

# UNDERSTANDING COUNTY BUDGETING AFTER **PROPOSITION 47**

A Toolkit for Advocates to Improve Local Investments in New Safety Priorities

September 2016



California Budget  
& Policy Center  
*Independent Analysis. Shared Prosperity.*

[safeandjust.org](http://safeandjust.org)



### About Californians for Safety and Justice

Californians for Safety and Justice is a nonprofit project of the Tides Center working to replace prison and justice system waste with common sense solutions that create safe neighborhoods and save public dollars. As part of that work, our Local Safety Solutions Project supports innovative efforts by counties to increase safety and reduce costs by providing toolkits, trainings, peer-to-peer learning and collaborative partnerships.

### About the California Budget & Policy Center

The California Budget & Policy Center engages in independent fiscal and policy analysis and public education with the goal of improving public policies affecting the economic and social well-being of low- and middle-income Californians.

# TABLE OF CONTENTS

<b>Part 1: Introduction to County Budgeting</b> .....	<b>4</b>
Overview .....	4
The Role of Counties in California Government .....	4
Understanding the Flow of Dollars Within County Governments .....	4
Financing Sources .....	4
Funds.....	5
Use of Funds .....	5
The Basics of County Budgeting.....	6
Key Officials Who Play a Role in the County Budget Process.....	6
County Budget Development .....	7
Components of the Recommended Budget.....	7
County Budget Timeline .....	8
<b>Part 2: County Criminal Justice Budget Advocacy After Proposition 47</b> .....	<b>9</b>
Overview .....	9
Key State-Level Criminal Justice Reforms With an Impact on Counties.....	9
Proposition 47.....	9
Additional Criminal Justice Reforms .....	9
The Impact of Recent Criminal Justice Reforms on County Jails and Probation Departments .....	10
Jails.....	10
Probation Departments.....	10
How Might Counties Respond to the Implementation of Proposition 47? .....	11
Evaluating the Impact of Proposition 47: Key Questions for County Officials .....	11
The Importance of Doing Basic Research .....	12
Engaging With Sheriff’s Department Officials.....	12
Engaging With Probation Department Officials.....	13
Engaging With the County Administrative Officer.....	13
Engaging With the Board of Supervisors .....	14
Endnotes.....	14

# PART 1. INTRODUCTION TO COUNTY BUDGETING

## Overview

Part 1 provides an overview of the process by which California's 58 counties craft their annual spending plans. This part describes the counties' role in California government, reviews the flow of dollars within county governments, and explains the basics of county budgeting.

## The Role of Counties in California Government

Counties are legal subdivisions of the state. Counties, unlike cities, “lack broad powers of self-government,” and “legislative control over counties is more complete than it is over cities,” according to the California State Association of Counties.<sup>1</sup> The state Legislature “may delegate to the counties any of the functions which belong to the state itself,” unless prohibited by the State Constitution, and may also reclaim any powers that it has delegated.

Counties have three primary roles. They **serve as agents of the state** in operating health and human services programs, including foster care, child welfare services, Medi-Cal (health care for low-income residents), and the CalWORKs welfare-to-work program. Counties also **provide municipal services in unincorporated areas**, such as fire protection and garbage collection, and **deliver a range of countywide services**, such as public safety (e.g., jails and probation) and election administration.<sup>2</sup>

## Understanding the Flow of Dollars Within County Governments

Counties deposit revenues received from various financing sources into funds with different purposes. Through the annual budget process, Boards of Supervisors in each county direct these revenues to a broad range of services each fiscal year (July 1 through June 30).

### Elements of the Local Governmental System

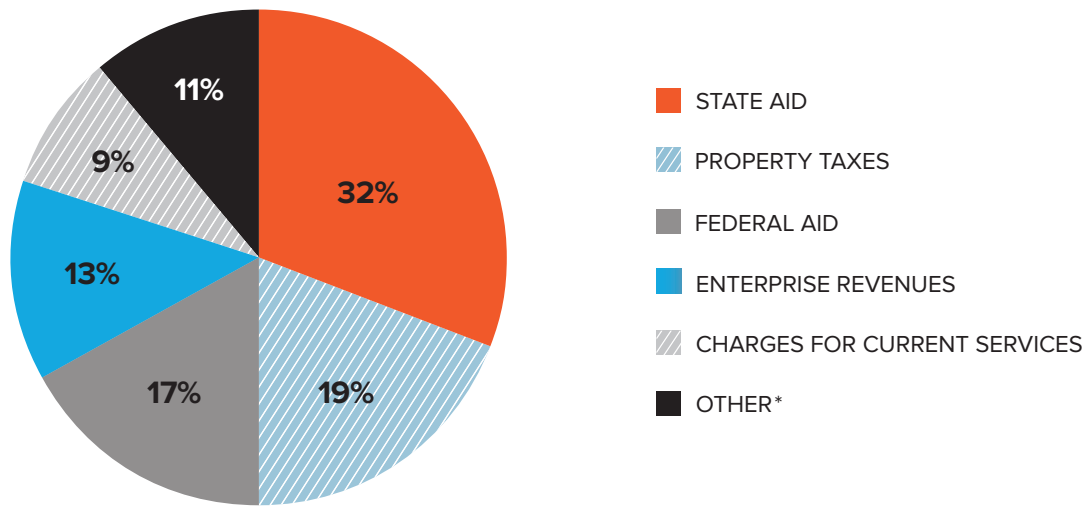
Counties play a key role in providing public services within a governmental framework that includes the state along with cities, school districts, and special districts.<sup>3</sup> Services delivered by local entities include K-12 public education, police and fire protection, libraries, water and sanitation, public works, and road maintenance. While local tax revenues support all of these services to some degree, in many cases a large share of funding comes from the state and federal governments (e.g., for K-12 public education, public safety, and local roads).

