

CSAC Annual Meeting

Administration of Justice Policy Committee

Tuesday, November 19, 2013 ■ 10:00 a.m. – 12 noon

San Jose Convention Center ■ Ballroom A3

150 W San Carlos Street ■ San Jose, CA ■ Santa Clara County

Supervisor Federal Glover, Contra Costa County, Chair

Supervisor John Viegas, Glenn County, Vice-Chair

- 10:00 a.m. **I. Welcome and Introductions**
Supervisor Federal Glover, Contra Costa County
- 10:05 a.m. **II. Review of CSAC Administration of Justice Policy Area and Responsibilities**
*Elizabeth Howard Espinosa, CSAC Senior Legislative Representative;
London Biggs, CSAC Legislative Analyst*
- 10:15 a.m. **III. 2011 Realignment: Taking Stock Entering Year Three of Implementation**
Linda Penner, Chair, Board of State and Community Corrections
- 10:45 a.m. **IV. An Update on the Federal Three-Judge Court and State Prison Population Reduction**
*Jennifer Henning, Executive Director, County Counsels' Association;
Elizabeth Howard Espinosa, CSAC Senior Legislative Representative*
- 10:55 a.m. **V. CSAC Year of the Child: Revisiting System Responses to Juvenile Offenders**
*Jim Salio, San Luis Obispo County Chief Probation Officer and Chair of Juvenile Services Committee, Chief Probation Officers of California;
Sheralynn Freitas, Deputy Chief Probation Officer, Sonoma County;
Michelle Edwards, Vice President of Youth IMPACT, Boys & Girls Clubs, Central Sonoma County;
Brian Lee, Deputy Director, Fight Crime: Invest in Kids California; Nancy E. O'Malley, Alameda County District Attorney*
- 11:30 a.m. **VI. Incompetent to Stand Trial (IST): Examining Trends and Program Options**
Kristopher Kent, Assistant Secretary, Office of Program and Fiscal Affairs, California Health and Human Services Agency; Terry Fillman, Health Services Administrator, San Bernardino County Sheriff's Department
- 11:50 a.m. **VII. 2013 End-of-Session Budget and Legislative Wrap-up; 2013 Accomplishments; 2014 Policy Horizons**
*Elizabeth Howard Espinosa, CSAC Senior Legislative Representative;
London Biggs, CSAC Legislative Analyst*
- 12:00 noon **VIII. Closing Remarks and Adjournment**
Supervisor Federal Glover, Contra Costa County

ATTACHMENTS

- Agenda Item II **Review of CSAC Administration of Justice Policy Area and Responsibilities**
Two-page policy committee summary
- Agenda Item III **2011 Realignment: Taking Stock Entering Third Year of Implementation**
SB 1022 Timeline of Key Events
Summary of SB 1022 Project Proposal Submissions
PPIC Realignment-Related Research Projects
2011 Public Safety Realignment Funding Summary (FYs 2011-12 through 2014-15)
- Agenda Item IV **An Update on the Three-Judge Court and State Prison Population Reduction**
- Agenda Item V **CSAC Year of the Child: Revisiting System Responses to Juvenile Offenders**
Sonoma County Juvenile Hall Boys and Girls Club Partnership – Program Description
Fight Crime: Invest in Kids Fact Sheet and 2013 Report
- Agenda Item VI **Incompetent to Stand Trial (IST): Examining Trends and Program Options**
An Alternative Approach: Treating the Incompetent to Stand Trial (Legislative Analyst’s Office January 2012 Report)
San Bernardino County Restoration of Competency Program (PowerPoint Presentation)
- Agenda Item VII **2013 End-of-Session Wrap-Up; 2013 Accomplishments; 2014 Policy Horizons**

ITEM II
**Review of CSAC Administration of Justice Policy Area
and Responsibilities**



November 6, 2013

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TO: CSAC Administration of Justice Policy Committee

FROM: Elizabeth Howard Espinosa
CSAC Senior Legislative Representative

RE: **Review of CSAC Administration of Justice Policy Area and Responsibilities**

The attached two-page description details the broad array of policy matters, legislative and budget committees, key affiliates, internal committee responsibilities, and primary state agencies that fall within the jurisdiction of the CSAC Administration of Justice policy committee. This compendium of issues is both a reminder of the complexity of county systems and structures and of the breadth of policy issues in this committee's purview. We will discuss under Agenda Item VII specific 2013 budget and legislative activities of significance and review anticipated areas of priority in 2014.

We would like to begin our November policy committee meeting with a discussion of the work of the committee, the current means of communication with committee members, and ways we can enhance the services we provide to you in support of your work at the local level. One of our overarching and enduring goals at CSAC is to provide quality service to our members that is timely, relevant, and informative.

We also will have the pleasure of introducing you to our newest team member, London Biggs, who joined CSAC as a legislative analyst in the AOJ policy area in late September. London previously worked in the Legislature for Assemblywoman Patty Berg and, more recently, as a Senior Legislative Assistant for Senator Mark Leno focusing on public safety issues. London brings an enormous amount of enthusiasm and energy to the public safety issue area and brings subject-matter experience given her role as lead staff on many notable bills including SB 678 – the Community Corrections Performance Incentive Act of 2009, medical parole, and drug sentencing issues.

Attachment



Administration of Justice

The Administration of Justice policy area has responsibility for a broad array of justice-related issues that includes corrections reforms, juvenile justice, probation, courts, local law enforcement, adult and juvenile detention, grand juries, and all county functions connected to the civil and criminal justice systems - including implementation of 2011 public safety realignment (AB 109).

CHAIR:

Supervisor Federal
Glover, Contra Costa
County

VICE-CHAIR:

Supervisor John Viegas,
Glenn County

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Primary Legislative Policy Committees

Senate and Assembly Judiciary Committees
Senate and Assembly Public Safety Committees
Senate and Assembly Appropriations Committees

Primary Budget Subcommittees

Senate Budget and Fiscal Review Subcommittee No. 5 on Corrections,
Public Safety, and the Judiciary
Assembly Budget Subcommittee No. 5 on Public Safety

Key State Agencies

California Department of Corrections and Rehabilitation
Board of State and Community Corrections
Department of Finance
Judicial Council/Administrative Office of the Courts
Attorney General/Department of Justice

Key CSAC Affiliates

California District Attorneys Association
California Judges Association
California Public Defenders Association
California Revenue Officers Association
California State Coroners' Association
California State Sheriffs' Association
Chief Probation Officers of California
County Administrative Officers Association of California

CSAC Internal Working Groups/Task Forces

Realignment Allocation Committee
Realignment Data Advisory Committee
County Criminal Justice Analysts' Forum

Legislative Responsibilities

- Crimes and corrections – 2011 public safety realignment (broad implementation, programmatic, and funding issues; fiscal structure; allocation), detention facilities; victims' issues; prisons and parole; probation

Legislative Responsibilities (continued)

- **Court Issues – Trial court reforms; court administration and financing; court facilities and security; fines and forfeitures; judges; civil and criminal procedure; attorneys; collection of court-ordered debt**
- **Juvenile justice issues**
- **County counsel**
- **Family law – family violence; probate; guardianship/conservatorship**
- **Law enforcement – alcohol beverages; crime labs; funding; and gambling**
- **General local government – county officials; grand juries**
- **Tort Reform – immunity; insurance; liability; settlement and judgments**
- **Miscellaneous/state government issues – terrorism; contracts; Political Reform Act; term limits**

ITEM III
2011 Realignment: Taking Stock Entering Year Three
of Implementation



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DATE: November 6, 2013
TO: CSAC Administration of Justice Policy Committee
FROM: Elizabeth Howard Espinosa
CSAC Administration of Justice Staff
RE: **2011 Realignment – Taking Stock Entering Year Three of Implementation**

As of October 1, counties have two full years of experience in implementing the substantial new criminal justice system responsibilities transferred under 2011 public safety realignment. Entering the third year of implementation, we invite the committee to take stock of where we have been and where we are headed. Certainly counties are mindful of the implications that may flow from the ultimate disposition of the state's decades-long prison overcrowding litigation (see Agenda Item IV) and the potential impact on AB 109 implementation efforts underway. In the meantime, counties are continuing to build their own capacity, testing new strategies, reaping the fruits of successful cross-agency collaboration, and assessing their long-term ability to achieve improved offender outcomes.

We have invited Linda Penner, the Chair of the Board of State and Community Corrections (BSCC), to share the Administration's perspectives on the successes to date, challenges ahead, and the need for a sustained partnership between the state and local governments. As many of you may know, Ms. Penner most recently served as the Chief Probation Officer in Fresno County and, importantly, as the president of the chiefs' statewide association (CPOC) in 2011 when AB 109 was negotiated and passed. She understands first-hand the business of counties and brings a unique and deeply informed perspective about the effects of realignment on the state and local systems. Ms. Penner will discuss her role as the Chair of BSCC and her objectives in further developing policy leadership and development within the organization. CSAC is a strong supporter of the BSCC and views the Board and its staff as key partners in our mutual success in the years ahead.

CSAC staff has prepared an update below on many of the ongoing critical issues associated with 2011 realignment implementation. Chair Penner will address several during her presentation.

SB 1022 – Jail Construction Program

The Legislature authorized an additional \$500 million in local jail construction under SB 1022 (2012). Unlike AB 900 before it, SB 1022 gives priority consideration to projects that include treatment space – an acknowledgement of the need for different beds in a post-realignment era. The BSCC is the state body responsible for administering the competitive grant program. Attached for the committee's reference is a timeline of key events in the and, importantly, a summary of the SB 1022 applications received in late October. Notably, 36 counties – 15 small, 11 medium, and 10 large – submitted a construction project proposal, with \$1.3 billion in costs. This call on the funds exceeds the

available bond capacity by \$800 million. The BSCC board will make its final recommendation on project awards in January 2014.

Data and Evaluation

The BSCC has partnered with the Public Policy Institute of California (PPIC) on an 11-county, in-depth research project. CSAC and the CAOs statewide association have endorsed the study and in so doing encouraged the PPIC to select a representative sampling of counties to assess. At no cost to participating counties (outside of in-kind staff contributions), the PPIC will be conducting a data collection and evaluation effort over the next several years. The objectives of the study are to develop offender-level data to help the BSCC meet its statutory obligations to support counties' implementation of realignment, assist in identifying the key variables counties may need in making short- and long-term policy and programmatic decisions, and providing a basis for making informed decisions about outcomes and measuring performance. PPIC has promised to make its data definitions available beyond the 11 participating counties to assist other jurisdictions' efforts. A two-page description of the PPIC research project is attached.

On a separate track, the BSCC is poised through its Standing Committee on Data and Research, chaired by Santa Cruz County Administrative Office and BSCC Board Member Susan Mauriello, to expand its role in key data issues and discussions.

Training

CSAC, the California State Sheriffs' Association (CSSA), and the Chief Probation Officers of California (CPOC) received two rounds of \$1 million grants in 2011-12 and 2012-13 to support statewide training and technical assistance efforts to support successful implementation of AB 109 realignment. The three associations pooled the majority of the first year funding and are continuing efforts to jointly manage and administer those resources under the direction of a governing board. In 2012, the governing board approved a contract with two organizations for both logistical and content support to help carry out training efforts over long-term. Some recent and ongoing examples of successful joint training partnership efforts include:

- A series of workshops designed to explore the intersection of health and correctional policies.
- An intensive day-long workshop on pre-trial services planned for June.
- A three-day executive session broadening the discussion on pre-trial services.
- A two-day statewide public safety realignment conference in October 2013 focusing on interventions to support improved offender outcomes; more than 550 local and state officials attended.

In 2014, the training partnership has the following planned:

- Four day-long courses -- Pre-trial Justice Orientation for System Stakeholders; Healthcare Reform and Criminal Justice System Intersection: Third in a Series; Facility Construction and Liability; and Leadership Symposium
- A fourth annual statewide realignment conference to be held in January 2015.

In addition, CSAC is working outside the joint training partnership to develop programs and supports to build local capacity for successful realignment implementation over the long-term. We are exploring ideas such as a leadership academy, peer-to-peer learning, regional convenings, program demonstration sites, and other strategies that can encourage counties to share best practices and to learn from one another. We welcome committee input on training needs.

Finally, we wanted to take an opportunity to again highlight the CSAC Smart Justice video series, which highlights innovative AB 109 programming. By the end of 2013, CSAC will have featured ten counties: Colusa, Contra Costa, Glenn, Marin, Merced, San Bernardino, San Diego, San Joaquin, San Mateo, and Ventura. The videos can be viewed on the CSAC Web site (csac.counties.org); look for the Smart Justice Video icon on our home page.

AB 109 Allocation

The nine-member Realignment Allocation Committee (RAC)– composed of three urban, three suburban, and three rural county administrative officers¹ – has worked over the last two and a half years to consider and recommend to Department of Finance a methodology to distribute AB 109 and associated funds to counties. The committee designed a temporary formula for the first 9-months of AB 109 implementation (October 1, 2011²-June 30, 2012) and subsequently a two-year formula effective for the 2012-13 and 2013-14 fiscal years. More recently, the RAC recommended a formula to the Department of Finance for distribution of growth applicable to 2012-13. (The attached chart details actual and expected funding and growth levels for fiscal years 2011-12 through 2014-15.)

GROWTH DISTRIBUTION IN 2012-13. SB 1020 (Ch. 40, Statutes of 2012) defines the fiscal structure that directs movement of realignment funds into the appropriate accounts and subaccounts associated with the dozens of law enforcement and health and human services programs transferred to counties in 2011. This fall, counties received their first 2011 Realignment allocations associated with “growth” – essentially the revenue that, in years of positive revenue performance, exceeds the funds necessary to provide base funding to all realigned programs.

Counties’ receipt of growth is entirely dependent on realignment revenue (almost exclusively sales tax) performance. It is divided proportionately between 2011 Realignment health and human services and law enforcement activities, with approximately 65% being

¹ Current composition includes the following CAOs by caucus: **Urban** – Los Angeles, Alameda, and San Bernardino; **Suburban** – Santa Cruz (chair), Fresno, and Sonoma; **Rural** – Kings, Tehama, and Mendocino.

² Effective date of AB 109.

designated for HHS programs and the remaining 35% for realigned law enforcement functions. The vast majority of law enforcement growth (75%) is statutorily dedicated to AB 109. Given timing of tax revenues, actual growth levels are determined by late September, with distribution usually occurring by mid-October. This year – the first year that growth could be calculated for 2011 Realignment programs – sales tax performed well. Counties received just shy of \$87 million in growth funds attributable to AB 109 activities, a level that exceeded Finance’s previous estimates.

In August, the RAC recommended to Department of Finance a growth distribution methodology that, consistent with statutory guidance on key considerations, included factors to address caseload and implementation issues, county minimums, and efforts to meet legislative intent. The Department of Finance directed that AB 109 growth funds be distributed to counties in the manner recommended by the RAC.

It is important to note that the RAC saw a substantive difference in the purpose and intent of the growth distribution as compared to allocation of the underlying programmatic funds. Given that counties continue to be in the ramp-up and capacity-building mode, growth funds were viewed as means to address particular caseload challenges (e.g., higher caseload levels than anticipated) and other unique factors a county or set of counties might experience (e.g., challenges specific to small counties or impacts of prisons on host counties). All factors and their relative weight will be revisited afresh for the long-term formula.

DEVELOPMENT OF LONG-TERM ALLOCATION. The RAC has begun its initial discussions to tackle development of a long-term allocation formula, which is required beginning in 2014-15. To date, the committee meetings have been primarily organizational. Two key tasks are ahead. First, the RAC intends to provide the Department of Finance with a general architecture or framework within the next month that will broadly describe potential elements and objectives for the long-term formula. It is expected that the RAC will need to present a final recommendation to Finance regarding the specific county-by-county allocation by spring 2014. The RAC has an evening a week set aside for conference calls, and it will meet periodically for all-day work sessions. Such a meeting is scheduled for mid-November.

FEEDBACK PROCESS. CSAC and the CAOAC remain committed to an open and communicative process. At the CSAC Annual Meeting, the CAOs are holding an extended business meeting devoted to a facilitated discussion on the AB 109 allocation; another all-CAO session will be held in the Spring. The RAC is interested in soliciting feedback and input from counties as the process moves forward. David Twa, the CAOAC President, will provide an update to the CSAC Board of Directors at its November meeting, including a report-out from the in-person all-CAO discussion that will have occurred earlier that day.

Fire Camps

One area of continued interest for counties is making use of the state's fire camp capacity that, prior to realignment, used state prison inmate fire crews. The benefits were many – training and leadership development for inmates as well as the tangible benefits of fire-fighting and brush-clearing to the communities and their citizens. Post-realignment, the lower-level inmates who typically were assigned to fire crews now are the responsibility of counties. We have worked over the last several years to hammer out details needed to permit counties to contract with the state for placement of county in training and then on the fire crews. Recently, several counties have entered fire camp contracts, although there has been broad concern about the cost (in the neighborhood of \$46/day) being prohibitive for many jurisdictions.

In recognition of the cost barrier and with an interest in helping counties access more tools to manage jail populations, the Department of Finance has been exploring over the last several months a reduced fire camp rate. We anticipate additional details in the coming weeks, but the proposal currently being discussed would have counties paying a rate as low as \$10/day once the inmate is placed on a crew. However, the state's training costs are fixed and much higher for the several-week training period. Finance is considering options whereby a county could pay a blended rate (fixed training period rate + \$10 daily fire camp rate) of *approximately* \$26/day or a county could opt to pay the higher daily rate during the training and then the lower rate once the inmate gets assigned to a crew. There is limited capacity within the fire camps, so we are working to ensure that counties of all sizes have access fire camp beds. It should also be noted that if the state is able to finalize the lower rate structure, accommodations would be made for counties that had previously entered into a contract with the state. Details are still being finalized, but these developments are promising. Additional information will be shared with counties when there is a more final, formal proposal to extend.

**BOARD OF STATE AND COMMUNITY CORRECTIONS
CONSTRUCTION FINANCING PROGRAM**

**TIMELINE OF KEY EVENTS
SB 1022 REQUEST FOR PROPOSALS PROCESS**

March 18, 2013	Executive Steering Committee (ESC) meeting to develop elements of Request for Proposals (RFP) and proposal evaluation criteria.
July 22, 2013	Board of State and Community Corrections (BSCC) to take action on RFP at regularly scheduled board meeting.
July 23, 2013	BSCC issues final RFP.
August 12, 2013	Bidders' conference in Sacramento.
October 24, 2013	Proposals due to BSCC office by 5:00 PM.
October 25 – November 5, 2013	Staff completes technical requirements review of proposals. Counties are given opportunity to correct technical deficiencies.
November 6, 2013	Raters' training for ESC.
November 7 – December 3, 2013	ESC reviews the proposals and makes preliminary ratings.
December 4 – 6, 2013	Scheduled county presentations on proposals to ESC (Sacramento). ESC makes final rating and ranks proposals for funding recommendations.
December 9 – 11, 2013	Staff finalizes ESC recommendation package.
December 12, 2013	ESC recommendations mailed to counties and BSCC Board.
January 2014	ESC recommendations presented to BSCC for funding action/conditional awards at a scheduled board meeting.



