



California Budget
& Policy Center

Criminal Justice Reforms and County Budgets: A Bird's-Eye View

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Goals of the Presentation

- Review **recent criminal justice reforms** that have had an impact on counties
- Provide a very brief introduction to **county budgets** and the **county budget process**
- Describe the types of **technical assistance** that the Budget Center can provide to PYJI grantee partner organizations
- Highlight Budget Center **resources** that focus on criminal justice reforms and/or public budgeting



Key Context for Recent Criminal Justice Reforms



Recent Progress: From Harsh Sentencing Laws to Criminal Justice Reform

- By 2007, California's harsh sentencing laws had pushed the number of adults incarcerated at the state level to more than 173,600, with over 166,100 of these individuals housed in state prisons – 202% of the prison system's capacity.
- In 2009, a panel of federal judges ruled that overcrowding was the main reason that California failed to provide constitutionally adequate health care in its prison system. California was ordered to reduce the prison population to 137.5% of capacity, which equals roughly 117,000 people.
- This court order, along with growing concerns about California's over-reliance on incarceration, prompted the state to adopt a series of reforms.



Criminal Justice Reforms With an Impact on Counties



Senate Bill 678 of 2009: Reducing the Number of Probationers Sent to Prison

- SB 678 (Leno) allows counties to receive performance-based funding from the state to support their probation departments.
- Counties that reduce the share of adult felony probationers who are sent to state prison for 1) committing a new crime or 2) violating the terms of their probation receive a portion of the resulting state savings.
- SB 678 generated state savings of nearly \$1 billion over a recent five-year period, more than half of which was shared with county probation departments.



The 2011 “Realignment”: Shifting Criminal Justice Responsibilities to Counties

- In 2011, state policymakers “realigned” key criminal justice responsibilities to counties (AB 109 and AB 117). As a result of this state-to-county realignment:
 - Many people convicted of a lower-level (nonviolent, nonserious, or nonsexual) felony serve their sentences locally, rather than in state prison.
 - People released from prison after serving a sentence for a lower-level felony are supervised by local probation departments (“post-release community supervision”).
 - People on parole who violate the terms of their release are generally sanctioned locally, avoiding state prison.
- Counties receive dedicated state funding (over \$1.2 billion in 2017-18) to carry out these responsibilities.



Proposition 47 of 2014: Reducing Penalties for Several Drug and Property Crimes

- Prop. 47 generally reduced penalties for several nonviolent drug and property offenses from felonies to misdemeanors.
- Most people who are convicted of one of these offenses continue to serve their sentences locally. However, under Prop. 47, these local sentences are typically briefer because a misdemeanor carries a shorter term than a felony.
- People who previously would have served a prison term for one of these offenses now serve (shorter) local sentences.
- While the state is required calculate the annual *state* savings from Prop. 47, no such requirement applies to counties.



Taken together, these reforms have:

- 1) decreased incarceration;**
- 2) boosted state funding for local justice systems; and**
- 3) increased counties' role in managing people involved with the criminal justice system.**



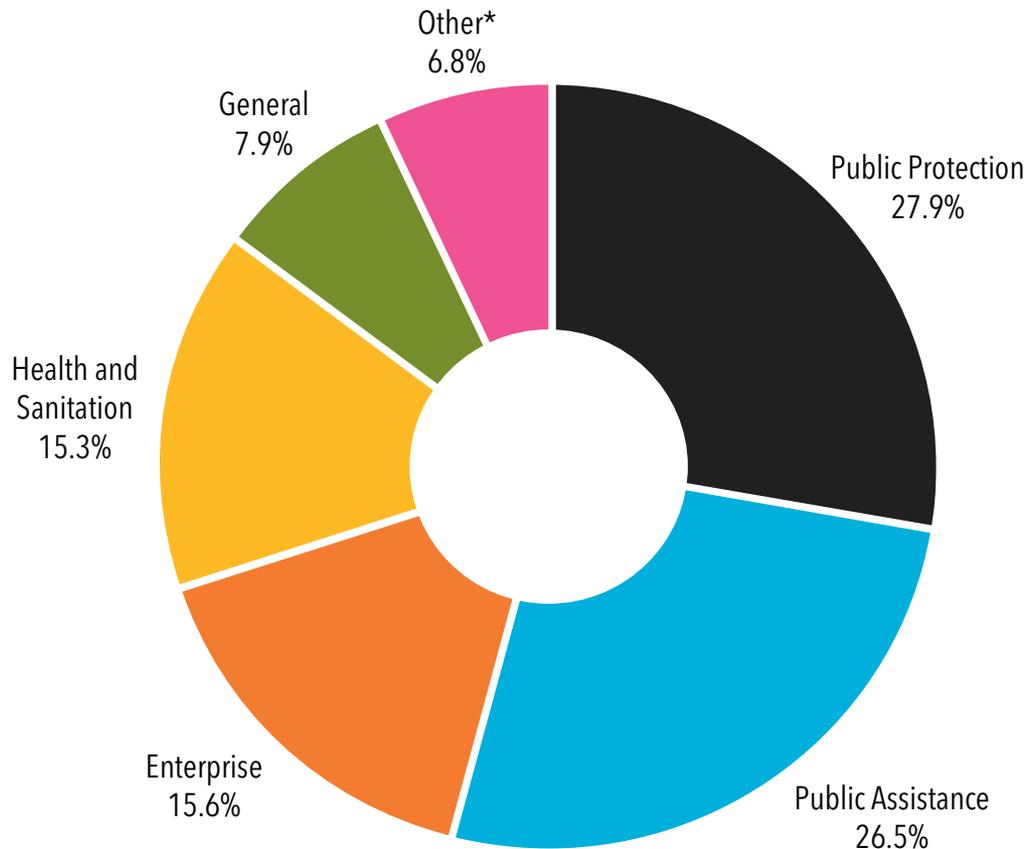
**Criminal justice policy choices
are reflected in county budgets.**



