal

2. SB 105 (Emmerson) – Corrections.
3. SB 84 (Assembly Committee on Budget) – Public Safety: Public Safety Performance Incentives.
4. LOA – Addressing the Federal Court Prison Population Cap

**Summary of Prison Population Reduction Plans – August 2013**

	<b>Governor's Plan (SB 105)</b>	<b>Senate Democrats Plan (AB 84)</b>
Capitol Supporters	<p>Governor Jerry Brown, Assembly Speaker John Pérez, Senate Republican Leader Bob Huff, Assembly Republican Leader Connie Conway</p>	<p>Senate President pro Tempore Darrell Steinberg and Senate Democrats</p>
Key Elements	<ul style="list-style-type: none"> <li>• \$315 million investment in 2013-14 to authorize temporary capacity expansion in-state and out-of-state to address compliance with federal court population reduction order by 12/31/2013.</li> <li>• Expedited processes for contracting for in-state and out-of-state capacity as well as county jail capacity.</li> <li>• Delayed closure date for California Rehabilitation Center.</li> <li>• Development of longer-term correctional plan with balanced solutions involving policy makers and key stakeholders, due January 2015.</li> <li>• Assumed additional expenditures required (estimated \$400 million) in 2014-15.</li> <li>• Provisions expire in three years.</li> </ul>	<p><b>Plan premised on the following elements (although not part of AB 84):</b></p> <ul style="list-style-type: none"> <li>• Settlement in prison overcrowding litigation by end of 2013 legislative session (9/13/2013).</li> <li>• Agreement to future determination by panel of experts (two gubernatorial appointees; two appointees by plaintiffs; one state appellate court justice appointed by Chief Justice who would serve as chair and vote only to break a tie) of final prison population level, expressed as specified percentage of state prison of design capacity.</li> <li>• Plaintiffs would give state three additional years (until 12/31/2016) to meet established and permanent population level, and state would agree to comply with cap.</li> <li>• State would agree to drop its appeal of underlying population cap order.</li> </ul> <p><b>Two key components in AB 84:</b></p> <p><b>Enacts California Public Safety Performance Incentive</b></p> <ul style="list-style-type: none"> <li>• Support to counties for long-term solutions based on reductions in prison commitments tied to specified criminal justice strategies</li> <li>• Funds made available to boards of supervisors, probation chiefs, and courts             <ul style="list-style-type: none"> <li>○ BOS receives allocation for reductions in prison commitments from all non-probation population</li> <li>○ CPO receives allocation for reductions in prison commitment from all probation populations</li> <li>○ Courts get 5% of total</li> </ul> </li> <li>• CSAC as entity named in various roles: to determine minimum outcome measures, contribute to comprehensive implementation report, calculate baseline data and ongoing measures, etc.</li> <li>• Commits Annual state general fund not to exceed \$315M for incentive/high performance grants. (AOC gets one-time \$500K for admin purposes.)</li> <li>• Appropriates \$180M in start-up funds to counties             <ul style="list-style-type: none"> <li>○ Allocated based on 18-25 population for each county; minimum grant of \$25K per county</li> </ul> </li> </ul>

**Summary of Prison Population Reduction Plans – August 2013**

	<b>Governor's Plan (SB 105)</b>	<b>Senate Democrats Plan (AB 84)</b>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>• If successful, avoids prison inmate releases.</li> <li>• Preserves counties' ongoing efforts to implement 2011 public safety realignment (AB 109).</li> <li>• Gives additional time and opportunity for thoughtful discussion of system changes to assure durable solutions and stabilize local and state systems over the long-term.</li> </ul>	<ul style="list-style-type: none"> <li>○ Proposal due from BOS by 1/1/2014 how it will deploy grant, 40% of which must be dedicated to probation</li> <li>○ BSCC to review plans; non-compliant counties (no plan submitted or ineffective plan or those that do not allocate required amount to probation) receive no grant</li> <li>• Appropriates \$20M in start-up funds to courts</li> <li>○ Support for court administration, programs and practices that reduce recidivism</li> </ul> <p><b>California Public Safety Commission</b></p> <ul style="list-style-type: none"> <li>• 18-member permanent advisory committee</li> <li>• Make recommendations to Legislature and Governor in 2015 (and annually thereafter)</li> <li>• Commission information not subject to Public Records Act, but meetings subject to Bagley-Keene Act</li> <li>• Run by an Executive Director who with staff sited @ AOC; organization deemed to be within judicial branch but independent from AOC</li> </ul> <ul style="list-style-type: none"> <li>• Supplemental investment in local strategies to support strong interventions and effective programs.</li> <li>• Commitment to longer-term thinking about evolution of state's correctional system (public safety commission).</li> </ul>
<b>Risks</b>	<ul style="list-style-type: none"> <li>• Out-year financial commitment diverts state resources away from other priorities.</li> <li>• Even with commitment of resources, unclear if state will be able to successfully achieve prison population reduction within December timeframe.</li> <li>• Expenditures today could potentially limit future legislative or gubernatorial interest in and/or capacity to crafting long-term, durable solutions with county perspective in mind.</li> </ul>	<ul style="list-style-type: none"> <li>• Premised on settlement within two weeks and governance structure that accords significant weight to plaintiffs.</li> <li>• Does not end federal court oversight.</li> <li>• Little time to accomplish settlement agreement and other key aspects of plan.</li> <li>• If settlement not reached, effectively guarantees court order will be imposed (i.e., inmate releases).</li> <li>• Requires agreement to a future and unknown population benchmark, while not providing roadmap for achieving any needed population reduction.</li> </ul>

**Summary of Prison Population Reduction Plans – August 2013**

	<b>Governor's Plan (SB 105)</b>	<b>Senate Democrats Plan (AB 84)</b>
CSAC Policy/Direction	<ul style="list-style-type: none"> <li>• Direction of Executive Committee to County Counsels' Association to file on behalf of counties with U.S. Supreme Court in support of state's ongoing appeal (August 2013).</li> <li>• Request to Governor and CDCR for capacity solution to avoid early releases (April 2013).</li> <li>• Commitment to ensuring counties are supported over the long-term to achieve improved public safety outcomes through AB 109 implementation.</li> </ul>	<ul style="list-style-type: none"> <li>• Support investment in other county programs to ensure long-term stability and encourage community corrections practices to reduce reliance recidivism.</li> <li>• Support for sentencing commission (June 2007 letter to Legislature).</li> </ul>
Supporters	CSAC, California State Sheriffs' Association, Chief Probation Officers of California, California District Attorneys' Association, California Highway Patrol, League of California Cities, California Police Chiefs' Association, Peace Officers Research Association of California, victims' groups, and others.	None listed in bill analysis – but many testified in support: California Public Defenders' Association, California Attorneys for Criminal Justice, Friends Committee on Legislation, American Civil Liberties Union, prisoner rights advocates, and others.
Opponents	None on file when bill heard – but testifying in opposition included California Public Defenders' Association, California Attorneys for Criminal Justice, Friends Committee on Legislation, prisoner rights advocates, and others.	Unknown – none listed in bill analysis.

AMENDED IN ASSEMBLY SEPTEMBER 3, 2013

AMENDED IN ASSEMBLY AUGUST 27, 2013

**SENATE BILL**

**No. 105**

---

---

**Introduced by ~~Committee on Budget and Fiscal Review~~ Senators  
*Emmerson and Knight***

January 10, 2013

---

---

An act to amend Section 15 of Chapter 42 of the Statutes of 2012, to amend, repeal, and add Sections 19050.2 and 19050.8 of the Government Code, and to amend, repeal, and add Sections 2910, 11191, and 13602 of, and to add and repeal Sections 2915 and 6250.2 of, the Penal Code, relating to corrections, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

SB 105, as amended, ~~Committee on Budget and Fiscal Review~~ *Emmerson*. Corrections.

(1) Existing law requires the Department of Corrections and Rehabilitation to close the California Rehabilitation Center located in Norco, California, no later than either December 31, 2016, or 6 months after the construction of three Level II dorm facilities.

This bill would suspend this requirement pending a review by the Department of Finance and the Department of Corrections and Rehabilitation that determines the facility can be closed.

(2) The California Constitution establishes the civil service, to include every officer and employee of the state, except as provided, and requires permanent appointment and promotion in the civil service to be made under a general system based on merit ascertained by competitive examination.

Existing law requires the appointing power in all cases not exempted by the California Constitution to fill positions by appointment, including cases of transfers, reinstatements, promotions, and demotions, in strict accordance with specified provisions of law, and requires that appointments to vacant positions be made from employment lists.

Existing law, subject to the approval of the State Personnel Board, allows an appointing agency to enter into arrangements with personnel agencies in other jurisdictions for the purpose of exchanging services and effecting transfers of employees.

This bill would, until January 1, 2017, make the private California City Correctional Center in California City an agency or jurisdiction for the purpose of exchanging services pursuant to the above provision and all related rules.

(3) Existing law allows the State Personnel Board to prescribe rules governing the temporary assignment or loan of employees within an agency or between agencies not to exceed 2 years, or between jurisdictions not to exceed 4 years, for specified purposes.

This bill would, until January 1, 2017, make the private California City Correctional Center in California City an agency or jurisdiction for the purpose of the above provision and all related rules for a period not to exceed 2 years.

(4) Existing law allows the Secretary of the Department of Corrections and Rehabilitation to enter into an agreement with a city, county, or city and county, to permit transfer of prisoners in the custody of the secretary to a jail or other adult correctional facility. Under existing law, prisoners transferred to a local facility remain under the legal custody of the department. Existing law prohibits any agreement pursuant to these provisions unless the cost per inmate in the facility is no greater than the average costs of keeping an inmate in a comparable facility of the department.

This bill would, until January 1, 2017, for purposes of entering into agreements pursuant to the above provisions, waive any process, regulation, or requirement relating to entering into those agreements. The bill would, until January 1, 2017, delete the provision requiring that prisoners transferred to a local facility remain under the legal custody of the department and would delete the requirement that no agreement be entered into unless the cost per inmate in the facility is no greater than the average costs of keeping an inmate in a comparable facility of the department. The bill would, until January 1, 2017, allow a transfer of prisoners to include inmates who have been sentenced to

the department but remain housed in a county jail, and would specify that these prisoners shall be under the sole legal custody and jurisdiction of the sheriff or other official having jurisdiction over the facility and not under the legal custody and jurisdiction of the department.

The bill would also, until January 1, 2017, allow the secretary to enter into one or more agreements in the form of a lease or operating agreement with private entities to obtain secure housing capacity in the state or in another state, upon terms and conditions deemed necessary and appropriate to the secretary. The bill would, until January 1, 2017, waive any process, regulation, or requirement that relates to the procurement or implementation of those agreements, except as specified. The bill would make the provisions of the California Environmental Quality Act inapplicable to these provisions.

(5) Existing law allows the Secretary of the Department of Corrections and Rehabilitation to establish and operate community correctional centers.