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GOVERNOR Edmund G. Brown Jr.
CHAIR Linda M. Penner
EXECUTIVE DIRECTOR Kathleen T. Howard

SB 1022 Adult Criminal Justice Facilities

Proposals Received by October 24, 2013

SB 1022 SET ASIDE CATEGORY	STATE FUNDS REQUESTED		Set Aside \$\$
	Average	Total	
Small County Proposals (15 Total)	\$15,995,576	\$239,933,641	\$100,000,000
Medium County Proposals (11 Total)	\$33,934,896	\$373,283,858	\$160,000,000
Large County Proposals (10 Total)	\$70,468,300	\$704,683,000	\$240,000,000
SB 1022 Summary:	\$36,608,347	\$1,317,900,499	\$500,000,000

SB 1022 Adult Criminal Justice Facilities

Proposals Received by October 24, 2013

COUNTY	STATE FUNDS REQUESTED
Small County Proposals (15 Total)	
Napa	\$13,474,000
Construct a new Type IV, 72-bed facility with programming space consisting of four 18-bed dorms each with laundry facilities, dayrooms, counseling rooms, job search room and a warming/prep kitchen.	
Trinity	\$15,606,000
Construct a new 96-bed, Type II facility, at the Trinity County Jail, the design includes four program rooms each capable of accommodating 20 offenders and one instructor.	
Imperial	\$17,643,000
Construct a new multi-story dormitory style 24-bed day reporting center and re-entry facility with education, programming, interview rooms, exercise room, cook/chill kitchen and lobby.	
Shasta	\$20,000,000
Construct a new Type III, 64-bed detention dormitory style facility with program space for behavioral programs, medical screening, interview/counseling room, intake/release area, kitchen, custody administration and additional programming space.	
Kings	\$20,000,000
Construct a new Type II 24-bed mental health addition consisting of a culinary service kitchen and vocational space which includes three program rooms and a day reporting center.	
Madera	\$19,000,000
Construct a new Type II 264-bed facility consisting of a multi-story 144-bed housing unit and remodel of existing dorms into 80-beds with treatment and program space.	
Tehama	\$20,000,000
Construct a new Type II, 64-Bed jail and related ancillary space with a day reporting center and programming space adjacent to the Tehama County Main Jail in Red Bluff.	
Modoc	\$7,514,000
Replace the existing aged Modoc County Jail with a new 32-bed jail with programming, dayrooms, exercise areas, medical exam, visiting areas, laundry, interview rooms, inmate property storage, food service and intake/release space.	
Del Norte	\$9,193,720
Conversion of a portion of the Del Norte County Jail, a Type II facility, to provide enhancements for program space and improvements for safety and security measures through interior modifications to the building layout.	
Glenn	\$13,759,000
Construct a new facility annex consisting of a day reporting center, program space and 24 medium security and special use beds with related ancillary space in Willows.	
Lake	\$20,000,000
Construct a new Type II, 40-bed women's jail with a new stand alone 39-bed Medical/Mental Health Services building with central control, program areas and related ancillary space, a new administration building, and renovations to existing facilities for programming functionality at the existing Lake County Jail.	

SB 1022 Adult Criminal Justice Facilities

Proposals Received by October 24, 2013

COUNTY	STATE FUNDS REQUESTED
Humboldt Construct a new Type II, 40-bed jail with a reentry resource center adjacent to the Humboldt County Jail in Eureka which includes a day reporting center, program space, administrative offices, parking lot, and ancillary space.	\$17,855,500
Tuolumne Construction a new Type II 198-bed facility with program service rooms, exercise yards, security control center, limited kitchen and laundry services, intake, medical, intake/release and staff support services.	\$20,000,000
Mendocino Construct a new 90-bed Type II facility at the Mendocino County Jail. This project will provide 90 maximum security beds in three pods with one recreation yard in each pod, classroom, visiting center and medical room.	\$10,259,000
Colusa Construct new Type II 84-bed facility with program rooms, dayrooms, exercise areas, medical examination rooms, visiting areas, laundry, interview rooms, inmate property storage, food service and intake/release.	\$14,629,000
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<u>Small County Total Request:</u>	\$239,933,641

SB 1022 Adult Criminal Justice Facilities

Proposals Received by October 24, 2013

COUNTY	STATE FUNDS REQUESTED
Medium County Proposals (11 Total)	
Santa Barbara	\$38,976,000
Construct a new Type II standalone jail facility consisting of 228 minimum/medium security beds with treatment and program space for transitional re-entry.	
Merced	\$40,000,000
Construct a new Type II standalone multi-story 432 bed maximum/medium security facility and convert existing building space into intake/release, classroom/programming, medical, administration, video visitation and property storage.	
Sonoma	\$24,000,000
Construct a new standalone Program Facility at the County of Sonoma Community Corrections Center, which proposes to provide spaces for program administration, program activities, a cook/chill kitchen and building support spaces.	
Stanislaus	\$40,000,000
Construct a Type III, 288 replacement bed jail, with program, ancillary space and a Reentry and Enhanced Alternatives to Custody Training (REACT) Center at the existing Public Safety Center in Ceres.	
Yolo	\$39,880,000
Construct a Type II day reporting center addition with video visitation and programming space. Convert existing space into intake/booking and medical/mental health wing. Construct a new kitchen/laundry stand-alone building.	
San Joaquin	\$40,000,000
Construct a new Type II, standalone 384-bed facility consisting of classrooms, vocational space, an education programming center, interview rooms, medical exam room, library and administration.	
Santa Cruz	\$24,635,000
Construct a new Type III 64-bed mezzanine-style housing unit addition with dayroom and remodel existing space into program and vocational space equipped with audio/visual technology and security system upgrades.	
Monterey	\$22,757,000
Construct three new buildings which will include a 22-bed mental housing unit, a vocational/educational multipurpose building and a work change building.	
Tulare	\$40,000,000
Replace the existing Men's Correctional Facility and Day reporting center with a new Type II, 384-bed jail, day reporting center, and vocational training center with programming and ancillary space in Visalia.	
Solano	\$23,037,000
Construct new programming facility consisting of classrooms and space for mental health counseling and vocational training.	
Butte	\$40,000,000
Replace existing 198-bed facility constructed in 1963 with a new Type II stand-alone 256-bed facility at the Butte County Jail. This project also includes six new program/multipurpose rooms.	
Medium County Total Request: \$373,283,858	

SB 1022 Adult Criminal Justice Facilities

Proposals Received by October 24, 2013

COUNTY	STATE FUNDS REQUESTED
Large County Proposals (10 Total)	
Ventura	\$41,115,000
Construct a new standalone Type II facility and medical clinic with 64 medical and mental health beds adjacent to the existing Todd Road Jail Facility.	
Orange	\$80,000,000
Construct a new standalone Type II facility with 384 beds, programming space, including a warehouse and maintenance structures adjacent to the AB 900 Phase II project at the JAMF site.	
San Bernardino	\$80,000,000
Construct a new Type II standalone 512-bed step-down facility consisting of two 192-bed housing units and one 128-bed housing unit with program space, central control building and a new visitation building.	
Contra Costa	\$80,000,000
Construct a new Type II standalone multi-story 480-bed maximum security facility with program space, medical/dental/mental health, visitation/interview rooms, administration and storage.	
Sacramento	\$80,000,000
Construct a Type II 26-bed medical and mental health treatment building, a kitchen, laundry, pharmacy and three new vocational/educational program buildings at the Rio Consumes Correctional Center.	
Los Angeles	\$80,000,000
Construct 236 new Reentry beds and program space at the proposed Mira Loma Correctional Reentry Facility (CRF). Programming space to include a structured post-incarceration program designed to shift inmates from a custody environment back into the community.	
San Mateo	\$24,374,000
Renovation of the existing Maguire Correctional Facility, a Type II facility, with 46 special use beds, a mental health treatment center, mental health wellness pod, recreation yard, vocational training space and seismic upgrades.	
Riverside	\$80,000,000
Expansion of the existing Larry D. Smith Correctional Facility, a Type II facility, with 582 new beds and programming space. Program space to include a Construction and Landscape Technology Building and Print Shop.	
San Francisco	\$80,000,000
Replace existing Jails 3 and 4 with new Type II stand-alone multistory 640-bed jail facility consisting of podular housing, program space, medical/mental health services, video visitation, kitchen and laundry facilities.	
Fresno	\$79,194,000
Replace existing South Annex with new Type II standalone multi-story 300-bed facility consisting of pod style housing, program space, medical/mental health services, video visitation, kitchen and stand-alone laundry and storage building.	
Large County Total Request: \$704,683,000	



Measuring Performance and Outcomes of California's Public Safety Realignment

March 2013

Background and Need

California is pursuing historic changes to its adult corrections system. In October 2011, the state shifted significant corrections responsibilities to its counties—including authority over most non-serious, non-violent, and non-sexual offenders. Motivated in part by rulings from the federal courts, this unprecedented policy shift—known as “realignment”—has generated enormous interest and concern at the state, county, and community levels.

This is the biggest shift in corrections policy in decades, affecting tens of thousands of prisoners and public safety of all Californians. But there is no funding earmarked for data collection, research, or evaluation to assess the effects of the change on recidivism, costs, and crime rates. As a result, documenting the effects of the change is challenging. There have been laudable efforts to collect summary data on a handful of measures for all 58 counties by the Chief Probation Officers of California and the California Board of State and Community Corrections (BSCC). These efforts are useful but quite limited. And although some counties have contracted or otherwise enlisted the assistance of researchers to do evaluations or help develop measurement systems, these efforts are largely uncoordinated and are not leading to consistent data collection across counties. Without improved efforts at documentation, the effects of realignment—both positive and negative—will remain hidden from view. Worse, in the absence of good data these effects are apt to be characterized by anecdote, spurious correlations, or political beliefs.

Project Description

California's counties are responding to public safety realignment in a variety of ways. PPIC is in the unique position to standardize both data collection and evaluation to help shed light on successful local policies and practices. PPIC has offered both the state and the counties help to a) develop realignment-relevant data to aid the BSCC in meeting its reporting obligations and its responsibility to support counties in the implementation of realignment; b) assist counties in identifying data that will enhance county decisionmaking in the short term and management of community corrections populations in the long term; and c) provide an empirical basis for evaluating various policies in relation to public safety and other outcomes.

We will assist the BSCC in collecting data at the individual level and will track offender behavior and system responses in custody and in the community. Some data will come from the California Department of Corrections and Rehabilitation and the California Department of Justice, and some will come from county sources. PPIC has drafted a codebook on the specific measures to be collected in each category.

The proposed project will be undertaken in ten counties, which PPIC will select to be representative of the state as a whole. We have not yet finalized our selection (other than Los Angeles), but we have been in contact with a number of possible candidates. PPIC will provide all counties, regardless of their participation, access to the codebook, the supplementary instruments, and the technical knowledge gained from the project.

County Selection

The first phase in this project involves selecting counties for analysis based on their representativeness of the state as a whole and the diversity of their approaches to realignment. As a group, these counties should capture the majority of the California population and the majority of the projected realignment population. This group of counties should also approximate the state population well in terms of demographic and economic characteristics, as well as the regional and urban/rural diversity of the state.



Data Collection

The second phase of the project involves identifying the data elements needed to assess the impacts of realignment policy at the county and state level. We will seek assistance from selected counties and statewide data holders (e.g., CDCR and DOJ) in assembling an individual level dataset that includes the following data elements:

Individual Identifier: The individual identifier allows us to keep track of individuals over time and as they move through systems. The most common individual identifier is the Criminal Investigation and Identification number (CII number). However, different agencies and departments may use different individual identifiers. In the process of preparing the dataset for analysis, we may need to retain other forms of individual identifiers (such as name or address) to allow for matching across systems. Once the matching is completed, the data will be stripped of any personally identifying information.

Demographic Characteristics: The inclusion of demographic characteristics in the dataset will allow us to control for differences in population composition across counties, as well as allow us to conduct subgroup analysis. Commonly collected demographic characteristics include date of birth, gender, race and ethnicity.

Criminogenic Characteristics: Criminogenic characteristics include criminal histories and current offenses, as well as assessed risks and needs related to the likelihood of recidivism. The inclusion of criminogenic characteristics, like demographic characteristics, allows us to control for differences in population compositions across counties. We will also use criminogenic characteristics to analyze the match between the risks and needs identified and the sanctions and services received.

Sanctions and Services: Given the size of the realigned population relative to jail capacity, many counties are utilizing alternative sanctions and services to mitigate the potential risk to public safety induced by lower levels of incarceration. In addition to the time held in custody for the current offense, we will also collect any alternative sanctions imposed on the offender and any services received by the offender during the period of incarceration and/or supervision.

Recidivism Outcomes: This study captures the following three measures of recidivism: arrest, conviction and return to custody (jail or prison). The data will permit measurement on any time period (6 months, 1-year, 3-year) or any type of offending (e.g., violent, property, drug, or sexual). As a result, individual counties can select their own recidivism measures for use locally and the BSCC can create a standardized measure.

Why PPIC?

PPIC's reputation for high-quality, independent, and timely information on a range of key policy topics has made us a go-to source for engaged Californians and decisionmakers across the state and in the nation's capital. Our publications and outreach related to corrections have facilitated strong relationships with key policy communities at the state and local level, including the California Department of Corrections and Rehabilitation the Board of State and Community Corrections, California State Sheriffs' Association, Chief Probation Officers of California, California State Association of Counties, and the County Administrative Officers Association of California.

Findings from the research will be disseminated in a variety of ways through PPIC's strong communications program, including briefings, targeted meetings, publications, and web outreach.

Project Team

The team for this project includes policy researchers Mia Bird, Ryken Grattet, Joe Hayes, Dan Krimm, and Sonya Tafoya, communications professionals (Abby Cook, Linda Streat, and Lynette Ubois), and government affairs staff (Dave Leshner).

**2011 Public Safety Realignment Funding
FYs 2011-12 through 2014-15**

AB 109 (Community Corrections Account) Funding -- in millions

FY	2011 Realignment		State General Fund		TOTAL
	Base funding	Growth	Start-up (one- time)	CCP Planning Grants	
2011-12	354.3	-	25.0	7.9	387.2
2012-13 *	842.9	86.8	-	7.9	937.6
2013-14 **	998.9	82.4	-	7.9	1,089.2
2014-15 **	934.1	162.5	-	-	1,096.6

District Attorney/Public Defender Funding -- in millions

FY	2011 Realignment		TOTAL
	Base funding	Growth	
2011-12	12.7	-	12.7
2012-13 *	14.6	5.8	20.4
2013-14 **	17.1	5.5	22.6
2014-15 **	15.8	10.8	26.6

* Actual

** Estimated

ITEM IV
An Update on the Federal Three-Judge Court and
State Prison Population Reduction



November 6, 2013

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916.441.5507

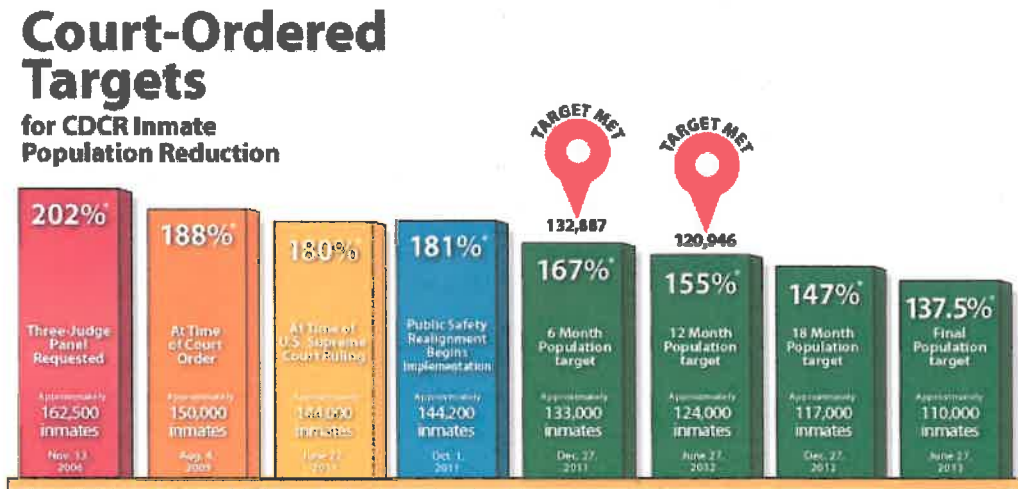
To: CSAC Administration of Justice Committee

FROM: Elizabeth Howard Espinosa
Administration of Justice Policy Committee Staff

RE: Update on State Prison Overcrowding Litigation

This informational memo is to provide the policy committee with an update on the ongoing litigation in the *Plata* and *Coleman* cases involving challenges to the state’s delivery of health and mental health care in the prison system. A federal three-judge court previously found that the overcrowded conditions in the state’s prisons were the primary cause of an unconstitutional level of care and directed the state to reduce prison overcrowding to a specified level (see below). The state continues to assert that it has substantially driven down the prison population over the last several years – largely with counties’ assistance through the implementation of AB 109 but also through some state capacity expansion and other measures – and to such a degree that additional steps to reduce inmate numbers are no longer necessary. However, the state’s efforts to convince the courts of the improved conditions and resulting need to vacate the population reduction order have been unsuccessful.

First, for context, we have provided the graphic below that depicts the state’s inmate population levels since 2006 and the court-ordered population targets. The final population target ordered by the court is measured at 137.5% of state prison’s design capacity (approximately 110,000 state prison inmates). The state remains today several thousand above the defined cap.



*Percent of design capacity

Design capacity is the number of inmates a prison can house based on one inmate per cell, single-level bunks in dormitories, and no beds in spaces not designed for housing. The current design capacity of CDCR’s 33 adult facilities is 79,858.

In the last several months, there has been a flurry of legal activity around two key elements of these proceedings: 1. the state's underlying appeal to the U.S. Supreme Court of the federal three-judge court order to reduce the state prison population and 2. Ongoing interaction with the three-judge court about compliance with its order. At this committee's November meeting, CSAC staff, along with Jennifer Henning, Executive Director of the County Counsels' Association, will provide an update on the status of the case. The County Counsels' Association has been an extraordinary resource to CSAC and, on behalf of CSAC, has coordinated the filings of friend of the court briefs with the U.S. Supreme Court in support of the state's request for a stay on the federal three-judge court's June 20 order and the state's underlying appeal of the three-judge court's order.

On October 15, the U.S. Supreme Court declined jurisdiction in the state's underlying appeal of the federal three-judge court to reduce the prison population. Separately, the federal three-judge court, in late September, ordered the parties (prison inmates' rights attorneys on the part of the plaintiffs and the state) to immediately meet-and-confer in an effort to achieve the court's previously prescribed population cap of 137.5 percent of design capacity. In the same order, the court sets out all of the following:

- Assigns state appellate court Justice Peter Siggins to facilitate the meet-and-confer process;
- Directs Justice Siggins to provide the court with an informal update by October 21, 2013 on the progress of the discussions between the state and plaintiffs;
- Specifies that the meet-and-confer process must include consideration of all of the following options toward a durable population reduction:
 - Three-strikers
 - Juveniles
 - The elderly and medically infirm
 - Immigration and Customs Enforcement prisoners
 - Implementation of previously ordered low-risk list (a list the court directed the corrections department to produce of state inmates presenting the lowest risk to reoffend)
 - Any other means to reduce prison population, including relocation within the state
- Prohibits state from entering into contracts or other arrangements for out-of-state capacity; and
- Grants a month extension – to January 27, 2014 – to give the parties time to confer, and leaving open the opportunity for the parties to jointly request a further extension or for the court to grant additional time on its own authority.

Note that on October 21, the court, without prejudice, gave the parties additional time to meet and, accordingly, extended the deadline for the population reduction to February 27, 2014. At this time, there is no additional information available regarding the state's ongoing interaction with either the court or the plaintiffs. The Administration has been very consistent in its efforts to stay aligned with counties', sheriffs', and probation chiefs'

perspective that an early release of state prison inmates would be damaging to public safety and would undermine ongoing efforts to implement public safety realignment.

Counties will of course recall that the Legislature, in the last weeks of the 2013 session, approved a bipartisan, bicameral compromise to deal with the then December 31, 2013 deadline for reducing the state's prison population. Governor Brown signed [SB 105](#) into law (see summary of key elements of the bill under Agenda Item VII) that, among other provisions, authorizes up to \$315 million in 2013-14 expenditures to develop in- and out-of-state capacity to avoid prison releases – an authority effectively frozen by the three-judge court's late September order.

ITEM V
**CSAC Year of the Child: Revisiting System
Responses to Juvenile Offenders**



November 7, 2013

1100 K Street
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Telephone
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TO: CSAC Administration of Justice Policy Committee

FROM: Elizabeth Howard Espinosa
CSAC Administration of Justice Staff

RE: CSAC Year of the Child – Revisiting System Responses to Juvenile Offenders

As committee members are aware, when Del Norte County Supervisor David Finigan took over as CSAC President in late 2012, he declared his year of leadership as the “Year of the Child.” In so doing, he announced his desire to emphasize the importance of ensuring that we as counties — and, by extension, the vital programs we administer — focus on the needs of our youth.

In keeping with his initiative, we have invited speakers to our November policy committee meeting to explore diverse policy issues and system responses to youthful offenders. With the significant focus on the adult offender population associated with the shift of responsibilities to counties in 2011 and related AB 109 implementation efforts, it seemed appropriate and timely to refocus the committee’s attention on the juvenile system. Counties, it should be recalled, shoulder the vast majority (in the 98-99% range) of the entire juvenile justice system responsibility. Currently only about 1,000 youthful offenders are in a state Division of Juvenile Justice placement — down from a state detention facility population peak of approximately 10,000 wards as recently as 15 or so years ago. Several key juvenile justice reforms bills in recent years now mean that counties are responsible for the treatment and housing of all but the most serious youthful offenders. In addition, county probation is now responsible for juvenile probation and parole supervision.

The committee will hear presentations on three topics, with time allotted for questions and answers. Related materials are attached.

