



Administration of Justice Policy Committee
CSAC Annual Meeting
Thursday, December 3, 2015 — 9:00 a.m. – 11:00 a.m.
Monterey Marriott, San Carlos Room 3
Monterey County, California

Supervisor John Viegas, Glenn County, Chair
Supervisor Keith Carson, Alameda County, Vice Chair

- 9:00 a.m. I. **Welcome and Introductions**
Supervisor John Viegas, Glenn County, Chair
Supervisor Keith Carson, Alameda County, Vice Chair
- 9:05 a.m. II. **Proposition 47: Dispelling the Myths and Bringing Forth the Facts**
Linda Penner, Chair, Board of State and Community Corrections
Stephen Bernal, Sheriff/Coroner, Monterey County
Judge Jon B. Conklin, Fresno County
Mia Bird, Research Fellow, Public Policy Institute of California
Sonja Tafoya, Research Associate, Public Policy Institute of California
- 9:40 a.m. III. **The Pew-MacArthur Results First Initiative: County Expansion**
Ashleigh Holland, State Policy Manager, The Pew Charitable Trusts
Leticia Perez, Supervisor, Kern County
Amalia Mejia, Program Coordinator, Results First Initiative, CSAC
- 10:15 a.m. IV. **DMV Inmate Identification Implementation**
Marc Reiger, County Administrative Staff Officer, San Diego County
Christine Brown-Taylor, Reentry Services Manager, San Diego County
Michael Lee, Staff Services Manager, DMV
- 10:40 a.m. V. **NACo Steering Committee Membership Recommendations**
Darby Kernan, Legislative Representative, CSAC
Stanicia Boatner, Legislative Analyst, CSAC
- 10:45 a.m. VI. **Administration of Justice Year in Review and 2016 Legislative Priorities**
Darby Kernan, Legislative Representative, CSAC
Stanicia Boatner, Legislative Analyst, CSAC
- 10:50 a.m. VII. **County Concerns and Closing Comments**
Supervisor John Viegas, Glenn County, Chair
- 11:00 a.m. VIII. **Adjournment**

ATTACHMENTS

Proposition 47: Dispelling the Myths and Bringing Forth the Facts

- Attachment One Memo on Impacts and Implementation of Proposition 47
- Attachment Two Proposition 47 Text of Proposed Law
- Attachment Three Board of State and Community Corrections (BSCC) Proposition 47 FAQs

The Pew-MacArthur Results First Initiative: County Expansion

- Attachment Four Memo on CSAC and Pew-MacArthur Results First Initiative Partnership
- Attachment Five A Case Study from the Pew-MacArthur Results First Initiative

DMV Inmate Identification Implementation

- Attachment Six..... Memo on DMV Implementation of Inmate ID Card Pilot
- Attachment Seven..... Power Point on California Identification Cards and the Reentry Process

NACo Steering Committee Membership Recommendations

- Attachment Eight..... Memo on NACo Policy Steering Committee Membership

Administration of Justice Year in Review and 2016 Legislative Priorities

- Attachment Nine Memo on AOJ Year in Review and 2016 Legislative Priorities

Proposition 47: Dispelling the Myths and Bringing Forth the Facts

Attachment One

CSAC Memo: Impacts and Implementation of Proposition 47



November 17, 2015

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To: CSAC Administration of Justice Policy Committee

From: Darby Kernan Legislative Representative
Stanicia Boatner, Legislative Analyst

Re: **Update on Impacts and Implementation of Proposition 47**

On November 4, 2014, California voters approved Proposition 47, which reduced specific felonies to misdemeanors, including simple possession of most drugs for personal use and stealing items worth less than \$950. The state savings from reduced incarceration rates is to be used to support truancy prevention, mental health and substance abuse treatment, and victims services. The proposition provides that 65 percent of those savings will go to the Board of State and Community Corrections (BSCC), which will allocate the funds as grants for rehabilitative programming, mental health and substance abuse treatment for offenders.

On October 2, 2015 the Governor signed Assembly Bill 1056, which added additional administrative duties for the BSCC and created priorities for the types of recidivism-reduction services that will be funded by the proposition. These services include housing assistance, employment training and mental health programs.

The Department of Finance is working to determine the savings to the state as a result of Proposition 47. By law public agencies will be the lead agencies for Proposition 47 grants and these agencies can work in cooperation with local service providers. A limited-term Executive Steering Committee (ESC) will be appointed by the BSCC to develop grant program criteria for final Board approval.

On November 12, 2015 the BSCC appointed Kern County Supervisor Leticia Perez; and Anti-Recidivism Coalition (ARC) founder, Scott Budnick, as the Co-Chairs of the ESC. The two Chairs will lead the BSCC's efforts in developing program criteria for the grants that will be awarded under Proposition 47. In addition, the BSCC also voted to begin accepting statements from members of the public interested in serving on the ESC. This process began November 16, 2015 and ends February 15, 2016.

Update/Key Issues. As of July 1, 2015 trial courts had received over 160,000 petitions/applications statewide - 125,000 resentencing, 36,000 for reclassification. The Judicial Council is currently conducting site visits in 5 counties: Kern, San Bernardino, Shasta, San Diego, and Santa Clara to evaluate the impact of Proposition 47. The Judicial Council hopes to release their review before the end of 2015. As of November 4, 2015, approximately 4,486 inmates have been released from state prison under Proposition 47; and 3,068 have been released from state parole supervision.

Proposition 47: Dispelling the Myths and Bringing Forth the Facts

Attachment Two

Proposition 47 Text of Proposed Law

Proposition 47 Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution. This initiative measure adds sections to the Government Code, amends and adds sections to the Penal Code, and amends sections of the Health and Safety Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

Proposed Law

THE SAFE NEIGHBORHOODS AND SCHOOLS ACT

SECTION 1. Title. This act shall be known as “the Safe Neighborhoods and Schools Act.”

SEC. 2. Findings and Declarations. The people of the State of California find and declare as follows: The people enact the Safe Neighborhoods and Schools Act to ensure that prison spending is focused on violent and serious offenses, to maximize alternatives for nonserious, nonviolent crime, and to invest the savings generated from this act into prevention and support programs in K–12 schools, victim services, and mental health and drug treatment. This act ensures that sentences for people convicted of dangerous crimes like rape, murder, and child molestation are not changed.

SEC. 3. Purpose and Intent. In enacting this act, it is the purpose and intent of the people of the State of California to:

- (1) Ensure that people convicted of murder, rape, and child molestation will not benefit from this act.
- (2) Create the Safe Neighborhoods and Schools Fund, with 25 percent of the funds to be provided to the State Department of Education for crime prevention and support programs in K–12 schools, 10 percent of the funds for trauma recovery services for crime victims, and 65 percent of the funds for mental health and substance abuse treatment programs to reduce recidivism of people in the justice system.
- (3) Require misdemeanors instead of felonies for nonserious, nonviolent crimes like petty theft and drug possession, unless the defendant has prior convictions for specified violent or serious crimes.
- (4) Authorize consideration of resentencing for anyone who is currently serving a sentence for any of the offenses listed herein that are now misdemeanors.
- (5) Require a thorough review of criminal history and risk assessment of any individuals before resentencing to ensure that they do not pose a risk to public safety.
- (6) This measure will save significant state corrections dollars on an annual basis. Preliminary estimates range from \$150 million to \$250 million per year. This measure will increase investments in programs that reduce crime and improve public safety, such as prevention programs in K–12 schools, victim services, and mental health and drug treatment, which will reduce future expenditures for corrections.

SEC. 4. Chapter 33 (commencing with Section 7599) is added to Division 7 of Title 1 of the Government Code, to read:

Chapter 33. Creation of Safe Neighborhoods and Schools Fund

7599. (a) A fund to be known as the “Safe Neighborhoods and Schools Fund” is hereby created within the State Treasury and, notwithstanding Section 13340 of the Government Code, is

Proposition 47 Text of Proposed Law

continuously appropriated without regard to fiscal year for carrying out the purposes of this chapter.

(b) For purposes of the calculations required by Section 8 of Article XVI of the California Constitution, funds transferred to the Safe Neighborhoods and Schools Fund shall be considered General Fund revenues which may be appropriated pursuant to Article XIII B.

7599.1. Funding Appropriation.

(a) On or before July 31, 2016, and on or before July 31 of each fiscal year thereafter, the Director of Finance shall calculate the savings that accrued to the state from the implementation of the act adding this chapter ("this act") during the fiscal year ending June 30, as compared to the fiscal year preceding the enactment of this act. In making the calculation required by this subdivision, the Director of Finance shall use actual data or best available estimates where actual data is not available. The calculation shall be final and shall not be adjusted for any subsequent changes in the underlying data. The Director of Finance shall certify the results of the calculation to the Controller no later than August 1 of each fiscal year.

(b) Before August 15, 2016, and before August 15 of each fiscal year thereafter, the Controller shall transfer from the General Fund to the Safe Neighborhoods and Schools Fund the total amount calculated pursuant to subdivision (a).

(c) Moneys in the Safe Neighborhoods and Schools Fund shall be continuously appropriated for the purposes of this act. Funds transferred to the Safe Neighborhoods and Schools Fund shall be used exclusively for the purposes of this act and shall not be subject to appropriation or transfer by the Legislature for any other purpose. The funds in the Safe Neighborhoods and Schools Fund may be used without regard to fiscal year.

7599.2. Distribution of Moneys from the Safe Neighborhoods and Schools Fund.

(a) By August 15 of each fiscal year beginning in 2016, the Controller shall disburse moneys deposited in the Safe Neighborhoods and Schools Fund as follows:

(1) Twenty-five percent to the State Department of Education, to administer a grant program to public agencies aimed at improving outcomes for public school pupils in kindergarten and grades 1 to 12, inclusive, by reducing truancy and supporting students who are at risk of dropping out of school or are victims of crime.

(2) Ten percent to the California Victim Compensation and Government Claims Board, to make grants to trauma recovery centers to provide services to victims of crime pursuant to Section 13963.1 of the Government Code.

(3) Sixty-five percent to the Board of State and Community Corrections, to administer a grant program to public agencies aimed at supporting mental health treatment, substance abuse treatment, and diversion programs for people in the criminal justice system, with an emphasis on programs that reduce recidivism of people convicted of less serious crimes, such as those covered by this measure, and those who have substance abuse and mental health problems.

(b) For each program set forth in paragraphs (1) to (3), inclusive, of subdivision (a), the agency responsible for administering the programs shall not spend more than 5 percent of the total funds it receives from the Safe Neighborhoods and Schools Fund on an annual basis for administrative costs.

(c) Every two years, the Controller shall conduct an audit of the grant programs operated by the agencies specified in paragraphs (1) to (3), inclusive, of subdivision (a) to ensure the funds are disbursed and expended solely according to this chapter and shall report his or her findings to the Legislature and the public.

(d) Any costs incurred by the Controller and the Director of Finance in connection with the administration of the Safe Neighborhoods and Schools Fund, including the costs of the calculation required by Section 7599.1 and the audit required by subdivision (c), as determined

Proposition 47 Text of Proposed Law

by the Director of Finance, shall be deducted from the Safe Neighborhoods and Schools Fund before the funds are disbursed pursuant to subdivision (a).

(e) The funding established pursuant to this act shall be used to expand programs for public school pupils in kindergarten and grades 1 to 12, inclusive, victims of crime, and mental health and substance abuse treatment and diversion programs for people in the criminal justice system. These funds shall not be used to supplant existing state or local funds utilized for these purposes.

(f) Local agencies shall not be obligated to provide programs or levels of service described in this chapter above the level for which funding has been provided.

SEC. 5. Section 459.5 is added to the Penal Code, to read:

459.5. (a) Notwithstanding Section 459, shoplifting is defined as entering a commercial establishment with intent to commit larceny while that establishment is open during regular business hours, where the value of the property that is taken or intended to be taken does not exceed nine hundred fifty dollars (\$950). Any other entry into a commercial establishment with intent to commit larceny is burglary. Shoplifting shall be punished as a misdemeanor, except that a person with one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290 may be punished pursuant to subdivision (h) of Section 1170.