This bill would, until January 1, 2017, allow the secretary to enter into agreements for the transfer of prisoners to community correctional centers, and to enter into contracts to provide housing, sustenance, and supervision for inmates placed in community correctional centers. The bill would, until January 1, 2017, waive any process, regulation, or requirement that relates to entering into those agreements.

(6) Existing law allows any court or other agency or officer of this state having power to commit or transfer an inmate to any institution for confinement to commit or transfer that inmate to any institution outside this state if this state has entered into a contract or contracts for the confinement of inmates in that institution and the inmate, if he or she was sentenced under California law, has executed written consent to the transfer.

This bill would, until January 1, 2017, allow the secretary to transfer an inmate to a facility in another state without the consent of the inmate.

(7) Existing law establishes the Commission on Correctional Peace Officer Standards and Training (CPOST) within the Department of Corrections and Rehabilitation and requires the CPOST to develop, approve, and monitor standards for the selection and training of state correctional peace officers. Existing law allows for the use of training academies and centers, as specified.

This bill would, until January 1, 2017, allow the department to use a training academy established for the private California City Correctional Center.

(8) The bill would appropriate \$315,000,000 from the General Fund to the Department of Corrections and Rehabilitation for the purposes of this measure. The bill would require the Secretary of the Department of Corrections and Rehabilitation to report no later than April 15, 2014, and again on April 15, 2015, to the Director of Finance and specified legislative committees detailing the number of inmates housed in leased beds and in contracted beds both inside and outside of the state pursuant to this measure.

The bill would require the Administration to assess the state prison system, including capacity needs, prison population levels, recidivism rates, and factors effecting crime levels. The bill would require the Department of Finance to report to the Legislature regarding balanced solutions that are cost effective and protect public safety not later than January 10, 2015.

(9) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The additional prison capacity authorized by this  
2 bill is an immediate measure to avoid early release of inmates and  
3 allow the state to comply with the federal court order. The measure  
4 will also provide time to develop additional thoughtful, balanced,  
5 and effective long-term solutions with input from ~~our~~ *the state's*  
6 local government and justice partners who are still adjusting to the  
7 recent criminal justice reforms of realignment. The long-term  
8 changes will build upon the transition of lower level offenders to  
9 local jurisdiction, the construction of new prison health care  
10 facilities, and improvements to existing health care facilities  
11 throughout the prison system. The administration shall begin  
12 immediately, in consultation with stakeholders, including  
13 appropriate legislative committees, to assess the state prison  
14 system, including capacity needs, prison population levels,  
15 recidivism rates, and factors affecting crime levels. Not later than  
16 January 10, 2015, the Department of Finance shall develop and  
17 report to the Legislature regarding balanced solutions that are cost  
18 effective and protect public safety.

1 SEC. 2. Section 15 of Chapter 42 of the Statutes of 2012 is  
2 amended to read:

3 Sec. 15. (a) The Department of Corrections and Rehabilitation  
4 shall remove all inmates from, cease operations of, and close the  
5 California Rehabilitation Center located in Norco, California, no  
6 later than either December 31, 2016, or six months after  
7 construction of the three Level II dorm facilities authorized in  
8 Section 14 of this act, whichever is earlier.

9 (b) This requirement is hereby suspended pending a review by  
10 the Department of Finance and the Department of Corrections and  
11 Rehabilitation that determines the facility can be closed. Closure  
12 of the facility shall not occur sooner than 30 days after notification  
13 in writing to the Chair of the Joint Legislative Budget Committee.

14 SEC. 3. Section 19050.2 of the Government Code is amended  
15 to read:

16 19050.2. (a) Subject to the approval of the board, the  
17 appointing authority may enter into arrangements with personnel  
18 agencies in other jurisdictions for the purpose of exchanging  
19 services and effecting transfers of employees.

20 (b) For purposes of this section, and all related rules, the  
21 California City Correctional Center in California City is an agency  
22 or jurisdiction for the duration of the two-year period described in  
23 Section 19050.8.

24 (c) This section shall remain in effect only until January 1, 2017,  
25 and as of that date is repealed, unless a later enacted statute, that  
26 is enacted before January 1, 2017, deletes or extends that date.

27 SEC. 4. Section 19050.2 is added to the Government Code, to  
28 read:

29 19050.2. (a) Subject to the approval of the board, the  
30 appointing authority may enter into arrangements with personnel  
31 agencies in other jurisdictions for the purpose of exchanging  
32 services and effecting transfers of employees.

33 (b) This section shall become operative on January 1, 2017.

34 SEC. 5. Section 19050.8 of the Government Code is amended  
35 to read:

36 19050.8. The board may prescribe rules governing the  
37 temporary assignment or loan of employees within an agency or  
38 between agencies for a period not to exceed two years or between  
39 jurisdictions for a period not to exceed four years for any of the  
40 following purposes:

- 1 (a) To provide training to employees.
- 2 (b) To enable an agency to obtain expertise needed to meet a
- 3 compelling program or management need.
- 4 (c) To facilitate the return of injured employees to work.

5 These temporary assignments or loans shall be deemed to be in  
 6 accord with this part limiting employees to duties consistent with  
 7 their class and may be used to meet minimum requirements for  
 8 promotional as well as open examinations. An employee  
 9 participating in that arrangement shall have the absolute right to  
 10 return to his or her former position. Any temporary assignment or  
 11 loan of an employee made for the purpose specified in subdivision  
 12 (b) shall be made only with the voluntary consent of the employee.

13 In addition, out-of-class experience obtained in a manner not  
 14 described in this section may be used to meet minimum  
 15 requirements for promotional as well as open examinations, only  
 16 if it was obtained by the employee in good faith and was properly  
 17 verified under standards prescribed by board rule.

18 For purposes of this section, a temporary assignment or loan  
 19 between educational agencies or jurisdictions shall be extended  
 20 for up to two additional years upon a finding by the Superintendent  
 21 of Public Instruction or the Chancellor of the California  
 22 Community Colleges, and with the approval of the Executive  
 23 Officer of the State Personnel Board, that the extension is necessary  
 24 in order to substantially complete work on an educational  
 25 improvement project. However, the temporary assignment of any  
 26 local educator who is performing the duties of a nonrepresented  
 27 classification while on loan to a state educational agency may be  
 28 extended for as many successive two year intervals as necessary  
 29 by the Superintendent of Public Instruction or the Chancellor of  
 30 the California Community Colleges with the concurrence of the  
 31 educational agency or jurisdiction. Public and private colleges and  
 32 universities shall be considered educational agencies or  
 33 jurisdictions within the meaning of this section.

34 A temporary assignment within an agency or between agencies  
 35 may be extended by the board for up to two additional years in  
 36 order for an employee to complete an apprenticeship program.

- 37 (d) For the duration of a temporary assignment or loan not to
- 38 exceed two years, for the purposes of this section and all related
- 39 rules, the California City Correctional Center in California City,
- 40 which provides services equivalent to the core governmental

1 function of incarcerating inmates, shall be considered an agency  
2 or jurisdiction.

3 (e) This section shall remain in effect only until January 1, 2017,  
4 and as of that date is repealed, unless a later enacted statute, that  
5 is enacted before January 1, 2017, deletes or extends that date.

6 SEC. 6. Section 19050.8 is added to the Government Code, to  
7 read:

8 19050.8. The board may prescribe rules governing the  
9 temporary assignment or loan of employees within an agency or  
10 between agencies for a period not to exceed two years or between  
11 jurisdictions for a period not to exceed four years for any of the  
12 following purposes:

13 (a) To provide training to employees.

14 (b) To enable an agency to obtain expertise needed to meet a  
15 compelling program or management need.

16 (c) To facilitate the return of injured employees to work.

17 These temporary assignments or loans shall be deemed to be in  
18 accord with this part limiting employees to duties consistent with  
19 their class and may be used to meet minimum requirements for  
20 promotional as well as open examinations. An employee  
21 participating in that arrangement shall have the absolute right to  
22 return to his or her former position. Any temporary assignment or  
23 loan of an employee made for the purpose specified in subdivision  
24 (b) shall be made only with the voluntary consent of the employee.

25 In addition, out-of-class experience obtained in a manner not  
26 described in this section may be used to meet minimum  
27 requirements for promotional as well as open examinations, only  
28 if it was obtained by the employee in good faith and was properly  
29 verified under standards prescribed by board rule.

30 For purposes of this section, a temporary assignment or loan  
31 between educational agencies or jurisdictions shall be extended  
32 for up to two additional years upon a finding by the Superintendent  
33 of Public Instruction or the Chancellor of the California  
34 Community Colleges, and with the approval of the Executive  
35 Officer of the State Personnel Board, that the extension is necessary  
36 in order to substantially complete work on an educational  
37 improvement project. However, the temporary assignment of any  
38 local educator who is performing the duties of a nonrepresented  
39 classification while on loan to a state educational agency may be  
40 extended for as many successive two year intervals as necessary

1 by the Superintendent of Public Instruction or the Chancellor of  
2 the California Community Colleges with the concurrence of the  
3 educational agency or jurisdiction. Public and private colleges and  
4 universities shall be considered educational agencies or  
5 jurisdictions within the meaning of this section.

6 A temporary assignment within an agency or between agencies  
7 may be extended by the board for up to two additional years in  
8 order for an employee to complete an apprenticeship program.

9 (d) This section shall become operative on January 1, 2017.

10 SEC. 7. Section 2910 of the Penal Code is amended to read:

11 2910. (a) The Secretary of the Department of Corrections and  
12 Rehabilitation may enter into an agreement with a city, county, or  
13 city and county to permit transfer of prisoners in the custody of  
14 the secretary to a jail or other adult correctional facility of the city,  
15 county, or city and county, if the sheriff or corresponding official  
16 having jurisdiction over the facility has consented thereto. The  
17 agreement shall provide for contributions to the city, county, or  
18 city and county toward payment of costs incurred with reference  
19 to such transferred prisoners.

20 (b) For purposes of this section, a transfer of prisoners under  
21 subdivision (a) may include inmates who have been sentenced to  
22 the department but remain housed in a county jail. These prisoners  
23 shall be under the sole legal custody and jurisdiction of the sheriff  
24 or corresponding official having jurisdiction over the facility and  
25 shall not be under the legal custody or jurisdiction of the  
26 Department of Corrections and Rehabilitation.

27 (c) Notwithstanding any other law, for purposes of entering into  
28 agreements under subdivision (a), any process, regulation,  
29 requirement, including any state governmental reviews or  
30 approvals, or third-party approval that is required under, or  
31 implemented pursuant to, any statute that relates to entering into  
32 those agreements is hereby waived.

33 (d) When an agreement entered into pursuant to subdivision (a)  
34 or (c) is in effect with respect to a particular local facility, the  
35 secretary may transfer prisoners whose terms of imprisonment  
36 have been fixed and parole violators to the facility.