CPOC Juvenile Services Committee – Issues and Challenges

Presenter: Jim Salio, San Luis Obispo County Chief Probation Officer and Chair of Juvenile Services Committee, Chief Probation Officers of California;

Sonoma County’s Juvenile Hall Boys and Girls Club Partnership

Presenters: Sheralynn Freitas, Deputy Chief Probation Officer, Sonoma County
Michelle Edwards, Vice President of Youth IMPACT, Boys & Girls Clubs, Central Sonoma County

** This program was recognized with a CSAC 2013 Challenge Award.*

The Impact of Quality Early Education and Subsequent System Involvement
Presenter: Brian Lee, Deputy Director, Fight Crime: Invest in Kids California; Nancy E. O'Malley, Alameda County District Attorney

Attachments

**Sonoma County Juvenile Hall Boys and Girls Club
Partnership**

Program Description

JUVENILE HALL BOYS AND GIRLS CLUB PARTNERSHIP Executive Summary

136

Overview: The Club at Sonoma County Probation's Juvenile Hall is a partnership between the County, City, and Boys & Girls Club that delivers programming and case management.

Problem/Challenge: Presently in Sonoma County, 1 in 5 youth report gang activity before the 8th grade, and 70% of the 1362 youth booked into Sonoma County Juvenile Hall in 2011 reported gang affiliation. In addition, local police data indicates that as much as 97% of violent offenses are committed by gang affiliates. Several years ago, Sonoma County Probation adopted the use of a detention risk assessment that successfully diverts low risk youth from the system. As a result, the majority of youth detained in the Juvenile Hall are highly delinquent and are typically repeat offenders who have failed community-based programs. These offenders often receive long-term sentences at the Juvenile Hall, and finding programs to keep these youth engaged and productive can be challenging and costly. Further, when detainees serving longer sentences return to the community, they are often disconnected from their roots, schools, social networks, and families. Without significant intervention, and structured reentry efforts, these youth are not likely to change course and become contributing members of society.

Solution: This detention-based program, launched in October of 2011, was the first phase of a partnership between Sonoma County Juvenile Hall and the Boys and Girls Club of Central Sonoma County. The Club was set up in an empty detention unit and built on core tenets that include making participation a privilege and therefore a compelling incentive for positive behavior. The Club's daily curriculum focuses on themes including Character & Leadership Development, Health & Life Skills, and Academic Success/Career Development. These services address the primary risk factors for this population, including negative peer associations, anti-social attitudes, values and beliefs, and low self-control. After the classroom portion of the program, youth participate in fun activities, including foosball, air hockey, Xbox Connect gaming system, board games, a workout room and a DJ recording studio. Nearly all of this equipment was donated. Building positive relationships with Club staff in the detention facility exposes the youth to the positive nature of the Boys and Girls Club, and encourages continued connection in the community following their release.

The second phase of the partnership, "Targeted Re-Entry" began in January of 2013. This Club program provides case management of detained youth by Club personnel. Club staff meet with the youth, their family, and Probation to formulate a needs assessment specific to the individual while still in custody. Once released, s/he is mentored by Club personnel, assisted with school enrollment, tutored, offered employment assistance and supported in a myriad of other ways by their Club caseworker.

Budget/Cost/Savings: This program is a zero net cost to the County, and is funded entirely by grant dollars and significant private citizen donations. Juvenile Hall's Correctional Counselors provide oversight of the youth while they participate in The Club. The Club's yearly operating expenses are well in excess of \$100,000.00 annually. Grant funding includes \$162,000 from the City of Santa Rosa's Gang Prevention and Intervention Grant Program, and \$60,000 in funding from the Office of Juvenile Justice and Delinquency Prevention, through their National Mentoring Programs for Diversion & Intervention.

Results: Thus far, the program has directly served over 500 detained youth, and has graduated over 300 youth from certificate programs. It has contributed to a lessening of tension in the facility, and in all likelihood corresponds to a drop in assaultive incidents. Though the Targeted Reentry program is fairly new and has only served a handful of youth thus far, successes already include the attainment of \$15,000 in financial aid packages for post-secondary education, enrollment of 2 youth in local Junior College courses, 3 youth receiving job readiness & employment counseling, and 2 youth receiving Driver Licenses through support in the DMV process. In addition to those referred specifically for reentry services, the Boys and Girls Club staff report that former Juvenile Hall residents visit their community office, and express interest in maintaining these positive relationships.

Program Contact: Kent Boltz, Juvenile Hall Director, Probation Department
7425 Rancho Los Guillicos Rd, Santa Rosa, CA 95409-6595; kent.boltz@sonoma-county.org (707) 565-6311

Fight Crime: Invest in Kids

Quality Early Education Prevents Crime

Multiple studies show that children who attend a quality preschool program get a better start in life, perform better in school, and thus, are less likely to turn to crime later in life.

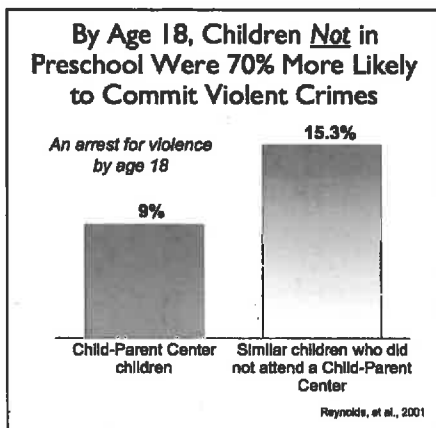
A priority goal of FIGHT CRIME: INVEST IN KIDS California, an anti-crime organization of 400 sheriffs, police chiefs, district attorneys and crime survivors, is to expand access to effective and affordable early education programs, especially for children most at risk for school failure and future criminal activity.



www.fightcrime.org/ca • (415) 762-8270

Evidence Shows Early Education Cuts Crime

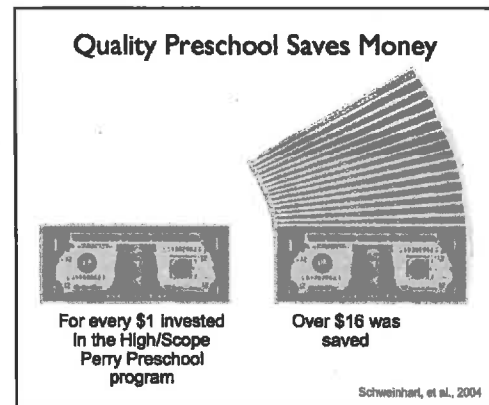
Several long-term studies have demonstrated the crime-prevention benefits of high-quality early education programs.



- One study spanning four decades followed children who were randomly assigned to the High Scope/Perry Preschool program at ages 3 and 4. By age 27, the at-risk children excluded from the program were **five times more likely** to grow up to be chronic lawbreakers than those who attended. By age 40, those who did not attend the Perry Preschool Program were **twice as likely** to be arrested for violent crimes and **four times as likely** to be arrested for drug felonies as those who attended.¹

- Another study of 3- and 4-year-olds enrolled in the government-funded Child-Parent Centers in Chicago and similar children outside the program found that children who did not participate in the preschool program were **70 percent more likely** to be arrested for a violent crime by age 18.²

"I'd rather pay now
to open the door of opportunity
for our kids
than pay more later
to shut a jail door behind them."
Chief Jerry Dyer
Fresno Police Department



These evaluations also show that high-quality preschool boosts high school graduation rates by as much as **44 percent**.³ Increased graduation rates are linked to crime prevention.⁴

Early Education Saves Money, Too

Effective early education programs serving at-risk children have also been proven to produce enormous economic returns. The High/Scope Perry Preschool program cut crime, welfare, and other costs so much that it **saved the public more than \$16 for every \$1 invested** — including more than \$11 in crime savings.

Other benefits include savings to the public education system and increased future earnings for children who enroll in high-quality preschool programs.⁵ As William Gale and Isabel Sawhill of the Brookings Institution assert: Investing in early childhood education provides government and

society "with estimated rates of return that would make a venture capitalist envious."⁶

Unfortunately, Not Enough Kids Have Access to Preschool

A 2005 study found that **76 percent of California's publicly-funded preschools have waiting lists**, leaving behind tens of thousands of low-income children.⁷

Fewer than half of the low-income 3- and 4-year-olds eligible for publicly-funded preschool are able to attend.⁸ Moreover, research from the RAND Corporation shows that the children who need early education, those with the largest gaps in school readiness and later school achievement, are least likely to be enrolled in high-quality programs.⁹

California has made significant cuts to early education

Despite some positive developments for early education in California—including a \$50 million increase for preschool through AB 172 (Chan) in 2006, establishment of a quality improvement commission through SB 1629 (Steinberg) in 2008, enactment of SB 1381 (Simitian) in 2010 to make transitional kindergarten available for older 4-year-olds, being awarded a federal Race to the Top Early Learning Challenge Grant in 2011, and ongoing investments by state and local First 5 Commissions, funded through Proposition 10, that have supported preschool for nearly

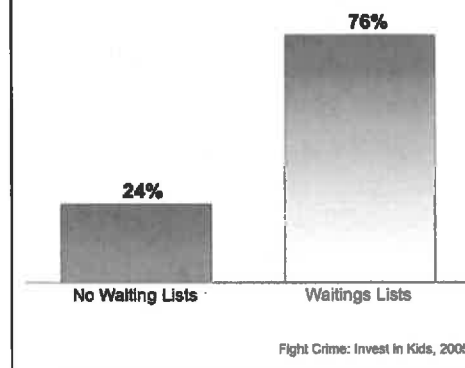
"Those of us on the front lines know that not providing opportunities for preschool can have consequences for public safety in our community. Making preschool available is one of the smartest investments we can make."

Sheriff Bob Doyle
Marin County

10,000 children¹⁰—preschool funding still has declined significantly. Since 2008, state-funded preschool investments have fallen by over \$180 million, with over \$130 million of the cuts enacted in 2011-12 and 2012-13. Overall, child care and preschool funding has been reduced by over \$1 billion since 2008.

While preschool and child care represent 2 percent of state general fund spending, their funding has declined a disproportionate 17 percent.

Low-Income Kids Stuck on Waiting Lists at 3 out of 4 Publicly-Funded Preschools



Due to inadequate funding, more than 300,000 low-income children who are eligible for subsidized preschool are currently not receiving state or federal assistance to access preschool.¹¹ To increase our public safety, as well as improve student performance, the state should protect access to preschool and strive to make quality preschool available to all eligible children.

Building on the quality improvement process established in 2008 by SB 1629, it is also critical that the state take steps to effectively develop, implement, and fund strategies that reward quality in early care and education programs by encouraging improved curriculum, promoting teacher training and retention, and strengthening parental involvement—all hallmarks of high-quality programs.

¹ Schweinhart, L.J., Montie, J., Xiang, Z., Barnett, W.S., Belfield, C.R. & Nores, M. (2004). *Lifetime effects: The High/Scope Perry Preschool study through age 40*. Ypsilanti, MI: High/Scope Press.

² Reynolds, A.J., Temple, J.A., Robertson, D.L. & Mann, E.A. (2001). "Long-term effects of an early childhood intervention on educational achievement and juvenile arrest." *Journal of the American Medical Association*, 285(12), 2339-2380.

³ Schweinhart, L.J., Montie, J., Xiang, Z., Barnett, W.S., Belfield, C.R. & Nores, M. (2004). *Lifetime effects: The High/Scope Perry Preschool study through age 40*. Ypsilanti, MI: High/Scope Press.

⁴ Researchers found that that a 10-percentage point increase in graduation rates would reduce murder and assault rates by about 20 percent. Lochner, L. & Moretti, E. (2004). "The effect of education on crime: Evidence from prison inmates, arrests, and self reports." *The American Economic Review*, 94(1), 155-189.

⁵ Schweinhart, et al.

⁶ Gale, W. & Sawhill, I.V. (1999, February 17). "The best return on the surplus," *The Washington Post*, p. A17.

⁷ FIGHT CRIME: INVEST IN KIDS California. *Public safety can't wait: California's preschool shortage, a missed opportunity for crime prevention*. Oakland, CA: FIGHT CRIME: INVEST IN KIDS California.

⁸ Karoly, L., Reardon, E. & Cho, M. (2007). *Early care and education in the Golden State: Publicly funded programs serving California's preschool-age children*. Santa Monica, CA: RAND Corporation.

⁹ Karoly, L., et al. (2008). *Prepared to learn: The nature and quality of early care and education for preschool-age children in California*. Santa Monica, CA: Rand Corporation.

¹⁰ Id; First 5 California. (2008). *Power of preschool: Demonstration program progress report*.

¹¹ Karoly, L., Reardon, E. & Cho, M. (2007). *Early care and education in the Golden State: Publicly funded programs serving California's preschool-age children*. Santa Monica, CA: RAND Corporation.



Sheriffs, Chiefs and Prosecutors Urge America to Cut Crime by Investing Now in High-Quality Early Education and Care

A CALIFORNIA REPORT BY:



Acknowledgements

FIGHT CRIME: INVEST IN KIDS is a national, bipartisan, nonprofit, anti-crime organization. The organization has a membership of more than 5,000 police chiefs, sheriffs, district attorneys, other law enforcement leaders and violence survivors. The members take a hard-nosed look at what approaches work—and what don't—to prevent crime and violence. They then recommend effective strategies to state and national policymakers. It operates under the umbrella of the Council for a Strong America.

FIGHT CRIME: INVEST IN KIDS CALIFORNIA is supported by tax-deductible contributions from foundations, individuals, and corporations. FIGHT CRIME: INVEST IN KIDS CALIFORNIA accepts no funds from federal, state, or local governments. Major funding for FIGHT CRIME: INVEST IN KIDS CALIFORNIA is provided by: The California Education Policy Fund • The California Endowment • The California Wellness Foundation • W.K. Kellogg Foundation • The David and Lucile Packard Foundation • W. Clement and Jessie V. Stone Foundation.

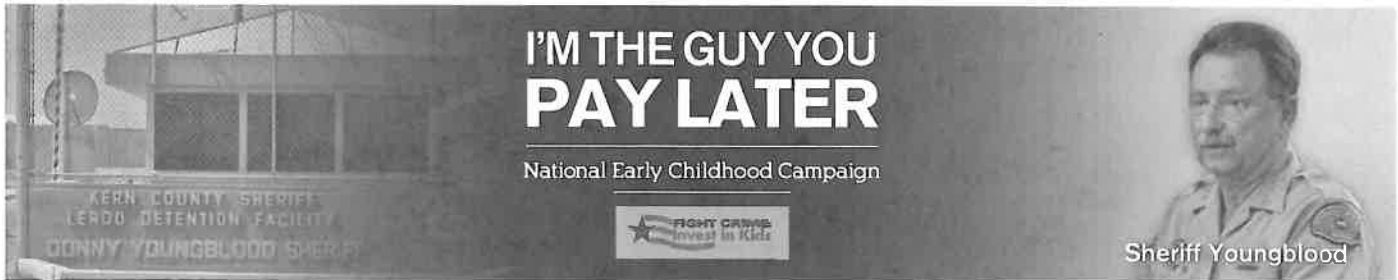
Additional funding for national and state operations includes: Alliance for Early Success • The California Endowment • Annie E. Casey Foundation • Robert Sterling Clark Foundation • Early Childhood Investment Corporation • Bill & Melinda Gates Foundation • The Grable Foundation • Grand Victoria Foundation • The George Gund Foundation • Hagedorn Foundation • Irving Harris Foundation • Leona M. and Harry B. Helmsley Charitable Trust • Robert Wood Johnson Foundation • W.K. Kellogg Foundation • The Kresge Foundation • McCormick Foundation • Ohio Children's Foundation • The David and Lucile Packard Foundation • William Penn Foundation • The Pew Charitable Trusts • Pritzker Early Childhood Foundation • Rauch Foundation • Dr. Scholl Foundation • W. Clement and Jessie V. Stone Foundation. The opinions expressed are those of the author(s) and do not necessarily reflect the views of The Pew Charitable Trusts.

Report authored by Sandra Bishop-Josef, Ph.D., William Christeson, Natasha O'Dell Archer, J.D., Chris Beakey, Kara Clifford and Meghan Moroney.

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The following staff members of FIGHT CRIME: INVEST IN KIDS contributed to production of this report: David Kass, Miriam Rollin and Nick Alexander.

Executive Summary



Sheriff Youngblood has a direct message for everyone who cares about the impact and cost of crime:

“Many people who are locked up in California started off on the wrong path when they were very young. By reaching children in their earliest years through high-quality early education and care, we can set them on a path to success and reduce crime for years to come.”

Law enforcement leaders around the nation know that one of the best ways to keep young people from dropping out of school and becoming criminals is to make sure they have a foundation for success in their earliest years. They are coming out in force to support high-quality early education and care for kids today so we will see less crime and incarceration in the years to come.

Law enforcement leaders like Sheriff Youngblood base their views on personal experiences and research. A study that followed **children who participated in high-quality preschool and parent coaching programs through Chicago’s Child-Parent Centers found they were 20 percent less likely to be arrested for a felony or be incarcerated as young adults than those who did not attend.** In recent years, studies of state preschool programs have found significant increases in academic performance, and also important decreases in the need for special education and in being held back in school. Studies of voluntary home visiting programs document reductions in child abuse and neglect, and later crime as well.

Reducing crime is one of the key reasons why Governors and state legislators across the political spectrum, including in California, are making bold commitments to high-quality early education and care. And now we are at a key fork in the road: policymakers nationwide have an **outstanding opportunity to bring quality preschool to low- and moderate-income children in America.**

The cost of the state-federal partnership that will make this possible is \$75 billion over 10 years – a smart move when you consider the fact that we currently spend \$75 billion every year on corrections nationwide, to incarcerate more than 2 million criminals. **California spends more than \$11 billion per year.**

By one estimate, this 10-year investment in preschool will produce over 2 million additional high school graduates nationwide, including 260,000 in California. **And if we can reduce the number of young people who commit felonies and the number who are incarcerated by 10 percent each – roughly half the reduction achieved by the Chicago Child-Parent Center program – we can reduce the number of individuals who are locked up by 200,000 each year. The resulting savings—\$75 billion over the 10-year investment—is equivalent to the federal costs of the preschool program. California could decrease its prisoners by more than 13,000 each year and save \$1.1 billion.**

These benefits have a tremendous bottom-line economic impact. An independent analysis of over 20 preschool programs demonstrated that quality preschool returned an average “profit” (economic benefits minus costs) to society of \$15,000 for every child served, by cutting crime and the cost of incarceration, and reducing other costs such as special education and welfare.

The state-federal proposal also offers states and communities resources for voluntary home visiting programs to coach new parents and for improving the quality of child care. One home visiting program, **the Nurse-Family Partnership, cut abuse and neglect in half and cut later criminal convictions of participating children by more than half.**

As stated by Sheriff Youngblood, the choice is simple: “Pay for quality early education and care for California’s kids now, or pay far more for the costs of crime in California in the decades to come.”

I'M THE GUY YOU PAY LATER

Sheriffs, Chiefs and Prosecutors Urge America to Cut Crime by Investing Now in High-Quality Early Education and Care

A Fork in the Road

Our number one priority is protecting the safety of our communities in California. We do this by arresting, prosecuting and, when necessary, incarcerating people who commit crimes. But ultimately our best opportunity to improve public safety is to keep people from becoming involved in crime in the first place. To do so, we urge our elected leaders to invest in strategies and practices that have proven, positive and long-term impacts on crime reduction.

We already know where our current path is leading us:

- Although crime rates have fallen over the past 20 years, including in California, there are still 1.2 million violent crimes and 9 million property crimes committed against people in our communities across America every year.¹ **In California, there are 174,746 violent crimes**

annually, a rate of 472 per 100,000.² (See Appendix for data from Robert Wood Johnson County Health Rankings;)

- There are more than 2 million American adults in local, state or federal jails or prisons.³ **California has approximately 133,000 adults incarcerated;**⁴

In Kern County, 61 percent of prisoners do not have a high school diploma or GED.