(b) Any act of shoplifting as defined in subdivision (a) shall be charged as shoplifting. No person who is charged with shoplifting may also be charged with burglary or theft of the same property.

SEC. 6. Section 473 of the Penal Code is amended to read:

473. (a) Forgery is punishable by imprisonment in a county jail for not more than one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(b) Notwithstanding subdivision (a), any person who is guilty of forgery relating to a check, bond, bank bill, note, cashier's check, traveler's check, or money order, where the value of the check, bond, bank bill, note, cashier's check, traveler's check, or money order does not exceed nine hundred fifty dollars (\$950), shall be punishable by imprisonment in a county jail for not more than one year, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290. This subdivision shall not be applicable to any person who is convicted both of forgery and of identity theft, as defined in Section 530.5.

SEC. 7. Section 476a of the Penal Code is amended to read:

476a. (a) Any person who, for himself or herself, as the agent or representative of another, or as an officer of a corporation, willfully, with intent to defraud, makes or draws or utters or delivers a check, draft, or order upon a bank or depository, a person, a firm, or a corporation, for the payment of money, knowing at the time of that making, drawing, uttering, or delivering that the maker or drawer or the corporation has not sufficient funds in, or credit with the bank or depository, person, firm, or corporation, for the payment of that check, draft, or order and all other checks, drafts, or orders upon funds then outstanding, in full upon its presentation, although no express representation is made with reference thereto, is punishable by imprisonment in a county jail for not more than one year, or pursuant to subdivision (h) of Section 1170.

(b) However, if the total amount of all checks, drafts, or orders that the defendant is charged with and convicted of making, drawing, or uttering does not exceed ~~four hundred fifty dollars (\$450)~~ nine hundred fifty dollars (\$950), the offense is punishable only by imprisonment in the

Proposition 47 Text of Proposed Law

county jail for not more than one year, *except that such person may instead be punished pursuant to subdivision (h) of Section 1170 if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.*

This subdivision shall not be applicable if the defendant has previously been convicted of a ~~three or more violation~~ violations of Section 470, 475, or 476, or of this section, or of the crime of petty theft in a case in which defendant's offense was a violation also of Section 470, 475, or 476 or of this section or if the defendant has previously been convicted of any offense under the laws of any other state or of the United States which, if committed in this state, would have been punishable as a violation of Section 470, 475 or 476 or of this section or if he has been so convicted of the crime of petty theft in a case in which, if defendant's offense had been committed in this state, it would have been a violation also of Section 470, 475, or 476, or of this section.

(c) Where the check, draft, or order is protested on the ground of insufficiency of funds or credit, the notice of protest shall be admissible as proof of presentation, nonpayment, and protest and shall be presumptive evidence of knowledge of insufficiency of funds or credit with the bank or depository, person, firm, or corporation.

(d) In any prosecution under this section involving two or more checks, drafts, or orders, it shall constitute prima facie evidence of the identity of the drawer of a check, draft, or order if both of the following occur:

(1) When the payee accepts the check, draft, or order from the drawer, he or she obtains from the drawer the following information: name and residence of the drawer, business or mailing address, either a valid driver's license number or Department of Motor Vehicles identification card number, and the drawer's home or work phone number or place of employment. That information may be recorded on the check, draft, or order itself or may be retained on file by the payee and referred to on the check, draft, or order by identifying number or other similar means.

(2) The person receiving the check, draft, or order witnesses the drawer's signature or endorsement, and, as evidence of that, initials the check, draft, or order at the time of receipt.

(e) The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or depository, person, firm, or corporation for the payment of a check, draft, or order.

(f) If any of the preceding paragraphs, or parts thereof, shall be found unconstitutional or invalid, the remainder of this section shall not thereby be invalidated, but shall remain in full force and effect.

(g) A sheriff's department, police department, or other law enforcement agency may collect a fee from the defendant for investigation, collection, and processing of checks referred to their agency for investigation of alleged violations of this section or Section 476.

(h) The amount of the fee shall not exceed twenty-five dollars (\$25) for each bad check, in addition to the amount of any bank charges incurred by the victim as a result of the alleged offense. If the sheriff's department, police department, or other law enforcement agency collects a fee for bank charges incurred by the victim pursuant to this section, that fee shall be paid to the victim for any bank fees the victim may have been assessed. In no event shall reimbursement of the bank charge to the victim pursuant to this section exceed ten dollars (\$10) per check.

SEC. 8. Section 490.2 is added to the Penal Code, to read:

490.2. (a) Notwithstanding Section 487 or any other provision of law defining grand theft, obtaining any property by theft where the value of the money, labor, real or personal property taken does not exceed nine hundred fifty dollars (\$950) shall be considered petty theft and shall be punished as a misdemeanor, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 if that person has one or more prior convictions for an offense

Proposition 47 Text of Proposed Law

specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290. (b) This section shall not be applicable to any theft that may be charged as an infraction pursuant to any other provision of law.

SEC. 9. Section 496 of the Penal Code is amended to read:

496. (a) Every person who buys or receives any property that has been stolen or that has been obtained in any manner constituting theft or extortion, knowing the property to be so stolen or obtained, or who conceals, sells, withholds, or aids in concealing, selling, or withholding any property from the owner, knowing the property to be so stolen or obtained, shall be punished by imprisonment in a county jail for not more than one year, or imprisonment pursuant to subdivision (h) of Section 1170. However, ~~if the district attorney or the grand jury determines that this action would be in the interests of justice, the district attorney or the grand jury, as the case may be, may,~~ if the value of the property does not exceed nine hundred fifty dollars (\$950), ~~specify in the accusatory pleading that the offense shall be a misdemeanor, punishable only by imprisonment in a county jail not exceeding one year, if such person has no prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.~~ A principal in the actual theft of the property may be convicted pursuant to this section. However, no person may be convicted both pursuant to this section and of the theft of the same property.

(b) Every swap meet vendor, as defined in Section 21661 of the Business and Professions Code, and every person whose principal business is dealing in, or collecting, merchandise or personal property, and every agent, employee, or representative of that person, who buys or receives any property of a value in excess of nine hundred fifty dollars (\$950) that has been stolen or obtained in any manner constituting theft or extortion, under circumstances that should cause the person, agent, employee, or representative to make reasonable inquiry to ascertain that the person from whom the property was bought or received had the legal right to sell or deliver it, without making a reasonable inquiry, shall be punished by imprisonment in a county jail for not more than one year, or imprisonment pursuant to subdivision (h) of Section 1170. Every swap meet vendor, as defined in Section 21661 of the Business and Professions Code, and every person whose principal business is dealing in, or collecting, merchandise or personal property, and every agent, employee, or representative of that person, who buys or receives any property of a value of nine hundred fifty dollars (\$950) or less that has been stolen or obtained in any manner constituting theft or extortion, under circumstances that should cause the person, agent, employee, or representative to make reasonable inquiry to ascertain that the person from whom the property was bought or received had the legal right to sell or deliver it, without making a reasonable inquiry, shall be guilty of a misdemeanor.

(c) Any person who has been injured by a violation of subdivision (a) or (b) may bring an action for three times the amount of actual damages, if any, sustained by the plaintiff, costs of suit, and reasonable attorney's fees.

(d) Notwithstanding Section 664, any attempt to commit any act prohibited by this section, except an offense specified in the accusatory pleading as a misdemeanor, is punishable by imprisonment in a county jail for not more than one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

SEC. 10. Section 666 of the Penal Code is amended to read:

666. ~~(a) Notwithstanding Section 490, every person who, having been convicted three or more times of petty theft, grand theft, a conviction pursuant to subdivision (d) or (e) of Section 368, auto theft under Section 10851 of the Vehicle Code, burglary, carjacking, robbery, or a felony violation of Section 496 and having served a term therefor in any penal institution or having been imprisoned therein as a condition of probation for that offense, and who is subsequently~~

Proposition 47 Text of Proposed Law

~~convicted of petty theft, is punishable by imprisonment in a county jail not exceeding one year, or imprisonment pursuant to subdivision (h) of Section 1170.~~

~~(b)~~ (a) Notwithstanding Section 490, any person described in *subdivision (b) paragraph (1)* who, having been convicted of petty theft, grand theft, a conviction pursuant to subdivision (d) or (e) of Section 368, auto theft under Section 10851 of the Vehicle Code, burglary, carjacking, robbery, or a felony violation of Section 496, and having served a term of imprisonment therefor in any penal institution or having been imprisoned therein as a condition of probation for that offense, and who is subsequently convicted of petty theft, is punishable by imprisonment in the county jail not exceeding one year, or in the state prison.

(1) ~~(b) This subdivision~~ *Subdivision (a)* shall apply to any person who is required to register pursuant to the Sex Offender Registration Act, or who has a prior violent or serious felony conviction, as specified in ~~subdivision (c) of Section 667.5 or subdivision (c) of Section 1192.7~~ *clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667, or has a conviction pursuant to subdivision (d) or (e) of Section 368.* ~~(2) (c) This subdivision~~ *section* shall not be construed to preclude prosecution or punishment pursuant to subdivisions (b) to (i), inclusive, of Section 667, or Section 1170.12.

SEC. 11. Section 11350 of the Health and Safety Code is amended to read:

11350. (a) Except as otherwise provided in this division, every person who possesses (1) any controlled substance specified in subdivision (b), or (c), (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment *in a county jail for not more than one year, except that such person shall instead be punished pursuant to subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.*

~~(b) Except as otherwise provided in this division, every person who possesses any controlled substance specified in subdivision (e) of Section 11054 shall be punished by imprisonment in a county jail for not more than one year or pursuant to subdivision (h) of Section 1170 of the Penal Code.~~

~~(c)~~ (b) Except as otherwise provided in this division, whenever a person who possesses any of the controlled substances specified in subdivision (a) ~~or (b)~~, the judge may, in addition to any punishment provided for pursuant to subdivision (a) ~~or (b)~~, assess against that person a fine not to exceed seventy dollars (\$70) with proceeds of this fine to be used in accordance with Section 1463.23 of the Penal Code. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision. ~~(d)~~ (c) Except in unusual cases in which it would not serve the interest of justice to do so, whenever a court grants probation pursuant to a felony conviction under this section, in addition to any other conditions of probation which may be imposed, the following conditions of probation shall be ordered:

(1) For a first offense under this section, a fine of at least one thousand dollars (\$1,000) or community service.

(2) For a second or subsequent offense under this section, a fine of at least two thousand dollars (\$2,000) or community service.

(3) If a defendant does not have the ability to pay the minimum fines specified in paragraphs (1) and (2), community service shall be ordered in lieu of the fine.

Proposition 47 Text of Proposed Law

SEC. 12. Section 11357 of the Health and Safety Code is amended to read:

11357. (a) Except as authorized by law, every person who possesses any concentrated cannabis shall be punished by imprisonment in the county jail for a period of not more than one year or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment, ~~or shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code except that such person may instead be punished pursuant to subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.~~

(b) Except as authorized by law, every person who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, is guilty of an infraction punishable by a fine of not more than one hundred dollars (\$100).

(c) Except as authorized by law, every person who possesses more than 28.5 grams of marijuana, other than concentrated cannabis, shall be punished by imprisonment in a county jail for a period of not more than six months or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment.

(d) Except as authorized by law, every person 18 years of age or over who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, upon the grounds of, or within, any school providing instruction in kindergarten or any of grades 1 through 12 during hours the school is open for classes or school-related programs is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500), or by imprisonment in a county jail for a period of not more than 10 days, or both.

(e) Except as authorized by law, every person under the age of 18 who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, upon the grounds of, or within, any school providing instruction in kindergarten or any of grades 1 through 12 during hours the school is open for classes or school-related programs is guilty of a misdemeanor and shall be subject to the following dispositions:

(1) A fine of not more than two hundred fifty dollars (\$250), upon a finding that a first offense has been committed.