## Financing Sources

Statewide, nearly half of county revenues came from a combination of state (32%) and federal (17%) governments (sometimes referred to as “intergovernmental revenues”) as of 2012-13.<sup>4</sup> About one-fifth (19%) of county revenues were generated by local property taxes. Enterprise revenues (13%) — revenues generated by business-like operations overseen by counties such as utilities, airports, and ports — make up the next largest source of county revenues. Nearly one-tenth (9%) of county revenues came from charges for services (e.g., park and recreation fees). The remainder came from several minor revenue sources, including assessments, licenses, and fines. General purpose revenues, which include property taxes, are appropriated at the discretion of the Board of Supervisors. Special revenue funds (including enterprise funds) are restricted for particular purposes.

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## STATE FUNDS COMPRISE THE SINGLE-LARGEST SHARE OF COUNTY REVENUES (2012-13)



\* Reflects a range of smaller revenue sources, including other taxes, fines, penalties, licenses, permits, and special benefit assessments.

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### Funds

There are several types of funds into which revenues are deposited:

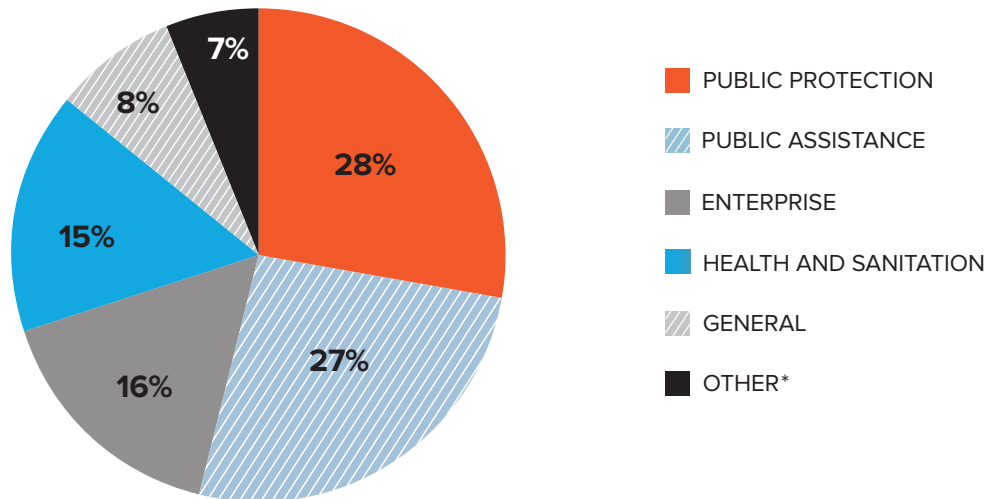
- **Governmental funds.** These funds account for revenues that support most of a county's general government activities and reflect the General Fund, special revenue funds, and capital project funds. Spending from the General Fund and from special revenue funds is approved through annual budget appropriations. Spending from capital project funds may be approved through annual appropriations or may be restricted by grant or bond requirements.<sup>5</sup>
- **Proprietary funds.** These funds account for revenues associated with activities — such as utilities or ports — that operate in a manner similar to that of the private sector. These are also often referred to as enterprise funds.
- **Fiduciary funds.** These include pension and investment funds for which counties act as trustees. These funds cannot be used to pay for public services.

### Use of Funds

County budgets support a broad range of services. Statewide, counties spent nearly equal shares of their budgets on public protection (28%) and public assistance (27%) as of 2014-15.<sup>6</sup> Enterprise expenditures — spending by county enterprise on activities such as utilities, airports, and ports — make up almost 16% of county spending. Health and sanitation accounted for 15% of county budgets. The remaining expenditures include spending on general county government administration and other activities including public facilities, debt service, and recreation and cultural services. Expenditures are often organized into functional categories or service clusters within the budget document. For example, in Contra Costa County, spending is grouped into three functional areas: General Government, Health & Human Services, and Law & Justice.