- Nationally, we spend nearly \$75 billion a year to incarcerate adults in federal and state prisons or local jails.⁵ **California spends \$11 billion a year;**⁶ and

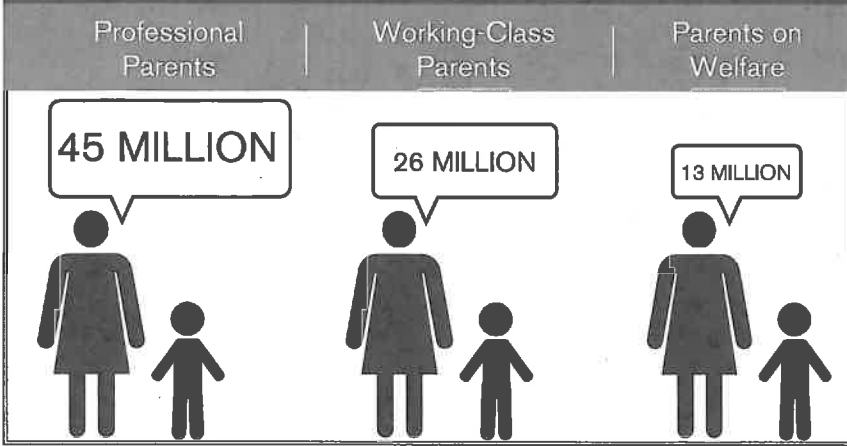
- Seven out of ten state prisoners do not have a high school diploma, and finding stable employment once they leave prison is very challenging.⁷ **In Kern County, 61 percent of prisoners do not have a high school diploma or GED even though inmates can obtain a GED while incarcerated.**⁸

2 MILLION Adults in Prison - OR - **2 MILLION** Additional High School Graduates

\$75 BILLION EACH YEAR for Corrections - OR - **\$75 BILLION** OVER 10 YEARS for Preschool

A FORK IN THE ROAD

Words Spoken By Parents to their Young Children



Source: Hart & Risley, 2004

While these facts are daunting, they do not even begin to reflect crime's other economic costs, or the suffering of crime victims in California. The path we are on is both fiscally unsustainable and devastating in its impact on human lives.

Making a Smarter Choice, at a Pivotal Time

Fortunately, we can steer millions of children across America toward successful lives through high-quality early education and care, which has been proven to lead to less abuse and neglect, **better performance in school, fewer high school drop-outs and, ultimately, fewer crimes committed and a reduction in the number of prisoners.**

The research behind these outcomes shows that the early childhood period (birth to age 5) is a time of rapid brain

development, and that hundreds of new connections in the brain form every second.⁹ Early experiences play a large role in determining how brain connections are formed and in the "wiring" that becomes the foundation on which all later learning is built.

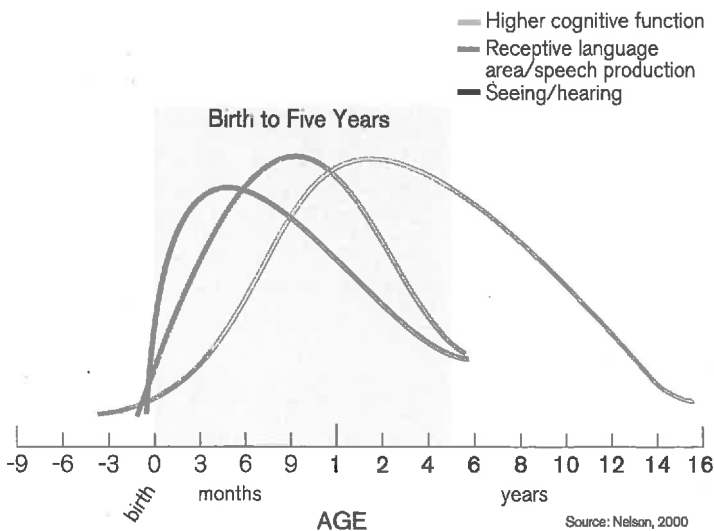
For example, by age 6 months, babies start to understand the link between words and their meanings. This sets the stage for language development and later reading. Yet children from different backgrounds have very different early experiences. Researchers observed children in their own homes monthly for over two years, until the age of three, and recorded how many words their parents spoke to them. There were large differences in the average number of words spoken to the

children by professional parents, working class parents, and parents receiving welfare:

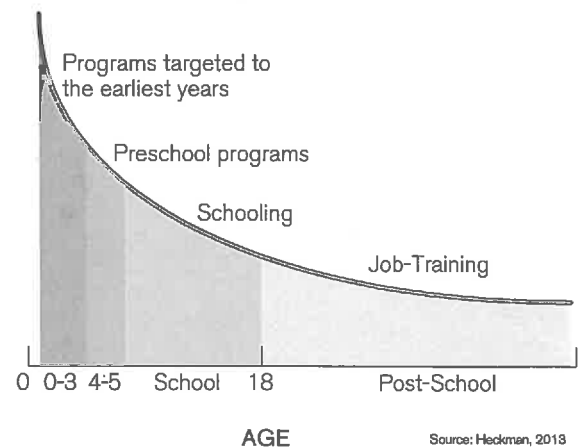
- professional parents 45 million words
- working-class parents 26 million
- parents receiving welfare 13 million.¹⁰

These differences affected the children's vocabulary development: by age three, children with professional parents had average vocabularies of 1,116 words, compared to 749 words for working-class and 525 for children of parents receiving welfare. By the time children reach kindergarten, too many are not only far behind in vocabulary development, but on pre-literacy and pre-math skills (such as knowing their alphabet or being able to count

Synapse Formation in the Developing Brain



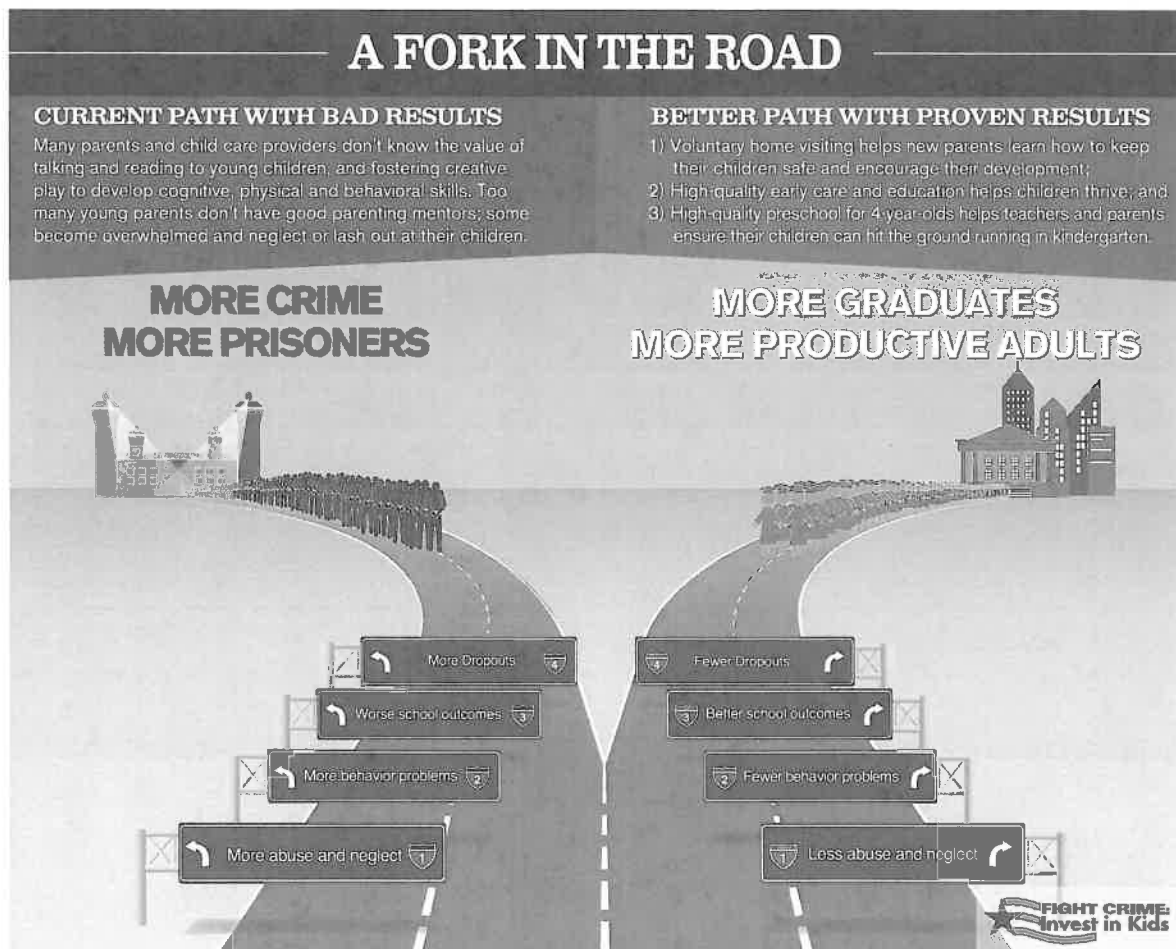
Rate of Return



to ten), as well. Many also face challenges in learning to control impulses and behavior so they can get along with other students and teachers.

James Heckman, the Nobel-winning economist from the University of Chicago, has conducted groundbreaking work with economists, statisticians and neuroscientists and has proven that

the quality of early childhood development strongly influences health, social and economic outcomes. He argues that we should invest sufficiently in younger children and in coaching their parents because those early investments will generate the greatest return. But the opposite is happening: we actually spend far less on younger children than on older children and adults.¹¹



THE PATHWAY TO LESS CRIME

The path we set children upon, in their earliest years, can make a huge difference as they proceed through school and beyond. Research has shown that high-quality care and education from birth through preschool will result in more successful outcomes:

1 Less abuse and neglect:

- The Nurse-Family Partnership is a nationwide voluntary home visiting program. The Chicago Child-Parent

Center (CPC) is a preschool program that has served over 100,000 children and followed them up to age 28. Both programs coach parents to help them understand their children's health needs, create safer home environments and develop parenting skills.

Both approaches cut child abuse and neglect in half for the children served, compared to similar children from families not being helped.¹²

2 Fewer behavior problems:

- Pennsylvania's Pre-K Counts program cut the portion of children at risk for problematic social and self-control behavior (such as taking things from others or not waiting your turn) from 22 percent to 4 percent.¹³

3 Better school outcomes:

- **Ready for school:** Boston's universal preschool program improved mathematics, literacy and language skills among participating children equivalent to seven months of additional learning, compared to children who did not attend.¹⁴ State preschool programs are also reporting important improvements.¹⁵
- **Less special education:** Pennsylvania's pre-k program's success in helping children learn self-control indicates fewer of those children will need special education. New Jersey, which has followed its children through the 4th and 5th grades, found that the children served were 31 percent less likely to be placed in special education than a control group.¹⁶
- **Not held back in school:** Participants in Michigan's state preschool, the Great Start Readiness Program, were held back in school 51 percent less often than non-participants.¹⁷ Children served in Tennessee's preschool program were half as likely to be held back in kindergarten.¹⁸ New Jersey's preschool program found its children were held back 40 percent less often.¹⁹ A home visiting program, Healthy Families New York, cut first grade retention rates by half.²⁰
- **Ahead in reading and math with no "fade-out":** North Carolina's Smart Start and More at Four initiatives to improve early education found that the children in counties that invested more in these efforts were five months ahead in reading at third grade and three to five months ahead in math by third grade when compared to children in counties that invested less.²¹ Disadvantaged children in the **San Francisco Bay** area who attended high-quality preschool outperformed children from more wealthy families in reading by second grade: 61 percent of preschool attendees were proficient in reading, compared to 55 percent of those who did not attend (most of whom attended private preschools.)²²

New Jersey's preschool program, which served disadvantaged school districts statewide, reported that participating children were three-fourths of a year ahead in math and two-thirds of a year ahead in literacy in 4th and 5th grades.²³

These findings show that academic benefits from high-quality preschool need not "fade out." The New Jersey researchers report that their findings are on par with the earlier results achieved by Chicago's CPC program, which later went on to achieve very strong graduation and crime reduction outcomes.

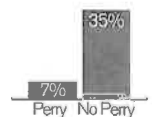
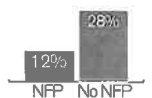
4 Fewer drop-outs:

- The Chicago CPC preschool program reported a 29 percent increase in high school graduation rates by age 20 among its participants.²⁴
- Michigan's Great Start Readiness program reported a 35 percent increase in graduates,²⁵ and
- The Perry Preschool Program saw a 44 percent increase in graduation rates by age 40.²⁶

In California, 24 percent of high school students still fail to graduate on time.²⁷

5 Less crime:

- The Nurse-Family Partnership children were **half as likely to be convicted of a crime by the time they reached age 19.**²⁸
- Children not served by the Chicago CPC program were **70 percent more likely to be arrested for a violent crime by age 18.**²⁹
- By age 27, children not served by the Perry Preschool Program were **five times more likely to be chronic offenders with five or more arrests.**³⁰



6 Fewer prisoners:

- By age 24, the people served by CPC were **20 percent less likely to have served time in a jail or prison.**³¹
- By age 40, the children served by the Perry Preschool program were **46 percent less likely to have been sentenced to prison or jail.**³²



It All Adds Up

No baby is destined, at birth, to become a criminal. The road to criminal behavior is paved with childhood abuse and neglect, inadequate preparation for school, unaddressed behavior problems, poor academic performance and dropping out of high school. The path to success in life is driven by school readiness, the ability to get along with others, academic achievement and high school graduation. We need to take action, right now, to ensure children have the opportunity for quality early education and care so they are on the right path for life.

No Excuses

Results from New Jersey, North Carolina and Michigan should effectively end the debate on whether high-quality state preschool efforts can be brought to scale and deliver strong and lasting results. If a particular state preschool program isn't achieving meaningful and lasting results, such as reductions in children's behavior problems or improved math and literacy skills, the program administrators need to find out what the successful

California was among states enacting an expansion, increasing funding by \$25 million.

programs are doing differently. Steve Barnett, the Director of the National Institute for Early Education Research (NIEER), argues "An accountability and continuous improvement system is a prerequisite for quality, as is adequate funding for those being held accountable."³³ Administrators of our most successful state preschool programs take nothing for granted and are constantly working to learn from each other and make improvements. California's state preschool meets four of the ten quality benchmarks established by NIEER.³⁴

States Know Early Learning Works

States recognize the benefits of high-quality early learning programs. In the past decade, the percentage of four-year-olds served in state preschool doubled, from 14 to 28 percent.³⁵ The number served in California has also doubled, overall, in the past decade, going from 9 percent in 2002 to 18 percent in 2012.³⁶

Preschool has received support from both sides of the aisle. In 2013, at least 25 states, more than half of them with Republican

Support for Preschool Across America and Across the Political Divide

Twenty-Five Examples of Bipartisan Support for New or Expanded Pre-K in 2013



Note: MA: \$26.5 increase primarily for childcare; preschool funding increase failed. WV: Education bill passed establishing universal preschool by 2016; however funding not yet determined.

leadership, proposed and/or signed into law expansions of preschool.³⁷ California was among states enacting an expansion, increasing funding by \$25 million.

Access to preschool, however, varies widely across the states, and most states do not serve the majority of their four-year-olds. In 2012, 10 states did not have any state preschool programs. More than half of the remaining states served 30 percent or fewer of their four-year-olds.³⁸ In a time of budget cuts, many states have struggled to pay for preschool, despite their commitments to early learning. And the cost of high-quality preschool, a national average of \$9,076 per year and \$6,594 per year in California, is higher than many families, particularly low- and moderate-income families, can afford.³⁹ In the 2011-2012 school year, California served 18 percent of its four-year-olds and spent \$728 million (\$4,136 per child), a funding cut from the previous year. [See *The State of Preschool in America, 2012*, by the National Institute for Early Education Research, for more state information.⁴⁰] In 2012-2013, there were additional funding cuts in California and an estimated 15,000 slots were eliminated. For the 2013-2014 school year, California increased state preschool funding by \$25 million to serve more than 8,300 additional students.⁴¹

Voluntary home visiting programs have also received widespread, bipartisan support. In 2012, 47 of the 50 states applied for and received federal Maternal, Infant and Early Childhood Home Visiting (MIECHV) grants to deliver home visiting services to high-risk families.⁴² California currently has an \$11.2 million MIECHV grant to deliver home visiting services. Although comprehensive information on the proportion of high-risk



Increasing graduation rates decreases serious crime

University of California at Berkeley economist Enrico Moretti and Canadian economist Lance Lochner studied the relationship over time between changes in graduation rates and crime. They concluded that a 10 percentage point increase in graduation rates – going from 50 percent to 60 percent, for example – reduces murder and assault rates by about 20 percent.

Source: Lochner & Moretti (2004) *The American Economic Review*

families served by home visiting programs is not available, relevant data indicate that the programs reach only a fraction of eligible families.⁴³ The current proposal represents a serious effort to address this unmet need.

An Unprecedented Opportunity

We now have an opportunity to increase the number of children served in voluntary high-quality early education and care. In its 2014 budget proposal, **the Administration has proposed \$75 billion over 10 years for a state-federal partnership** to offer high-quality preschool programs to low- and moderate-income four-year-olds.⁴⁴ The proposal also includes \$15 billion over 10 years to increase access to voluntary home visiting programs, and additional funds for improving the quality of child care for children birth through age three through the Child Care and Development Block Grant (CCDBG) and child care partnerships with Early Head Start.

\$75 Billion Every Year to Lock Up Criminals vs. \$75 Billion Over 10 Years for Quality Early Education and Care

We know from projections made by the national security organization, Mission: Readiness, that investments that bring high-quality preschool to scale for low-income children could produce 2 million additional high school graduates nationwide over 10 years, once the programs are established.⁴⁵ California could add 260,000 graduates.

We don't know exactly how much high-quality state preschool programs could cut the costs of corrections. But, as recently as

2008, America spent nearly \$75 billion a year to incarcerate more than 2 million adults in federal and state prisons or local jails.⁴⁶ That contrasts with \$75 billion in federal funding over 10 years to bring preschool to scale for low- to moderate-income children nationwide. California spends \$11 billion a year on incarceration. This does not include spending for local or county jails.⁴⁷

Obviously we cannot simply stop paying the cost of incarcerating criminals. However, given that the federal cost of the proposed state-federal preschool partnership is one-tenth the cost of corrections nationwide, cutting the number of people who commit felonies and become prisoners by just 10 percent, or 200,000 people nationwide – half the 20 percent reduction realized by Chicago’s CPC program – could begin to pay the equivalent of all of the federal costs of the preschool program (\$75 billion). California could decrease its prisoners by 13,000 each year and save \$1.1 billion. This does not even take into account the many other benefits that accrue from high-quality preschool.

That 10 percent reduction figure is presented to illustrate the potential of preschool to pay for itself from reductions in crime



Stronger parents

The most successful early care and education programs with long-term results—such as the Perry Preschool, CPC, New Jersey’s state preschool and the Nurse-Family Partnership—work with parents to teach them how to reinforce positive behaviors and encourage them to routinely read and speak to their children, so they are better prepared for success in the years to come.

alone, rather than as a hard and fast projection. But a well-respected, independent cost-benefit analysis of more than 20 different studies of preschool programs showed that preschool can return, on average, a “profit” (economic benefits minus costs) to society of \$15,000 for every child served.⁴⁸ Other estimates are much higher. Clearly, preschool works and more than pays for itself.

The same cost-benefit analysis determined that the Nurse-Family Partnership voluntary home visiting program can return, on average, net benefits of \$13,000 per child served.⁴⁹

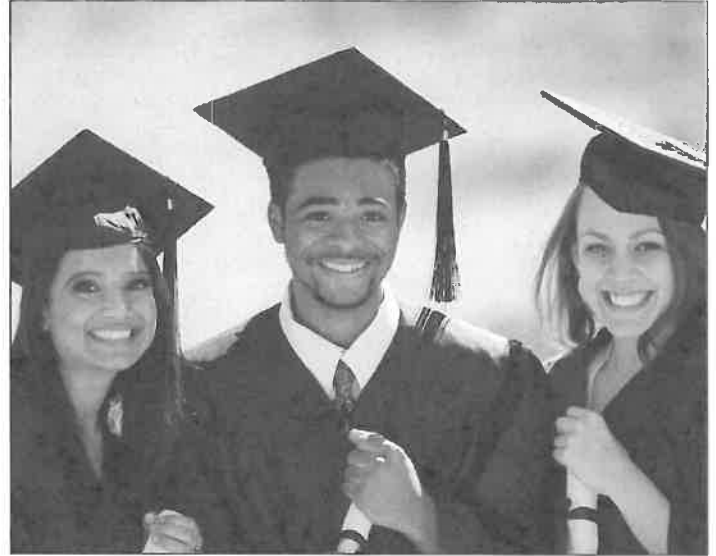
Cutting the number of people who become prisoners by just 10 percent, half the 20 percent realized by Chicago’s program, could begin to pay the equivalent of all of the federal costs of the preschool proposal. California could decrease its prisoners by 13,000 and save \$1.1 billion each year.