(2) A fine of not more than five hundred dollars (\$500), or commitment to a juvenile hall, ranch, camp, forestry camp, or secure juvenile home for a period of not more than 10 days, or both, upon a finding that a second or subsequent offense has been committed.

SEC. 13. Section 11377 of the Health and Safety Code is amended to read:

11377. (a) Except as authorized by law and as otherwise provided in subdivision (b) or Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses any controlled substance which is (1) classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment in a county jail for a period of not more than one year ~~or pursuant to subdivision (h) of Section 1170 of the Penal Code, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.~~

Proposition 47 Text of Proposed Law

~~(b) (1) Any person who violates subdivision (a) by unlawfully possessing a controlled substance specified in subdivision (f) of Section 11056, and who has not previously been convicted of a violation involving a controlled substance specified in subdivision (f) of Section 11056, is guilty of a misdemeanor.~~

~~(2) Any person who violates subdivision (a) by unlawfully possessing a controlled substance specified in subdivision (g) of Section 11056 is guilty of a misdemeanor.~~

~~(3) Any person who violates subdivision (a) by unlawfully possessing a controlled substance specified in paragraph (7) or (8) of subdivision (d) of Section 11055 is guilty of a misdemeanor.~~

~~(4) Any person who violates subdivision (a) by unlawfully possessing a controlled substance specified in paragraph (8) of subdivision (f) of Section 11057 is guilty of a misdemeanor.~~

~~(c) (b) In addition to any fine assessed under subdivision (b), the The judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates subdivision (a), with the proceeds of this fine to be used in accordance with Section 1463.23 of the Penal Code. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.~~

SEC. 14. Section 1170.18 is added to the Penal Code, to read:

1170.18. (a) A person currently serving a sentence for a conviction, whether by trial or plea, of a felony or felonies who would have been guilty of a misdemeanor under the act that added this section ("this act") had this act been in effect at the time of the offense may petition for a recall of sentence before the trial court that entered the judgment of conviction in his or her case to request resentencing in accordance with Sections 11350, 11357, or 11377 of the Health and Safety Code, or Section 459.5, 473, 476a, 490.2, 496, or 666 of the Penal Code, as those sections have been amended or added by this act. (b) Upon receiving a petition under subdivision (a), the court shall determine whether the petitioner satisfies the criteria in subdivision (a). If the petitioner satisfies the criteria in subdivision (a), the petitioner's felony sentence shall be recalled and the petitioner resentenced to a misdemeanor pursuant to Sections 11350, 11357, or 11377 of the Health and Safety Code, or Section 459.5, 473, 476a, 490.2, 496, or 666 of the Penal Code, those sections have been amended or added by this act, unless the court, in its discretion, determines that resentencing the petitioner would pose an unreasonable risk of danger to public safety. In exercising its discretion, the court may consider all of the following:

(1) The petitioner's criminal conviction history, including the type of crimes committed, the extent of injury to victims, the length of prior prison commitments, and the remoteness of the crimes.

(2) The petitioner's disciplinary record and record of rehabilitation while incarcerated.

(3) Any other evidence the court, within its discretion, determines to be relevant in deciding whether a new sentence would result in an unreasonable risk of danger to public safety.

(c) As used throughout this Code, "unreasonable risk of danger to public safety" means an unreasonable risk that the petitioner will commit a new violent felony within the meaning of clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667.

(d) A person who is resentenced pursuant to subdivision (b) shall be given credit for time served and shall be subject to parole for one year following completion of his or her sentence, unless the court, in its discretion, as part of its resentencing order, releases the person from parole. Such person is subject to Section 3000.08 parole supervision by the Department of Corrections and Rehabilitation and the jurisdiction of the court in the county in which the parolee is released or resides, or in which an alleged violation of supervision has occurred, for the purpose of hearing petitions to revoke parole and impose a term of custody.

(e) Under no circumstances may resentencing under this section result in the imposition of a term longer than the original sentence.

Proposition 47 Text of Proposed Law

(f) A person who has completed his or her sentence for a conviction, whether by trial or plea, of a felony or felonies who would have been guilty of a misdemeanor under this act had this act been in effect at the time of the offense, may file an application before the trial court that entered the judgment of conviction in his or her case to have the felony conviction or convictions designated as misdemeanors.

(g) If the application satisfies the criteria in subdivision (f), the court shall designate the felony offense or offenses as a misdemeanor.

(h) Unless requested by the applicant, no hearing is necessary to grant or deny an application filed under subsection (f).

(i) The provisions of this section shall not apply to persons who have one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.

(j) Any petition or application under this section shall be filed within three years after the effective date of the act that added this section or at a later date upon a showing of good cause.

(k) Any felony conviction that is recalled and resentenced under subdivision (b) or designated as a misdemeanor under subdivision (g) shall be considered a misdemeanor for all purposes, except that such resentencing shall not permit that person to own, possess, or have in his or her custody or control any firearm or prevent his or her conviction under Chapter 2 (commencing with Section 29800) of Division 9 of Title 4 of Part 6.

(l) If the court that originally sentenced the petitioner is not available, the presiding judge shall designate another judge to rule on the petition or application.

(m) Nothing in this section is intended to diminish or abrogate any rights or remedies otherwise available to the petitioner or applicant.

(n) Nothing in this and related sections is intended to diminish or abrogate the finality of judgments in any case not falling within the purview of this act.

(o) A resentencing hearing ordered under this act shall constitute a "post-conviction release proceeding" under paragraph (7) of subdivision (b) of Section 28 of Article I of the California Constitution (Marsy's Law).

SEC. 15. Amendment.

This act shall be broadly construed to accomplish its purposes. The provisions of this measure may be amended by a two-thirds vote of the members of each house of the Legislature and signed by the Governor so long as the amendments are consistent with and further the intent of this act. The Legislature may by majority vote amend, add, or repeal provisions to further reduce the penalties for any of the offenses addressed by this act.

SEC. 16. Severability. If any provision of this measure, or part of this measure, or the application of any provision or part to any person or circumstances, is for any reason held to be invalid, the remaining provisions, or applications of provisions, shall not be affected, but shall remain in full force and effect, and to this end the provisions of this measure are severable.

SEC. 17. Conflicting Initiatives. (a) This act changes the penalties associated with certain nonserious, nonviolent crimes. In the event that this measure and another initiative measure or measures relating to the same subject appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure shall be null and void. However, in the event that this measure and another measure or measures containing provisions that eliminate penalties for the possession of concentrated cannabis are approved at the same election, the voters intend such provisions relating to

Proposition 47 Text of Proposed Law

concentrated cannabis in the other measure or measures to prevail, regardless of which measure receives a greater number of affirmative votes. The voters also intend to give full force and effect to all other applications and provisions of this measure, and the other measure or measures, but only to the extent the other measure or measures are not inconsistent with the provisions of this act. (b) If this measure is approved by the voters but superseded by law by any other conflicting measure approved by the voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force and effect.

SEC. 18. Liberal Construction. This act shall be liberally construed to effectuate its purposes

Proposition 47: Dispelling the Myths and Bringing Forth the Facts
Attachment Three
Board of State and Community Corrections (BSCC) Proposition 47 FAQs

The Board of State and Community Corrections (BSCC) Proposition 47 Frequently Asked Questions

1. What is Proposition 47?

Proposition 47 was a voter-approved initiative on the November 2014 ballot. As stated in the proposition, its purpose is as follows:

The people enact the Safe Neighborhoods and Schools Act to ensure that prison spending is focused on violent and serious offenses, to maximize alternatives for non-serious, non-violent crime, and to invest the savings generated from this act into prevention and support programs in K–12 schools, victim services, and mental health and drug treatment. This act ensures that sentences for people convicted of dangerous crimes like rape, murder, and child molestation are not changed.

2. Where can I learn more about Proposition 47?

A link to the proposition can be found [here](#), beginning on page 70 and ending on page 74. Additional information can also be found through the Californians for Safety and Justice website at <http://myprop47.org>. For information about changes to sentencing, and for legal questions pertaining to your case, please visit your county's District Attorney's or Public Defender's website.

3. What are the BSCC's responsibilities under Proposition 47?

As stated in the proposition, the BSCC's responsibilities are as follows:

Administer a grant program to public agencies aimed at supporting mental health treatment, substance abuse treatment, and diversion programs for people in the criminal justice system, with an emphasis on programs that reduce recidivism of people convicted of less serious crimes, such as those covered by this measure, and those who have substance abuse and mental health problems. {Government Code Section 7599.2 (a)(3)}

4. What is Assembly Bill (AB) 1056 and how does it impact Proposition 47?

AB 1056 is a bill authored by Assembly Member Toni Atkins that adds additional administrative duties for the BSCC and makes legislative priorities to the grant programs and services funded by the proposition. AB 1056 was signed by Governor Brown on October 2, 2015 and will be incorporated into the implementation of the Proposition 47 Grant Program. The legislative priorities include housing-related assistance and other community-based supportive services including job skills training, case management and civil legal services. The grants can fund programs that serve adults and juveniles. Click here to read the new law:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1056.

5. What agencies besides the BSCC are administering Proposition 47?

The California Department of Education and the California Victim Compensation and Government Claims Board also have responsibilities. Please contact these agencies directly for more information about their responsibilities.

6. How much money is available from Proposition 47 savings to fund grant programs and services?

The amount of available money has not yet been calculated. The proposition states:

On or before July 31, 2016, and on or before July 31 of each fiscal year thereafter, the Director of Finance shall calculate the savings that accrued to the state from the implementation of the act adding this chapter ("this act") during the fiscal year ending June 30, as compared to the fiscal year preceding the enactment of this act. {Government Code Section 7599.1 (a)}

7. What percentage of the state savings does each of the state agencies receive?

The proposition states that by August 15 of each fiscal year beginning in 2016, the Controller shall disburse moneys deposited in the Safe Neighborhoods and Schools Fund as follows:

- Twenty-five percent to the State Department of Education, to administer a grant program to public agencies aimed at improving outcomes for public school pupils in kindergarten and grades 1 to 12, inclusive, by reducing truancy and supporting students who are at risk of dropping out of school or are victims of crime. {Government Code Section 7599.2 (a)(1)}
- Ten percent to the California Victim Compensation and Government Claims Board, to make grants to trauma recovery centers to provide services to victims of crime pursuant to Section 13963.1 of the Government Code. {Government Code Section 7599.2 (a)(2)}
- Sixty-five percent to the Board of State and Community Corrections, to administer a grant program to public agencies aimed at supporting mental health treatment, substance abuse treatment, and diversion programs for people in the criminal justice system, with an emphasis on programs that reduce recidivism of people convicted of less serious crimes, such as those covered by this measure, and those who have substance abuse and mental health problems. {Government Code Section 7599.2 (a)(3)}

8. How does the BSCC administer grant programs?

The BSCC administers grants using an Executive Steering Committee (ESC) process.

9. What is an Executive Steering Committee and how does the BSCC use ESCs?

BSCC's Executive Steering Committees (ESCs) typically are composed of subject matter experts and stakeholders representing both the public and private sectors. The BSCC makes every attempt to include diverse representation on its ESCs, in both breadth of experience, geography and demographics. ESCs are convened and approved by the BSCC Board, as the need arises, to carry out specified tasks, including the development of Requests for Proposals to seek applications for grant funds. ESCs submit findings and grant award recommendations to the BSCC Board for final disposition. The Board then approves, rejects or revises those recommendations. Members of the ESCs are not paid for their time but are reimbursed for travel expenses incurred to attend meetings. When the specific task is completed the ESC is automatically disbanded.