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## PUBLIC PROTECTION AND PUBLIC ASSISTANCE COMPRISE MORE THAN HALF OF COUNTY EXPENDITURES (2014-15)



\* Reflects spending for public facilities, debt service, recreation and cultural activities, and education.

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### The Basics of County Budgeting

The flow of dollars within county governments is reflected in the annual county budget. This document describes how a county will spend federal, state, and local dollars in fulfilling its responsibilities, including operating health and human services programs on behalf of the state and delivering countywide services. While all counties are required to craft an annual budget, the format of budget documents varies from county to county.

There was a time when county budgets typically served as little more than accounting documents. These budgets typically had a short-term focus and were staff-driven. Today, budget practices at the local level are better aligned with long-term goal-setting and provide opportunities for community members to be involved in more transparent, meaningful ways. These budgets reflect more than dollars and cents. They are policy documents that tie spending decisions to stated goals and objectives, expressing the values and priorities of the county.

### Key Officials Who Play a Role in the County Budget Process

Local officials who play a role in the county budget process include the:

- **Board of Supervisors.** Nearly all counties have an elected, five-member Board of Supervisors that exercises executive, legislative, and quasi-judicial powers.<sup>7</sup> The Board's responsibilities include overseeing most county departments, approving the annual county budget, supervising county officials, passing ordinances (local laws), and settling claims against the county.<sup>8</sup>
- **County administrative officer (CAO).** The CAO advises, assists, and acts on behalf of the Board of Supervisors.<sup>9</sup> Key roles of the CAO include coordinating the activities of county departments and preparing the budget for the Board's consideration. The CAO serves at the pleasure of the Board.
- **Sheriff and other independently elected officials.** Additional officials who play a role in the county budget process include the sheriff, the district attorney, the auditor-controller, and the treasurer-tax collector.<sup>10</sup> These are generally elected positions.<sup>11</sup>

- **California State Controller.** The California State Controller plays an indirect role in county budgeting by (1) controlling the disbursement of state funds to counties, (2) auditing local governments, and (3) collecting and reporting on governmental fiscal data, including information reported by counties.

## County Budget Development

The budget process begins with the development of the recommended budget (sometimes called the proposed budget), which is prepared by the CAO each spring. Typically, the recommended budget is crafted through a collaborative process that involves a range of county officials, including the CAO, department directors, and other staff, with guidance from the Board of Supervisors on budget priorities.

The Board of Supervisors is required to “approve” the recommended budget, possibly with revisions, on or before June 30.<sup>12</sup> In addition, the Board must revisit the budget and, after making any additional revisions it deems necessary, formally “adopt” the budget on or before October 2.<sup>13</sup> At this stage, the budget may be revised for any number of reasons, including to reflect policy or funding changes in the state budget, which will likely have been signed into law in late June. Along the way, the Board is required to hold a public hearing on the budget.<sup>14</sup> Counties generally hold public hearings at various stages of the budget development process.

## Components of the Recommended Budget

Because the recommended budget provides an explicit rationale for budget proposals, it’s a good place to begin when investigating county spending. While the format and contents of the recommended budget vary from county to county, most of these budgets include the following components:

### Budget Message

Addressed to the Board of Supervisors, the CAO’s budget message summarizes key features of the budget and may also provide an update on the county’s financial status, highlight key budget issues, provide historical context, and summarize proposed expenditures by program and/or by department.

### Overview

The overview typically begins by providing a high-level description of the county, including information about its demographics, major industries, and county governmental structure. This section may also link county characteristics to spending proposals. Finally, the overview may include a description of the county’s strategic plan and long-term financial goals.

### Departmental Budget Summaries

This section details revenues and proposed expenditures for each department. These summaries vary by county, but tend to follow a similar format. Departmental budgets may be listed within functional areas and may include basic information such as a mission statement, responsibilities, key accomplishments, and staffing data. Expenditures are typically divided among salaries and benefits, services and supplies, other charges, fixed assets, and transfers. Departmental budgets are also broken out by program. For example, a typical county budget for “public safety” or “public protection” might include separate program details for the sheriff’s office, probation, jails, and courts.

### County Summary Information

This section delves more deeply into the details about county financing sources and funds. In some budgets, each financing source or object is broken out into “sub-objects,” making it possible to trace every dollar of county revenue back to its original source. For example, revenue from licenses may be listed specifically as animal licenses or business licenses. In other county budgets, financing sources are broken down by fund. This information may also be included elsewhere in the budget document, such as in the overview or appendix, or not at all.

### Appendix

An appendix to the recommended budget may include a glossary of terms, a glossary of funds, and other miscellaneous information.