A Different Path for Our Country

Our members make no apologies for putting criminals behind bars in California. **But we all agree that a better and less expensive way going forward is to prevent as many young children as possible from growing up to become involved in crime.**

If America invests wisely now in preschool and in services such as evidence-based home visiting and high-quality child care, millions of children can become successful, productive adults, instead of individuals who fail themselves and cost taxpayers dearly. Over time, this may help America reduce the number of prisoners well below 2 million a year, while cutting costs dramatically.

When we support what works for our disadvantaged children, we put them – and our country – on a different, safer path. It's time to do what works, America.



Robert Wood Johnson Foundation County Health Rankings & Roadmaps

Data by county: On-time high school graduation and adult violent crime

COUNTY	PROPORTION NOT GRADUATING HIGH SCHOOL ON TIME ¹	ANNUAL VIOLENT CRIMES ²	VIOLENT CRIME RATE ² (PER 100,000 POPULATION)
STATE	24	174,746	472
Alameda	19	11,478	775
Alpine	50	12	1,104
Amador	15	114	298
Butte	15	843	383
Calaveras	8	90	192
Colusa	17	49	232
Contra Costa	17	4,393	424
Del Norte	15	111	383
El Dorado	8	485	272
Fresno	20	4,673	509
Glenn	13	63	223
Humboldt	14	510	390
Imperial	15	560	334
Inyo	19	78	443
Kern	21	4,800	586
Kings	23	614	405
Lake	18	289	444
Lassen	21	111	321
Los Angeles	25	54,923	558
Madera	17	694	462
Marin	6	530	213
Mariposa	8	42	236
Mendocino	19	522	604
Merced	13	1,549	616
Modoc	12	23	251
Mono	24	52	396
Monterey	25	2,042	499
Napa	14	687	511
Nevada	10	287	294
Orange	10	7,324	243

COUNTY	PROPORTION <u>NOT</u> GRADUATING HIGH SCHOOL ON TIME ¹	ANNUAL VIOLENT CRIMES ²	VIOLENT CRIME RATE ² (PER 100,000 POPULATION)
Placer	9	800	230
Plumas	37	122	607
Riverside	18	7,386	341
Sacramento	22	8,932	634
San Benito	13	234	427
San Bernardino	20	9,879	485
San Diego	16	12,429	410
San Francisco	18	6,215	773
San Joaquin	21	5,737	840
San Luis Obispo	8	730	274
San Mateo	13	2,013	283
Santa Barbara	14	1,797	438
Santa Clara	17	5,047	286
Santa Cruz	14	1,258	494
Shasta	12	1,303	725
Sierra	7	13	411
Siskiyou	12	157	355
Solano	23	2,116	517
Sonoma	17	1,941	412
Stanislaus	21	2,740	531
Sutter	15	338	361
Tehama	19	383	615
Trinity	10	26	184
Tulare	19	2,187	505
Tuolumne	11	137	248
Ventura	14	1,968	244
Yolo	14	539	270
Yuba	19	294	402

1. Data from state department of education. 2. Data from FBI Uniform Crime Reporting Programing: <http://www.countyhealthrankings.org/>

Endnotes

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ITEM VI
Incompetent to Stand Trial (IST): Examining Trends
and Program Options



November 5, 2013

TO: CSAC Administration of Justice Committee

FROM: London Biggs, CSAC Legislative Analyst

RE: Incompetent to Stand Trial (IST): Examining Trends and Program Options

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In recent months, the problem of how to deal with mentally-ill defendants, and specifically those that are deemed incompetent to stand trial (IST), has been an area of increasing concern for the Governor's Administration and the Department of State Hospitals (DSH). A sharp increase in IST referrals, a lengthening waitlist, and varying levels of access to mental health treatment in the community are just a few of the factors prompting the Governor's staff to convene a high-level advisory group of multi-disciplinary stakeholders to tackle the issues presented by IST individuals. It is not clear at this time whether the stakeholder discussions will ultimately result in proposed statutory changes or budget action. CSAC welcomes member input on areas of local concern as the conversation continues. This informational memo is intended to provide a general overview of IST issues identified by the taskforce as areas for further exploration at both the state and local level in the days ahead.

To better help evaluate the policy issues around the IST population, we have invited two speakers to address this body in November. Kristopher Kent, the Assistant Secretary in the Office of Program and Fiscal Affairs, California Health and Human Services Agency will discuss the IST issues from the state's perspective: population trends, state and local challenges, and a promising program model. Terry Fillman, the Health Services Administrator from the San Bernardino County Sheriff's Department will discuss that county's Restoration of Competency program, discussed more fully in this memo and in the attached report.

BACKGROUND

Under existing law, a defendant is deemed incompetent to stand trial (IST) when, as a result of mental disorder or developmental disability, the defendant is unable to understand the nature of the criminal proceedings against him or her or assist counsel in presenting a defense in a rational manner. If a defendant is found to be IST, all proceedings are suspended until the point at which the person regains mental competence, and a referral to DSH is made. Given significant wait times before transfer, the IST population often sits in county jail for extended periods of time with little (if any) opportunity for treatment. County jails or mental health have no ability to involuntarily administer medication. Once placement at a state hospital occurs, restoration of competency can take weeks, months, or even years. In some cases, DSH and the court must consider whether the defendant can ever be rendered competent or whether a civil commitment must be pursued. IST individuals may lawfully refuse treatment, or withdraw their consent to be medicated. In

cases where a defendant refuses treatment or withdraws consent, the state must obtain a court order justifying the grounds for involuntary medication. Ideally, a defendant is provided with the appropriate level of treatment as quickly as possible so that competency can be restored and trial proceedings can resume.

IST TASKFORCE MEMBERS AND GOALS

The IST stakeholder group met for the first time on September 6, 2013 with the goal of expanding communication and collaboration between the various players within the IST system, better understanding the causes of increased IST placement, and exploring appropriate treatment options with a population that appears to be presenting with increasingly violent behavior. Participants included representatives from the courts, district attorneys, mental health directors, public defenders, sheriffs, CSAC, the disability community, and several state agencies including the Department of Finance, Healthcare Services, State Hospitals, and the Governor's Office.

IST AREAS OF CONCERN

Since the stakeholder Group's initial convening, the IST Taskforce has identified several areas of concern which are discussed in more detail below:

Growth of IST Referrals to State Hospitals: The state hospital system has noted a significant increase in the number of IST referrals. Although the reasons for this are still being investigated by the stakeholder group, it is possible that current law may encourage DSH placement over less restrictive treatment environments. Under existing statute, a defendant charged with a violent felony may not be transferred for treatment unless the facility has a secured perimeter or a locked and controlled treatment area and a judge determines that public safety will be protected. Given this statutory requirement, many community program directors may cite safety concerns when evaluating individuals for placement in outpatient treatment facilities within the community. Although private institutions for mental disease – which are locked mental health facilities – exist in some areas, most community-based mental health facilities do not have the proper facilities to treat this specific population. As a result, IST individuals are rarely placed in outpatient treatment facilities within the community.

Treatment Capacity and Waitlists: The increase in IST referrals on its own may not present as much of a problem for the criminal justice system if it were not for the fact that DSH cannot provide enough treatment beds to accept all of the incoming IST individuals. Although DSH is looking to expand capacity at Coalinga State Hospital, currently state hospital beds are full system wide. Further, DSH is required to prioritize other types of commitments under a federal court order which has led to longer wait times for IST admissions. Each person that is admitted as a result of a federal court order displaces another individual on the waitlist. California's current monthly IST waitlist averages between 200 and 300 individuals. As discussed previously, IST individuals often suffer adverse effects due to their mental disorder and decompensate further as they wait for

placement in a facility. A few courts have issued orders resulting in mandated admission time periods, which the state is currently litigating.

Violence and Insufficient Staffing at State Hospitals: A study by UC Davis and Napa State Hospital found that in 2010, over 8,300 aggressive incidents produced over 1,000 staff injuries. According to DSH, 1 in 3 newly admitted IST patients are violent. As a result of this and other factors, DSH is having trouble recruiting and maintaining appropriate staffing levels to handle additional IST workload.

IST Commitment Process Flaws: Several areas of concern have been raised regarding aspects of the IST commitment process. On the front end, state law does not appear to provide a mechanism to reassess or stop an IST referral once the commitment process has begun. DSH believes that there are IST individuals at the county level that are able to regain competency while awaiting admission to a State Hospital. However, given that there is no recognized evaluation prior to admission and subsequent to the initial referral, some IST individuals may be forced into a commitment that is no longer necessary.

Involuntary Medication: Under current law, a person has a constitutionally protected interest in avoiding involuntary administration of medication. However, in the case of IST defendants, the state may compel treatment if the treatment is deemed medically appropriate and essential for the sake of the person's own safety or the safety of others. IST stakeholders have identified a number of issues surrounding the application of Involuntary Medication orders including inconsistent delivery of medication to individuals in county jail while awaiting commitment, and once again upon returning from a state hospital. Maintaining consistent medical treatment prior to trial is essential for patients to avoid decompensating and falling back into mental illness.

Failure to Restore to Competency: Unfortunately, some IST individuals will not respond to treatment even within the confines of a State Hospital and will be deemed unlikely to restore to competency. DSH has expressed frustration that some IST individuals deemed unlikely to restore are unnecessarily filling beds needed for new admissions. DSH has expressed interest in exploring ways to incentivize counties to pursue proceedings such as conservatorship with non-restorable individuals.

ALTERNATIVE IST APPROACHES: COUNTY LEVEL RESTORATION OF COMPETENCY (ROC) PROGRAMS

Given the issues identified by the stakeholder group and the recent interest of the Governor's Office in the area of IST, counties should be aware that there may be an effort underway to identify alternative IST approaches or explore new ways to manage and treat IST individuals. One program that has been highlighted by DSH staff and recommended for duplication in other jurisdictions by the Legislative Analyst's Office (LAO) is the San Bernardino County Restoration of Competency (ROC) program. See attached report.

SAN BERNARDINO ROC PROGRAM

The San Bernardino County ROC program began as a pilot program in January 2011 as a result of \$300,000 in funding approved in the 2007-2008 State Budget. San Bernardino County, in collaboration with the State and a private treatment provider, entered into a contract to provide intensive medical treatment for IST individuals at the local jail rather than referring them to a state hospital facility. In a unique financial arrangement, the provider became responsible for delivering all psychiatric treatment and acute stabilization services for IST patients within the jail while county jail officials provided security and management of the population, as well as food and medication. According to the terms of the contract, the State was required to pay \$278 per day to the provider for IST services and treatment. In turn, the provider passed on \$68 per day to county jail officials to cover the associated custodial costs.

Even though the state was required to pay the county and provider for services rendered for IST individuals, the average daily rate was considerably less than the cost of treatment at a state hospital. For each IST individual treated locally, the state saved about \$172 a day. As a condition of the contract, the provider submitted monthly progress reports outlining the number of IST patients treated, the number of IST referrals to state hospitals, the length of stay for each IST patient, and specific diagnostic information regarding each case.

After more than two years in existence, the ROC program has demonstrated impressive results. Within the first nine months of operation the program generated \$1.2 million in savings for the state and more than \$200,000 in saving for San Bernardino County. IST treatments were started more quickly and the average length of stay was drastically reduced. Ultimately, IST referrals to state facilities significantly decreased given the county's ability to restore competency to over 80% percent of IST patients treated locally in 90 days or less. While every county may not have the capacity to implement a similar program, it is an option that may warrant further analysis.

CONCLUSION

CSAC will continue to engage with the IST Taskforce in their professional study of the mental health resources, gaps, and issues that affect IST individuals and their families. The group plans to meet again in early December. Updates will be provided concerning any policy recommendations made by the committee and any anticipated next steps.

Attachments:

- January 2012 LAO Report – Treating the Incompetent to Stand Trial
- San Bernardino County PowerPoint on ROC Program

LAO

An Alternative Approach:

Treating the Incompetent to Stand Trial

MAC TAYLOR • LEGISLATIVE ANALYST • JANUARY 3, 2012



AN LAO REPORT

EXECUTIVE SUMMARY

Background. Under state and federal law, all individuals who face criminal charges must be mentally competent to help in their defense. By definition, an individual who is incompetent to stand trial (IST) lacks the mental competency required to participate in legal proceedings. In California, there is a monthly statewide waitlist that averages between 200 and 300 individuals alleged to have committed felonies whom the courts have deemed mentally incompetent to stand trial. These individuals are waiting for a bed to become available in a state hospital so they can undergo evaluation and receive treatment to restore them to competency. Once at a state hospital, the state spends significant resources to provide treatment for this population—approximately \$170 million annually.

Waitlist Received Courts Attention. Traditionally, these individuals have waited in county jails before being transferred to state hospitals. A recent state court case has highlighted the legal issues in the long wait times experienced by ISTs and resulted in a recommendation by the courts that IST commitments be transferred to a state hospital within 35 days. However, many ISTs currently wait in jails longer than 35 days. The lack of physical space to house IST commitments combined with the difficulty in staffing key personnel in state hospitals has maintained a steady backlog of IST commitments in county jails. If the state were required to eliminate its waitlist in its entirety, it could face costs of \$20 million annually.

Pilot Program Could Reduce Waitlist. The Department of Mental Health (DMH) received an appropriation from the Legislature in the amount of \$4.3 million in 2007-08 to begin pilot programs to examine alternative approaches to addressing the IST waitlist problem. After several years of delays, the department, working with a private vendor, established a pilot program in San Bernardino County to treat ISTs in the county jail instead of at a state hospital. The nine-month results are promising in regard to the ability of the program to reduce the IST waitlist. Specifically, we find the pilot program provides less incentive for potential malingerers, has greater flexibility to hold down costs, and is able to restore ISTs to competency in a shorter amount of time than the state hospitals. Additionally, the number of referrals from courts into IST treatment has decreased, possibly because treatment in a county jail is less appealing to defendants who may use a claim of incompetency as a defense strategy to keep out of prison.

Pilot Program Brings Public Sector Savings. We find expansion of the pilot not only has the potential to reduce the waitlist, but also to significantly decrease costs to the public sector. We estimate the San Bernardino County pilot has resulted in approximately \$1.4 million in public sector savings after a nine-month period—providing treatment at a cost of about \$70,000 less per IST commitment.

Expand Pilot Program. If the Legislature wishes to reduce the waitlist, we recommend that it do so first by expanding the pilot into counties with historically long waitlists. Those counties would be the ones that ordinarily send their IST commitments to Patton and Atascadero state hospitals. Our analysis indicates that such an approach would result in significant savings for the state and counties in the costs of providing services to IST commitments. Furthermore, it would reduce state and county exposure to potential future court involvement from delays in the treatment of ISTs held in county jail longer than recommended by the courts.

AN LAO REPORT

INTRODUCTION

Under state and federal law, all individuals who face criminal charges must be mentally competent to help in their defense. By definition, an individual who is IST lacks the mental capacity required to participate in legal proceedings. While a person may be IST because of a mental illness or for other reasons (such as a developmental disability), this report focuses on the former. For individuals who are accused of felonies and who are seriously mentally ill, California generally provides mental health treatment in state hospitals to restore them to competency. At the time this report was prepared, more than 1,000 persons, about 20 percent of the state hospital population, were IST commitments. Due to a myriad of issues in state hospitals, the

state has had a waiting list for entry into the state hospitals by ISTs for some time. For various reasons discussed in this report, our analysis finds that it is in the best interest of the state to attempt to reduce its waitlist population in order to provide prompt treatment for these commitments, reduce county costs, and avoid potentially significant future state costs.

In this report we (1) provide an overview of the state process for handling IST commitments, (2) assess the cause of the IST waitlist problem, (3) examine an ongoing pilot project in San Bernardino County to expedite the restoration of ISTs to competency, and (4) present our recommendations for steps to address the waitlist problem.

BACKGROUND

Below, we describe how persons accused of misdemeanors and felonies are deemed to be ISTs. We also describe how felony IST commitments are restored to competency.

U.S. Supreme Court Requires Competency. The 1960 U.S. Supreme Court decision *Dusky v. United States* found that a defendant must have “sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding” and “a rational as well as factual understanding of the proceedings against him.” In short, being competent means the defendant both understands the charges against him and has sufficient mental ability to help in his or her own defense. The 1972 U.S. Supreme Court decision *Jackson v. Indiana* found the state violated a criminal defendant’s federal constitutional right to due process of law by involuntarily committing an individual for an indefinite amount of time because of his incompetency to stand trial. The U.S. Constitution (as well as the State Constitution) states that no

person shall be deprived of life, liberty, or property without due process of the law. In the *Jackson* case, the court ruled that “a person charged by a State with a criminal offense who is committed solely on account of his incapacity to proceed to trial cannot be held for more than the reasonable period of time necessary to determine whether there is a substantial probability that he will attain that capacity in the foreseeable future.”

How Is Incompetency Determined? Under state law, when a defendant’s mental competency to stand trial is in doubt, the courts must follow a specific competency determination process before the defendant can be brought to trial. Figure 1 (see next page) summarizes this process.

Typically, the process is initiated by defense attorneys reporting their concerns about their clients’ mental capacity to the judge. The judge then orders the defendant to undergo an initial evaluation by court-appointed mental health experts, during which time court proceedings

are suspended. The court assesses the evaluation, which guides it in deciding whether to hold a competency hearing. If a hearing is ordered, one or two additional experts are appointed by the court to assess the defendant's competency and the defendant has the opportunity to challenge their conclusions during this hearing. Generally, a defendant charged with a violent felony and found *incompetent* to stand trial will be ordered to undergo treatment at a state hospital to be restored to competency.

Judges typically order a community mental health program director or designee to determine the most appropriate treatment facility for IST defendants. The program director is then required to submit a report with findings to the court within 15 days. Defendants charged with misdemeanors are usually provided treatment in a local mental health facility, provided treatment in an outpatient setting, or released with the charges dismissed. Defendants charged with nonviolent, non-sexual

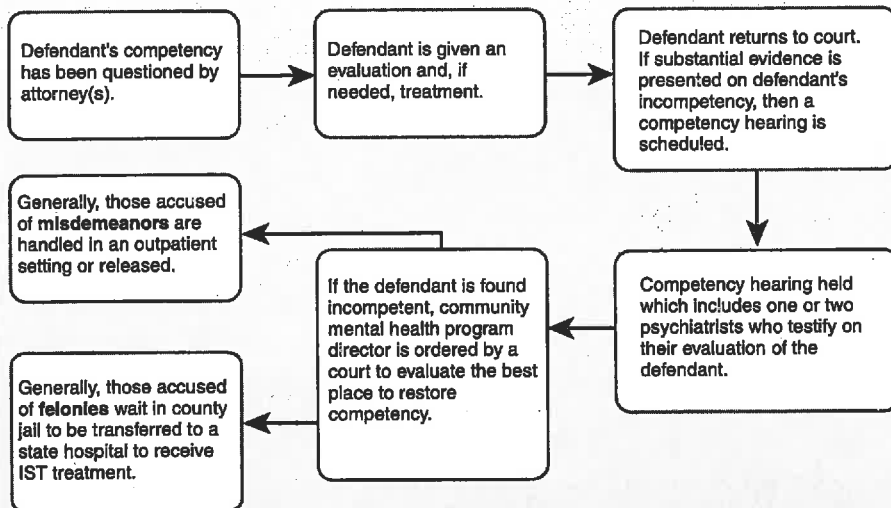
felonies are sometimes treated in the community. Those defendants charged with violent and/or sexually violent felony crimes are committed to state hospitals to have competency restored. If there is a bed available in a state hospital for felony defendants, they are transferred from the jail to the state hospital. However, if there is not a bed available, then they are usually put on a statewide waitlist and held in a county jail until a bed becomes available.

Court Recommendation Increases Pressure for Speedy Transfer From Jail to State Hospitals.

California law requires that state hospitals admit, examine, and report to the court on the likelihood of competency restoration within 90 days of the defendant's commitment in order to avoid violating the defendant's constitutional right to due process. In a case known as *Freddy Mille v. Los Angeles County*, the Second District Court of Appeal ruled in 2010 that a person determined to be IST must be transferred to a state hospital within a "reasonable

amount of time" in order to comply with this 90-day statutory requirement. The court specifically held that the provision of medications alone to mentally ill defendants within the confines of a jail—a common practice—did not legally constitute the kind of treatment efforts that are required to restore someone to mental competency. Thus, the court held, the transfer of such defendants in a timely fashion from jail to a state hospital (or perhaps

Figure 1
IST Commitment Process



IST = Incompetent to stand trial.

to a community treatment center) is legally required. This legal precedent is binding across the state.