10. How may I serve on an ESC?

The Board typically has the discretion to determine the composition and size of ESCs depending upon the specific requirements and complexity of the project. Grant-enabling legislation may sometimes include specific requirements. ESCs are balanced by demographics, geography, stakeholder interest and subject matter expertise as appropriate to the assigned task. (Penal Code Section 6024 (c))

The Proposition 47 ESC will include a balanced and diverse representation of relevant local and state government representatives, and persons with subject matter expertise in mental health and substance abuse treatment. The signing of AB 1056 by the Governor, added the following direction given to the BSCC in the formation of the ESC:

The board shall form an executive steering committee that includes, but is not limited to, a balanced and diverse membership from relevant state and local government entities, community-based treatment and service providers, and the formerly incarcerated community. The committee shall have expertise in homelessness and housing, behavioral health and substance abuse treatment, and effective rehabilitative treatment for adults and juveniles.

The BSCC has the discretion to select any other relevant subject matter experts.

To express interest in serving on an ESC, please visit the BSCC Executive Steering Committee webpage (http://www.bscc.ca.gov/s_bsccexecutivesteeringcommittees.php) and submit your name and other requested information for consideration.

11. What is a Request for Proposal?

A Request for Proposal (RFP) is a document that the BSCC uses to announce the availability of funds. The RFP outlines pertinent criteria, defines eligibility, and solicits applications.

12. Who may apply for funds (grants)?

Proposition 47 requires that public agencies must be the recipients of grant awards made by the BSCC. AB 1056 mandates that public agencies must be the lead applicant. Community-based

organizations, faith-based organizations and other agencies are encouraged to partner with a public agency if they are interested in participating in the funded programs and services.

13. When will the BSCC award grants?

BSCC anticipates awarding grants in in the spring of 2017. The amount available for grants will be not known until August 31, 2016. The BSCC will be conducting regional meetings around the state in early 2016. The RFP development process will be expedited as much as possible but the BSCC must balance the urgency with ensuring a fair and transparent process.

14. How can I provide input to the BSCC on Proposition 47?

The BSCC will host six to seven regional meetings to consider input from the public. The first meeting was scheduled from 6-8 p.m. on October 28, 2015 at the County of Alameda Administration Building, Board of Supervisors Chambers, 1221 Oak Street, Oakland, CA 94612. Anyone from the public is welcome to attend the meeting. If anyone would like to provide input, they will be asked to complete an interest card at the beginning of the meeting and then they will be called up to speak.

The other meetings will all be held in early 2016 at times and locations not yet determined. For additional information and updates on meeting locations and times in 2016 visit the BSCC web at <http://www.bscc.ca.gov/index.php>.

15. How will the BSCC use the public comments gathered at the regional meetings?

Public comment from regional meetings will be summarized and provided to the Board and the ESC for consideration in the development of an RFP.

16. Who can I contact at the BSCC with questions, concerns or comments?

The BSCC has developed a Proposition 47 inbox to respond to any questions and to accept public comments. The email address for the inbox is Proposition47@bscc.ca.gov. BSCC staff requests that all communication be submitted in writing at this time. If you are unable to attend one of the regional meetings but would like to provide public comment, please use the Prop 47 inbox to provide your input and include the words "public comment" in the subject line.

The Pew-MacArthur Results First Initiative: County Expansion

Attachment Four

CSAC Memo: CSAC & Pew-MacArthur Results First Initiative Partnership



November 17, 2015

1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327.7500

Facsimile
916.441.5507

To: CSAC Administration of Justice Policy Committee

From: Darby Kernan, Legislative Representative
Amalia Mejia, Project Coordinator, Results First

Re: **CSAC's Partnership with the Pew-MacArthur Results First Initiative**

CSAC and the Pew-MacArthur Results First Initiative¹ have created a new partnership in an effort to support county leaders as they engage in evidence-based policymaking. The goal of the CSAC-Results First partnership is to develop in-state capacity to support California county leaders who seek to invest in programs that will produce the best outcomes for residents and the highest rate of return on the counties' investments.

Launched in 2010, Results First is a national initiative currently working with 20 states and four California counties; the project helps state and local government leaders identify and invest in programs that are not only proven to work in their jurisdictions, but also are the best use of limited resources.

Results First Approach and Technical Assistance

Results First staff and consultants provide intensive and tailored technical assistance to organize teams of county staff, build policymaker support, and create a sustainable process for evidence-based decision-making. Partner counties develop the capacity to:

- Create a comprehensive inventory of currently funded programs, including an assessment of the evidence for each program's effectiveness;
- Build a customized benefit-cost model and conduct analysis to compare programs' likely return on investment; and
- Use evidence to inform spending and policy decisions.

Taken together, these efforts have helped state and local government leaders across the county improve public outcomes, reduce costs, and increase accountability by ensuring that resources are directed toward effective, cost-beneficial approaches in adult criminal and juvenile justice, early childhood education, child welfare, substance abuse, and mental health.

Results First in California

To date, four California counties—Santa Barbara, Santa Cruz, Kern, and Fresno—have partnered with Results First and are using the approach to help address the challenges associated with the Public Safety Realignment Act of 2011. These counties have already had great success using the approach, such as:

¹ The Pew-MacArthur Results First Initiative is a joint project of The Pew Charitable Trusts and the John D. and Catherine T. MacArthur Foundation.

- **Santa Barbara** is expanding their capacity to provide Reasoning and Rehabilitation—a cost-beneficial cognitive behavioral therapy program expected to reduce recidivism and return \$19.49 for every dollar invested—and other evidence-based cognitive behavioral therapy programs to 75 percent of high-risk probationers;
- **Santa Cruz** is rebidding contracts with community-based services to ensure they prioritize funding for programs most likely to reduce recidivism and generate cost savings, and require providers to track and report outcomes;
- **Kern** is fully embracing the shift to evidence-based policymaking by increasing staff capacity to provide evidence-based programs, directing resources toward cost-effective programs in jails, and incorporating evidenced-based requirements into future contracts; and
- **Fresno** is still in the process of completing its program inventory, but plans to use it to direct funding to evidence-based programs that are reducing recidivism.

Update/Key Issues. Working closely with Results First staff and consultants, CSAC will be providing technical assistance to the four current partner counties as they expand their analysis to additional policy areas and to two new partner counties as they develop comprehensive program inventories, build customized benefit-cost models, and use the results to help inform decisions in the criminal justice arena. In addition, the CSAC Program Coordinator will be providing technical assistance through the Public Safety Realignment Training Program.

The Pew-MacArthur Results First Initiative: County Expansion

Attachment Five

A Case Study from the Pew-MacArthur Results First Initiative



MacArthur
Foundation

Results First at the Local Level

Evidence-based policymaking in four California counties

Overview

Since partnering with the Pew-MacArthur Results First Initiative in 2013, four California counties—Fresno, Kern, Santa Barbara, and Santa Cruz—have used evidence-based policymaking to meet the challenges of the state's landmark criminal justice reform effort, the Public Safety Realignment Act (commonly known as Realignment). The law, passed in 2011, has altered the landscape of the state's criminal justice system, transferring responsibility for more than 60,000 offenders to California's 58 counties and requiring county governments to develop facilities, policies, and programs to serve this population. Fresno, Kern, Santa Barbara, and Santa Cruz counties are using rigorous evidence to assess their current strategies and guide funding and policy decisions that will reduce recidivism, with assistance from Results First.

This report documents the progress of these four counties, which are on the cutting edge of a nationwide movement to make data-driven decisions. Over the past two years, each county has made advancements in addressing the challenges posed by Realignment by using the Results First approach to:

- Direct resources toward cost-effective programs shown to work.
- Inform the planning and development of new programs.
- Restructure contracting and grant processes to prioritize evidence-based programs.
- Ensure that programs are delivered with fidelity to practices most likely to produce results.

Results First: A Model for Cost-Effective Policy Choices

The Results First Initiative, a project of The Pew Charitable Trusts and the John D. and Catherine T. MacArthur Foundation, works with states and localities to develop the tools that policymakers need to identify and invest in effective programs that yield high returns on investment. Using innovative methods that can be customized, Results First partners learn to:

- **Create an inventory of currently funded programs.**
- **Review which programs work.**
- **Conduct benefit-cost analysis to compare programs' likely return on investment.**
- **Use evidence to inform spending and policy decisions.**

These efforts have helped leaders improve public outcomes, reduce costs, and increase accountability by ensuring that resources go to effective, cost-beneficial approaches.

A need for evidence-based programming in California

Since 2009, lawmakers have worked to reduce the size of the state's prison population, enacting pivotal legislation—the Community Corrections Performance Incentives Act of 2009 and the Public Safety Realignment Act of 2011—that shifted responsibility for the management and care of thousands of offenders from state to local control.

These laws have dramatically affected the size, composition, and priorities of the criminal justice system in California's 58 counties:

- **More offenders are under the care and supervision of county governments.** Since 2011, when the second of the two laws went into effect, the number of people in county jails or under county supervision in the community has increased substantially. To prevent overcrowding in jails, many of which have been operating above capacity for a decade or more, counties have been releasing some inmates early to community supervision. This change has led to higher caseloads for community supervision staff and a greater need for programming and services for this population.
- **County systems are serving a higher-risk population with longer sentences.** In the past three years, county governments have seen a marked increase in the percentage of people under their control who are at higher risk for reoffending and have a longer length of stay within the system. The percentage of high-risk probationers increased from 25 percent to 31 percent from 2011 to 2014.³ By 2014, county jails were housing

Two Laws That Changed the Criminal Justice Landscape in California

- **The Community Corrections Performance Incentives Act of 2009 (S.B. 678)** sought to alleviate prison crowding by addressing probation failures. It provides funding to county probation departments that implement and maintain evidence-based practices in adult felony probation supervision and reduce offenders' revocations to prison.¹ The act also requires counties to invest a minimum of 5 percent of S.B. 678 funds to evaluate the effectiveness of the programs and practices implemented with those funds.²
- **The Public Safety Realignment Act of 2011 (A.B. 109)** sought to alleviate state prison overcrowding by changing sentencing law for select offenders. It provides funding to counties to house and supervise individuals convicted of nonviolent, nonserious, nonsexual offenses who previously would have been incarcerated in state prison. Counties also house those who fail to comply with the conditions of their release in lieu of remanding them to state prison. The act encourages, but does not require, A.B. 109 funds to be used to support evidence-based programming.

over 1,700 inmates serving sentences of more than five years, compared with the pre-Realignment maximum stay of one year.⁴ To manage this heightened risk profile and substantially longer stays in jail, counties have been working to develop and expand services targeted for these offenders.

- **Counties have limited resources to identify and implement evidence-based solutions.** Although legislation in California requires and encourages use of evidence-based programming in local corrections, implementation has been slow. A 2013 survey found that only 26 percent of counties reported using evidence-based treatment practices, noting that the availability of evaluated treatment programs was a significant obstacle to providing effective services and that probation departments often had difficulty determining whether the programs being operated were in fact evidence-based interventions.⁵

These three factors—more offenders under local control, a higher-risk population with substantially longer stays in jail, and limited resources to implement evidence-based programming—made Results First a natural fit for California's counties.

Building the Results First toolbox

Since 2013, staff members from the Results First Initiative have worked closely with staff and leadership from each of the four counties to develop customized tools to help them identify and invest in effective programs that yield high returns. These tools and the Results First process enable leaders to catalog what programs they are operating, assess the evidence of these programs' effectiveness, and compare current and alternative programs based on their expected return on investment and the impact on key outcomes such as reduction in recidivism. The Results First staff also works with county leaders to locate opportunities to use this information to inform budget and policy decisions.

By implementing the Results First approach, each county has forged critical partnerships that encompass a wide range of criminal justice agencies, including offices of sheriffs, probation, courts, public defenders, district attorneys, and police, as well as other social service and health agencies. The counties have also formed cross-agency teams to gather, share, and analyze data to address common challenges of reducing recidivism and improving public safety.

Although there were some differences across counties, each followed the same general process in implementing the Results First approach. This process began with developing an inventory of currently funded programs that included information on each program’s design, costs, capacity, and populations served. Next, the counties assessed the programs against the evidence base and built a customized benefit-cost model. Finally, policymakers have used these tools to help guide budget and policy decisions.



You never have enough resources to do everything you wish you could. We can make better choices for our community when we use empirical information rather than gut instinct.”