County budgets support a broad range of public services and systems, using local, state, and federal revenues.



Public Protection and Public Assistance Combined Account for Over Half of County Expenditures, 2014-15



* Reflects spending for public facilities, debt service, recreation and cultural activities, and education.
Note: Data exclude the City and County of San Francisco.
Source: State Controller's Office



Counties develop their budgets according to rules outlined in state law (the “County Budget Act”).

Local practices also shape the county budget process.



State law gives counties two models for adopting their budgets.

The Board of Supervisors must adopt the county budget by either October 2 or – at county option – by June 30.



The county budget process is cyclical, with decisions made throughout the year.

Members of the public have various opportunities for input during the county budget process.



Navigating the County Budget Process

Each year counties across California work to craft their annual budgets. Because counties perform functions required by the state and receive significant funding through the state budget, their budgets to a certain degree reflect policy and funding choices made by the Governor and the state Legislature. However, county spending plans also reflect the priorities of local residents and policymakers.

By January 10:
Governor releases proposed state budget for the upcoming fiscal year

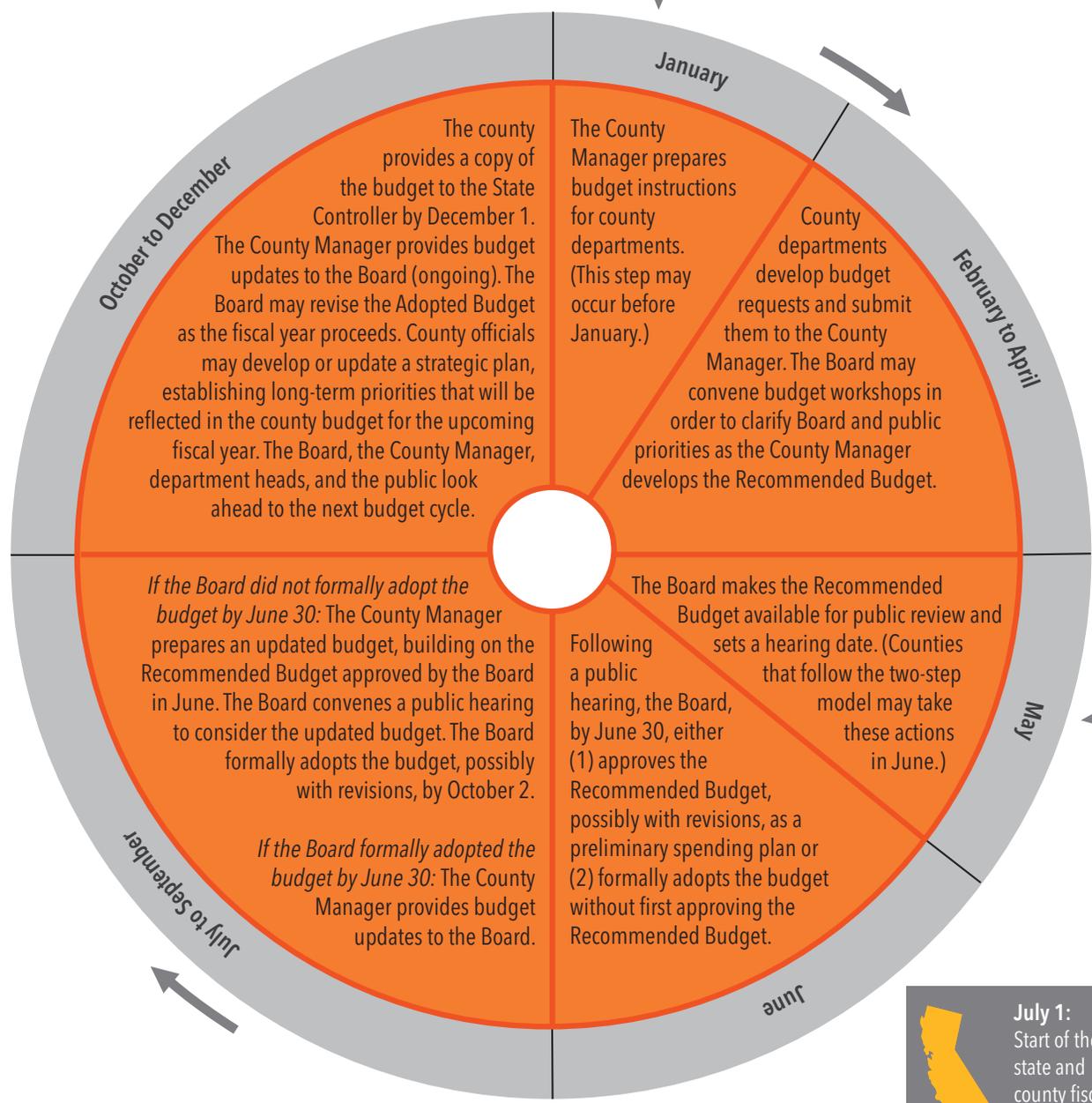
Key Players

Board of Supervisors
Every county but one is governed by a five-member Board. (The City and County of San Francisco has an 11-member Board.) The Board has a broad range of responsibilities, including setting county priorities and adopting the budget.

County Manager
The County Manager is appointed by the Board to oversee the daily operations of the county government. This includes preparing the annual budget for the Board's consideration. San Francisco – the only county with an independently elected chief executive (a mayor) – does not have a county manager position.

The Public
Members of the public have various opportunities for input during the county budget process. These include writing letters of support or opposition, testifying at budget hearings, and meeting with county supervisors, the County Manager, and other county officials.