As the result of a series of rulings, the courts have recommended that the transfer of IST defendants from jail to a state hospital be completed in no more than 30 to 35 days. (This would still leave 55 to 60 days for the examination and assessment of competency.) Thus, the *Mille* court case increased the pressure on state hospitals to admit IST commitments promptly and report back to the courts within the required 90-day period.

The State Hospital Role in Restoring Competency. The state's five state hospitals—Atascadero, Coalinga, Metropolitan, Napa, and Patton—provide treatment to a combined patient population of over 5,000 (see the nearby box for more information on these facilities). All but

Coalinga serve ISTs. State hospitals treat patients under several other commitment classifications, including not guilty by reason of insanity and mentally disordered offenders. Additionally, two psychiatric programs located on the grounds of state prisons at Vacaville and Salinas Valley have a combined inmate patient population of less than 700, however, these programs typically have served only a handful of ISTs. All of these programs are administered by the state DMH. The process for determining which commitments go to which hospital is complicated. However, ISTs from certain counties tend to be transferred to certain state hospitals. For example, Patton State Hospital typically accepts admissions from Kern, Los Angeles, Merced, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, Stanislaus, and Ventura counties.

California's State Hospital System

California is home to five state hospitals and two in-prison psychiatric programs which specialize in treating the mentally ill.

Atascadero State Hospital is located in the Central Coast and houses an all-male maximum security forensic patient population. As of July 2011, it housed over 1,000 patients.

Coalinga State Hospital is California's newest state hospital. Located in the City of Coalinga, it houses over 700 patients, most of whom are Sexually Violent Predators (SVPs). Coalinga has been reserved for this specific SVP population and does not treat individuals who are incompetent to stand trial.

Metropolitan State Hospital houses over 600 patients and is located in the city of Norwalk. Metropolitan does not accept individuals who have a history of escape from a detention center, a charge or conviction of a sex crime, or one convicted of murder.

Napa State Hospital, located in the city of Napa, is classified as a low- to moderate-security level state hospital. It housed over 1,000 patients as of July 2011.

Patton State Hospital treats approximately 1,500 patients and is primarily a forensic hospital. Located in San Bernardino County, Patton has seen its forensic population grow quickly in the past few years.

Vacaville and Salinas Valley Psychiatric Programs are not hospitals, but psychiatric programs designated to treat inmates with mental health issues. The Vacaville and Salinas Valley Psychiatric Programs are located inside prisons. Both programs treat less than 700 inmate-patients combined.

Felony IST commitments may suffer from one or more mental illnesses, including schizophrenia and bipolar disorder. Treatment is provided through a combination of medications, therapeutic classes (like art), and counseling. Additionally, specialized units within the state hospitals teach classes on basic court procedures, giving IST commitments the capability of identifying the judge, defense attorneys, and prosecutors. This allows defendants to understand the charges against them and assist in their own defense once they have been restored to competency and proceed to trial.

California Dedicates Significant Resources to Competency Restoration. California dedicates significant resources to the competency restoration process. With an average daily population of 1,000 ISTs and a cost of approximately \$450 per day per patient, the state spends approximately \$170 million annually on this category of patients. (This estimate does not include any facilities-related costs.) In recent years, several factors have driven up these costs for ISTs and for other categories of patients. For example:

- As a result of enforcement actions brought by the U.S. Department of Justice under the authority of the Civil Rights for

Institutionalized Persons Act, the state was required to increase staff-to-patient ratios and expand the services offered to patients in its facilities.

- Increased concerns about security, stemming mainly from acts of violence committed by patients against staff and other patients, have also increased state hospital operating and capital outlay costs. These increased security measures include the installation of new personal alarm systems and the deployment of more security staff on the grounds.

How Long Does It Take to Restore Competency? Once at a state hospital, it takes an average of six to seven months to restore a defendant to competency. Under state law, defendants charged with a felony and committed to state hospitals for competency treatment are not permitted to spend longer than three years or the maximum prison term the court could have sentenced the defendant to serve if they were found guilty of the crime, whichever is shorter. Additionally, time spent at state hospitals can be applied to the sentence of the individual if they are found guilty of a crime after their competency has been restored.

LIMITED STATE HOSPITAL BEDS HAVE RESULTED IN A SIGNIFICANT IST WAITLIST

The state faces a long wait list due to a shortage of staff and/or psychiatric beds at the hospitals. Therefore, county jails have had to hold IST commitments in county jails longer than the court-recommended 35-day time period. According to data collected by DMH, during 2009-10, defendants waited an average of 68 days, almost double the 35 days recommended by the courts, for transfer

from a county jail to a state hospital for evaluation. (This average excludes IST patients headed for Metropolitan State Hospital, for which data are not available.) Figure 2 shows the average county jail wait times for IST commitments by facility. Napa is, on average, accepting patients within the time limits recommended by the courts. (One possible reason for the low average wait time

for Napa is the relatively lower number of ISTs originating from Northern California counties, which feed into Napa.) The data indicate, however, that almost half of the transfers to Napa are still occurring after 35 days have lapsed. Moreover, IST commitments headed both to Atascadero and Patton are significantly exceeding 35 days. In the case of Patton, it is taking an average of 87 days for ISTs to be transferred from their county jail. Some transfers are taking as long as 162 days after the recommended 35-day limit by the courts.

A total of 1,261 persons were placed on an IST waitlist at some point during 2009-10. Of this group, 923 commitments stayed on the waitlist longer than the recommended 35-day period. Since 2007, the IST waitlist has fluctuated between 200 and 300 persons at any given time. At the time this report was prepared, there were 264 persons on the IST waitlist.

Costs to Counties From Serving ISTs in County Jails. Since IST commitments wait in county jail before being transferred to a state hospital, counties pay the cost of their care during that time. Statewide, jails report spending \$92 per day on average for all their inmates, with costs for IST patients generally expected to be higher because of their medical needs (average daily costs vary from county to county). As shown in Figure 3, we estimate that counties are spending a combined annual total of at least \$3.5 million to hold IST commitments in their jails beyond the 35-day period while they wait for a state hospital bed to become available. (The actual cost is probably more than we have estimated because it does not include IST commitments held at Metropolitan and because the \$92 county jail daily rate we assume likely understates the costs to counties for an IST population that typically has high medical needs.) Patton, which had the longest wait times for IST transfers from the county jails it serves, accounted for more than 70 percent of the costs. As shown in

Figure 2
Average IST Wait Time
Varies Significantly

2009-10

State Hospital ^a	Average Number of Days Until Transfer to State Hospital
Atascadero	53
Napa	33
Patton	87

^a Data unavailable for Metropolitan State Hospital.
IST = Incompetent to stand trial.

the figure, delays in IST admissions to Atascadero and Napa resulted in lesser, but still significant, costs to counties.

Why State Hospital Beds for IST Commitments Are Limited. The ability of the state hospital system to accept new commitments for ISTs (as well as for certain other categories of patients) is constrained by the physical capacity of these facilities and the state's ability to hire sufficient staff. The DMH has struggled with staffing key personnel classifications, with some state hospitals reporting vacancy rates as high as 40 percent in occupations like staff psychiatrists. The state has aggressively tried to recruit and retain key personnel but has faced challenges in filling positions. The state has used overtime by hospital staff and private contractors to help fill some of the

Figure 3
IST Waiting Lists
Prove Costly to Counties

2009-10 (In Thousands)

State Hospital ^a	Cost to Counties Due to That Hospital's Waitlist
Atascadero	\$648
Napa	345
Patton	2,554
Total	\$3,545

^a Data unavailable for Metropolitan State Hospital.
IST = Incompetent to stand trial.

staffing gap. However, the amount of overtime that staff members can work is limited and the use of contractors has proven to be expensive.

In theory, the state has the option of trying to curb other types of patient admissions to create space for IST commitments. However, the risk to public safety posed by other patient population groups, and requirements imposed as a result of other federal court cases, limit the state's flexibility in its use of state hospital beds. For example, admissions of mentally ill prison inmates to the state hospitals required as a result of the longstanding *Coleman v. Schwarzenegger* case are generally a higher priority for admission than ISTs. The DMH has adopted rules establishing the following priority for admissions of penal code commitments: (1) Sexually Violent Predators, (2) Mentally Disordered Offenders, (3) *Coleman* inmate-patients, (4) Not Guilty by Reason of Insanity, and (5) ISTs. Thus, ISTs are usually the last group to be placed in a state hospital,

having priority only over persons who receive civil commitments to state hospitals under the Lanterman-Petris-Short Act.

As a result of these various constraints, state hospitals have been unable to solve the IST waitlist problem.

Potential Fiscal Implications for the State.

If the state were required by the courts to comply immediately with *Mille* to eliminate the backlog of ISTs solely by expanding staff capacity and filling the remaining available beds in the state hospital, it would face ongoing annual costs of about \$20 million. The *Mille* case highlights the risk of potential problems that could arise for the state and counties as a result of the continued waitlist for IST admissions to state hospitals. The holding of mentally ill defendants in the jails for a longer period than recommended by the courts creates a risk of claims by some defendants that their due process rights are being violated.

HOW A SAN BERNARDINO PILOT PROJECT HELPED A COUNTY ADDRESS ITS IST WAITLIST

In 2007-08, the Legislature approved a \$4.3 million budget request from DMH for additional funding for a pilot program to test a more efficient and less costly process to restore persons determined to be IST to competency. These monies were intended to provide 40 beds at the county level for one year for competency restoration services in lieu of providing this treatment in state hospitals.

After several years of delay, ultimately only 20 beds were established in San Bernardino County using about \$300,000 of the budgeted amount. After conducting a competitive bidding process, DMH entered into a contract with Liberty Healthcare Corporation to establish the new program in that one county. Liberty, a private

provider with experience in California and other states in providing treatment to ISTs and other types of offenders with mental health problems, in turn established a contractual relationship with San Bernardino County to implement this pilot at its county jail beginning in January 2011. Under these agreements, Liberty provides intensive psychiatric treatment, acute stabilization services, and court-mandated services for IST patients. San Bernardino County jail officials provide security and management of the IST population held in the jail, as well as food and medication.

The state pays Liberty \$278 per day for these services—much less than the \$450 cost per day of a state hospital bed. Using part of these monies, Liberty, in turn, passes through \$68 per day per

commitment to the county for various food and housing costs and pays for the medication. Under the terms of its contract with the DMH, Liberty provides services to ISTs in the jail for a maximum of 70 days. At that point, those who have not been restored to competency—typically because their mental health issues are more severe—are transferred to the state hospital system, where their treatment continues. Also, a small portion of those who cannot be restored to competency by Liberty are those who speak languages Liberty is not staffed to handle.

Data on Liberty’s Nine-Month Results

In accordance with the terms of its contract with DMH, Liberty submits monthly progress reports to the DMH outlining the number of patients it treats, the number it transfers to Patton State Hospital, the length of time that each of its IST patients have been in treatment, and specific diagnostic patient information. The data collected for the first nine months of the operation of the program are summarized in Figure 4.

Our analysis indicates that the pilot program has had several important outcomes.

- **Treatment Starts More Quickly.** Under the San Bernardino County approach, treatment begins much sooner for felony ISTs. Treatment starts in the jail almost immediately after an IST determination by a judge. As discussed earlier, treatment of felon ISTs ordinarily does not begin until after their transfer to a state hospital, which can often take months.
- **Treatment Completed More Quickly.** Under the pilot program, restoration of competency is completed relatively quickly for many ISTs, with an average length of treatment for those who have completed the program (so far) of 54 days. This

compares to six to seven months in the state hospital system.

- **Treatment Has Been Effective.** So far, none of the 19 patients brought to competency has returned to an incompetent status once returned to the courts, a sign that the treatment has been effective in allowing them to successfully assist in their defense. (The DMH reports that less than 5 percent of the IST population it restores to competency subsequently returns to its state hospitals.)
- **The Number of IST Referrals in the County Has Decreased.** After the IST pilot program began, the number of individuals determined by judges to be ISTs and requiring restoration of competency has noticeably decreased in San Bernardino County.

Fiscal Effects of the Pilot Program

Our analysis indicates that the San Bernardino County pilot program is resulting in some fiscal benefits both for the county and for the state.

County Impacts. As noted earlier, Liberty is passing through \$68 per day per IST commitment received under its state contract to San Bernardino County to pay for food, clothing, and housing of

Figure 4
Initial Outcomes Show Almost Half of Patients Restored to Competency

January to September 2011

	Number of Patients	Average Days in Treatment
Fully restored	19	54
In program	13	N/A
Transferred to Patton	10	81
Total Admissions	42	63

the defendants held in its jail. In addition, Liberty is paying the costs of their medications that, for the county, had historically averaged \$14 per day per IST commitment. (As discussed above, by relying on generic medications, Liberty is paying lower costs for medications than the county had for ISTs—about \$10 per day.) Based on our conversations with county officials, San Bernardino County is now saving the full amount of the costs it would otherwise incur for holding IST defendants in its jail until their eventual transfer to a state hospital. The county is incurring operating costs for food, clothing, and security for IST defendants who remain at the jail to receive competency restoration from Liberty, but all of these costs are offset by the payments of state monies passed through to them by Liberty.

Thus far, San Bernardino County estimates that it has been able to achieve net savings of more than \$5,000 for each IST commitment Liberty treats. Based on the first nine months of the program, during which 42 commitments were under Liberty's care, San Bernardino County thus estimates that it has saved about \$200,000. The annual savings to the county would be higher.

State Impact. The state has likewise benefitted fiscally because 19 San Bernardino County IST commitments were treated and released without being placed in a state hospital. We estimate that the state thus avoided spending about \$1.5 million for their care in the state hospital system. Instead, the state spent close to \$300,000 for this group, via funding for the Liberty contract, for net state savings of about \$1.2 million.

Other factors might modestly change the net fiscal impact to the state, although they are hard to calculate at this time. For example, there is no way to know at this time what cost impacts are associated with the group of ten IST commitments who received treatment from Liberty

but were eventually transferred to Patton. If these individuals subsequently had a shorter stay at Patton because of the treatment they received from Liberty before their transfer, the pilot project would result in some additional savings for the state. If their treatment by Liberty did not reduce their subsequent stay at Patton, the pilot program would in effect result in some added state costs for this group. The DMH does not now collect data that would enable us to determine how their treatment at Liberty is affecting their subsequent stays in the state hospital system, but our analysis suggests they are unlikely to greatly change the overall level of savings the pilot program is providing for the state.

Public Sector Savings. The combined savings to both the state and the county bring the total public sector savings from the pilot project to approximately \$1.4 million for this group—over \$70,000 in savings being achieved for each IST patient directed to Liberty.

Why Is the Pilot Program Achieving These Results?

Several key factors appear to be behind the programmatic and fiscal benefits that have resulted so far from the pilot program.

- **Less Incentive for Potential Malingering.** The shift in IST restoration of competency treatment from state hospitals to a jail setting may be deterring some offenders from malingering while in treatment. State hospitals regularly assess and attempt to extract malingerers who, after their competency has been restored, feign mental illness to extend their stay and avoid trial and sentencing to jail or prison. The shift of IST competency treatment to a jail setting, where there is less freedom of movement and fewer amenities than a state hospital, may be deterring malingerers.

- ***IST Commitments Less Appealing to Defendants.*** The shift in IST restoration of competency treatment from state hospitals to a jail setting appears to be deterring defendants from seeking such commitments. As noted earlier, the number of defendants in San Bernardino County determined by judges to be ISTs has declined. One reason for this may be that defendants are using a claim of incompetency less often as a defense strategy to keep out of prison. This may be because defendants perceive time in jail to be less desirable than in a state hospital.
- ***Private Provider Given Greater Flexibility to Hold Down Costs.*** The privatization of the services for ISTs is keeping

costs low by allowing the contractor to use clinical resources in a more flexible and targeted way than is possible in a state hospital setting. For example, Liberty is able to pay its contract psychiatrists based on the specific number of hours of patient care they provide to IST commitments. State hospitals, which are subject to standard, federally required staffing requirements and labor agreements, do not have the same degree of flexibility. Liberty's cost to ensure the safety of its personnel are also lower than for state hospitals because its treatment program operates in a jail setting, which already provides a high level of security. Additionally, Liberty uniformly uses generic medications for IST commitments to hold down its drug costs.

LAO RECOMMENDATIONS FOR REDUCING THE IST WAITLIST

As noted in this report, the state faces significant legal risks because of state court rulings in the *Mille* case. Also, counties are incurring significant costs for IST commitments being held in county jails for a longer period than recommended by the courts. However, the approach the state has used in the past to reduce the waitlist of ISTs being held in county jails—expanding the staffing and capacity of the state hospital system—would likely be expensive and problematic because of ongoing staffing shortages and other problems.

If the Legislature concludes that additional action is needed to reduce the IST waitlist, we recommend the Legislature do so by expanding the San Bernardino County pilot program. Providing treatment to IST commitments in other county jails with a private contractor, largely along the lines of the San Bernardino County model, would

not only result in significantly less public sector costs to provide this treatment (over \$70,000 per commitment), but also more timely and potentially more effective services to ISTs.

Consider Expanding the Liberty Contract.

If an assessment by DMH based on complete outcome data demonstrates that Liberty is doing a good job of implementing the pilot program, its contract could be extended and expanded to other counties to help reduce the remaining IST waitlist across the state. By extending the existing contract, the state would be able to begin expanding immediately with a provider that is already familiar with California's complex IST commitment and treatment process. Based on our review of state procurement rules, it appears that DMH would be able to extend the current contract for an additional year without having to go through

another bid process. In order to significantly reduce the current IST waitlist, we estimate that the state would need to establish approximately 50 to 80 additional beds in county jails, perhaps in up to four 20-bed units around the state besides San Bernardino County, dedicated to IST treatment.

Expand First in the Feeder Counties for Patton and Atascadero. An expansion of IST treatment programs in county jails is more likely to succeed if the additional sites are in the right locations. We recommend that any such expansion be focused, at

least initially, on the counties feeding IST patients to Patton and Atascadero. Our analysis indicates that counties such as Los Angeles, Kern, and San Diego are prime candidates for expansion. Smaller rural counties are not as good of candidates, in our view, because they tend to have smaller populations of ISTs and smaller waitlists. However, we believe it may be possible, and advantageous, for small or medium-sized counties on a voluntary basis to send their ISTs to another county offering such a program.

CONCLUSION

As we have discussed in this report, the state is subject to a legal risk if long wait times for transfers to state hospitals by the IST commitment population continue. To the extent the state has the resources, we recommend expanding the pilot program to those counties with a sufficient IST

waitlist population. Replicating the success that San Bernardino County has had in restoring defendants to competency more quickly and less expensively could resolve the waitlist issue, ensure due process, and thereby preempt such court action.

AN LAO REPORT

LAO Publications

This report was prepared by Lishaun Francis, and reviewed by Shawn Martin. The Legislative Analyst's Office (LAO) is a nonpartisan office which provides fiscal and policy information and advice to the Legislature.

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CSAC 119th Annual Meeting
Healthy Counties - Healthy California

Restoration of Competency
Jail Based Program
Saves Time and Money!

Presented By
 Terry Fillman, MBA, RN, CCHP
 Health Services Administrator
 San Bernardino County Sheriff's Depart

Jail Bed Day Management

- Incompetent to Stand Trial (IST)
- Average Length of Stay (ALS)
- 2009/2010 the ALS for pre-sentenced IST inmates average was 765 days each
- 2009/2010 the ALS for pre-sentenced non-IST inmates average was 42 days each

Incompetent to Stand Trial Issues

- Pre-sentenced time for IST
 - Arrest → court process to determine IST
 - State mental hospital admission wait time
 - State mental hospital admission treatment time
 - Return to jail determined competent
 - Return to court process
 - Possible decompensation
 - Repeat process
 - Adjudication

Jail-Based Program

- CA Department of State Hospital Pilot
 - 20-bed jail-based treatment program
 - Incompetent-to-stand trial felony cases
 - Open-ended option to transfer to State Hospital
 - Open new collaboration partners
- The objectives of Liberty Health ROC Program
 - Restore to competency- Fast Track
 - Provide less costly housing and program alternative to state hospital
 - Help reduce State Hospital waitlist and bed supply
 - Enable patients to receive more timely treatment

Fast Track Model



- The "Fast Lane"
 - IST defendants are diverse & vary in terms of speed of restorability.
 - Identify & separate the rapid responders from the defendants requiring long-term treatment.
 - Eases congestion heading to the state hospital & reduce the waitlists

Team Approach

- Coordinating with the courts, judges, and DA
- Addressing public defender's concerns
- Collaborating with State Hospital
- Coordinating jail services
 - Classification and security issues
 - Housing and Programming space
 - Custody staff training
 - Health Services
 - Primary healthcare, medications, labs, etc
 - Jail mental health services
 - Pre and Post ROC program
 - Suicide Watch

General Statistics to October 2013

- Total admissions: 229
- Total discharges: 215
- Restored to competency:
 - Average length of treatment (LOT) for restored patients: 56 days
 - LOT range for restored defendants: 14 to 150 days
 - Restored in < 90 days: 89%
- Competency Findings upheld: 98%
- Transferred to State Hospital: 45%
 - Average time between admission and transfer request: 60 days
 - Average length of stay (LOS) for transfers: 90 days

Medication Data to October 2013

- Number of patients prescribed psychotropic medication(s): 90%
- Choose not to force medications
- Medication compliance incentive program
 - Fully compliant 87%
 - Intermittent compliance 3%
 - Refusing medication: 10%
 - * Compliance not affecting outcome

Fiscal Outcomes

- California Legislative Analyst Office Report:
 - Recommended expanded use of ROC programs because of ability to significantly decrease costs to public sector
 - After first nine-months of operation, LAO estimated:
 - \$1.2 million savings for the State
 - \$200,000 savings for San Bernardino County
 - ROC provided treatment at a cost of about \$70,000 less per patient.
 - Information and statistics from LAO report, January 3, 2012 at www.lao.ca.gov

Evidence Based Outcomes

- 2012 - 2013 ALS for pre-sentenced IST inmates average 296 days each
- 2012 - 2013 Reduction in jail bed days for IST 469 days each

> 93,000 Jail Bed Days Saved since inception of Jail Based Restoration of Competency Program at San Bernardino County Sheriff's Department!