— Susan Mauriello, county administrative officer, Santa Cruz County

Program inventory

A complete inventory of currently funded programs provides policymakers with critical information on the interventions operating in the county and is useful for identifying gaps and duplication in services. Most governments, including the four counties, initially lacked this information.

Results First staff worked with partners in each of the counties to build this resource, cataloging all in-custody and community-based programs offered to offenders. County staff collected cost and performance data from various criminal justice agencies.

Evidence review

As part of the second stage, each county used the Results First Clearinghouse Database—a one-stop online resource that enables users to quickly access ratings of program effectiveness that have been issued by eight national research clearinghouses—to help determine which of its programs matched evidence-based interventions that are proved to reduce recidivism. With this baseline established, county leaders can work to expand programs with strong evidence of effectiveness, reduce funding for programs that research has shown to be ineffective, and identify programs that should be evaluated further.

Although some counties completed this evidence review in a matter of months, others chose to collect supplemental data to gain a deeper understanding of the types of services being provided to offenders. For example, Santa Barbara created an in-depth survey that asked jail- and community-based service providers to identify which interventions were considered evidence-based, to provide proof of this assertion, and to describe the extent to which each program was operated with fidelity to its original design. The survey revealed that a number of community-based programs were not closely aligned with evidence-based practices, prompting county officials to offer training and other technical assistance to providers to help them identify alternative evidence-based programs or modify existing programs. “We used the inventory process as a way to engage our [community-based organizations],” said Tanja Heitman, deputy chief probation officer.⁶

“ The program inventory laid it all out for us, showing us where we were doing things right and where we were not. That, along with the research knowledge we gained through Results First, helped us make the right adjustments to create a continuum of care for our population.”

—Cassandra Friedberg, *departmental analyst, Kern County Probation Department*

Leaders in Kern County used their program inventory and evidence review to identify areas where services could be consolidated or coordinated to more effectively address recidivism. “Before Results First, a lot of agencies kept lists of their own programs but did not really share them with other agencies or know where partners were directing their clients,” said Cassandra Friedberg, departmental analyst for the Kern County Probation Department.⁷ “The program inventory laid it all out for us, showing us where we were doing things right and where we were not. That, along with the research knowledge we gained through Results First, helped us make the right adjustments to create a continuum of care for our population. We now know what programs are serving the corrections population in Kern County and who is referring clients to which program. We can better see and address gaps in our services.”

Benefit-cost analysis

With the help of Results First staff, agency officials in each county developed a customized benefit-cost model that allowed them to estimate the long-term costs and benefits of both currently funded and alternative programs and compare those interventions based on their predicted return on investment. This process included three basic steps. The first, a recidivism analysis, provided a baseline for comparing the impact of any programmatic or policy changes on recidivism. For leaders in Kern County, this information proved to be critical for measuring the effect of their efforts. “One of the benefits Results First brought to us was that we’d never had a true recidivism rate,” said Chief Probation Officer TR Merickel.⁸ “With their assistance [from Results First], we looked at our data and got a recidivism baseline. If you’re going to effect change, you need to know your baseline.”

The second step involved identifying all of the costs related to the return of offenders to the criminal justice system. The total costs often surprised county leaders and spurred them to take action. Santa Cruz County Supervisor John Leopold said the cost information has been particularly helpful to leaders like himself, who have to make difficult budget decisions. “When you see the cost of recidivism, which is \$40,000 [for every person who reoffends] in Santa Cruz, it’s sobering. Reducing recidivism is not only the best approach for public safety, it’s also the most cost-effective approach we have.”⁹

Once all of the cost information was collected, county staff members used their customized benefit-cost model to estimate the return on investment of each program, along with the impact of each program on reducing recidivism, and then compared the results across programs operating in the county. Several county officials reported that this analysis helped galvanize support from leadership. For example, Santa Cruz’s analysis validated the county’s commitment to using risk, need, and responsivity (RNR) principles to address recidivism, which include assigning offenders to treatment based on an assessment of their needs. The analysis also demonstrated to policymakers that the use of RNR principles was cost-beneficial, producing returns of \$2.85 in benefits for every dollar invested.

Evidence-based policymaking

With their benefit-cost model built, policymakers and managers needed to use evidence to inform their decisions—perhaps the most critical step. To facilitate this process, Results First staff met regularly with agency leaders, members of county councils and boards, and other key stakeholders, including each county’s Community Corrections Partnership. The staff provided updates on the work and answered questions from policymakers on how the tools could be used to support their goals. All four counties reported that these efforts helped policymakers start to rely more heavily on evidence to guide funding and policy choices.

Investing in what works

The four counties have begun to use their new insights and tools developed through participation in Results First to guide funding toward evidence-based programs. While some counties have focused on shifting funding to specific programs, others have taken a more expansive approach that incorporates evidence-based program requirements into contracts and major planning efforts, ensuring a sustained focus on implementing proven, cost-effective ways to reduce recidivism.

Santa Barbara County

At a glance



Population*	434,510
Violent crime†	1,294
Property (nonviolent) crime‡	9,088
Jail population§	989
County supervised population 	4,506

* State of California, Department of Finance, Table E1: “Population Estimates for Cities, Counties, and the State, Jan. 1, 2014 and 2015,” <http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php>.

† State of California, Department of Justice, Office of the Attorney General, “CJSC Statistics: Crimes Clearances” (2014), <http://oag.ca.gov/crime/cjsc/stats/crimes-clearances>.

‡ Ibid.

§ California Board of State and Community Corrections, “Jail Profile Survey” (June 2014), http://www.bscc.ca.gov/s_fsojailprofilesurvey.php (average daily jail population).

|| Unpublished county data. Includes post-release community supervision, felony and misdemeanor probation, not including parole or those wanted on a warrant status as of June 30, 2014. Estimates are based on internal analysis of these data.

Santa Barbara became the first county to join Results First after the Board of Supervisors approved in August 2013. Although the county had demonstrated a commitment to evidence-based practice in the past, including participation in the Transition from Jail to Community Initiative¹⁰ in 2012, county officials cited a need for additional tools to identify specific evidence-based programs that they could incorporate into their long-range realignment and internal strategic planning efforts. Tanja Heitman, the county's deputy chief probation officer, noted that the partnership with Results First is helping the county address this need. "We had the funding, but we didn't have the technical assistance to make sure we were headed in the right direction. It was a really beautiful transition into Results First, and I think we're leading the effort in making sure that we use our dollars for evidence-based programs and bringing our corrections community along," she said.

“ When Realignment came, it put enormous demand on the system and created a tremendous challenge. We knew where we wanted to go, but we had a huge new population, so Results First came on the scene with us at just the right time. We had the funding, but we didn't have the technical assistance to make sure we were headed in the right direction. It was a really beautiful transition into Results First, and I think we're leading the effort in making sure that we use our dollars for evidence-based programs and bringing our corrections community along.”

—Tanja Heitman, deputy chief probation officer, Santa Barbara County

Two key factors in Santa Barbara County's success have been a commitment to use rigorous evaluation methods and the ability of agency leaders to effectively communicate findings from their work to county officials. Through detailed planning, analysis, and reporting, the county has been able to make several important changes to its criminal justice system:

- **Directing resources toward cost-effective programs shown to work:** By developing their benefit-cost model, county leaders learned—to their surprise—that 63 percent of high-risk offenders had been reconvicted within seven years, at an average cost of approximately \$60,000¹¹ per offender. "We had never done a recidivism study with as long of a time frame as the Results First model," Heitman said. "So when we looked that long and saw how high the recidivism rate went and then we layered in the cost, it was downright shocking." The county is using this information to direct funding to effective recidivism strategies. For example, county leaders have used the results of their benefit-cost model to support additional funding for a cognitive behavioral therapy program, Reasoning and Rehabilitation, which is expected to return \$19.49 for every dollar invested. The county plans to expand capacity to provide this and other evidence-based cognitive behavioral therapy programs to 75 percent of high-risk probationers.
- **Modifying or replacing programs to ensure adherence to evidence-based practice:** The Santa Barbara Results First model showed that one of the county's local substance abuse treatment programs achieved positive outcomes, but its benefit-cost ratio barely broke even. "We realized that, even though it is an evidence-based program, the cost was too high for the limited benefits we were getting," said Heitman. The county is now piloting another cognitive behavioral therapy intervention, Moral Reconciliation Therapy, which research predicts will achieve better outcomes at lower costs. The county plans to evaluate the pilot program before expanding to other areas.

- **Planning future programming:** Santa Barbara is using its Results First analysis to ensure that evidence-based programming is incorporated into the design of a new jail facility—for example, providing sufficient space for inmate programs in a setting that is conducive to learning. “We’re using the Results First model to look at programming we want to launch in a new rehabilitation part of the jail that will be coming online in 2017,” said Heitman. “Our treatment team is reviewing in-custody programs that are in the [Results First] Clearinghouse to determine which ones they would like to run through the [benefit-cost] model ... before they make a final decision on what their treatment programs should look like.”



Considered one of the leaders in the evidence-based movement in California, Santa Cruz joined the Results First Initiative in October 2013, armed with a technically advanced staff and an already well-developed portfolio of evidence-based programs. But leaders were missing a way to continue to expand investments in proven programs and to identify those that generate cost savings. “We want to save money, reduce recidivism, and make wise decisions about programs,” said County Administrative Officer Susan Mauriello.¹² “We want to ensure that low-cost items that benefit a large population are prioritized—and that high-cost items that benefit a smaller population are used judiciously.”

Santa Cruz’s Results First analysis provided county officials with critical information about the programs operating in the county, leading to a number of notable changes:

- **Directing resources toward cost-effective programs:** Using its benefit-cost model, officials found that one of the county’s most widely used programs, cognitive behavioral therapy, was predicted to avoid \$418,950 in costs and reduce recidivism by 13.4 percent. Leaders will use this information, along with other data, in discussions with their Community Corrections Partnership to justify their recommendation to increase funding for the program in their fiscal 2016-17 budget.

- **Modifying or replacing programs to ensure adherence to evidence-based practice:** After reviewing the research from the Results First Clearinghouse Database, officials determined that their correctional education programs lacked some of the key components necessary to achieve the predicted outcomes of those programs in the Results First model. For example, some GED programs were not provided frequently enough to achieve the desired impact. Now the county is working to better align those programs to effective practices and is considering other alternatives. “We know that in-custody education programs generally have a [positive impact on recidivism], but our programs don’t match those in the model because they are not the right dosage,” said Andrew Davis, senior departmental analyst for the Santa Cruz Probation Department. “We realize that we need to tailor our programs to be more effective.”¹³

“We were surprised by how poorly the various drug treatment programs did, at least in terms of their cost-benefit ratio,” said Chief Deputy Craig Wilson from the county Sheriff’s Office.¹⁴ “These are expensive programs, and it may mean that we need to target these services more to the offenders who really need it and where the county will get the best return on its investment.” Officials in Santa Cruz have also noted the importance of balancing community priorities with the results predicted by their benefit-cost models, noting that perhaps some programs should be preserved in the absence of an effective alternative.

- **Establishing new contracting requirements:** Santa Cruz County plans to rebid its contracts for community-based services in late 2015. Contract administrators intend to prioritize a portion of funding for programs that the benefit-cost model identified as most likely to reduce recidivism and generate cost savings. Contracts will also require service providers to track and report outcomes, submit data to allow for program evaluations, and describe how each program will ensure fidelity to its design. Davis described the changes in the contracting process as a more effective way to do business. “We used to look around to see if we had resources and see what services we could buy. Now we’re in a position where we are directing what services we need based on [the needs of] the population we serve,” he said.
- **Planning future programming:** The county’s A.B. 109 Treatment and Intervention Services Work Group is using the Results First Clearinghouse, along with findings from the county’s benefit-cost model, to inform planning efforts for a new rehabilitation center. The center, which is being renovated as part of an expansion scheduled to be completed in 2018, currently provides only limited services for offenders. Wilson noted the importance of having objective criteria for making decisions about what to fund in the facility. “We will get lots of ideas on the programs and services from the community and others, all well-intentioned, but they need to have an evidence base behind them,” he said.

