

# SUBCOMMITTEE NO. 5

# Agenda

Senator Loni Hancock, Chair  
Senator Joel Anderson  
Senator Curren D. Price, Jr.



Wednesday, March 20, 2013  
1:00 pm  
Room 2040

Consultant: Joe Stephenshaw

**Item Number and Title**

**Page**

**To be Heard**

5227 Board of State and Community Corrections	
(1) Information Item: Public Safety Data Collection and Analysis.....	4
(2) Baseline Budget Adjustment.....	6

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## Items to be Heard

### **Board of State and Community Corrections (5227)**

Originally, the Board of Corrections (BOC) was established in 1944 as part of the state prison system. Effective July 1, 2005, as part of the corrections agency consolidation, the Corrections Standards Authority (CSA) was created within the California Department of Corrections and Rehabilitation (CDCR) by bringing together the BOC and the Correctional Peace Officers Standards and Training (CPOST) commission. The reorganization consolidated the duties and functions of the BOC and CPOST and entrusted the CSA with new responsibilities.

Legislation associated with the 2011 Budget Act abolished the CSA and established the Board of State and Community Corrections (BSCC) as an independent entity, effective July 1, 2012. The BSCC absorbed the previous functions of the CSA as well as other public safety programs previously administered by the California Emergency Management Agency (CalEMA). Specific statutory changes included:

- Abolishing the CSA within CDCR and established the BSCC as an independent entity.
- Transferring the powers and duties of the CSA to the BSCC.
- Transferring certain powers and duties from the California Emergency Management Agency (CalEMA) to the BSCC.
- Eliminating the California Council on Criminal Justice and assigning its powers and duties to the Board.

Assuming the responsibilities of the CSA, the BSCC works in partnership with city and county officials to develop and maintain standards for the construction and operation of local jails and juvenile detention facilities and for the employment and training of local corrections and probation personnel. The BSCC also inspects local adult and juvenile detention facilities, administers funding programs for local facility construction, administers grant programs that address crime and delinquency, and conducts special studies relative to the public safety of California's communities.

As part of the 2011 Budget Act legislation, the BSCC was tasked with providing statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system. Particularly, in coordinating with, and assisting local governments, as they implement the realignment of many adult offenders to local government jurisdictions that began in 2011. The intent is for the BSCC to guide statewide public safety policies and ensure that all available resources are maximized and directed to programs that are proven to reduce crime and recidivism among all offenders.

The BSCC is an entity independent from CDCR. However, the BSCC continues to be chaired by the Secretary of the CDCR, and it's vice chair is a local law enforcement

representative. The BSCC consists of 12 members, streamlined from both its immediate predecessor (CSA), with 19 members, and its former predecessor (BOC), which had 15 members. Members reflect state, local, judicial, and public stakeholders. The current members of the BSCC are:

Jeffrey Beard (Chair)	Secretary of CDCR
Daniel Stone	Director of Adult Parole Operations, CDCR
Dean Growdon	Sheriff of Lassen County
Leroy Baca	Sheriff of Los Angeles County
Susan Mauriello	County Administrative Officer, Santa Cruz County
Linda Penner	Chief Probation Officer, Fresno County
Adele Arnold	Chief Probation Officer, Tuolumne County
William R. Pounders	Retired Judge, Los Angeles County
David L. Maggard Jr.	Chief of Police, City of Irvine
Vacant	Community Provider of Rehabilitative Treatment Services for Adult Offenders (Speaker of the Assembly appointment)
David Steinhart	Director of Juvenile Justice Program Commonwealth
Mimi H. Silbert	Chief Executive Officer and President of Delancey Street Foundation

The Governor's Budget proposes total funding of \$129.2 million (\$44.3 million GF) and 80.8 positions for the BSCC.