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ITEM VII
2013 End-of Session and Budget Wrap-Up; 2013
Accomplishments; 2014 Policy Horizons



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DATE: November 7, 2013
TO: CSAC Administration of Justice Policy Committee
FROM: Elizabeth Howard Espinosa
CSAC Administration of Justice Staff
RE: **2013 End-of-Session Legislative and Budget Wrap Up; 2013 Accomplishments; 2014 Policy Horizons**

This memo summarizes four key aspects of the work before the Administration of Justice Policy Committee. We have provided the committee with a summary of key budget provisions and legislative measures in the justice policy area this year; a high-level detailing of key areas of achievement in 2013; and a review of anticipated areas of priority activity in 2014. Please recall that the CSAC association-wide state and federal priorities will be vetted through the CSAC Officers, Executive Committee, and Board of Directors – for final approval by the Board in February 2014.

2013-14 Budget: Public Safety and Corrections

2011 Public Safety Realignment technical adjustments. As outlined below, a variety of corrective and clarifying provisions were enacted as part of the budget to advance the successful implementation of AB 109.

- SB 1020, the 2011 Realignment fiscal structure bill enacted in 2012, provided direction the state controller to assign overall growth to the various law enforcement subaccounts only in 2012-13. SB 76, the public safety trailer bill, corrects this oversight and clarifies that growth is to be distributed to the subaccounts using the same specified percentage shares in all future fiscal years.
- The public safety trailer bill (SB 76) specifies that the various law enforcement subvention programs funded out of the Enhanced Law Enforcement Activities Subaccount (ELEAS) within 2011 Realignment are to receive monthly allocations – rather than quarterly disbursements, as set out in current law. Programs affected by this change affect the Citizens’ Option for Public Safety (COPS), the Juvenile Justice Crime Prevention Act, booking fee replacement revenue, and rural and small sheriffs grants, among others.
- SB 76 also specifies that mandatory supervision begins immediately upon release from county jail to avoid any potential gaps in supervision.
- In anticipation of the courts’ assumption of the revocation process for parolees beginning July 1, 2013, the public safety trailer bill (SB 76) clarifies that for parolees either (1) the court in the county of supervision or (2) the court in the county in which an alleged violation of supervision has occurred has jurisdiction to hear a revocation motion or petition. SB 76 also specifies that for all locally supervised offenders the court in the county of supervision has jurisdiction to hear a revocation motion or petition.
- SB 76 details a process to manage circumstances in which persons are misclassified when released to post-release community supervision (PRCS) or parole. Specifically, it provides that any person released to either to parole or PRCS shall remain – after having served 60 days or more of supervision – under the jurisdiction of the department providing supervision, even if a different determination regarding jurisdiction is subsequently made.

- The public safety trailer bill also requires the corrections secretary of CDCR or a designee to provide notification to the statewide associations of counties, sheriffs, and probation chiefs regarding any planned changes to prison reception center and parole office operations.
- To ensure full and timely communication regarding specified medical, mental health, and other clinical needs of state prisoners being released to PRCS, SB 76 contains provisions regarding the transfer of a standard set of healthcare information, consistent with HIPAA.
- SB 76 also permits the sheriff to award two-for-one credits for jail inmates who participate in in-custody work or job training programs.

CCP planning grants. The budget bill (AB 110) contains a \$7.9 million General Fund appropriation to provide planning grants to local Community Corrections Partnerships (CCPs). The fixed amount grants will be allocated as in previous years, with a specified amount of \$100,000, \$150,000, or \$200,000 designated based on a county's population. A county's receipt of a CCP planning grant is conditioned upon a report being submitted to the Board of State and Community Corrections (BSCC) detailing progress in implementing the local CCP plan. The BSCC is directed to work with the Department of Finance to develop the format of the report.

SB 678—Community Corrections Performance Incentive Act. The court's budget trailer bill (SB 75) includes language to update the methodology for calculating counties' SB 678 performance grants. The revised formula contains a new element—felony probation failures resulting in jail incarceration; reflects a change in the 2012 marginal rate for state prison inmates; and adds a third performance tier for incentive payments. As a result, the formula-driven funding is expected to produce just over \$107 million in 2013-14 for county probation departments, reflecting an augmentation of \$72.1 million over the January budget proposal.

Reentry and Community Transition Pilot Program. The main budget bill (AB 110) commits up to \$5 million of existing corrections funding to support a three-year Reentry and Community Transition pilot program with four specified counties (Los Angeles, Marin, San Diego and San Francisco). Under the pilot, the Department of Corrections and Rehabilitation (CDCR) is authorized to enter into contracts pursuant to Penal Code 4115.56 for reentry purposes. Each county would be permitted to serve up an average daily population of 56, with a required risk and needs assessment for each participant. Individualized treatment and rehabilitation plans would be required, as would specified evidence-based services and programs. Participating counties would submit a report annually to the Legislature and Department of Finance, with specified elements and outcome measures.

Long-term offender proposal. As updated previously, the budget does not address the issue of long-term jail offenders. Counties will recall that the Governor's May Revision outlined a concept that would permit a swap of long-term county jail offenders for shorter-term prison inmates that maintains population and cost neutrality given the state's budget and federal-court population reduction order constraints. The concept outlined other elements, including: 1) granting new authority to existing county parole boards for determining whether long-term offenders should be sent to state prison, but only after the inmate has served three years in a county jail and, 2) creating a presumption for split sentences. The specific mechanics of the proposal were not finalized within the timeframe the budget was concluded, so discussions will continue in the near-term. The Administration has emphasized that it remains committed to finding a mechanism to resolve this issue by the end of this legislative year.

Corrections. The budget and corrections trailer bill, SB 74, contains various provisions of interest to counties related to corrections, CDCR, and BSCC, detailed below.

- A change in the composition to the BSCC effective July 1, 2013 will add a thirteenth member to the Board. The chair of the BSCC – appointed by the Governor and approved by the Senate – will now serve full time, with the corrections secretary serving prospectively as a voting member of the board.
- To address a potential conflict of interest issue raised earlier this year, the corrections trailer bill clarifies that members of a BSCC committee – specifically meant for Executive Steering Committee – has no financial interest and therefore may participate in awarding contracts and bond financing.
- The corrections trailer bill also corrects an erroneous code section reference codified in SB 1022 (2012) related to the \$500 million jail construction grant program.
- A \$15.4 million increase in CDCR funding will permit a significant increase in fire camp work crews relying on state prison inmates. Counties will recall that following AB 109 implementation, there was a concern that the state would have insufficient lower-level prison inmates to sustain fire camp services, and CDCR’s budget was reduced accordingly. However, CDCR has implemented changes in classification systems and identified a sufficient number of inmates to maintain current fire camp levels.
- SB 74 establishes an administrative structure – including a new corrections undersecretary and related staffing – to support the future transition of inmate health care back to the state from the federal receiver.
- A dedication of \$6.6 million is included in the budget to support an initiative to reduce drugs and other contraband in the prisons.

Judicial Branch. The budget contains a \$60 million restoration to the judicial branch, which will partially offset the ongoing reductions the courts were facing due to previous years’ budget actions.

SB 75, the judicial branch trailer bill, also contains provisions meant to offer the courts additional revenue authority and flexibility to best operationalize previous budget actions. Among the provisions:

- Increases from \$10 to \$15 for mailing a plaintiff’s claim in a small claims action;
- Specifies that court reporting fees for proceedings lasting less than one hour shall be distributed to the court in which the fee was collected.
- Relieves collecting entities from the requirement to provide a Social Security number to the Franchise Tax Board in the context of the Tax Intercept Program.
- Requires the courts on an ongoing basis to publicly present their local budget plan, with an opportunity for public input.
- Makes various revisions to timing and frequency of trial court audits.
- Requires an evaluation of the Long Beach Courthouse project, which is being completed through a public-private partnership.

Other public safety items of interest. The main budget bill contains a second round of grants to city police agencies, augmented in 2013-14 to \$27.5 million statewide.

2013 Legislative Roundup

Prison Population Reduction Plan

SB 105 (Steinberg) – Support

Chapter No. 310, Statutes of 2013

Governor Jerry Brown signed SB 105, the compromise prison population reduction plan, into law on September 12, the day following its passage by the Legislature. The bill's provisions went into effect immediately, giving the state the ability to work swiftly toward complying with the standing federal court order to additionally reduce the state prison population. As has been reported more recently, the three-judge panel – in a late September ruling – ordered the plaintiffs (inmates' rights counsel) and the state to immediately meet and confer in an effort to achieve the court's previously prescribed population cap of 137.5 percent of design capacity. The court enumerated specific elements for consideration during this process, which is being facilitated by California appellate court justice Peter Siggins; Justice Siggins is expected to provide the court with an update on the meet-and-confer program on October 21.

Two other key elements of the panel's September order (1) prohibit the state from entering into contracts or other arrangements for out-of-state capacity and (2) grant a month extension – to January 27, 2014 – to give the parties time to confer and leave open the opportunity for the parties to jointly request a further extension or for the court to grant additional time on its own authority. In related news, the U.S. Supreme Court this week denied "for want of jurisdiction" the state's underlying appeal of the federal panel's prison population reduction order. That appellate effort had been supported by CSAC, individual counties, and a broad coalition of public safety advocates.

SB 105, as signed by the Governor, is intended to assure no early releases from state prison and – if the expenditures authority granted in the bill is not exhausted – directs savings to programs investments that reduce recidivism. The bill does not impose new programmatic responsibilities on counties, nor does it contemplate a sentencing commission. It affords policy makers and key stakeholders additional time to develop long-term, sustainable correctional solutions. There are several key components to SB 105:

- Appropriates \$315 million in 2013-14 to invest in capacity to permit the state to comply with the federal court's order to reduce the prison population to 137.5 percent of design capacity; it assumes a further investment of up to \$400 million in capacity purposes for next fiscal year.
- Provides for investment in recidivism reduction programs if the federal court adjusts its order – either by giving the state more time to comply with the existing cap or by revisiting the required population threshold. Should the state come to a new agreement with the court, then up to \$75 million in savings – due to avoiding capacity expenditures – would go to a new Recidivism Reduction Fund, which would be appropriated by the Legislature for services and interventions. Any additional savings achieved beyond the \$75 million would be shared equally between the state general fund and the Recidivism Reduction Fund.
- Improves the existing Community Corrections Performance Incentive Act (SB 678 – Leno and Benoit of 2009) funding methodology to ensure more funding certainty and stability for local programs over the long-term.
- Changes the timeline for comprehensive, long-term solutions as contemplated by SB 105, the Governor's proposal. An interim report would be due to the Legislature by April 2014; a final

report would be due by January 10, 2015 – the date the Governor’s proposed 2015-16 budget is due.

2011 Realignment

AB 1050 (Dickinson) – Watch

Chapter No. 270, Statutes of 2013

AB 1050, by Assembly Member Roger Dickinson, requires the Board of State and Community Corrections to work with a broad stakeholder group to develop definitions about several key terms related to public safety realignment. The bill enumerates specific terms requiring definition: “recidivism,” “average daily population,” “treatment program completion rates,” and “any other terms deemed relevant in order to facilitate consistency in local data collection, evaluation, and implementation of evidence-based practices, promising evidence-based practices, and evidence-based programs.”

In developing these definitions, the BSCC is required to consult with several designated stakeholders:

- A county supervisor or county administrative officer, selected after conferring with the California State Association of Counties.
- A county sheriff, selected after conferring with the California State Sheriffs’ Association.
- A chief probation officer, selected after conferring with the Chief Probation Officers of California.
- A district attorney, selected after conferring with the California District Attorney’s Association.
- A public defender, selected after conferring with the California Public Defenders Association.
- The Secretary of the Department of Corrections and Rehabilitation.
- A representative from the Administrative Office of the Courts.
- A representative from a nonpartisan, nonprofit policy institute with experience and involvement in research and data relating to California’s criminal justice system.
- A representative from a nonprofit agency providing comprehensive reentry services.

It is our understanding the BSCC is preparing to outreach to designated stakeholders shortly, with a view toward beginning discussions after the first of the year, when the bill becomes effective.

SB 199 (DeLeon) – Oppose

Two-Year Bill

SB 199, by Senator Kevin DeLeon, would have added two members to both the Community Corrections Partnership (CCP) and its executive committee: a rank-and-file deputy sheriff or police officer and a rank-and-file probation officer.

This measure is similar to AB 2031 (2012), by former Assembly Member Felipe Fuentes. CSAC and many other public safety stakeholders opposed SB 199 and AB 2031 before it. Counties remain in the early stages of implementing realignment. Given the breadth and magnitude of this shift, we believe it is premature to begin making changes to the underlying statutory construct that supports the realignment planning and implementation process and are concerned that, if enacted, this bill could have been but the first in a line of changes that would make these bodies too large and unwieldy. It is also important to recall that the work of the CCP and its executive committee is open and transparent, so any and all stakeholder groups are permitted to participate in the process and offer input and perspectives. The author opted not to move this measure.

SB 225 (Emmerson) – Support In Concept

Two-Year Bill

SB 225, by Senator Bill Emmerson, would have established – as it was proposed to be amended – a structure by which counties and the California Department of Corrections and Rehabilitation (CDCR) could exchange inmates. CSAC took a position of conceptual support on SB 225

With amendments, SB 225 would have authorized a needed and practical tool that would give counties the ability to move its long-term jail population – defined as inmates with more than three years remaining to be served – to a state prison facility. In exchange, recognizing the state’s own capacity limitations, CDCR could transfer state prison inmates who have six months or less remaining to county jail. This one-for-one inmate “swap” would involve only those inmates who have been screened with a validated risk assessment tool and deemed low-risk.

Given the impacts of the long-term jail population on counties, CSAC appreciates the efforts of the author and the bill’s sponsor, the Riverside County district attorney, to craft a workable solution. Our conceptual support acknowledges the likely complexity of drafting the population swap mechanism, particularly given the state’s prison population cap. The bill remains in the Senate Public Safety Committee.

Judgment Interest Rate

AB 748 (Eggman) – Support

Chapter No. 424, Statutes of 2013

Governor Brown signed AB 748 into law. This measure, by Assembly Member Susan Talamantes Eggman, amends the current calculation of the judicial interest rate charged to public entities. This bill was sponsored by the Urban Counties Caucus and supported by CSAC, various counties, and other groups.

Today, the interest rate for claims against public entities is 7 percent. AB 748 specifies that for any tax or fee claim that results in a judgment against a public entity, the judicial interest rate would be set at the weekly average one-year constant maturity U.S. Treasury yield. Further, the measure provides that for post-interest judgments, the rate on the claim would be the U.S. Treasury yield plus 2 percent. The bill ensures that in no case would the calculation exceed the existing rate of 7 percent annually. AB 748 maintains current law requiring local governments to pay claims promptly. We are gratified that the Governor signed the bill into law. Further, we are grateful for the leadership of UCC in sponsoring this measure and for the contributions many individual counties and other groups made in advancing AB 748 through the process.

Identity Theft / Breach of Personal Information

AB 1149 (Campos) – Oppose

Chapter No. 395, Statutes of 2013

AB 1149, by Assembly Member Nora Campos, imposes notification requirements on local agencies if unauthorized persons access specified personal information. The bill, signed into law by Governor Brown, was amended late in the legislative session to avoid chaptering out provisions – meaning it now also incorporates changes to the same section of law made by another bill (SB 46, by Senator Ellen Corbett, also recently signed into law).

CSAC – as part of a broad coalition of public agency advocacy groups – opposed AB 1149 for fiscal and operational reasons, primarily related to (1) associated workload and expenditures and (2) a

concern over the precedent that local governments – after some 35 years of being expressly exempt from its provisions – would be subject to a portion of the Information Practices Act (IPA).

The practical effect of double joining AB 1149 to SB 46 is that it may increase the scope of potential workload associated with the breach notification requirements in AB 1149. SB 46 on its own does not impose any new duties on local governments; it merely expands the definition of “personally identifiable information” to include the user name, password, and security questions – meaning that notification requirements apply to a slightly expanded universe of possible breaches.

Public Finance Trailer Bill

SB 100 – Watch

Chapter No. 360, Statutes of 2013

The public finance trailer bill signed by the Governor contains a number of clarifying and corrective changes. As it relates to public safety matters, we highlight three provisions of interest to counties in SB 100, summarized below. Please note in particular the discussion of ELEAS funds.

Distribution of ELEAS funds – An issue associated with the distribution of the various local law enforcement subventions funded out of 2011 Realignment (specifically the Enhancing Law Enforcement Activities Subaccount (ELEAS)) was recently identified. Modifications to relevant sections were needed to ensure that a fixed funding level for the booking fee replacement revenue (\$35 million) and to subsequently ensure that all remaining funds can be appropriately disbursed out of the account. Since the amendments contained in SB 100 affect the 2012-13 ELEAS allocations, the State Controller’s Office held back a portion of 2012-13 ELEAS funding in order to true-up allocations in anticipation of this language being enacted. The holdback was necessary in order to ensure that 2012-13 allocations would be consistent with 2013-14, as well as the original intent of the language.

Counties should be aware that SB 100 is meant to correct the distribution mechanism and all funds (ELEAS has a guaranteed funding level of \$489.9 million annually) are distributed as intended. Perhaps more importantly, counties should be aware that once all 2012-13 ELEAS funds are distributed, the \$35 million in booking fee revenue will be reached, *meaning that no county should be charging booking fees to their municipalities for 2012-13.*

SB 678 Data Collection – SB 100 removes the requirement for counties to collect and report information on the number of felons who would have been subject to an 1170(h) sentence had felony probation not been granted. SB 75, the judiciary trailer bill enacted along with the budget, added this reporting requirement, but in several jurisdictions the information was not attainable. The data collection requirement related to that element has been eliminated.

Juvenile Interstate Compact Sunset Extension – The sunset date for the Juvenile Interstate Compact will be extended from July 1, 2014 to July 1, 2016.

Vehicle Registration Fees: Vehicle Theft Prevention

AB 767 (Levine) – Support

Chapter No. 241, Statutes of 2013

AB 767, by Assembly Member Marc Levine, authorizes counties to increase vehicle registration fee from \$1 to \$2 for motor vehicles and from \$2 to \$4 for commercial vehicles. Proceeds would

support vehicle theft efforts. This authority can be exercised only after adoption of a resolution by the board of supervisors. The Governor signed the measure into law on September 6.

By way of background, AB 1404 (Chapter 775, Statutes of 2012) authorized these increases for three specified counties. AB 767 expands the authority across all 58 counties and deletes the existing sunset on the vehicle registration surcharge. The revenues derived from the surcharge are dedicated to vehicle theft abatement programs. The bill maintains existing requirements regarding expenditure and programmatic reporting, and it specifies the vehicle-theft related purposes for the funds in counties. The bill also authorizes jurisdictions that may not yet have exercised the original \$1 surcharge to approve a \$2 surcharge, in accordance with procedures outlined in the bill.

Court-Related Issues

AB 566 (Wieckowski) – Watch

Vetoed

AB 566, by Assembly Member Bob Wieckowski, would have limited trial courts' ability to contract out for services. To ensure that the measure would not affect county-operated court-ordered debt programs, CSAC requested a letter to the journal, which enters into the legislative record the author's intent regarding a measure.