37 (e) Prisoners so transferred to a local facility may, with notice  
38 to the secretary, participate in programs of the facility, including,  
39 but not limited to, work furlough rehabilitation programs.

1 (f) The secretary, to the extent possible, shall select city, county,  
2 or city and county facilities in areas where medical, food, and other  
3 support services are available from nearby existing prison facilities.

4 (g) The secretary, with the approval of the Department of  
5 General Services, may enter into an agreement to lease state  
6 property for a period not in excess of 20 years to be used as the  
7 site for a facility operated by a city, county, or city and county  
8 authorized by this section.

9 (h) This section shall remain in effect only until January 1, 2017,  
10 and as of that date is repealed, unless a later enacted statute, that  
11 is enacted before January 1, 2017, deletes or extends that date.

12 SEC. 8. Section 2910 is added to the Penal Code, to read:

13 2910. (a) The Secretary of the Department of Corrections and  
14 Rehabilitation may enter into an agreement with a city, county, or  
15 city and county to permit transfer of prisoners in the custody of  
16 the secretary to a jail or other adult correctional facility of the city,  
17 county, or city and county, if the sheriff or corresponding official  
18 having jurisdiction over the facility has consented thereto. The  
19 agreement shall provide for contributions to the city, county, or  
20 city and county toward payment of costs incurred with reference  
21 to such transferred prisoners.

22 (b) When an agreement entered into pursuant to subdivision (a)  
23 is in effect with respect to a particular local facility, the secretary  
24 may transfer prisoners whose terms of imprisonment have been  
25 fixed and parole violators to the facility.

26 (c) Prisoners so transferred to a local facility may, with approval  
27 of the secretary, participate in programs of the facility, including,  
28 but not limited to, work furlough rehabilitation programs.

29 (d) Prisoners transferred to such facilities are subject to the rules  
30 and regulations of the facility in which they are confined, but  
31 remain under the legal custody of the Department of Corrections  
32 and Rehabilitation and shall be subject at any time, pursuant to the  
33 rules and regulations of the secretary, to be detained in the county  
34 jail upon the exercise of a state parole or correctional officer's  
35 peace officer powers, as specified in Section 830.5, with the  
36 consent of the sheriff or corresponding official having jurisdiction  
37 over the facility.

38 (e) The secretary, to the extent possible, shall select city, county,  
39 or city and county facilities in areas where medical, food, and other  
40 support services are available from nearby existing prison facilities.

1 (f) The secretary, with the approval of the Department of  
2 General Services, may enter into an agreement to lease state  
3 property for a period not in excess of 20 years to be used as the  
4 site for a facility operated by a city, county, or city and county  
5 authorized by this section.

6 (g) An agreement shall not be entered into under this section  
7 unless the cost per inmate in the facility is no greater than the  
8 average costs of keeping an inmate in a comparable facility of the  
9 department, as determined by the secretary.

10 (h) This section shall become operative on January 1, 2017.

11 SEC. 9. Section 2915 is added to the Penal Code, to read:

12 2915. (a) The Secretary of the Department of Corrections and  
13 Rehabilitation may enter into one or more agreements to obtain  
14 secure housing capacity within the state. These agreements may  
15 be entered into with private entities and may be in the form of a  
16 lease or an operating agreement. The secretary may procure and  
17 enter these agreements on terms and conditions he or she deems  
18 necessary and appropriate. Notwithstanding any other law, any  
19 process, regulation, requirement, including any state governmental  
20 reviews or approvals, or third-party approval that is required under  
21 statutes that relate to the procurement and implementation of those  
22 agreements is hereby waived, however, no agreement shall contain  
23 terms, either directly or indirectly, that involve the repayment of  
24 any debt issuance or other financing and, consistent with state law,  
25 shall provide that payment of that agreement is subject to  
26 appropriation.

27 (b) The Secretary of the Department of Corrections and  
28 Rehabilitation may enter into one or more agreements to obtain  
29 secure housing capacity in another state. These agreements may  
30 be entered into with private entities and may be in the form of an  
31 operating agreement or other contract. The secretary may procure  
32 and enter these agreements on terms and conditions he or she  
33 deems necessary and appropriate. Notwithstanding any other law,  
34 any process, regulation, requirement, including any state  
35 governmental reviews or approvals, or third-party approval that  
36 is required under statutes that relate to the procurement and  
37 implementation of those agreements is hereby waived, however,  
38 no agreement shall contain terms, either directly or indirectly, that  
39 involve the repayment of any debt issuance or other financing and,  
40 consistent with state law, shall provide that payment of that

1 agreement is subject to appropriation. This subdivision does not  
2 authorize the department to operate a facility out of state.

3 (c) The provisions of Division 13 (commencing with Section  
4 21000) of the Public Resources Code do not apply to this section.

5 (d) This section shall remain in effect only until January 1, 2017,  
6 and as of that date is repealed, unless a later enacted statute, that  
7 is enacted before January 1, 2017, deletes or extends that date.

8 SEC. 10. Section 6250.2 is added to the Penal Code, to read:

9 6250.2. (a) The Secretary of the Department of Corrections  
10 and Rehabilitation may enter into agreements for the transfer of  
11 prisoners to, or placement of prisoners in, community correctional  
12 centers. The secretary may enter into contracts to provide housing,  
13 sustenance, and supervision for inmates placed in community  
14 correctional centers.

15 (b) Notwithstanding any other law, for the purposes of entering  
16 into agreements under subdivision (a), any process, regulation,  
17 requirement, including any state government reviews or approvals,  
18 or third-party approval that is required under, or implemented  
19 pursuant to, any statute that relates to entering into those  
20 agreements is hereby waived.

21 (c) This section shall remain in effect only until January 1, 2017,  
22 and as of that date is repealed, unless a later enacted statute, that  
23 is enacted before January 1, 2017, deletes or extends that date.

24 SEC. 11. Section 11191 of the Penal Code is amended to read:

25 11191. (a) Any court or other agency or officer of this state  
26 having power to commit or transfer an inmate, as defined in Article  
27 II(d) of the Interstate Corrections Compact or of the Western  
28 Interstate Corrections Compact, to any institution for confinement  
29 may commit or transfer that inmate to any institution within or  
30 without this state if this state has entered into a contract or contracts  
31 for the confinement of inmates in that institution pursuant to Article  
32 III of the Interstate Corrections Compact or of the Western  
33 Interstate Corrections Compact.

34 (b) An inmate sentenced under California law shall not be  
35 committed or transferred to an institution outside of this state,  
36 unless he or she has executed a written consent to the transfer. The  
37 inmate shall have the right to a private consultation with an attorney  
38 of his choice, or with a public defender if the inmate cannot afford  
39 counsel, concerning his rights and obligations under this section,  
40 and shall be informed of those rights prior to executing the written

1 consent. At any time more than five years after the transfer, the  
2 inmate shall be entitled to revoke his consent and to transfer to an  
3 institution in this state. In such cases, the transfer shall occur within  
4 the next 30 days.

5 (c) Notwithstanding the requirements in this section or Section  
6 11194, the secretary may transfer an inmate to a facility in another  
7 state without the consent of the inmate.

8 (d) Inmates who volunteer by submitting a request to transfer  
9 and are otherwise eligible shall receive first priority under this  
10 section.

11 (e) This section shall remain in effect only until January 1, 2017,  
12 and as of that date is repealed, unless a later enacted statute, that  
13 is enacted before January 1, 2017, deletes or extends that date.

14 SEC. 12. Section 11191 is added to the Penal Code, to read:

15 11191. (a) Any court or other agency or officer of this state  
16 having power to commit or transfer an inmate, as defined in Article  
17 II(d) of the Interstate Corrections Compact or of the Western  
18 Interstate Corrections Compact, to any institution for confinement  
19 may commit or transfer that inmate to any institution within or  
20 outside of this state if this state has entered into a contract or  
21 contracts for the confinement of inmates in that institution pursuant  
22 to Article III of the Interstate Corrections Compact or of the  
23 Western Interstate Corrections Compact.

24 (b) No inmate sentenced under California law may be committed  
25 or transferred to an institution outside of this state, unless he or  
26 she has executed a written consent to the transfer. The inmate shall  
27 have the right to a private consultation with an attorney of his  
28 choice, or with a public defender if the inmate cannot afford  
29 counsel, concerning his rights and obligations under this section,  
30 and shall be informed of those rights prior to executing the written  
31 consent. At any time more than five years after the transfer, the  
32 inmate shall be entitled to revoke his consent and to transfer to an  
33 institution in this state. In such cases, the transfer shall occur within  
34 the next 30 days.

35 (c) This section shall become operative on January 1, 2017.

36 SEC. 13. Section 13602 of the Penal Code is amended to read:

37 13602. (a) The Department of Corrections and Rehabilitation  
38 may use the training academy at Galt or the training center in  
39 Stockton. The academy at Galt shall be known as the Richard A.  
40 McGee Academy. The training divisions, in using the funds, shall

1 endeavor to minimize costs of administration so that a maximum  
2 amount of the funds will be used for providing training and support  
3 to correctional peace officers while being trained by the  
4 department.

5 (b) Notwithstanding subdivision (a), and pursuant to Section  
6 13602.1, the Department of Corrections and Rehabilitation may  
7 use a training academy established for the California City  
8 Correctional Center. This academy, in using the funds, shall  
9 endeavor to minimize costs of administration so that a maximum  
10 amount of the funds will be used for providing training and support  
11 to correctional employees who are being trained by the department.

12 (c) Each new cadet who attends an academy shall complete the  
13 course of training, pursuant to standards approved by the CPOST  
14 before he or she may be assigned to a post or job as a peace officer.  
15 Every newly appointed first-line or second-line supervisor in the  
16 Department of Corrections and Rehabilitation shall complete the  
17 course of training, pursuant to standards approved by the CPOST  
18 for that position.

19 (d) The Department of Corrections and Rehabilitation shall  
20 make every effort to provide training prior to commencement of  
21 supervisory duties. If this training is not completed within six  
22 months of appointment to that position, any first-line or second-line  
23 supervisor shall not perform supervisory duties until the training  
24 is completed.

25 (e) This section shall remain in effect only until January 1, 2017,  
26 and as of that date is repealed, unless a later enacted statute, that  
27 is enacted before January 1, 2017, deletes or extends that date.

28 SEC. 14. Section 13602 is added to the Penal Code, to read:

29 13602. (a) The Department of Corrections and Rehabilitation  
30 may use the training academy at Galt or the training center in  
31 Stockton. The academy at Galt shall be known as the Richard A.  
32 McGee Academy. The training divisions, in using the funds, shall  
33 endeavor to minimize costs of administration so that a maximum  
34 amount of the funds will be used for providing training and support  
35 to correctional peace officers while being trained by the  
36 department.