Leaders in Santa Cruz County have also used the knowledge gained through Results First to identify programs that must be evaluated to determine their effectiveness. “We realize [there is] a need for more local evaluation for some of these treatment programs,” said Chief Probation Officer Fernando Giraldo.¹⁵ “We’re doing a lot of it, but it’s expensive [and] it doesn’t necessarily impact recidivism. Now we want to evaluate [treatment programs] locally.” Davis reiterated the need to evaluate programs for which the county has limited evidence: “We have dozens of legacy programs that have been put in place over the last 20 years that are well-intentioned but have no evidence to support them.”



For the first time, we will be able to look at programs and see if we are getting a return on the investment we have made.”

—Rick Chavez, chief probation officer, Fresno County

Fresno County

At a glance*



Population	963,375
Violent crime total	4,457
Property (nonviolent) crime	32,535
Jail population	2,915
County supervised population	8,615

* Data sources for all county-level graphics are the same.

A partner with Results First since January 2014, Fresno County is completing its program inventory and benefit-cost model for probation and jail programs. County leaders plan to use those tools to help them address some of the challenges they face in responding to increased demands from Realignment. “As A.B. 109 becomes more of an opportunity, we can expand our treatment options, which will be informed by the Realignment and Results First process,” said Chief Probation Officer Rick Chavez.¹⁶ “Results First can help us fine tune these services to our population.”

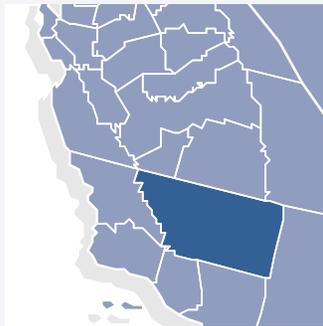
Although they are still early in the process, leaders are considering ways to use the inventory information when it becomes available, such as directing investments to improve public safety and reduce recidivism without additional spending. Fresno plans to use the Results First model to identify evidence-based programs for its new jail facility, which is in the planning stages and should be completed by 2019. “Results First has already helped us when discussing programming we want to include [in the new jail],” said Jeannie Figueroa, deputy county administrative officer.¹⁷ “The information that we have gathered through [the program inventory] has helped us think about which programs we want to provide for inmates.”

“Prior to Realignment, counties did not have programs [in their jails] because the maximum stay was less than a year. Now you have inmates staying for 10, 15 years. By default, we have to start developing programming for long-term inmates.”

—John Navarrette, county administrative officer, Fresno County

County leaders also expressed confidence that, although there is still a lot of work to be done, the criminal justice system is on the right track by relying more heavily on evidence to make programming and policy decisions. As Kay Hickman, a consultant to the Fresno Probation Department, noted: “Programming has always been so limited in Fresno, without a lot of money to do anything. [We] never really paid attention to the [cost-effectiveness] of programs, because we didn’t have much to spend, although we should have.”¹⁸ Chavez added, “For the first time, we will be able to look at programs and see if we are getting a return on the investment we have made.”

Kern County At a glance*



Population	868,610
Violent crime total	4,465
Property (nonviolent) crime	28,283
Jail population	2,582
County supervised population	8,071

* Data sources for all county-level graphics are the same.

Evidence-based programming represents a practical solution to Kern County’s ongoing struggle to manage the influx of higher-risk, longer-stay offenders. Before joining Results First, the county faced myriad challenges associated with its new population of offenders, from increased caseloads and crowded facilities to heightened levels of inmate fighting, drug trafficking, gang activity, and destruction of property in its jails.¹⁹ Historically, Kern had focused on security and control to address these concerns,²⁰ but recently it began to consider evidence-based programming as an alternate approach.

Agency staff members launched their Results First analysis after receiving official board approval in May 2014. Within a year, the county had fleshed out a program inventory and developed a fully functional benefit-cost model. As a result, Kern was able to use tools such as the program inventory and apply the information to ongoing efforts.

Kern’s efforts have paid off, resulting in many accomplishments to date:

- **Directing resources toward cost-effective programs in county jails:** As of July 2015, the county is implementing five evidence-based programs and has shifted the focus from keeping offenders busy to

providing them with tools to change their behavior. For example, the Sheriff's Office replaced unstructured art activities with Aggression Replacement Training, a program proved to reduce recidivism. "Before Realignment, we really were not doing a lot of treatment programs," said Lt. Greg Gonzales of the Kern County Sheriff's Office.²¹ "We were only providing the classes that we were required to, which were education- or vocational-based. Now we are running several evidence-based programs."

Kern County officials have used this approach to reassess the staffing needs of their jails. They began by replacing four uniformed jail positions with "program specialists"—a new position classification that required training in psychology or mental health services—to more effectively deliver the treatment services. This change was so successful that the county allocated funding for four additional program specialist positions to expand the number of treatment classes.

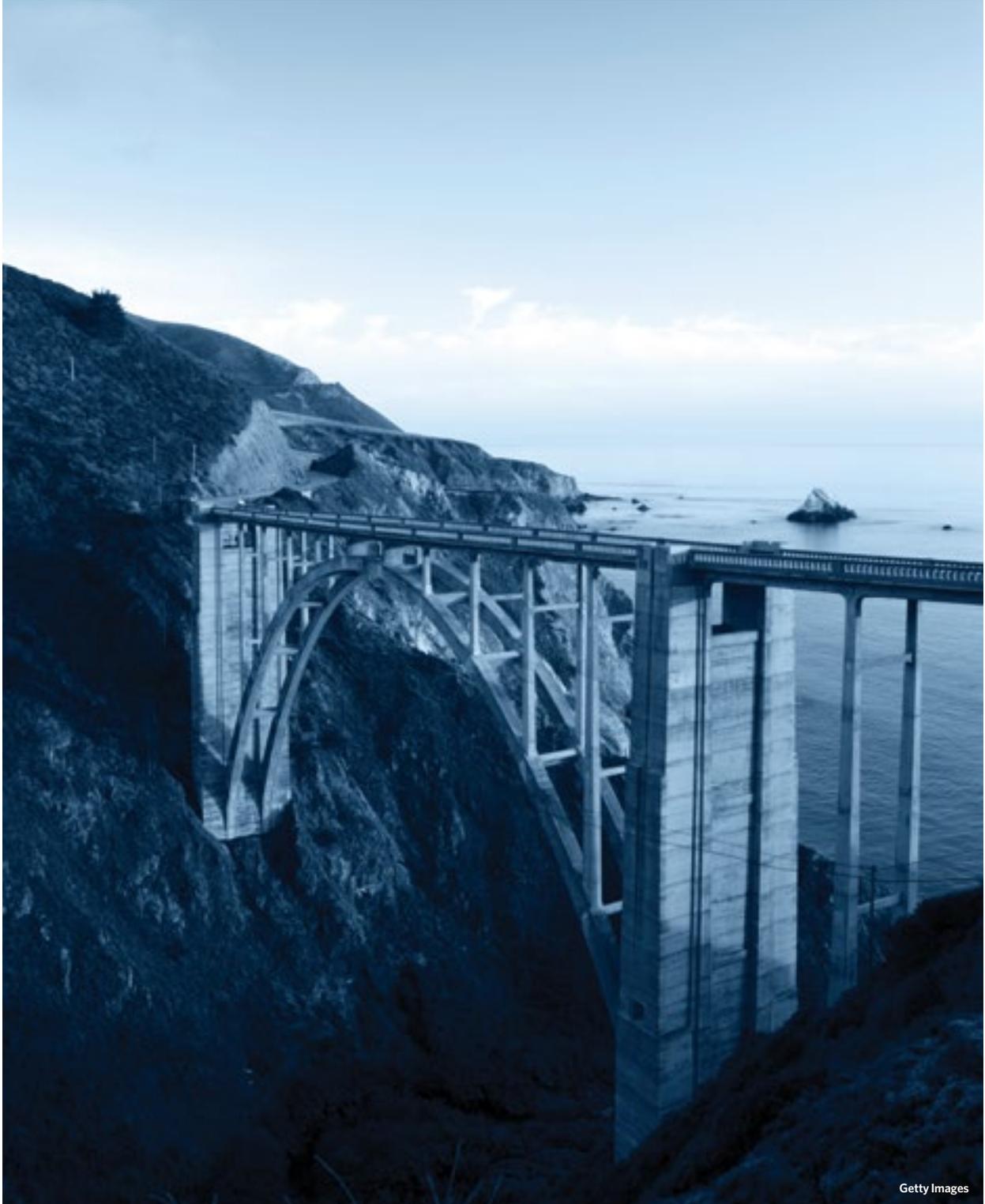
- **Establishing new contracting requirements:** In 2015, Kern County received community recidivism reduction grants from the Board of State and Community Corrections (BSCC), and leaders plan to use their Results First models to inform allocation of those funds. The county intends to make the implementation of evidence-based programming a key requirement of future contracts for its community-based providers. It will issue a request for applications in the fall of 2015 and has assigned a committee to help distribute a \$375,000 BSCC grant, prioritizing funding for programs predicted by rigorous research to achieve good outcomes. The county plans to use a similar approach for a much larger proposal request—an estimated \$5.2 million—to community-based providers later this year. "We're definitely going to use the information from Results First to help shape the kind of services we're looking for," said Merickel, the Kern County chief probation officer. "We're going to say that we want to use evidence-based programs wherever we can."



Before Realignment, we really were not doing a lot of treatment programs. We were only providing the classes that we were required to, which were education- or vocational-based."

—Lt. Greg Gonzales, Sheriff's Office, Kern County

-
- **Planning future programming:** The Sheriff's Office also plans to use the analysis in designing a new jail facility, scheduled for completion in August 2017. "Classrooms will be specifically designed to provide evidence-based programs," said Gonzales, "[and we are going to be] using the Results First Clearinghouse to inform the types of programs we offer."
 - **Ensuring that programs are implemented with fidelity:** Kern County has dedicated 10 new staff members in its Probation Department to ensuring that programs are implemented effectively and achieve desired results. "Prior to Results First, we had a push for evidence-based programming, but we were not keeping up with program fidelity," said Merickel. "With that in mind, we've developed an Evidence-Based Programming Unit with a program supervisor and program specialists that will be able to verify fidelity of the evidence-based programs being provided in the community. You can do an evidence-based program, but if you're not doing it with fidelity, you're just throwing your money away."



Getty Images

Building an evidence-based culture in California

Each of the four counties highlighted in this report began with a different starting point and trajectory in moving toward a new approach to criminal justice focused on using research and data to guide decision-making. Santa Cruz and Santa Barbara counties had a history of implementing such programs and have used Results First to help them accelerate their efforts. Fresno County is using its technical assistance resources to plan for future programming expansion, including a new jail facility that will incorporate research-based practices. Kern County has quickly moved to significantly expand the number of offenders, both in custody and in the community, who are served through evidence-based programs.

Realignment has had a profound impact on county criminal justice systems in California, resulting in significant new responsibilities and challenges. The four counties profiled here have chosen an evidence-based approach to building their criminal justice systems to respond to the challenge of Realignment and to lay the groundwork for the future. Other counties can follow their lead by using a similar approach: identifying what works and directing resources to programs and policies that have been proved effective and that show the best return on the investment of local dollars.