Two Models for Adopting the Budget: Two-Step vs. One-Step
State law outlines two models for adopting the county budget, with each county deciding which one to follow. The two-step model requires the Board to initially approve a preliminary version of the budget – called the Recommended Budget – by June 30 and then formally adopt the budget by October 2. An alternative, one-step model requires the Board to formally adopt the budget by June 30, with no need to first approve the Recommended Budget.



By May 14:
Governor releases "May Revision"

July 1:
Start of the state and county fiscal year

The Budget Center is available to provide technical assistance to PYJI grantee partner organizations.



Many Budget Center publications focus on criminal justice reforms and/or budgeting at the state and county levels.



Budget Center Resources

- *Dollars and Democracy: A Guide to the County Budget Process* (April 2017)
- *Navigating the County Budget Process* (April 2017)
- *Dollars and Democracy: A Guide to the State Budget Process* (Updated December 2016)
- *California State and County Governments Spend More Than \$20 Billion Annually on Incarceration and Responding to Crime* (October 2016)
- *Proposition 57: Should Voters Provide State Officials With New Flexibility to Reduce the Prison Population?* (October 2016)
- *Understanding County Budgeting After Proposition 47: A Toolkit for Advocates to Improve Local Investments in New Safety Priorities* (published by Californians for Safety and Justice, September 2016)
- *Governor's Estimate of State Savings From Proposition 47 Raises Questions* (February 2016)



Budget Center Resources (continued)

- *Sentencing in California: Moving Toward a Smarter, More Cost-Effective Approach* (December 2015)
- *Navigating the State Budget Process* (December 2015)
- *Proposition 47: Should California Reduce Penalties for Drug and Property Crimes and Invest in Treatment?* (September 2014)
- *A Mixed Picture: State Corrections Spending After the 2011 Realignment* (June 2013)
- *What Would Proposition 36 Mean for California?* (October 2012)
- *Finishing the Job: Moving Realignment Toward Completion in 2012* (June 2012)
- *Steady Climb: State Corrections Spending in California* (September 2011)





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