*(dollars in millions)*

	<b>Funding</b>	<b>Positions</b>
Program 10 - Administration, Research and Program Support	\$ 4.0	23.0
Program 15 - Corrections Planning and Grant Programs	99.7	23.8
Program 20 - Local Facilities Standards, Operations and Construction	3.4	21.0
Program 25 - Standards and Training for Local Corrections	22.1	13.0
<b>BSCC Total</b>	<b>\$129.2</b>	<b>80.8</b>

## **Issue 1 – Information Item: Public Safety Data Collection and Analysis**

### **Opening Comments/Overview:**

**Scott Frizzie**, Executive Director (A), BSCC

**Evonne Garner**, Deputy Director, BSCC

**Tor Tarantola**, Analyst, Legislative Analyst's Office

### **Panel:**

**Joan Petersilia**, Adelbert H. Sweet Professor of Law, Faculty Co-Director,  
Stanford Criminal Justice Center, Stanford University

**Ryken Grattet**, Research Fellow, Public Policy Institute of California

**Sharon Aungst**, Director, The Partnership for Community Excellence

**Background.** One of the primary drivers in establishing the BSCC was the need for a state/local body that could serve as the backbone of California's public safety continuum. To facilitate local success, California needs to strategically coordinate support, foster local leadership, target resources and provide technical assistance.

Pursuant to the establishing statute, the BSCC is charged with collecting and maintaining available information and data about state and community correctional policies, practices, capacities, and needs, including, but not limited to, prevention, intervention, suppression, supervision, and incapacitation, as they relate to both adult corrections, juvenile justice, and gang problems. The BSCC shall seek to collect and make publicly available up-to-date data and information reflecting the impact of state and community correctional, juvenile justice, and gang-related policies and practices enacted in the state, as well as information and data concerning promising and evidence-based practices from other jurisdictions.

At its January 17, 2013 meeting, the BSCC moved to establish The Data and Research Standing Committee in order to benefit the BSCC by providing expertise and stakeholder input in this subject area. In addition, the BSCC reports that it is in the process of realigning staff and resources to be better positioned to address high-priority issues. From May 2012 through February 2013, the members of the Board identified priorities, which they are utilizing as the basis of a strategic plan currently under development by the BSCC staff. Through a collaborative strategic planning process with the Crime and Justice Institute, BSCC has developed the following four goals:

1. Collect, analyze, and report corrections data in a manner that meets mandates and informs effective policy and practice at the state and local level.
2. Support the implementation of best practices and policies to produce better outcomes for the criminal justice system and provide comprehensive training and technical assistance.

3. Promote the effective utilization of local corrections facilities and quality alternatives to incarceration to maximize public safety and resource efficiency.
4. Serve as a primary information source on managing criminal and juvenile populations.

These four goals are used as the basis of the third quarterly transition report that the BSCC will submit to the Legislature and stakeholders next month. The information in this report focuses on the activities of the BSCC in the assumption of its new responsibilities.

**Legislative Analyst's Office (LAO).** In analyzing the budget change proposal that is outlined in issue 2, the LAO has found that more needs to be done in order to 1) provide proactive technical assistance to local officials, 2) improve data collection in the near term, and 3) develop a longer-term data collection strategy that allows policymakers and stakeholders to meaningfully evaluate the outcomes of criminal justice policies and programs.

**Staff Comment.** Staff commends the efforts that the BSCC is currently undertaking to assume its new responsibilities, particularly in respect to enhancement of data collection capabilities. However, approximately a year and a half into public safety realignment, concerns have been raised that the state may be risking an opportunity to set and gather baseline and initial metrics and data that will be critical to assessing success and appropriately informing policymakers for future decisions. For instance, while allocation of 2011 public safety realignment funds is a local responsibility, performed at the statewide level by the California State Association of Counties (CSAC), a permanent annual allocation formula is scheduled to be put into place for the 2014-15 fiscal year. The Legislature will likely have to act to codify this formula. In addition, various bills have been proposed that would impact or alter parts of the 2011 Public Safety Realignment. The data and analysis needed to make informed and objective decisions regarding these matters may not be available.

Although the BSCC was established on July 1, 2012, as mentioned above, the BSCC's predecessor agencies had historic responsibilities centered on standards for the construction and operation of local jails and juvenile detention facilities and for the employment and training of local corrections and probation personnel, facility inspection, and grant administration. The majority of the BSCC's personnel have carried over from the CSA and have experience and core competencies in these historic responsibilities. In addition, the BSCC has assumed an increase in responsibilities related to local facility construction and grant management. In assessing the BSCC's assumption of responsibilities related to 2011 Public Safety Realignment data, the Legislature may wish to consider spreading responsibility to take advantage of academic or private resources.