Endnotes

- 1 Judicial Council of California, Administrative Office of the Courts, *Report to the Legislature: Findings From the S.B. 678 (California Community Corrections Performance Incentives Act of 2009) Program* (June 2014), <http://www.courts.ca.gov/documents/jc-20140627-itemC.pdf>.
- 2 Ibid.
- 3 Ibid.
- 4 Public Policy Institute of California, "Just the Facts: California's County Jails," accessed July 6, 2015, http://www.ppic.org/main/publication_show.asp?i=1061.
- 5 Judicial Council of California, Administrative Office of the Courts, *Report to the Legislature: Findings From the S.B. 678 (California Community Corrections Performance Incentives Act of 2009) Program* (April 2013), <http://www.courts.ca.gov/documents/lr-SB-678-April-2013.pdf>.
- 6 Tanja Heitman, interview by Pew-MacArthur Results First Initiative, June 25, 2015.
- 7 Cassandra Friedberg, interview by Pew-MacArthur Results First Initiative, June 2, 2015.
- 8 TR Merickel, interview by Pew-MacArthur Results First Initiative, June 2, 2015.
- 9 John Leopold, interview by Pew-MacArthur Results First Initiative, May 15, 2015.
- 10 The Transition from Jail to Community initiative started in 2007 as a partnership between the National Institute of Corrections and the Urban Institute to support jurisdictions in managing their systems for the transition of individuals between jail and the community.
- 11 The cost of recidivism, in this case, is based on high-risk offenders only and therefore is not comparable to recidivism rates in other counties presented in this report, which are based on overall population.
- 12 Susan Mauriello, interview with Pew-MacArthur Results First Initiative, June 3, 2015.
- 13 Andrew Davis, interview with Pew-MacArthur Results First Initiative, May 12, 2015.
- 14 Craig Wilson, interview with Pew-MacArthur Results First Initiative, May 7, 2015.
- 15 Fernando Giraldo, interview with Pew-MacArthur Results First Initiative, May 12, 2015.
- 16 Rick Chavez, interview with Pew-MacArthur Results First Initiative, May 8, 2015.
- 17 Jeannie Figueroa, interview with Pew-MacArthur Results First Initiative, May 8, 2015.
- 18 Kay Hickman, interview with Pew-MacArthur Results First Initiative, May 8, 2015.
- 19 County of Kern, "Public Safety Realignment Act, FY 2013-14 Plan," http://www.bscc.ca.gov/downloads/Kern_County_2013-2014.pdf.
- 20 Jeffrey Lin and Joan Petersillia, *Follow the Money: How California Counties Are Spending Their Public Safety Realignment Funds* (2014), <https://www.law.stanford.edu/sites/default/files/publication/443760/doc/slspublic/Lin%20Money%20Final%20Report%20022814.pdf>.
- 21 Greg Gonzales, interview with Pew-MacArthur Results First Initiative, June 2, 2015.

The Pew Charitable Trusts

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The Pew Charitable Trusts is driven by the power of knowledge to solve today's most challenging problems. Pew applies a rigorous, analytical approach to improve public policy, inform the public and invigorate civic life.

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The John D. and Catherine T. MacArthur Foundation supports creative people and effective institutions committed to building a more just, verdant, and peaceful world. In addition to selecting the MacArthur Fellows, the Foundation works to defend human rights, advance global conservation and security, make cities better places, and understand how technology is affecting children and society.



Contact: Gary VanLandingham, director, Pew-MacArthur Results First Initiative
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Pew-MacArthur Results First Initiative, a project of The Pew Charitable Trusts and the John D. and Catherine T. MacArthur Foundation, works with states to implement an innovative cost-benefit analysis approach that helps them invest in policies and programs that are proved to work.

DMV Inmate Identification Card Implementation
Attachment Six
CSAC Memo: DMV Implementation of Inmate ID Card Pilot



November 17, 2015

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To: CSAC Administration of Justice Policy Committee

From: Darby Kernan Legislative Representative
Stanicia Boatner, Legislative Analyst

Re: **Update on Implementation of Inmate Identification Card Pilot**

Background. Last year at the November 2014 meeting, the CSAC Administration of Justice Policy Committee took action to pursue options for establishing a statewide protocol for issuing state identification (ID) cards to inmates in local custody. As discussed at the time, there is a strong interest among counties in finding ways to support efforts to build strong reentry bridges for the court-involved population. The public safety and societal benefits of successful community reentry are clear – decreased victimization, increased public safety, and improved outcomes for the individuals and their families.

CSAC, the Department of Motor Vehicles (DMV), and staff from San Diego County met extensively over the last six months to develop an Inmate Identification Card Pilot Program that can be implemented in every county. The pilot program was based off the DMV's current program in Los Angeles County Jail and is reflective of a virtual trip to a local DMV office for individuals in local custody. The pilot started in October in San Diego County. And while the parameters of the pilot program may still be subject to change, the basic framework of the pilot is below:

Who qualifies for the Inmate Identification Program

At this time, DMV will issue an identification card under the pilot to inmates:

- a. Who have previously held a California Driver's License or a California Identification Card;
- b. For whom the Department has a record of the prior license or card;
- c. For whom the Department has a photograph not more than ten years old at the time of application and the photograph is of a usable quality for the Department's purposes; and,
- d. Who meets the other requirements in applicable statutes and regulations.

Timeframe

DMV will provide inmate identification cards 120 days prior to release. This is based on the current LA pilot and the California Department of Corrections and Rehabilitation (CDCR) Inmate Identification Program.

The Process

DMV will provide blank application forms to the Sheriff's Department. DMV will provide the San Diego County Sheriff's Department's contact with blank copies of DMV's *Application for Driver License or Identification Card (Form DL 44)*, *Verification of Reduced Fee Card (Form DL 937)* and *Transmittal Form (Form FO 1008a)*.

The Department will provide training for the Sheriff's Department's contact in completing the transmittal form, assisting applicants in completing the application, and in completing the submittal of the applications.

Pre-Screening Applicants

For each inmate who participates in this process, the contact at the Sheriff's Department will fill out a *Transmittal Form* provided by DMV. The information requires: the inmate's name and date of birth as the inmate indicates the name appears on a previously issued California Driver's License or Identification Card; the inmate's social security number; and whether or not the inmate previously held a California Driver's License or Identification Card.

The Sheriff's Department will provide DMV with a written consent signed by the inmate. The consent form authorizes the DMV to send any issued identification card, any explanation of why a card is not issued or why the inmate does not qualify for issuance of a card, to the Sheriff.

DMV will compare the information contained in its records with the information provided to the Sheriff's Department and make a determination as to whether or not the inmate meets the eligibility requirements for issuance of an identification card. If DMV determines that the inmate is not eligible for an identification card, DMV will notify the Sheriff's Department contact on the returned *Transmittal Form* explaining the reasons why the inmate is not eligible (ex. Information is older than 10 years or no previous license on file). If DMV determines that the inmate is eligible for an identification card, DMV will notify the Sheriff's contact that the inmate is eligible on the *Transmittal Form*.

Submission of the Application (DL 44)

After receiving notification from DMV as to the eligibility of applicants, the Sheriff's contact may submit the application forms for up to 20 applicants per week, per jail for issuance of identification cards. The Sheriff's contact will submit the applications to the field office identified by DMV.

Payment

At this time, the fees required in connection with an application for an identification card are as follows:

- a. The fee for an ordinary application for issuance or renewal of regular identification card under subdivision (a) of section 14903 is \$28.00;
- b. The fee for a low income/reduced fee application under subdivision (c) of section 14903 is \$8.00.
- c. The fee for issuance or renewal of an application by a person 62 years of age or older under subdivision (b) of section 14903 is \$0.00 (free).

DMV will not issue an identification card prior to receiving payment of the application fee.

The Sheriff's contact will submit a check to DMV with the inmate applications that have been approved on the *Transmittal Form*.

DMV estimates that it takes 120 days from receipt of pre-screening information to the delivery of completed identification cards.

Issuance of Card or Explanation

DMV will mail at the Sheriff's Department's expense the identification cards to the Sheriff's Department's contact. The Sheriff's Department will be responsible for providing the identification card upon the inmate's release.

The Sheriff's contact is responsible for delivery of pre-screening information, applications and related material to the designated DMV Field Office; and, for picking up materials at the DMV Field Office.

Information Security

Any inmates personal information transmitted by e-mail or over the internet by either DMV or the Sheriff's Department will be encrypted. The encryption process to be used will be determined by DMV and the Sheriff's Department.

DMV Inmate Identification Card Implementation

Attachment Seven

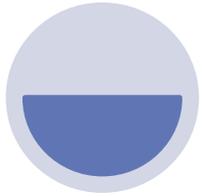
PowerPoint: California Identification Cards and the Reentry Process

California Identification Cards & the Reentry Process

Christine Brown-Taylor, Reentry Services Manager, San Diego Sheriff's Department

Marc Regier, CAO Staff Officer, Public Safety Group, County of San Diego

History

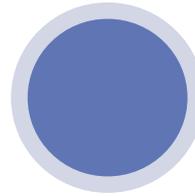


2014

Apr – Reentry Roundtable first endorses the concept

Jul – Initial meeting with DMV to discuss CDCR and LA County models

Dec – SD County Board of Supervisors, Sheriff and DA formally support a future program



2015

Jul – First in-person meeting between SD County, CSAC and DMV

Jul – Training held by DMV staff

Sep – MOU signed

Oct – Program launches

Internal Stakeholders

- Supervisor Greg Cox
- Chief Administrative Office
- Sheriff's Department
- Probation Department
- Health and Human Services Agency
- County Counsel
- Purchasing and Contracting

Reducing Barriers to Successful Reentry

- Of the 703 inmates surveyed, only **27%** reported having a California driver's license or ID card
- Of those who did not or were unsure, **94%** expressed interest in obtaining an ID card



Eligibility Criteria

- 120 days or more left in custody
- Previously held a California Driver's License or Identification Card
- Photo on file with DMV that is less than 10 years old
- No outstanding fees due
- Must meet the same criteria as other citizens



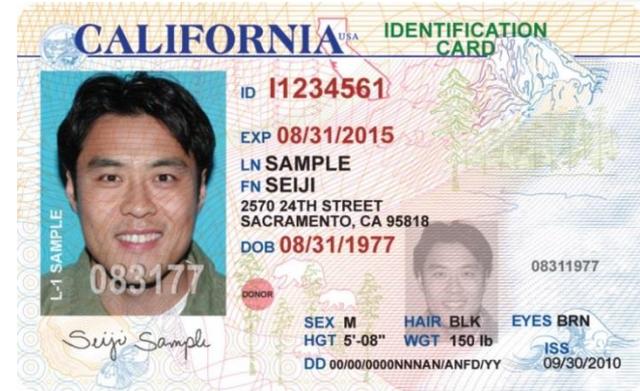
Process



- **Pre-Screening**
 - Correctional Counselors identify eligible participants
 - Sheriff's staff sends information to DMV via an encrypted email
 - DMV will confirm eligible applicants
- **Application**
 - Sheriff's staff will deliver the original application, consent and reduced fee forms, along with payment, to the local DMV office

Process *(continued)*

- Cost
 - Reduced Fee \$8.00
 - Free (if over 62 years old)
- Receipt and Delivery
 - DMV will send Identification Cards to the Sheriff's Department directly
 - Sheriff's staff will put the Identification Cards in an inmate's property



Questions?



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NACo Steering Committee Membership Recommendations
Attachment Eight
CSAC Memo: NACo Policy Steering Committee Membership



November 17, 2015

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To: Administration of Justice Policy Committee Members

From: Darby Kernan, Legislative Representative
Stanicia Boatner, Legislative Analyst

Re: **NACo Policy Steering Committee Membership**

As many of you may already know, NACo's Policy Steering Committees play a crucial role in NACo's advocacy process. Steering Committees annually review and make recommendations on federal policy issues and legislative items that are important to the nation's counties. Through this process, the committees advise the NACo Board of Directors and voting delegates who set NACo policy each year. NACo's policy platform guides the county government message presented to the Administration, Congress, U.S. Courts, and the American public. To ensure that the California's county perspectives are well represented, CSAC encourages you to review the following information and give some thought to joining a NACo Steering Committee.

As a member of a Steering Committee, individuals may introduce policy resolutions and platform changes and vote on other proposed resolutions and platform changes within the jurisdiction of their committee. Throughout the year, committee members participate in regular conference calls and receive email updates from NACo staff to stay up to date on matters relevant to the committee's work.