The measure sought to establish various due diligence standards before a trial court could privatize a service. AB 566 would have expressly exempted certain enumerated contracts from the due diligence standards set out in the bill, including those between a trial court and other government entities. The letter to the journal requested by CSAC spelled out that the measure was not intended to affect county-operated enhanced collection programs or other collection services carried out by a county on behalf of a court.

Governor Brown vetoed this measure, citing that while he supports the notion that courts should carefully evaluate the most effective service delivery models this bill was overly detailed and restrictive.

AB 1293 (Bloom) – Opposition Removed

Chapter No. 382, Statutes of 2013

AB 1293, by Assembly Member Richard Bloom, is a Judicial Council-sponsored measure that, as introduced, sought to enact a variety of court efficiencies and revenue enhancements. After CSAC raised strong opposition to two key provisions in the bill, the measure was significantly pared back – and in its amended form – was enacted.

CSAC's early opposition to AB 1293 was tied to proposed amendments to Government Code Section 76000 and to Penal Code Section 1463.001, as outlined below. Note that these provisions were eliminated from the bill April, which permitted CSAC to remove its opposition to the bill. AB 1293, as enacted, increases resources for the courts by creating a new probate fee. Specifically, it authorizes, until January 1, 2019, a new \$40 fee for filing a request for special notice in a decedent's estate, guardianship, conservatorship or trust proceeding.

Government Code Section 76000

Under the negotiated agreement that governed the transfer of court facilities, courts and counties agreed – and the Legislature approved – a policy that the counties would be obligated to continue collecting and transmitting local courthouse construction funds (CCF) to the state until all court facilities were transferred and associated debt was retired. The proceeds help the judicial branch

provide the necessary support for its assumed court facility responsibilities. As introduced, AS 1293 would have required counties with a local CCF to continue collecting that revenue even after court facility related debt obligations have been met. Depending on a county's circumstance, this requirement means that counties would either have had to re-establish the collection and remittance function or continue the collection and remittance requirement in perpetuity. Proposed amendments to this section were dropped from the bill.

Penal Code Section 1463.001

Under the negotiated agreement codified in AB 233, the Trial Court Funding Act of 1997, courts and counties agreed – and the Legislature approved – certain provisions that gave counties revenue streams to permit payment of ongoing financial obligations to the courts. Two such obligations are (1) for the 20 largest counties, an operations maintenance of effort (MOE) and (2) for all 58 counties, a fine and forfeiture MOE. These ongoing financial contributions (Government Code Section 77201) support statewide trial court operations and represent a critical feature of trial court funding reforms agreement – that the state assumed responsibility for the growth in costs of court operations, and counties' responsibilities were capped at 1994-95 levels. Under the earlier version of AB 1293, courts would have been permitted to keep deposits and benefit from the interest associated with these revenue streams; had that provision been enacted, counties would be given no choice but to find other resources to make up the difference to meet our ongoing court MOE obligations. CSAC was unalterably opposed to this provision, which ultimately was stripped from the bill.

There is a long history of collaboration between courts and counties, and we were quite gratified that AB 1293 was amended to address county concerns. We appreciate the efforts of the author, his staff, and the Administrative Office of the Courts for their efforts in resolving counties' concerns.

AB 655 (Quirk-Silva) – Opposition Removed

Two-Year Bill

AB 655, by Assembly Member Sharon Quirk-Silva, sought to authorize the creation of a court reporters' salary fund at the local level. CSAC had opposed a previous version of the bill that – while not mandating county contributions to the fund – set an expectation that counties would renew their financial obligation to support court operations. CSAC requested amendments to the bill, which permitted us to remove our opposition.

The concept of AB 655 is based on a local court reporters' fund model that has been in place since 1945 and was codified statutorily in the 1950s. That program pre-dates the implementation of trial court funding reforms that, at their core, separated court and county functions; centralized financial responsibility for court operations with the state; and capped county responsibility at 1994-95 levels.

As revised, AB 655 authorizes the creation of a revolving fund and specifies that any proceeds are to be used exclusively for court reporter salaries and benefits. More importantly, it gives flexibility going forward to exercise this authority at the local level pursuant to opt-in, cooperative agreements among willing parties – without setting an expectation that counties or cities would be making deposits from collection of court-ordered debt or other sources. For these reasons, CSAC took a neutral position on the bill. We appreciate the willingness of Assembly Member Quirk-Silva, her staff, and the sponsors to work with us on our concerns. The bill remains in the Senate Appropriations Committee.

AB 139 (Holden) – Watch

Chapter No. 144, Statutes of 2013

AB 139, by Assembly Member Chris Holden, seeks to clarify that the \$500 payment ordered by the court to an offender convicted of a domestic violence offense and given probation is an administrative fee and not a punitive fine.

The Bureau of State Audits (BSA) released a report in September 2012 regarding its review of 135 domestic violence cases in four California counties, which revealed that individual courts and county agencies use varying methods for collecting the payments made by individuals convicted of crimes of domestic violence and sentenced to probation. Further, the audit determined that there appeared to be varying interpretations as to whether the payment ordered by the court was a fine or a fee, which can affect the proper distribution of funds to local domestic violence shelters.

Among other provisions of the bill, AB 194: (1) ensures the fee is not subject to a reduction for time served; (2) permits the board of supervisors to request an accounting of special funds quarterly; and (3) authorizes collection of the fee even after the person's probation supervision is terminated.

SB 366 (Wright) – Concerns

Two-Year Bill

SB 366, by Senator Roderick Wright, would have amended the way in which civil assessments are imposed and processed. As counties are aware, a civil assessment of \$300 can be imposed – in addition to other fines associated with the underlying violation – on a person who fails to pay a court-ordered fine or fails to appear in court. The bill sought to give courts direction and authority to consider a person's ability to pay civil assessment and give additional options for a person to resolve civil assessment by completing community service, if so ordered by the court.

CSAC identified a range of fiscal and operational concerns regarding SB 366. The author amended the measure, with a view toward refining its focus and mitigating workload concerns. However, the Senate Appropriations Committee identified significant costs associated with SB 366, and the bill was held on the committee's suspense file on May 23.

California Institute for Criminal Justice Policy

SB 466 (DeSaulnier) – Watch

Two-Year Bill

SB 466, by Senator Mark DeSaulnier, sought to create a California Institute for Criminal Justice Policy with three main objectives:

- Facilitate a comprehensive and coordinated approach to delineate effective public policy and justice systems through the use of evidence-based practices;
- Undertake cost-benefit analyses of criminal justice legislation to develop and publicize a statewide plan for public safety; and
- Develop public safety strategies based on data and science that reduce recidivism and hold offenders accountable.

The intent of the measure was to create an institute modeled after the Washington State Institute of Public Policy, which would serve as a nonpartisan institution to implement sound criminal justice policy in California. This measure was held in the Senate Appropriations Committee.

Electronic Filing of Statements of Economic Interest

AB 409 (Quirk-Silva) – Watch

Chapter No. 643, Statutes of 2013

AB 409, by Assembly Member Sharon Quirk-Silva, authorizes the Fair Political Practices Commission (FPPC) to establish an online filing system for statements of economic interest. The measure does not specify a timeframe for implementation, but requires the FPPC to conduct public hearings and solicit input about the implementation of the online system.

The enacted version of AB 409 reflects the substantive input of county clerks and elections officials, which is meant to clarify roles and responsibilities, ensure a smooth and orderly transition to an online filing system, and put in place necessary and ongoing coordination and communication with local filing officers as needed when the statewide online filing system is implemented. The bill also permits the FPPC to take a category of filers from a filing officer only if the officer authorizes the Commission to do so.

State Hospital Reimbursement

AB 610 (Achadjian) – Watch

Chapter No. 705, Statutes of 2013

AB 610, by Assembly Member Katcho Achadjian, seeks to ensure that host state hospital counties are not financially burdened with the cost of conducting involuntary medication hearings. The measure, signed into law by Governor Brown this week, was sponsored by San Luis Obispo County.

As counties are aware, there are five state hospitals in California. As part of their treatment, patients treated in state hospitals often are required to take medication. When a patient refuses, the state has the authority to involuntarily administer the medication. However, in the California Supreme Court *Kanuri Surgery Qawi* decision, the high court held that a superior court must rule that a patient is incompetent or incapable of making decisions or is a danger to themselves or others before the person is involuntarily medicated.

Last year – for patients housed at Atascadero State Hospital alone – approximately 100 petitions seeking orders for involuntary treatment with psychotropic medication were filed. San Luis Obispo County's Public Defender office represented patients' interests at these hearings, incurring significant cost for the county. Although host counties are not statutorily required to represent patients during involuntary treatment hearings, the state has determined that, in order to minimize disruption to the patient and reduce related security and transportation issues, it is in the best interest of the patient for hearings to be held in the host county rather than in the patient's home county. Nothing in this measure compels a host county to provide representation; rather, it sets up a mechanism to reimburse counties that do so.

Given that existing law does not make clear who is responsible for non-treatment costs associated with involuntary medical hearings for these patients, AB 610 clarifies that, in addition to the state, the county where a patient committed the original crime is also responsible for all non-treatment costs associated with involuntary medication hearings required by law. Although the initial costs for the attorneys and related expenses of the hearings will be paid by the county providing the proceedings, the county where the individual originally committed will now be required to reimburse the host county a flat fee of \$250 per case.

Probation

AB 36 (Dahle) – Support

Two-Year Bill

AB 36, by Assembly Member Brian Dahle, would have revised the appointment and removal process for the chief probation officer. It proposed to amend two code sections – Penal Code Section 1203.6 and Welfare and Institutions Code Section 270 – that currently govern the appointment of the probation chief. The bill would have conferred to county boards of supervisors — in conjunction with the court’s presiding judge or, in jurisdictions with more than two judges, in conjunction with a majority of the bench — the authority to appoint and remove the probation chief.

As detailed previously, CSAC supported AB 36. Under current law and practice, the superior court appoints the chief probation officer in the majority of jurisdictions. The board of supervisors already appoints in several large, populous counties. An 18-member the Probation Services Task Force — with representatives from the counties, courts, and probation — studied the probation chief governance issue during its comprehensive assessment of the probation system more than 10 years ago. One of the task force’s stated foundational principles was that responsibility and authority must be linked in the context of the probation chief appointment process. AB 36 is clearly consistent with this principle and CSAC’s long-standing position on this matter.

Before the bill was heard in its first policy committee, the author opted to hold the measure to permit counties and courts to continue working on collaborative efforts on the question of probation chief appointment.

AB 1040 (Wieckowski) – Oppose

Two-Year Bill

AB 1040, by Assembly Member Bob Wieckowski, would have eliminated local discretion in determining whether and under what circumstances probation officers should be armed.

Under AB 1040, counties would have been required to arm and train probation officers even if just one individual on their caseload was deemed to be high-risk. CSAC viewed the provisions of AB 1040 as a blanket requirement that — taking into account but one factor — would have required the arming of virtually every probation officer in the state. CSAC, as it had with a similar bill in 2012, opposed this bill due to local control and cost issues. Arming decisions are — appropriately, in our view — arrived at locally, based on the needs, preferences and requirements of that particular community as determined by the county. The author decided to hold the bill prior to its first policy committee hearing.

Medical Parole: Notification to Counties

AB 68 (Malenschein) – Support

Chapter No. 764, Statutes of 2013

AB 68, Assembly Member Brian Maienschein, requires the transmittal of information relative to medical parole hearings and releases to counties, as specified.

As counties may recall, CSAC and an array of county groups were actively involved in SB 1399 (Leno, 2010) that established California’s medical parole program. We provided technical input into the bill to ensure that the measure was operationally feasible at the local level, recognized the potential impacts and interactions with county governments, and maximized the use of federal funds for covering the medical costs of individuals released onto this new status.

AB 68, sponsored by San Diego County, seeks to enhance communication associated with the hearing process for medical parole candidates as well as the subsequent release process. These details were not specified in the original measure but will be helpful to counties, particularly in instances where the recipient county may not be the county of commitment. The bill is narrowly crafted and seeks to help ensure that pertinent information about the inmate and plans for his or her post-release care are transmitted on a timely basis to affected jurisdictions.

Mentally Disordered Offenders

AB 1065 (Holden) – Support

Two-Year Bill

AB 1065, by Assembly Member Chris Holden, sought to clarify that any offender who has been designated a mentally disordered offender (MDO) – even if the person’s MDO status changes – would be subject to parole rather than probation jurisdiction when released into the community.

Given the particularly acute needs of this population, CSAC supported AB 1065 in that it maintains consistency with the framework of 2011 public safety realignment that designated parole responsibility for the MDO population. To ensure appropriate continuity of care, we share the view that existing and those previously designated as MDOs are best served by remaining under the supervision of state parole. AB 1065 remains in the Assembly Public Safety Committee.

Local Government Liability

AB 265 (Gatto) – Support

Chapter No. 74, Statutes of 2012

AB 265, by Assembly Member Mike Gatto, relates to dog parks and local governmental liability. Specifically, the measure – in new Government Code Section 831.7.5 – provides that local governments that own or operate a dog park have civil immunity from harm or death that result solely from the actions of a dog in the dog park. CSAC supported this measure. Governor Brown signed the measure into law.

Non-Homicide Trials Cost Assistance

SB 16 (Gaines) – Support

Two-Year Bill

SB 16, by Senator Ted Gaines, seeks to address cost assistance in non-homicide criminal cases. CSAC and RCRC jointly support this measure.

SB 16 would create a cost assistance program largely modeled after the homicide reimbursement program in which state financial assistance may be available when costs greatly exceed a county’s financial capacity. Under this measure, counties could apply to the State Controller’s Office if costs in a non-homicide trial exceed a specified threshold of the county’s assessed property value. The program would be subject to an appropriation by the Legislature.

In our view, SB 16 is narrowly crafted and seeks to address only the most complex and costly cases that threaten to overwhelm a county’s ability to provide an appropriate defense. The reimbursement program only would apply to cases in which the Attorney General is handling the prosecution due to the matter’s scope and complexity. The bill stems from a case in the author’s jurisdiction where a case involving a complex financial scheme is severely taxing the county’s resources. The bill remains in the Senate Appropriations Committee.

Victim Restitution

AB 934 (Cooley) – Watch

Chapter No. 457, Statutes of 2013

AB 934, by Assembly Member Ken Cooley, requires a local agency to document that it has made a reasonable effort to locate a victim who is owed restitution before any unclaimed funds are distributed. The Los Angeles District Attorney's Office sponsored the measure. AB 934 does all of the following:

- Requires local agencies that elect to use unclaimed restitution money for victim services to first document that it has made a reasonable effort to notify the victim to whom the restitution is owed;
- Deletes a requirement that victim notification and location described above be performed before unclaimed restitution moneys are deposited into the Restitution Fund; and
- Allows the local agency to offset the reasonable cost of locating and notifying the victim to whom restitution is owed by utilizing fees collected pursuant to current law, which allows agencies that collect restitution to charge an associated fee for administration.

AB 934 is intended to complement the provisions of SB 1210 (Lieu, 2012), which sought to ensure that the proper administrative structure and authority were in place to promote local victim restitution efforts associated with the offender population transferred to counties under AB 109.

Administration of Justice – Achievements 2013

Year of the Child

- Elevated the President's initiative regarding impacts on children across systems in context of leadership discussion with California Supreme Court Chief Justice Tani Cantil-Sakauye
 - Follow-up ensued with juvenile court presiding judge in Sacramento County to explore issues of mutual interest and policy alignment
- Incorporated relevant and timely policy discussion topics before Administration of Justice policy committee
 - Implications of childhood trauma on future criminal justice involvement
 - Statewide policy discussions on juvenile justice horizons; exploring examples of local program interventions with at-risk youth

Elevating CSAC Profile

- Pro-active leadership in cultivating interest and investment of nationally recognized Pew-MacArthur Foundation Results First Initiative in California counties
 - Pew currently in conversation with three counties for implementing cost-benefit tool to evaluate effectiveness of criminal justice interventions; one county has formalized project partnership and will begin work to implement tool for purposes of making informed, evidence-based criminal justice investments
 - CSAC AOJ staff is Pew's primary contact in California and is responsible for facilitating discussions between Pew and key county leaders, state officials, and high-level and influential Capitol staff

- Key source statewide for reliable and sought-after technical expertise on 2011 Realignment fiscal structure, broad policy objectives, and various technical aspects

Advancing CSAC Legislative Priorities

- High-level and frequent communicator/advocate with Governor's Office, Department of Finance, CDCR, the Legislative and key stakeholders regarding ongoing 2011 Implementation issues
 - Key partner in bringing resolution to legislative compromise regarding how to address the court-imposed prison population reduction
 - Facilitated joint CSAC-CPOC court filings supporting state's legal strategy to avoid early prisoner release
 - Coordinate policy responses and advocacy strategies with primary stakeholders – in particular sheriffs and probation chiefs
- Building on in-house expertise of 2011 financing structure, provided frequent and extensive technical assistance to counties during transitional years of implementation
- Served as strategic consultant with Public Policy Institute of California regarding 11-county realignment research project
- Successfully facilitated consensus recommendation of Realignment Allocation Committee (RAC) regarding distribution of AB 109 growth funds (a recommendation subsequently endorsed by Department of Finance)
 - Facilitated data workgroup discussion to offer recommendation to RAC regarding potential elements for long-term allocation formula
 - Advancing work of RAC beginning in Fall 2013 to consider options for long-term AB 109 distribution formula effective in 2014-15
- Primary contributor to Joint Training Partnership supporting statewide training and technical assistance aimed at enhancing counties' local efforts to manage new criminal justice responsibilities
 - Statewide conference attracted 600; and several hundred more in other stand-alone training courses
 - Advanced counties' strategic thinking about interaction between federal health care reforms and county criminal justice system
 - Promoted use of evidence-based practices and alternatives to incarceration

Administration of Justice Policy 2014 Horizons

CSAC Administration of Justice Staff anticipates several key areas of advocacy focus activity in 2014, which may prove to be yet another interesting and challenging year – particularly given statewide election dynamics.

Investing in Prevention and Intervention. In what likely will be a cross-jurisdictional effort across several policy committees, CSAC is poised to elevate as an overarching priority the need for and value in investing in robust prevention and intervention programs. From the public safety

perspective, counties certainly understand the financial and societal benefits of targeted, upstream investments to avoid more expensive system interaction downstream. In the Administration of Justice area, this focus on prevention and intervention would apply in a variety of priority areas:

- Gang violence prevention
- Leveraging resources and opportunities presented by the Affordable Care Act (ACA) in the criminal justice system context to ensure improved health and offender outcomes
- Addressing the needs of the forensic population
- Highlighting the benefits of quality early education benefits in reducing crime

AB 109 Implementation. Entering the third year of AB 109 implementation, counties have sufficient programmatic experience to understand long-term needs and to identify current system impediments and challenges. CSAC will continue in a strong advocacy role to preserve counties' individual and collective ability to innovate locally and oppose efforts to limit county flexibility. We will continue to build and deploy a robust training and education program to support ongoing implementation efforts; provide technical expertise supporting the work of the Realignment Allocation Committee with an eye toward securing a consensus approach to a long-term allocation formula; and serve as an ongoing technical resource for counties across realigned programs. CSAC will engage on behalf of counties to design long-term solutions to ensure system stability and durable solutions, including: capacity needs and implications of long-term jail sentences; litigation avoidance; increased use of split sentencing, community corrections approaches, and other evidence-based solutions; maximizing criminal system opportunities in the context of ACA implementation; and designing balanced system incentives to ensure offenders receive the best and most economic placement in the corrections continuum.

Court Security. CSAC is engaging on behalf of counties on an issue that has emerged as a priority need in recent months. The realignment of the court security function – which shifted the financial responsibility for covering court security costs from the state trial court system to the counties while keeping intact the sheriffs' responsibility to provide the service — did not include a mechanism to address increased costs or service levels necessitated by new court facility construction. A dozen or more counties are in the construction queue, with nearly 3 million square feet in new court facilities coming online between November 2013 and June 2016. CSAC will work with the California State Sheriffs' Association, Department of Finance, and the Administrative Office of the Courts to develop a solution that provides a financing mechanism to cover these "stranded" costs.

Law Libraries. The issue of law libraries has been brought to this committee's attention in past years. CSAC and the Judicial Council have recently been approached by the statewide council on county law libraries regarding imminent financial needs to keep those institutions financially solvent. Several counties have expressed an interest in finding a means to provide county law libraries with greater funding certainty and capacity.