There has been significant interest in researching and reporting on aspects of the 2011 public safety realignment from within academic and private foundations communities, and other public entities. Projects of note include:

- The Partnership for Community Excellence (The Partnership) established by California Forward, was developed as a “hub” to coordinate efforts to assist local governments in implementing public safety realignment.
- The Stanford Criminal Justice Center is undertaking a number of research projects aimed at better understanding the implementation and effect of California’s Public Safety Realignment legislation. In particular, through four research projects, they are analyzing the extent to which California’s move to downsize state prisons through 2011 public safety realignment has changed the decision-making and resource allocation of the primary actors in the criminal justice system. In addition, they are convening thought leaders across the state to study and identify solutions to the biggest challenges arising from Realignment’s implementation.
- The Center on Juvenile and Criminal Justice continually publishes reports regarding the state’s criminal justice system, including the 2011 public safety realignment.
- The Public Policy Institute of California has also published reports related to the 2011 public safety realignment and is currently working on an effort that they will outline for the committee at today’s hearing.
- CPOC has established “Dashboards” to display data that they have collected related to the 2011 public safety realignment and maintains a webpage that contains various information regarding realignment.

The BSCC has worked with stakeholders in developing data collection standards and reporting capabilities. However, members may wish to explore whether the state may benefit from contracting or entering into a partnership for alternative data collection and reporting services.

## Issue 2 – Baseline Budget Adjustment

**Governor’s Budget.** The Governor’s Budget proposes 9 positions, funded from existing resources, for research activities, the administration of the local jail construction financing program authorized by Chapter 42, Statutes of 2012 (SB 1022), and other administrative functions necessary for the Board to operate as an independent entity. These positions consist of 5 research positions (1 Research Specialist V, 1 Research Specialist III, 2 Research Program Specialist I’s, and 1 Research Analyst), 3 Associate Governmental Program Analysts, and 1 Executive Assistant.

**Background.** This BCP reflects BSCC’s identification of workload priorities. Each division, as well as the management team, assessed its operations and identified whether staffing levels and classifications were adequate and appropriate. This

proposal requests positions that were identified as needed to fill gaps. The 9 positions will be funded by the redirection as existing resources as follows:

- Temporary help will be reduced to \$148,000, from \$351,000, and budgeted overtime will be reduced from \$40,000 to \$0 for a net savings of \$243,000.
- \$321,000, of \$531,000 in funds budgeted to match federal fund expenditures for administration of various juvenile justice grants (Title II, Title V, and Juvenile Justice Accountability Block Grant); will be redirected due to a decline in awards.
- Approximately \$306,000 will be redirected from grant administration programs that would instead be eligible for federal grant program funding.

According to the Administration, the two proposed administrative positions would provide support to the board that was previously provided by CDCR prior to BSCC becoming a separate state entity. According to the board, the new research unit would be tasked with revising BSCC's correctional surveys, managing the collection of data, as well as developing and carrying out a research agenda. The BSCC also plans to utilize these researchers to help develop a web-based reporting system for counties to submit correctional data, as well as an online dashboard to make the data more readily available to the public.

SB 1022 provides up to \$500 million in state lease-revenue bond financing for construction, expansion or renovation of adult local criminal justice facilities in California. Consistent with the stated legislative intent, applicant counties are expected to judiciously consider programming needs to manage the offender population, and the range of alternatives to incarceration that may affect bed space needs, while employing the least restrictive options.

The legislation specifies funding consideration shall be given to counties that are seeking to replace existing compacted, outdated, or unsafe housing capacity or are seeking to renovate existing or build new facilities that provide adequate space for the provision of treatment and rehabilitation services, including mental health treatment.

**Staff Comment.** This proposal represents BSCC's efforts to prioritize existing resources in light of their new responsibilities, many of which are outlined in the first issue. However, the subcommittee should assess this request in relation to the Legislature's overall expectations and priorities. The subcommittee should determine whether the BSCC's efforts and strategies align with Legislative priorities prior to taking action on this proposal.

**Recommendation.** Hold Open.