37 (b) Each new cadet who attends an academy shall complete the  
38 course of training, pursuant to standards approved by the CPOST,  
39 before he or she may be assigned to a post or job as a peace officer.  
40 Every newly appointed first-line or second-line supervisor in the

1 Department of Corrections and Rehabilitation shall complete the  
2 course of training, pursuant to standards approved by the CPOST  
3 for that position.

4 (c) The Department of Corrections and Rehabilitation shall  
5 make every effort to provide training prior to commencement of  
6 supervisory duties. If this training is not completed within six  
7 months of appointment to that position, any first-line or second-line  
8 supervisor shall not perform supervisory duties until the training  
9 is completed.

10 (d) This section shall become operative January 1, 2017.

11 SEC. 15. (a) There is hereby appropriated from the General  
12 Fund the amount of three hundred fifteen million dollars  
13 (\$315,000,000) to the Department of Corrections and Rehabilitation  
14 for purposes of implementing this act.

15 (b) (1) Not later than April 15, 2014, and again not later than  
16 April 15, 2015, the Secretary of the Department of Corrections  
17 and Rehabilitation shall submit a report to the Director of Finance  
18 and the chairpersons and vice chairpersons of the committees in  
19 both houses of the Legislature that consider the state budget, and  
20 to the Assembly Committee on Public Safety and the Senate  
21 Committee on Public Safety, detailing the number of inmates  
22 housed in leased beds and in contracted beds both within and  
23 outside of the state pursuant to the provisions of this act. The report  
24 shall provide the specific number of inmates moved to each facility  
25 and shall identify all costs associated with housing these inmates.

26 (2) The requirement for submitting a report imposed under this  
27 subdivision is inoperative on January 1, 2017, pursuant to Section  
28 10231.5 of the Government Code.

29 (3) A report to be submitted pursuant to this subdivision shall  
30 be submitted in compliance with Section 9795 of the Government  
31 Code.

32 SEC. 16. This act is a bill providing for appropriations related  
33 to the Budget Bill within the meaning of subdivision (e) of Section  
34 12 of Article IV of the California Constitution, has been identified  
35 as related to the budget in the Budget Bill, and shall take effect  
36 immediately.

O

AMENDED IN SENATE SEPTEMBER 3, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

No. 84

**Introduced by Committee on Budget (~~Blumenfield-Skinner~~ (Chair), Bloom, ~~Bonilla Campos~~, Chesbro, Daly, Dickinson, Gordon, Jones-Sawyer, Mitchell, Mullin, Muratsuchi, Nazarian, ~~Rendon~~, Stone, and Ting)**

January 10, 2013

An act relating to the Budget Act of 2013, to add Chapter 4 (commencing with Section 1234) to Title 8 of Part 2 of, and to add Title 14 (commencing with Section 14400) to Part 4 of, the Penal Code, relating to corrections, and making an appropriation therefor, to take effect immediately, bill related to the budget.

## LEGISLATIVE COUNSEL'S DIGEST

AB 84, as amended, Committee on Budget. ~~Budget Act of 2013. Public safety: Public safety performance incentives.~~

(1) Existing law authorizes each county to establish a Community Corrections Performance Incentives Fund (CCPIF) and authorizes the state to annually allocate moneys in a State Corrections Performance Incentives Fund to be used for specified purposes relating to improving local probation supervision practices and capacities. Existing law requires community corrections programs to be developed by the chief probation officer, as advised by a Community Corrections Partnership. Existing law requires each county using CCPIF funds to identify and track specific outcome-based measures and to report to the Administrative Office of the Courts on the effectiveness of the programs funded by the CCPIF.

This bill would authorize each county to establish a Public Safety Performance Incentives Fund (PSPIF) and would authorize the state to annually allocate money into a Public Safety Performance Incentives Fund to be used for specified purposes relating to reducing crime and recidivism among criminal offenders, as specified. This bill would require the Director of Finance, to calculate a formula and recommend to the Legislature the amount of money that should be appropriated into a county PSPIF not to exceed \$315 million each year, as specified. The bill would also require each county program using PSPIF funds to identify and track specific outcome-based measures, as specified, and require counties receiving PSPIF funds to report to the Administrative Office of the Courts regarding the effectiveness of the crime reduction program funded by the PSPIF.

This bill would require, as a condition of receiving PSPIF funds, the board of supervisors and the chief probation officer of each county to develop and implement a crime reduction program.

(2) Existing law establishes the Department of Corrections and Rehabilitation to oversee the state prison system. Existing law establishes the Board of State and Community Corrections to collect and maintain available information and data about state and community correctional policies, practices, capacities, and needs, among other duties.

This bill would establish the California Public Safety Commission, a permanent, advisory agency in state government, to be composed of 18 members, as specified. The bill would require the commission to provide information and develop recommendations for the Legislature and the Governor to consider, to assist with prison population management options consistent with public safety, to assist with effective

*correctional practices and the effective allocation of public safety resources, to develop recommendations for the Legislature and the Governor to consider regarding criminal sentences and evidence-based programming for criminal offenders, and to develop recommendations for the Legislature and the Governor to consider sentencing credits.*

*The bill would require the administrative duties of the commission to be performed by commission staff physically sited in the Administrative Office of the Courts, and would deem the commission to be within the judicial branch of state government. The bill would specify that the commission is a criminal justice agency.*

*This bill would require each agency and department of state and local government to make its services, equipment, personnel, facilities, and information available to the greatest practical extent to the commission in the execution of its functions. By increasing the duties of local governments, this bill would impose a state-mandated local program.*

*(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

*(4) Existing constitutional provisions require that a statute that limits the right of access to the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.*

*The bill would make findings to that effect regarding the need to keep confidential any information requested by the California Public Safety Commission and provided by an agency of state or local government in order for the commission to execute its functions.*

*(5) The bill would appropriate \$1,000,000 from the General Fund to the California Public Safety Commission for the establishment and funding of the commission. The bill would appropriate \$500,000 from the Public Safety Performance Incentives Fund to the Administrative Office of the Courts for the costs of implementing and administering the California Public Safety Performance Incentives program. The bill would appropriate \$180,000,000 from the General Fund to the Department of Finance to support evidence-based programs and practices that are likely to reduce the number of offenders admitted to state prison. The bill would also appropriate \$20,000,000 from the General Fund to the Judicial Council to support the administration and operation of court programs and practices known to reduce offender recidivism.*

*(6) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.*

~~*This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2013.*~~

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- P4 1        **SECTION 1.**  
           *The Legislature finds and declares all of the*  
 2        *following:*  
 3        *(a) The State of California has invested billions of dollars in*  
 4        *prison construction and other initiatives to improve prison health*  
 5        *care and related conditions of correctional care.*  
 6        *(b) The State of California has achieved comprehensive criminal*  
 7        *justice reform over the course of the last four years. All of these*  
 8        *measures have contributed to reducing the number of offenders*  
 9        *sent to or kept in state prison.*  
 10       *(c) In 2011, California enacted Assembly Bill 109 (realignment),*

11 *under which lower risk felons and parolees are incarcerated in*  
 12 *county jails instead of in state prison. Realignment alone reduced*  
 13 *California’s prison population by almost 25,000 inmates in less*  
 14 *than one year.*

15 *(d) California cannot safely sustain early releases of prison*  
 16 *inmates, especially as its local law enforcement agencies are fully*  
 17 *engaged in implementing realignment. California cannot meet an*  
 18 *arbitrary standard and deadline of December 31, 2013, for*  
 19 *reducing its prison inmate population by nearly 10,000 in a manner*  
 20 *consistent with public safety, fiscal prudence, and long-term*  
 21 *sustainability.*

22 *(e) California has made remarkable, historic progress in*  
 23 *reducing its inmate population over the last four years. Continued*  
 24 *substantive investments in ensuring a set of durable solutions to*  
 25 *safeguard a reduced and stabilized prison population require relief*  
 26 *from the December 31, 2013, prison population reduction deadline*  
 27 *imposed by the federal courts.*

28 *(f) The additional state commitments authorized by this act*  
 29 *provide an immediately deployable remedy to further reduce new*  
 30 *prison admissions through more effective local criminal justice*  
 31 *practices and programs, which will avoid the risk of early release*  
 32 *of prison inmates ordered by the federal courts and improve public*  
 33 *safety in both the near and short term.*

34 *(g) This act, together with legal and administrative solutions*  
 35 *relating to the safe and effective management of California’s prison*  
 36 *population secured by the executive branch, will provide balanced*  
 37 *and durable solutions to prison overcrowding that are cost*  
 38 *effective, protect public safety, and provide an immediate and*  
 P5 1 *viable blueprint for the state, in consultation with stakeholders,*  
 2 *to assess the state prison system, including capacity needs, prison*  
 3 *population levels, recidivism rates, and factors affecting crime*  
 4 *levels.*

5 *(h) The startup funding and ongoing incentive-based grant*  
 6 *program to support local governments which are contained in this*  
 7 *act ensure that state and local partners have the resources and*  
 8 *time necessary to develop additional thoughtful, balanced, and*  
 9 *effective long-term solutions consistent with, and complementary*  
 10 *to, the recent criminal justice reforms of realignment. The*  
 11 *long-term opportunity contained in this legislation will support*  
 12 *the state’s efforts to effectively and safely manage its prison*  
 13 *population.*

14 *(i) This act will support the state and its local government and*  
 15 *justice partners in working towards safer communities, truer*  
 16 *offender accountability, and further success in the implementation*  
 17 *of realignment.*

18 *SEC. 2.*

19 *Chapter 4 (commencing with Section 1234) is added*  
 20 *to Title 8 of Part 2 of the Penal Code, to read:*

21 *CHAPTER 4. CALIFORNIA PUBLIC SAFETY PERFORMANCE*  
 22 *INCENTIVES*  
 23

24 *1234. (a) This chapter shall be known, and may be cited, as*  
 25 *the Public Safety Performance Incentive Act of 2013.*

26 *(b) The Legislature finds and declares all of the following:*

27 *(1) The State of California has invested billions of dollars in*  
 28 *prison construction and other initiatives to improve providing*

29 *prison health care and related conditions of correctional care.*

30 *(2) California has achieved comprehensive criminal justice*  
31 *reform over the course of the last four years.*

32 *(3) California has made historic progress in reducing its inmate*  
33 *population over the last four years, and enacting evidence-based*  
34 *criminal justice reforms that promote improved public safety*  
35 *programs and practices. Continued substantive investments in*  
36 *ensuring a set of durable solutions to safeguard a reduced and*  
37 *stabilized prison population while ensuring and promoting public*  
38 *safety justify relief from the December 31, 2013, prison population*  
39 *reduction deadline imposed by the federal courts.*

P6 1 *(4) The additional state commitments authorized by this chapter*  
2 *provide an immediately deployable and durable remedy to further*  
3 *reduce new prison admissions through more effective local criminal*  
4 *justice practices and programs, which will avoid the risk of early*  
5 *release of prison inmates ordered by the federal courts and improve*  
6 *public safety in both the near and short term.*