California county officials wishing to serve on a NACo Policy Steering Committee must apply through CSAC. After receiving a recommendation from CSAC, NACo's president appoints members of each committee. Appointments are made after the NACo Annual Conference in July each year. Policy Steering Committee members serve one-year terms.

Please note that only eight county officials from the same state can be appointed to any one steering committee, and no more than two persons from the same county may serve on any one steering committee. This does not include NACo presidential appointments including steering committee chairs and vice chairs.

NACo maintains ten (10) Policy Steering Committees that cover the full range of county policy issues:

- **Agriculture and Rural Affairs** – Responsible for all matters pertaining to USDA agriculture, rural development programs, rural renewable energy development, food safety, and conservation programs.
- **Community, Economic, and Workforce Development** – Responsible for all matters pertaining to housing, community and economic development, public works, and workforce development.

- **Environment, Energy, and Land Use** – Responsible for all matters pertaining to air, water, energy, and land use, including water resource management, air quality standards, national energy policy, coastal management, oceans, and parks and recreation.
- **Finance, Pensions, and Intergovernmental Affairs** – Responsible for all matters pertaining to the financial resources of counties, fiscal management, municipal borrowing, county revenues, pensions, the federal budget, tax reform, elections, and Native American issues.
- **Health** – Responsible for all matters pertaining to public health and healthy communities, including disease prevention, health insurance, Medicaid, Medicare, and long term care.
- **Human Services and Education** – Responsible for all matters pertaining to children’s issues, public assistance and income support, services to senior citizens and individuals with disabilities, immigration policy, and elementary, secondary, and early childhood education.
- **Justice and Public Safety** – Responsible for all matters pertaining to criminal justice and public safety systems, including law enforcement, courts, corrections, community crime prevention, and emergency management.
- **Public Lands** – Responsible for all matters pertaining to federally-owned public lands, including federal land management programs, natural resource revenue sharing payments, payments in lieu of taxes, and property tax immunity concerns.
- **Telecommunications and Technology** – Responsible for all matters pertaining to telecommunications and technology policy, including the county role as a telecommunications regulator, service provider, and consumer.

For those interested in joining a NACo Policy Steering Committee, additional information is available at: <http://www.naco.org/about/committees-state-associations-affiliates/how-join-committee>. You are also welcome to contact CSAC or NACo staff if you have any questions regarding California County participation on the Steering Committees.

Administration of Justice Year in Review and 2016 Legislative Priorities

Attachment Nine

CSAC Memo: AOJ Year in Review and 2016 Legislative Priorities



November 17, 2015

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To: CSAC Administration of Justice Policy Committee

From: Darby Kernan Legislative Representative
Stanicia Boatner, Legislative Analyst

Re: **Administration of Justice Year in Review and 2016 Legislative Priorities**

2015 Year in Review

Legislation. CSAC spent a great deal of time in the Capitol advocating on behalf of counties for additional funding for the Mentally Ill Offender Crime Reduction Grants (MIOCR) program, trial court security funding, and insuring the Traffic Amnesty Program did not negatively impact county coffers. We highlight our principal areas of effort below, beginning with the Traffic Amnesty Program.

The Governor's January Budget included a Traffic Amnesty Program that was similar to a program in 2012, which allowed individuals who were delinquent in paying their fines and fees, to reduce their debt by 50 percent if they paid the reduced amount in full. However, by the time the May Revision came out, the program had changed dramatically. The May Revision expanded the program to 18 months and allowed for individuals to enter into payment programs at the 50 percent reduction rate or an 80 percent reduction rate if their income is below the federal poverty level. In addition, it allows for the reinstatement of an individual's drivers' license. The Administration worked with CSAC to make sure counties were consulted during the development of the guidelines for the program and to ensure all counties have the ability to recover costs for running the Traffic Amnesty Program. In addition, the county or court can charge \$50 to help in the cost recovery of the program. The Traffic Amnesty Program began October 1, 2015 and will run through March 31, 2017.

The Budget also included \$2 million General Fund for new court facilities that are built by the state and opened after October 9, 2011, and require an increased level of security. There was also a small increase of \$1.7 million for MIOCR program, which brings the total to \$19.7 million.

CSAC provided supportive lobbying efforts to a number of measures in the justice arena that have been signed or vetoed by the Governor. These measures include the following:

- AB 1056 by Assembly Member Toni Atkins extends the sunset date for the funding of the Social Innovation Financing Program until 2020 and expands the use of Proposition 47 funds received by the Board of State and Community Corrections to include housing services and employment assistance. CSAC supported this bill. (Chaptered)
- AB 1104 by Assembly Member Freddie Rodriguez restores law enforcement's authority to seek and obtain search warrants in cases involving specific Proposition 47 offenses.

AB 1104 clarifies in the Penal Code that a search warrant may be issued when the property to be seized are controlled substances or any device or paraphernalia used for using controlled substances, as provided in existing provisions of law in the Health and Safety Code. CSAC supported this bill. (Chaptered)

- AB 1140 by Assembly Member Rob Bonta makes significant reforms to the services provided in the Victims Compensation Program. These changes modernize the program while improving services and benefits to victims of violent crimes. Victims of violent crimes have a significant unmet need for health care and mental health treatment. AB 1140 will help victims receive these important services, while stabilizing and improving their lives. CSAC supported this measure. (Chaptered)
- AB 1146 by Assembly Member Brian Jones was sponsored by San Diego County. This measure creates legal protections from individuals who are injured while using a skateboard facility owned or operated by a public entity. CSAC supported this measure. (Chaptered)
- SB 168 by Senator Ted Gaines would have provided immunity for first responders who damage a civilian drone directly interfering with ambulance services, firefighting-related services, and search and rescue operations. CSAC supported this measure. (Vetoed)
- SCR 88 by Senator Sharron Runner proclaims the month of January 2016 as Human Trafficking Awareness Month. The measure encourages all California's to become educated about human trafficking and work to eradicate these criminal practices. CSAC supported this measure.

Judicial Branch Issues. CSAC continues to work collaboratively with the courts on a statewide level regarding a range of issues. As in past years, the Chief Justice and the officers of CSAC met to examine issues of mutual interest and to continue strengthening the court/county partnership. Staff prepared a briefing packet for the officers for the early March meeting. Primary topics of discussion included the California State's Budget and its impacts on courts and counties alike; the traffic amnesty program; the impact of Proposition 47 on the criminal justice system; and the need to ensure an ongoing and open communication model between courts and counties locally and at the state level.

As for specific policy issues, CSAC continues to communicate and work, where possible, toward common and mutually acceptable goals, with the Judicial Council staff. These efforts include staff support and coordination on a Task Force on Court-Ordered Debt and the expedited development of guidelines for the Traffic Amnesty Program.

Corrections. In an important ongoing joint effort with the California Department of Corrections and Rehabilitation (CDCR), CSAC continues its efforts aimed at improving communication among and between the state's 34 adult prisons and California's 58 counties. CDCR's Division of Rehabilitative Programming Director continued the Stakeholder Advisory Group meetings

which were started in late 2013. The meetings focused on program accountability and support; services that are provided to offenders after leaving prison; expansion of Medi-Cal programs and how they benefit the offender population; and established an integrated care committee to work on the medical and mental health placements for offenders leaving state prison.

Outreach to Counties. Administration of Justice staff continues to outreach and build stronger relationships both with our members and other county associations. A great example of this is CSAC staff's ongoing support and participation in monthly criminal justice analysts' corrections conference calls that are facilitated by a volunteer coordinator in the Orange and Sonoma County Administrative Offices. These calls were established to provide CAO criminal justice analysts a forum to share strategies to address their budget challenges, discuss relevant and emerging policy issues, and receive budget and legislative updates directly from CSAC staff. County staff has found this call particularly helpful as the county analysts work within their county to implement realignment.

2016 Legislative Priorities

2011 Public Safety Realignment. CSAC will continue to have an active role in working collaboratively with the Administration, Legislature, and key public safety stakeholders in addressing public safety realignment implementation issues, primarily related to sentencing changes associated with AB 109. In 2016, CSAC's principal areas of focus will be the broad, long-term impacts associated with county liability and better managing the behavioral health concerns of the court-involved population. Specifically, CSAC will continue to advocate on policies that impact court involved populations. CSAC will continue to advocate for necessary funding for jail construction to develop and improve reentry, mental health and health care services for offenders in custody. Our ongoing commitment to a robust realignment-related training and education program will continue.

Supplemental court security funding (new court facilities). In follow up to the success over the past two-year's in securing additional funding for counties supplemental court security staffing associated with the activation of a new court facility, CSAC – in collaboration with the California State Sheriffs' Association – will advocate for sustained baseline funding for those counties awarded resources in 2015-16, work to identify potential future needs, and undertake individual county outreach where needed. In 2016-17, the funding level for the supplemental court security line item must be calibrated to cover ongoing approved county costs from the current year along with an estimate of the potential new costs in the budget year.

Proposition 47. The impact of Proposition 47 on county criminal justice systems has been difficult to calibrate. CSAC will continue working closely with counties, our criminal justice system partners, the Administration, Legislature, the Board of State and Community Corrections (BSCC), and other key stakeholders on the allocation process of any savings to the state as a result of Proposition 47. The state savings are expected to be proposed by the Department of Finance in the January 2016-17 Budget. By law public agencies will be the lead agencies for Proposition 47 grants and these agencies can work in cooperation with local

service providers. A limited-term Executive Steering Committee (ESC) will be appointed by the BSCC to develop grant program criteria for final Board approval. CSAC will continue to keep counties advised of new information as that information becomes available.

Traffic Amnesty Program. On June 24, 2015, Governor Jerry Brown signed into law a program that allows Californians who have unpaid traffic or non-traffic infraction tickets to participate in a one-time Statewide Traffic Tickets/Infractions Amnesty Program. The program began October 1, 2015 and will continue through March 31, 2017. The purpose of the one-time amnesty program is to provide financial relief to qualified individuals who have found themselves in default of a court-ordered obligation because they have unpaid bail or fines for traffic and non-traffic violations, by reducing fines by 50 or 80 percent. The program also provides relief to individuals who have had their driving privileges suspended.

While the Traffic Amnesty Program is temporary, the Legislature and advocates are interested in long term reforms and reductions to the current fines and penalty system. CSAC will work with the Judicial Counsel, advocates, Administration, Legislature, and the Legislative Analyst's Office on any proposals to insure that county responsibility and costs are protected.

Criminal Justice/Affordable Care Act Intersection. The CSAC Administration of Justice and Health and Human Service Policy Committees continue to work collaboratively to promote best practices and encourage maximum participation associated with new opportunities for the court-involved population under the Affordable Care Act. As part of these efforts, CSAC, the California State Sheriffs' Association, and the Administration have been meeting to determine the reimbursement rate and process for counties to claim federal financial participation for Medi-Cal eligible inmates who have 24+ hour stays at a hospital. We continue to work with the Administration to secure finalized and streamlined claiming protocols.

Federal Priorities

State Criminal Alien Assistance Program. CSAC will continue to serve as a lead advocate in efforts to protect - as well as enhance - the SCAAP program, which is a key source of federal funding for a significant number of California's counties. CSAC will fight to restrict statutory language that authorizes the U.S. Department of Justice to transfer a significant percentage of SCAAP funding to other justice accounts.

CSAC also will continue to advocate for a long-term reauthorization of SCAAP and will continue to seek several key programmatic changes to the program.

Victim of Crime Act Funding (VOCA). Victims of Crime Act (VOCA) funding was substantially increased for fiscal year 2015. The VOCA Fund, which is supported by federal criminal fines and penalties, currently stands at \$2.36 billion in FY 15 (up substantially from \$745 million in FY 14). While dollars from fines/penalties comprise the entirety of the fund, congressional appropriators can adjust the cap, which is what they did in FY 15. In the past, California has

received on average \$58 million for the victims assistance VOCA funds. In 2015, California will receive over \$232 million.

CSAC will continue to work with our lobbyists to advocate for this level of funding which helps fund domestic violence shelters, support services for victims of human trafficking, and other services for victims of violent crimes.