7 *(5) The startup funding and ongoing incentive-based grant*  
8 *program to support local governments contained in this chapter*  
9 *are intended to support local criminal justice partners with the*  
10 *resources and time necessary to develop additional thoughtful,*  
11 *balanced, and effective long-term solutions consistent with, and*  
12 *complementary to, the recent criminal justice reforms of*  
13 *realignment. The long-term opportunity contained in this chapter*  
14 *will also support California's efforts to effectively and safely*  
15 *manage its prison population.*

16 *(6) This chapter will support California and its local government*  
17 *and justice partners in working towards safer communities, true*  
18 *offender accountability, further success in the implementation of*  
19 *realignment, and a stabilized and effective state prison system.*

20 *1234.1. (a) Each county may establish in each county treasury*  
21 *a Public Safety Performance Incentives Fund, to receive all*  
22 *amounts allocated to that county for purposes of implementing*  
23 *this chapter.*

24 *(b) Notwithstanding any other law, in any fiscal year for which*  
25 *a county receives moneys to be expended for the implementation*  
26 *of this chapter, the moneys, including any interest earned on*  
27 *moneys received by a county, shall be made available to the board*  
28 *of supervisors, the chief probation officer, and the superior court*  
29 *of that county within 30 days of the deposit of those moneys into*  
30 *the fund, for the implementation of the crime reduction program*  
31 *authorized by this chapter.*

32 *(1) A crime reduction program shall be developed and*  
33 *implemented by the board of supervisors and the chief probation*  
34 *officer of each county.*

35 *(2) Funds allocated to the board and to the chief probation*  
36 *officer pursuant to this chapter shall be used for programs that*  
37 *maximize the county's effectiveness in reducing recidivism among*  
38 *criminal offenders subject to custody or supervision in its*  
39 *jurisdiction, which may include, but are not limited to, the*  
40 *following:*

P7 1 *(A) Expanding the availability of evidence-based rehabilitation*  
2 *programs, including, but not limited to, mental health treatment,*  
3 *drug and alcohol treatment, anger management programs,*  
4 *cognitive behavior programs, reentry courts, and job training and*  
5 *employment services.*

6 *(B) Implementing and expanding evidence-based risk and needs*

7 assessment, including, but not limited to, the development of  
8 offender case management plans.

9 (C) Implementing and expanding intermediate sanctions for  
10 offenders that include, but are not limited to, electronic monitoring,  
11 mandatory community service, home detention, day reporting,  
12 restorative justice programs, and work furlough programs.

13 (D) Providing more intensive supervision by counties.

14 (E) Evaluating the effectiveness of rehabilitation and supervision  
15 programs and ensuring program fidelity.

16 (F) Implementing and expanding evidence-based supervision,  
17 services, and programs known to reduce recidivism and crime  
18 among offenders subject to the custody of the sheriff.

19 (G) Implementing and expanding evidence-based policing  
20 programs and practices known to reduce crime.

21 (H) Implementing evidence-based prosecutorial programs and  
22 practices that reduce the number of offenders sent to state prison,  
23 such as community-based prosecution programs, education,  
24 training, administration, and operation of programs and practices  
25 that are known to reduce recidivism.

26 (3) Each board of supervisors and the chief probation officer  
27 receiving funds under this chapter shall maintain a complete and  
28 accurate accounting of all funds received.

29 (4) Five percent of all funding allocated to a county under this  
30 chapter shall be allocated to the superior court of that county to  
31 implement evidence-based court practices that are known to  
32 improve outcomes among criminal offenders and reduce recidivism.

33 1234.2. In any fiscal year for which a county receives moneys  
34 pursuant to this chapter, the moneys, including any interest earned  
35 on moneys received by a county, shall be allocated as follows:

36 (a) The chief probation officer shall receive an allocation  
37 reflecting reductions in the county's admission-to-prison rate  
38 achieved for persons subject to felony probation, mandatory  
39 supervision, and postrelease community supervision.

P8 1 (b) The board of supervisors shall receive an allocation  
2 reflecting reductions in the county's admission-to-prison rate  
3 achieved for persons other than those described in subdivision  
4 (a).

5 (c) The superior court shall receive 5 percent of the allocations  
6 awarded pursuant to subdivisions (a) and (b).

7 1234.3. (a) Programs funded pursuant to this chapter shall  
8 identify and track specific outcome-based measures consistent  
9 with the goals of this chapter.

10 (b) The Administrative Office of the Courts, in consultation with  
11 the California State Association of Counties and the Chief  
12 Probation Officers of California, shall specify and define minimum  
13 required outcome-based measures, which shall include, but not  
14 be limited to, all of the following:

15 (1) The number of persons who are being provided with  
16 programs, services, or supervision through programs operated  
17 by, or contracted for, the county in accordance with evidence-based  
18 practices.

19 (2) A descriptive list of all programs or services receiving  
20 funding pursuant to this chapter.

21 (3) The number and percentage of persons receiving programs  
22 or services pursuant to this chapter who successfully complete  
23 program or service goals or successfully complete a period of  
24 local supervision.

25 (c) The board of supervisors of each county receiving funding  
26 pursuant to this chapter shall provide an annual written report to  
27 the Administrative Office of the Courts evaluating the effectiveness  
28 of the crime reduction program, including, but not limited to, the  
29 data described in subdivision (b).

30 1234.4. Commencing no later than 18 months following the  
31 initial receipt of funding pursuant to this chapter, and annually  
32 thereafter, the Administrative Office of the Courts, in consultation  
33 with the Department of Corrections and Rehabilitation, the  
34 Department of Finance, the California State Association of  
35 Counties, and the Chief Probation Officers of California, shall  
36 submit to the Governor and the Legislature a comprehensive report  
37 on the implementation of this chapter. The report shall include,  
38 but not be limited to, all of the following information for each  
39 county:

P9 1 (a) The effectiveness of the crime reduction program based on  
2 the reports of outcome-based measures required by Section 1234.3.

3 (b) Admissions to prison or jail as a percentage of the total  
4 county population between 18 and 25 years of age for the year for  
5 which the report is being made.

6 (c) The rate of felony convictions as a percentage of the total  
7 county population between 18 and 25 years of age.

8 (d) The impact of the moneys allocated pursuant to this chapter  
9 to enhance public safety by reducing the incidence of criminal  
10 activity and admissions to prison or jail for the year for which the  
11 report is being made.

12 (e) Any recommendations regarding resource allocations or  
13 additional collaboration with other state, regional, federal, or  
14 local entities for improvements to this program.

15 1234.5. The Director of Finance, in consultation with the  
16 Department of Corrections and Rehabilitation, the Joint Legislative  
17 Budget Committee, the California State Association of Counties,  
18 and the Administrative Office of the Courts, shall do all of the  
19 following:

20 (a) Calculate a statewide baseline admission-to-prison rate  
21 based on the percentage of the total statewide population between  
22 18 and 25 years of age admitted to state prison during the 2012  
23 calendar year and the first eight months of the 2013 calendar year.

24 (b) For each county, calculate a baseline admission-to-prison  
25 rate based on the percentage of the total county population between  
26 18 and 25 years of age admitted to state prison during the 2012  
27 calendar year and the first eight months of the 2013 calendar year.

28 (c) Develop a proposed methodology for identifying the number  
29 of annual prison admissions for each county compared to the  
30 county's baseline rate, established pursuant to subdivision (b),  
31 that is attributable to offenders who were on felony probation,  
32 mandatory supervision, or postrelease community supervision at  
33 the time of the offense resulting in the prison admission. The  
34 Department of Finance shall present this proposed methodology  
35 to the Legislature no later than May 15, 2014.

36 1234.6. After the conclusion of each calendar year beginning  
37 with 2014, the Director of Finance, in consultation with the  
38 Department of Corrections and Rehabilitation, the Joint Legislative  
39 Budget Committee, the California State Association of Counties,  
and the Administrative Office of the Courts, shall calculate the

P10 1 following for the immediately preceding calendar year:  
2

3 (a) The statewide admission-to-prison rate. The statewide

4 admission-to-prison rate shall be calculated as the total number  
 5 of admissions to prison in the preceding year as a percentage of  
 6 the total statewide population between 18 and 25 years of age.

7 (b) The admission-to-prison rate for each county. Each county's  
 8 admission-to-prison rate shall be calculated as the total number  
 9 of admissions to prison from the county for the preceding year as  
 10 a percentage of the total county population between 18 and 25  
 11 years of age.

12 (c) An estimate of the reduction in the number of prison  
 13 admissions each county successfully achieved. This number shall  
 14 include estimates of the amount of the total reduction that is  
 15 attributable to reductions in offenders sent to prison from each of  
 16 the following categories: felony probationers, offenders subject  
 17 to mandatory supervision, and offenders subject to postrelease  
 18 community supervision. For each county, this estimate shall be  
 19 calculated based on the reduction in the county's  
 20 admission-to-prison rate as calculated annually pursuant to  
 21 subdivision (b) and the county's prison admissions compared to  
 22 the county's baseline rate as calculated pursuant to subdivision  
 23 (c) of Section 1234.5.

24 1234.7. No later than May 15, 2014, and by every May 15  
 25 thereafter, the Department of Finance, in consultation with the  
 26 Legislative Analyst's Office, shall develop and present to the  
 27 Governor and the Legislature a formula for calculating the  
 28 reduction in prison-admission incentive payment for each eligible  
 29 county pursuant to Section 1234.9. That formula shall reflect the  
 30 following elements, calculated according to the amount proposed  
 31 to be appropriated to the Public Safety Performance Incentives  
 32 Fund in the budget year:

33 (a) A specified amount assigned to each reduction in the number  
 34 of prison admissions attributable to the county as calculated  
 35 pursuant to subdivision (c) of Section 1234.6.

36 (b) For any fiscal year, in lieu of the amount described in  
 37 subdivision (a), a county may elect to receive a high-performance  
 38 grant if (1) the county achieves an admission-to-prison rate that  
 39 is 25 percent below the baseline statewide admission-to-prison  
 40 rate calculated pursuant to Section 1234.5, and (2) achieves an  
 P11 1 admission-to-prison rate below the statewide admission-to-prison  
 2 rate calculated pursuant to subdivision (a) of Section 1234.6. The  
 3 high-performance grant shall take into account the size of the  
 4 county's total population between 18 and 25 years of age.

5 (c) If eligible for a high-performance grant pursuant to  
 6 subdivision (b), the board of supervisors and CPO shall indicate  
 7 to the Administrative Office of the Courts, by a date designated  
 8 by the Administrative Office of the Courts, whether the county  
 9 chooses to receive the high-performance grant pursuant to  
 10 subdivision (b) or the reduction in prison-admission incentive  
 11 payment calculated pursuant to subdivision (a).

12 (d) The incentive payments provided for in this section shall be  
 13 administered by the Administrative Office of the Courts. The  
 14 Administrative Office of the Courts shall seek to ensure that each  
 15 qualifying county that submits a qualifying application receive a  
 16 proportionate share of the funding available based on the  
 17 population of adults 18 to 25 years of age, inclusive, in each of  
 18 the counties eligible for the incentive payments.

19 (e) A county that fails to provide the information specified in  
 20 Section 1234.3 to the Administrative Office of the Courts is not

21 eligible for payment pursuant to this chapter.

22 (f) For the 2014-15 fiscal year, the Department of Finance, in  
 23 consultation with the Department of Corrections and  
 24 Rehabilitation, the Joint Legislative Budget Committee, the  
 25 California Association of Counties, and the Administrative Office  
 26 of the Courts, shall develop a proposed allocation for the Public  
 27 Safety Incentives Performance program authorized by this chapter  
 28 that includes a combination of initial funding, to be distributed  
 29 consistent with the requirements of this chapter, as well as the  
 30 performance incentive for individual counties for the months of  
 31 October 2013 to April 2014, inclusive, consistent with the formula  
 32 developed pursuant to this section. The Department of Finance  
 33 shall present this proposed allocation to the Legislature no later  
 34 than May 15, 2014.

35 1234.8. If all the data specified by this chapter are not available  
 36 to the Director of Finance, the Director of Finance, in consultation  
 37 with the Department of Corrections and Rehabilitation, the Joint  
 38 Legislative Budget Committee, and the Administrative Office of  
 39 the Courts, shall use the best available data to estimate reduction  
 40 in prison-admission incentive payments and high-performance  
 P12 1 grants utilizing a methodology that is as consistent with that  
 2 described in this chapter as is reasonably possible.

3 1234.9. (a) Reduction in prison-admission incentive payments  
 4 and high-performance grants calculated for any calendar year  
 5 shall be provided to a county in the following fiscal year. The total  
 6 annual payment to each county shall be divided into four equal  
 7 quarterly payments.

8 (b) The Department of Finance shall include an estimate of the  
 9 total reduction in prison-admission incentive payments and  
 10 high-performance grants to be provided to counties in the coming  
 11 fiscal year as part of the Governor's proposed budget released no  
 12 later than January 10 of each year. This estimate shall be adjusted  
 13 by the Department of Finance, as necessary, to reflect the actual  
 14 calculations of prison-admission incentive payments and  
 15 high-performance grants awarded by the Director of Finance, in  
 16 consultation with the Department of Corrections and  
 17 Rehabilitation, the Joint Legislative Budget Committee, the  
 18 California State Association of Counties, the Chief Probation  
 19 Officers of California, and the Administrative Office of the Courts.  
 20 This adjustment shall occur as part of standard budget revision  
 21 processes completed by the Department of Finance in April and  
 22 May of each year.

23 (c) Moneys appropriated for purposes of providing reduction  
 24 in prison-admission incentive payments and high-performance  
 25 grants authorized by this chapter shall be transferred to the Public  
 26 Safety Performance Incentives Fund from the General Fund. Any  
 27 moneys transferred to this fund from the General Fund shall be  
 28 administered by the Administrative Office of the Courts, and the  
 29 share calculated for each county shall be transferred to its Public  
 30 Safety Performance Incentives Fund.

31 (d) For each fiscal year, the Director of Finance shall, in its  
 32 budget recommendation described in subdivision (a), recommend  
 33 an amount, not to exceed three hundred fifteen million dollars  
 34 (\$315,000,000), to be appropriated by statute from the General  
 35 Fund to be transferred to the Public Safety Performance Incentives  
 36 Fund pursuant to this chapter. The amount to be allocated to each  
 37 county pursuant to this chapter shall be reported to the Controller.

38 *The Controller shall, pursuant to statute, make an allocation from*  
 39 *the Public Safety Performance Incentives Fund to each county in*  
 40 *accordance with that law.*

P13 1 *(e) The amount of five hundred thousand dollars (\$500,000) is*  
 2 *hereby allocated from the Public Safety Performance Incentives*  
 3 *Fund to the Administrative Office of the Courts for the costs of*  
 4 *implementing and administering this program. These funds shall*  
 5 *be available for encumbrance and expenditure until June 30, 2014.*

6 *1234.10. Each county receiving funding pursuant to this*  
 7 *chapter for any fiscal year shall submit a report to the*  
 8 *Administrative Office of the Courts describing the manner in which*  
 9 *the county plans to use the funds for that fiscal year to enhance*  
 10 *the county's ability to successfully implement this chapter. A county*  
 11 *that fails to submit this report by March 1 of each year is not*  
 12 *eligible to receive funding pursuant to this chapter in the*  
 13 *subsequent fiscal year.*

14 *1234.11. The moneys appropriated pursuant to this chapter*  
 15 *shall be used to supplement, not supplant, any other funds*  
 16 *appropriated by the state or allocated by a county for prison*  
 17 *recidivism reduction measures.*

18 *1234.12. The Administrative Office of the Courts, in*  
 19 *consultation with the California State Association of Counties and*  
 20 *the Chief Probation Officers of California, shall specify which*  
 21 *programs subject to this chapter are effective at reducing crime*  
 22 *and the state prison population and which programs are ineffective*  
 23 *in that regard.*

24 *SEC. 3.*

25 *Title 14 (commencing with Section 14400) is added to*  
 26 *Part 4 of the Penal Code, to read:*

27 **TITLE 14. CALIFORNIA PUBLIC SAFETY COMMISSION**

28  
 29 *14400. The Legislature hereby finds and declares all of the*  
 30 *following:*

31 *(a) There are more than 1,000 felony sentencing laws and more*  
 32 *than 100 felony sentence enhancements across the California*  
 33 *Codes.*

34 *(b) Although determinate sentencing was designed to create*  
 35 *uniformity, today sentences for similar crimes can vary*  
 36 *significantly by county and courtroom depending on the charges*  
 37 *and enhancements filed by the district attorneys and the sentencing*  
 38 *choices made by judges regarding probation, jail, or prison.*

P14 39 *Outcomes for offenders also vary depending upon availability of*  
 1 *correctional resources at the local level, creating inequities along*  
 2 *county lines.*

3 *(c) States with sentencing commissions have reduced overall*  
 4 *crime rates by increasing penalties for the most dangerous*  
 5 *offenders and expanding options for community-based sanctions*  
 6 *for certain low-level, nonviolent offenders.*

7 *(d) In enacting this title, it is the intent of the Legislature to*  
 8 *enhance public safety, promote effective crime-reduction strategies,*  
 9 *base California's sentencing practices on principles of fairness,*  
 10 *justice, and accountability, and ensure that public resources and*  
 11 *taxpayer dollars are expended in a way that most successfully*  
 12 *protects the public from crime and reduces criminal recidivism.*

13 *14405. (a) There is hereby established the California Public*  
 14 *Safety Commission, a permanent, advisory agency in state*

15 government.

16 (b) The commission shall do all of the following:

17 (1) Provide information and develop recommendations for the  
18 Legislature and the Governor to consider in 2015 and each year  
19 thereafter, to assist with prison population management options  
20 consistent with public safety, effective correctional practices, and  
21 the effective allocation of public safety resources.

22 (2) Develop recommendations for the Legislature and the  
23 Governor to consider in 2015 and thereafter, regarding criminal  
24 sentences and evidence-based programming for criminal offenders.

25 (3) No later than December 31, 2014, develop recommendations  
26 for the Legislature and the Governor to consider sentencing credits.

27 14410. (a) The commission shall be composed of 18 members,  
28 with a chairperson appointed by the Governor, comprised as  
29 follows:

30 (1) One member shall be a sheriff from a county with a  
31 population of one million or more, appointed by the Governor.

32 (2) One member shall be a sheriff from a county with a  
33 population of less than one million, appointed by the Governor.

34 (3) One member shall be a district attorney from a county with  
35 a population of one million or more, appointed by the Governor.

36 (4) One member shall be a district attorney from a county with  
37 a population of less than one million, appointed by the Governor.

38 (5) One member shall be a county chief probation officer from  
39 a county with a population of one million or more, appointed by  
40 the Governor.

P15 1 (6) One member shall be a county chief probation officer from  
2 a county with a population of less than one million, appointed by  
3 the Governor.

4 (7) One member shall be a public defender, appointed by the  
5 Governor.

6 (8) One member shall be a criminal defense attorney, appointed  
7 by the Governor.

8 (9) One member shall be a police chief from a city with a  
9 population of one million or more, appointed by the Governor.

10 (10) One member shall be a police chief from a city with a  
11 population of less than one million, appointed by the Governor.

12 (11) One member shall be an expert on criminal sentencing and  
13 criminal justice policy associated with a university or nationally  
14 recognized public policy organization, appointed by the Governor.

15 (12) One member, who shall serve as a nonvoting member, shall  
16 be a superior court judge from a county with a population of one  
17 million or more, appointed by the Chief Justice of the California  
18 Supreme Court.

19 (13) One member, who shall serve as a nonvoting member, shall  
20 be a superior court judge from a county with a population of one  
21 million or less, appointed by the Chief Justice of the California  
22 Supreme Court.

23 (14) One member shall be an expert in criminal rehabilitation,  
24 appointed by the Attorney General.

25 (15) One member shall be a representative of a prison inmate  
26 advocacy organization, appointed by the Senate Committee on  
27 Rules.

28 (16) One member shall be a private citizen, appointed by the  
29 Speaker of the Assembly.

30 (17) One member shall be the chair of the Senate Committee  
31 on Public Safety, to the extent that appointment is consistent with

32 *his or her legislative duties.*

33 *(18) One member shall be the chair of the Assembly Committee*  
 34 *on Public Safety, to the extent that appointment is consistent with*  
 35 *his or her legislative duties.*

36 *(b) On July 1, 2015, the terms of the commission members*  
 37 *appointed pursuant to paragraphs (1), (3), (5), (7), (8), and (9) of*  
 38 *subdivision (a), shall expire. On July 1, 2016, the terms of the*  
 39 *commission members appointed pursuant to paragraphs (2), (4),*  
 40 *(6), (10), (11), and (12) of subdivision (a), shall expire. On July*  
 P16 1 *1, 2017, the terms of the commission members appointed pursuant*  
 2 *to paragraphs (13), (14), (15), (16), (17), and (18) shall expire.*  
 3 *Successor members shall hold office for terms of three years, each*  
 4 *term to commence on the expiration date of the predecessor*  
 5 *incumbent. Any appointment to a vacancy that occurs for any*  
 6 *reason other than the expiration of the term shall be for the*  
 7 *remainder of the unexpired term. Members are eligible for*  
 8 *reappointment.*

9 *(c) The members of the commission shall serve without*  
 10 *compensation, but shall be reimbursed for all necessary expenses*  
 11 *incurred in the performance of their duties.*

12 14415. *(a) Upon request from the commission, each agency*  
 13 *and department of state and local government shall make its*  
 14 *services, equipment, personnel, facilities, and information available*  
 15 *to the greatest practicable extent to the commission in the execution*  
 16 *of its functions. Information that is privileged under state or federal*  
 17 *law is exempted from this section.*

18 *(b) Notwithstanding any other law, any information obtained*  
 19 *by the commission pursuant to subdivision (a) is confidential, shall*  
 20 *not be subject to the California Public Records Act (Chapter 3.5*  
 21 *(commencing with Section 6250) of Division 7 of Title 1 of the*  
 22 *Government Code), and shall be maintained in a manner that*  
 23 *meets the highest standards of privacy and shall not be disclosed*  
 24 *other than for the purpose for which it was acquired. In order to*  
 25 *promote the free exchange of information between the commission*  
 26 *and state and local agencies, including state and local law*  
 27 *enforcement, to enable the commission to effectively make its*  
 28 *recommendations, it is necessary that the information obtained by*  
 29 *the commission pursuant to subdivision (a) be confidential.*

30 *(c) The commission has the authority to enter partnerships or*  
 31 *joint agreements with organizations and agencies from California*  
 32 *and other jurisdictions, including academic departments, private*  
 33 *associations, and other sentencing commissions, to perform*  
 34 *research needed to carry out its duties.*

35 14420. *(a) The Governor shall appoint an executive director*  
 36 *of the commission who shall be exempt from civil service.*

37 *(b) The administrative duties of the commission shall be*  
 38 *conducted by commission staff physically sited in the*  
 39 *Administrative Office of the Courts. All the commission's decisions,*  
 40 *analyses, recommendations, and other duties shall be independent*  
 P17 1 *of the Administrative Office of the Courts and shall not be*  
 2 *represented by the commission as those of the Administrative Office*  
 3 *of the Courts.*

4 *(c) For the purposes of expenditures for the support of the*  
 5 *commission, including the expenses of the members of the*  
 6 *commission, the commission is deemed to be within the judicial*  
 7 *branch of state government, but the commission is not subject to*  
 8 *the control or direction of any officer or employee of the judicial*

9 *branch except in connection with the appropriation of funds*  
 10 *approved by the Legislature.*

11 *(d) The commission is a criminal justice agency within the*  
 12 *meaning of Section 13101.*

13 *(e) The commission's proceedings are subject to the open*  
 14 *meeting requirements of the Bagley-Keene Open Meeting Act*  
 15 *(Article 9 (commencing with Section 11120) of Chapter 1 of Part*  
 16 *1 of Division 3 of Title 2 of the Government Code).*

17 *SEC. 4.*

*(a) There is hereby appropriated from the General*  
 18 *Fund the amount of one hundred eighty million dollars*  
 19 *(\$180,000,000) to the Department of Finance. The Department of*  
 20 *Finance shall allocate these funds to counties to support*  
 21 *evidence-based programs and practices that are likely to reduce*  
 22 *the number of offenders admitted to state prison, including, but*  
 23 *not limited to, mental health, substance abuse, and reentry*  
 24 *programs. The Department of Finance shall report its allocation*  
 25 *to the Joint Legislative Budget Committee. No later than September*  
 26 *30, 2013, the Department of Finance shall inform each county*  
 27 *board of supervisors of its presumptive grant amount. Each*  
 28 *county's presumptive grant amount shall be based on its population*  
 29 *of adults 18 to 25 years of age, inclusive. Each county board of*  
 30 *supervisors shall submit a proposal to the Department of Finance*  
 31 *no later than January 1, 2014, outlining how the county will employ*  
 32 *the county's presumptive grant to reduce the number of offenders*  
 33 *admitted to state prison. Each proposal shall allocate no less than*  
 34 *40 percent of the presumptive grant amount to the county's*  
 35 *probation department. Funding shall only be used for programs*  
 36 *that are likely to reduce the number of offenders sent to state*  
 37 *prison. The Department of Finance, in consultation with the Board*  
 38 *of State and Community Corrections, shall review each plan.*

39 *Counties that fail to submit a plan, whose plans do not allocate*  
 40 *40 percent of their presumptive grant amount to the probation*  
 P18 1 *department, or counties whose plan is unlikely to reduce the*  
 2 *number of admissions to state prison will be ineligible for funding.*  
 3 *The Department of Finance shall seek to distribute these funds*  
 4 *proportionately to all eligible counties based on each county's*  
 5 *population of adults 18 to 25 years of age, inclusive, provided that*  
 6 *each county receiving funding shall receive a minimum of*  
 7 *twenty-five thousand dollars (\$25,000). The funds allocated to*  
 8 *each county shall be used only as described in the plan submitted*  
 9 *to the Department of Finance. No later than May 1, 2014, the*  
 10 *Department of Finance shall report to the Governor and the*  
 11 *Legislature on the allocation of these funds.*

12 *(b) There is hereby appropriated from the General Fund the*  
 13 *amount of twenty million dollars (\$20,000,000) to the Judicial*  
 14 *Council. No later than January 1, 2014, the Judicial Council shall*  
 15 *allocate these funds to superior courts to support the*  
 16 *administration and operation of court programs and practices*  
 17 *known to reduce offender recidivism, including, but not limited to,*  
 18 *collaborative courts, the use of risk and needs assessments at*  
 19 *sentencing, evidence-based practices, and programs that*  
 20 *specifically address the needs of mentally ill and drug addicted*  
 21 *offenders. Funds allocated pursuant to this section shall not*  
 22 *supplant existing funds for collaborative courts. Funds allocated*  
 23 *pursuant to this section may be used by the superior courts to pay*  
 24 *for court operations, case management, supervision, treatment,*

25 *testing, incarceration, data collection, reporting, or other costs*  
26 *associated with the operation of collaborative courts, and may be*  
27 *used to reimburse other agencies that incur costs associated with*  
28 *the operation of collaborative courts. The Judicial Council shall*  
29 *report to the Legislature and the Department of Finance on its*  
30 *allocation of these funds to the superior courts no later than*  
31 *January 15, 2014.*

32 *SEC. 5.*

*The amount of one million dollars (\$1,000,000) is*  
33 *hereby appropriated from the General Fund to the California*  
34 *Public Safety Commission for the establishment and funding of*  
35 *the commission.*

36 *SEC. 6.*

*If the Commission on State Mandates determines that*  
37 *this act contains costs mandated by the state, reimbursement to*  
38 *local agencies and school districts for those costs shall be made*  
39 *pursuant to Part 7 (commencing with Section 17500) of Division*  
40 *4 of Title 2 of the Government Code.*

P19 1 *SEC. 7.*

*This act is a bill providing for appropriations related*  
2 *to the Budget Bill within the meaning of subdivision (e) of Section*  
3 *12 of Article IV of the California Constitution, has been identified*  
4 *as related to the budget in the Budget Bill, and shall take effect*  
5 *immediately.*

6 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~  
7 ~~changes relating to the Budget Act of 2013.~~

September 4, 2013

# Addressing the Federal Court Prison Population Cap

---

LEGISLATIVE ANALYST'S OFFICE

Presented to:  
Senate Budget and Fiscal Review Committee  
Hon. Mark Leno, Chair





## Status of Federal Court Prison Population Cap Orders

---

- Federal Court Caps State Prison Population.*** In August 2009, a federal three-judge panel ordered the state to reduce its prison population to 137.5 percent of its design capacity. This order was designed to remedy what the court found to be an unconstitutional level of inmate health care resulting from prison overcrowding. The court's ruling was upheld by the United States Supreme Court in May 2011.
  
- State Implements Realignment of Lower-Level Offenders.*** In 2011, the state enacted "realignment," which shifted responsibility for housing and supervising certain lower-level offenders from the state to counties. Realignment was projected to reduce the prison population by about 40,000 inmates upon full implementation.
  
- Court Orders State to Release Inmates.*** In May 2012, the administration notified the federal court that the prison population would not be down to the court-imposed cap. In June 2013, the court ordered the administration to take measures to meet the population cap by December 31, 2013. These measures include (1) expanding by 1,250 the number of inmates housed in fire camps (which are not subject to the court's population cap), (2) maintaining about 3,600 contract beds in out-of-state private prisons, and (3) releasing about 6,000 inmates early.



## Governor's Plan to Meet December 2013 Deadline

---

- Contracts for Additional Beds.*** To meet the prison population cap without releasing inmates early, the Governor proposes to expand capacity by 12,500 beds by December, primarily through additional contract beds. This includes the (1) expansion of out-of-state beds, (2) reactivation of two in-state private facilities, and (3) lease of a private facility in California City to be staffed with state employees.
  
- Requests \$315 Million Increase for 2013-14.*** The administration requests \$315 million to implement its plan in 2013-14. The administration has not identified the plan's cost for 2014-15.
  
- Waives State Laws and Regulations.*** The Governor proposes to waive all state laws and regulations related to entering into new contracts for beds in non-state facilities.
  
- Suspends Closure of California Rehabilitation Center (CRC).*** The Governor proposes to suspend the deactivation of CRC (Norco), which was scheduled to be closed in December 2016.
  
- Includes Long-Term Plan.*** The administration proposes to submit a plan to the Legislature by January 2015 related to balanced solutions to address ongoing prison capacity problems.
  
- Authority Expires January 2017.*** The provisions in the Governor's proposal expire January 1, 2017. According to the administration, however, its current plan is only to enter into these contracts through June 2015.



## Governor's Plan Addresses Short-Term, But Not Long-Term Problem

	12/31/2013	6/30/2014	6/30/2015	6/30/2016
Projected prison population	122,924	123,424	124,224	125,624
Inmates moved to contract beds <sup>a</sup>	12,500	12,500	12,500	—
Prison population under Governor's plan	110,424	110,924	111,724	125,624
Court ordered population limit <sup>b</sup>	112,032	113,590	113,590	116,857
Surplus/(deficit) of prison capacity	1,608	2,666	1,866	(8,767)

<sup>a</sup> Assumes state maintains 4,596 out-of-state contract beds currently included in 2013-14 budget.  
<sup>b</sup> Assumes planned construction of additional in-fill capacity and that the California Rehabilitation Center in Norco will not be closed in 2015-16.

- Governor's Plan Likely Results in Compliance in the Short-Term...*** If successfully implemented, the Governor's plan would result in compliance with the court's order to meet the population cap by December 2013.
- ...But State Would Need Additional Solutions by 2015-16.*** The administration's plan to purchase additional bed capacity only through 2014-15 would mean that the state is about 8,800 inmates above the court ordered limit in 2015-16.
- Plan For Long-Term Solutions May Not Be Soon Enough.*** The administration's proposal to submit a plan for long-term solutions in January 2015 would leave little time for the Legislature to consider and implement any proposals before the contracts proposed by the administration would expire after June 2015.



## Costs of Governor's Plan Raise Several Concerns

---

- Cost of Contracting Could Be Higher Than Estimated.*** The Governor's plan assumes that the state will be able to contract for beds at rates similar to those it has negotiated in the past. However, this is uncertain primarily because the administration is only contracting for a short period of time—a factor that generally increases contract costs.
- Out-Year Costs Not Provided.*** The administration has not provided the Legislature with the costs of the plan beyond the first year. Based on our estimates, the cost of the plan in 2014-15 could be around \$400 million.
- Offsetting Savings Not Included in Cost Estimate.*** Because the administration's plan will involve moving thousands of inmates out of the state's 34 prisons, the cost to operate those prisons should decline by tens of millions of dollars annually. However, the administration's proposal does not account for these savings.
- Unclear Whether All Funds Will Be Used for Requested Purposes.*** The administration's plan does not include a mechanism to ensure that the requested funds will be used only for the intended purposes, such as language that would revert any unused funds to the General Fund. As such, the department might be able to shift unexpended funds for other purposes unrelated to the plan.
- California City Correctional Center Is Extremely Costly.*** The administration's plan to lease the California City Correctional Center and staff it with state employees is much more expensive than simply contracting for the beds. We estimate that the proposed approach for California City results in a cost-per-bed that is about double the typical contract bed cost.



## **Governor's Plan Is Subject to Various Risks**

---



### **Early Releases Still Possible Despite Plan**

- There are various logistical difficulties associated with the administration's plan to meet the court order by this December, such as transferring a large number of inmates and modifying in-state contract facilities to house higher-security inmates.
- To the extent the administration is not able to move a sufficient number of inmates into contract facilities by the deadline, the court may order that the state release inmates early. Similarly, if the inmate population is sufficiently higher than currently projected, the state may be ordered to release inmates early.



### **Plan Could Result in Unnecessary Expenditures**

- To the extent that fewer contract beds have been occupied than proposed (such as if the population is significantly lower than expected), the state could be required to pay for contract beds it no longer needs.
- To prevent such unnecessary expenditures, the Legislature should direct the administration to negotiate contracts that maximize the state's ability to pay only for beds it actually occupies.



### **State Could Be Held in Contempt**

- The current court order requires the administration to consult with the court prior to making significant modifications to the population reduction plan.
- Because the administration has not sought court approval for its plan to comply with the court order, it is possible that the state could be held in contempt. This could result in the state being fined by the federal court.



## Other Issues for Legislative Consideration

---



### **Waiver of State Laws and Regulations Raises Questions**

- The administration's plan broadly waives any statutes or regulations that would delay its implementation. While it is likely that this is necessary to expedite the plan, the administration has not indicated which laws and regulations must be suspended.
- Thus, it is not clear how much control and oversight the Legislature is ceding to the administration. To address this concern, we recommend that the Legislature direct the administration to cite the specific laws and regulations it is proposing to waive.



### **Suspension of Closure of Prison Potentially Unnecessary**

- The CRC in Norco is not scheduled to close until December 2016—three years after the court ordered deadline. It is unclear why the administration is proposing to suspend its closure now rather than waiting until it submits its plan for long-term solutions.
- As such, the Legislature may not want to suspend the closure of CRC now, especially since the facility is dilapidated and expensive to run according to the administration.



## Key Aspects of the Senate President Pro Tempore's Plan

---

- Seeks Settlement With Plaintiffs' Attorneys.*** The plan proposes a three-year extension of the deadline to meet the population cap—from December 31, 2013 to December 31, 2016. The plan also proposes a five-person panel to establish a new population cap.
  
- Establishes Grant Program to Incentivize Counties to Reduce Prison Commitments.*** The plan proposes a program modeled after SB 678, which incentivized counties to reduce probation revocations to state prison. Funds would be awarded to county Boards of Supervisors and could be used to support local programs and practices demonstrated to reduce crime (such as mental health and substance abuse treatment and collaborative courts). Funds would be awarded in two phases: (1) initial seed grants intended to help counties to develop program capacity, and (2) annual ongoing incentive payments tied to county performance, as measured by reduced admissions to state prison.
  
- Creates an Advisory Commission on Public Safety.*** The plan proposes to establish a new commission made up of 18 members that would advise the Legislature and Governor on strategies to stay within the population cap, including sentencing changes and utilizing evidence-based programs. Recommendations would be prepared for legislative consideration in 2015.



## Plan Relies on Potential Settlement to Achieve Short-Term Compliance

---

- ☑ ***Plan Would Not Meet Current Population Cap by Deadline.*** As proposed, the Senate President Pro Tempore's plan would not meet the court-ordered population reduction by December. It is also unlikely to achieve a large population reduction in 2013-14 because it would take several months to distribute seed grant funds and for counties to ramp up program capacity.
  
- ☑ ***Settlement Could Extend Deadline.*** However, the plan could avoid violating the federal court order in the short term if the plaintiffs and the administration were able to reach a settlement that extended the deadline for meeting the population cap.



## Plan's Ability to Achieve Long-Term Compliance Is Unclear

---



### **Success Depends on Various Factors**

- Whether the Senate President Pro Tempore's plan would result in long-term compliance with the population cap is subject to significant uncertainty and would depend on a couple of key factors: (1) what, if any, modifications are made to the current population cap and deadline as part of a potential settlement agreement and (2) how many prison admissions are avoided through the proposed local grant program.



### **Long-Term Population Impacts Uncertain**

- The degree to which the plan is able to reduce the prison population is subject to significant uncertainty and could vary significantly depending primarily on (1) the amount of the grant provided to counties per avoided prison admission (the size of the incentive) and (2) how counties invest the funding (effectiveness of the program).
- In order to reach the level of the current population cap by December 31, 2016, we estimate that the program would need to result in approximately 7,000 avoided prison admissions annually (or about one-fifth of total admissions) beginning in 2014-15.



### **Plan Would Take Years to Achieve Its Full Impact**

- The proposed grant program could take five years or longer to achieve its full effect on the prison population when accounting for the time for counties to ramp up program capacity, as well as the current length of stay of inmates.



## Likely State Costs in Short Term, But Potential for Savings in Long Term

---

- ☑ ***Hundreds of Millions of Dollars in Up-Front Costs for Seed Money.*** The Senate President Pro Tempore's plan proposes providing seed money to counties totaling \$200 million in 2013-14 and an additional \$200 million in 2014-15. The plan assumes annual expenditures of up to \$300 million in incentive payments for reduced prison admissions thereafter.
  
- ☑ ***Expenditures Could Result in Offsetting Savings.*** To the extent that the county grants achieve the intended goal of reducing state prison admissions, the state would realize reduced costs from incarcerating inmates and supervising parolees.
  
- ☑ ***Long-Term Net Effect Uncertain but Potential for Savings.*** The long-term fiscal effects of the plan are unknown and would depend on a couple of factors. The net effect would be savings to the extent that the amount of the grant per reduced prison admission is less than the full cost to house and supervise an offender in state prison and parole for the full period under the jurisdiction of the state. The higher the grant amount, the lower the net savings. If the grant amount was greater than state prison and parole costs, there would be net costs. Therefore, the magnitude of net state savings or costs in the long term would depend on (1) how many prison admissions were avoided and (2) how much funding was provided to counties per avoided prison admission.



## Plan Is Subject to Various Risks

---

- Unclear if Settlement Can Be Reached.*** If the administration and the plaintiffs are unable to reach a settlement agreement that extends the deadline to meet the population cap, the Legislature would need to consider other options (such as contracting out or early releases) to achieve short-term compliance with the court order.
  
- Plan May Not Achieve a Sufficient Population Reduction.*** Even if the deadline is extended, it is possible that the plan may not achieve a sufficient population reduction by the deadline. The Legislature could mitigate this risk by implementing other policies to reduce the prison population (such as sentencing changes) or by developing a contingency plan if the deadline is not met (such as contracting out or early releases).
  
- Plan Currently Lacks Some Key Details.*** At this time, some details of the plan still need to be developed, including:
  - How much funding would be provided to counties per reduced admission.
  - How a baseline would be established for purposes of measuring county performance in reducing prison admissions.
  - How the program would interact with the state's preexisting SB 678 grant program to incentivize reduced felony probation revocations to state prison.



## Other Issues for Legislative Consideration

---



### Potential Impacts on Public Safety

- The Senate President Pro Tempore's plan could have various impacts on public safety. To the extent that more offenders are supervised in the community rather than incarcerated in state prison, there could be additional crimes committed. On the other hand, to the extent that counties invest grant funds to effectively implement programs that have been demonstrated to reduce crime and recidivism, the proposed grant program could have a significant positive impact on public safety.
- The net effect on public safety would depend in large part on which offenders are diverted from prison due to the program, as well as how the local criminal justice system manages these offenders.



### Likely Increase in County Caseloads

- To the extent that counties act to reduce prison admissions by diverting offenders to local supervision or incarceration, it is likely that counties would see an increase in their jail and probation supervision populations.
- The costs of any potential caseload increases would be offset by state incentive grant funding.



## Legislature's Approach Should Promote Long-Term Compliance

---

- Short-Term Options Limited.** There are now only a few months until the December 2013 court-imposed deadline. Therefore, options to bring the prison population to within 137.5 percent of design capacity are generally limited to (1) additional contracting for capacity, (2) implementing policies that would result in current inmates being released earlier than under current law, or (3) some combination of these.
- Meeting Population Cap Not Sufficient to End Court Oversight.** Meeting the court-ordered population cap would not release the state from federal oversight of its prison medical and mental health programs. The federal courts continue to require additional improvements in prison operations and facilities.
- Plan Should Also Promote Long-Term Compliance With Prison Cap.** The federal courts are unlikely to consider ending oversight of state prisons until they are convinced that the state can maintain constitutional levels of medical and mental health care in the prisons. This will likely include maintaining what it believes are reasonable levels of prison overcrowding.
- Greater Range of Options for Long-Term Compliance.** There are a number of options the Legislature could consider to help the state achieve a durable reduction in prison crowding.

  - **Reduce Prison Admissions.** This could include (1) investing in programs that reduce crime or recidivism, (2) incentivizing the more frequent use of alternatives to prison, and (3) further limiting the circumstances in which an offender is eligible to be sent to state prison.
  - **Reduce Length of Time in Prison.** This might include (1) reducing the length of sentences or enhancements, (2) giving judges more flexibility in setting sentence length, (3) expanding sentence credits for certain offenders, or (4) expanding the use of furlough or alternative custody programs for state inmates.



## Legislature's Approach Should Promote Long-Term Compliance *(Continued)*

---

- ***Reduce Parolee Recidivism.*** This could include (1) improving or expanding current rehabilitation programs, (2) developing alternative sanctions for technical violations, or (3) better matching of programs and parolees.
- ***Increase Use of Contract Beds.*** The state could expand its use of longer-term contract facilities within and outside California.
- ***Increase Permanent Prison Capacity.*** The Legislature could approve additional prison construction in order to increase the design capacity of the prison system.