## County Budget Timeline

The following is a typical timeline of the county budget process and **and also** includes, **in bold**, key dates related to the state budget process.<sup>15</sup> This timeline varies somewhat from county to county.





# PART 2: COUNTY CRIMINAL JUSTICE BUDGET ADVOCACY AFTER PROPOSITION 47

## Overview

Part 2 provides a framework for investigating the impacts of Proposition 47 on county budgets in all 58 California counties. This part reviews recent criminal justice reforms, including Proposition 47 (2014); highlights how these reforms have affected county jails and probation departments; and outlines questions that stakeholders and advocates can pose to county officials in order to help evaluate the impact of Prop. 47 at the local level.

## Key State-Level Criminal Justice Reforms With an Impact on Counties

In recent years, California voters and policymakers have enacted several key reforms which, taken together, have (1) decreased incarceration by reducing penalties for a range of lower-level offenses, (2) increased counties' role in managing people involved with the criminal justice system, and (3) boosted state funding for local justice systems with the goal of encouraging counties to adopt policies that can reduce recidivism and improve public safety.

### Proposition 47

Approved by voters in November 2014, Prop. 47 reduced penalties for six nonviolent drug and property crimes from felonies to misdemeanors.<sup>16</sup> As a result, state prison generally is no longer a sentencing option for these crimes.<sup>17</sup> Instead, individuals convicted of a Prop. 47 offense serve their sentence in county jail and/or receive probation — a “community alternative to incarceration.”<sup>18</sup> In addition, Prop. 47 generally allows people to apply for resentencing — to a misdemeanor — if they had received a felony conviction for an applicable drug or property crime before the voters approved the measure.<sup>19</sup> This resentencing provision applies both to individuals who were serving a prison or jail term at the time of Prop. 47's passage as well as to those who had already completed their sentences before Prop. 47 became law.

While Prop. 47 is expected to result in both state *and* county criminal justice savings, only the state is required

to account for these savings and use them for specific purposes aimed at reducing recidivism.<sup>20</sup> Specifically, Prop. 47 requires the Governor's Department of Finance (DOF) to annually — beginning in 2015-16 — calculate the state savings resulting from a decrease in incarceration and other state-level factors.<sup>21</sup> Prop. 47 does not prescribe a specific method for calculating these state savings, and the final savings calculation must be certified by the DOF no later than August 1 of each year. Annual state savings must be deposited into the Safe Neighborhoods and Schools Fund and allocated as follows: 65 percent to mental health and drug treatment programs, 25 percent to K-12 public school programs for at-risk youth, and 10 percent to trauma recovery services for crime victims.

### Additional Criminal Justice Reforms

Prior to voters' approval of Prop. 47 in 2014, the state adopted two major reforms that had a significant impact on counties' criminal justice systems. Specifically, state policymakers approved:

- **The “realignment” of certain criminal justice responsibilities from the state to the counties (Assembly Bill 109 of 2011).**<sup>22</sup> Counties took responsibility for many adults who previously would have served state prison sentences and been released to state parole. For example, adults convicted of certain “lower-level” (non-violent, non-serious, non-sex) felonies specified in AB 109 now serve their sentences locally with a jail term and/or probation, depending on the sentence received.<sup>23</sup> Counties also supervise many adults upon their release from prison (“post-release community supervision”) and manage most people who violate a condition of their parole.<sup>24</sup> State funding to support these responsibilities — which are collectively known as “local community corrections — comes from a constitutionally protected revenue stream, which is projected to generate \$1.3 billion in 2016-17.<sup>25</sup>
- **The Community Corrections Performance Incentives Act (Senate Bill 678 of 2009).** SB 678 created a process by which counties can 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 committing a new crime or for violating the conditions of their probation receive a portion of the resulting state savings.<sup>26</sup> The program has been a success: The probation “failure rate” dropped from 7.9 percent (based on a pre-2010 baseline) to 5.6 percent in 2014.<sup>27</sup> SB 678 generated state savings of nearly \$1 billion over a five-year period, more than half of which was allocated to county probation departments.<sup>28</sup>

## The Impact of Recent Criminal Justice Reforms on County Jails and Probation Departments

County jails and probation systems have been substantially affected by the criminal justice reforms described above.

### Jails

With the implementation of criminal justice realignment in 2011, people convicted of lower-level felony offenses or who violated the conditions of their parole generally served their sentences locally instead of in state prison. These changes contributed to a substantial increase in the jail population. In September 2011, the month before realignment took effect, jails across the state held about 71,300 people.<sup>29</sup> By September 2014, the statewide jail population reached more than 82,300, which exceeded jails’ overall “rated capacity” by roughly 2,500. Due to persistent capacity issues, many counties began using community-based pretrial services for people awaiting trial and increased the use of early releases to help control the growth of their jail populations. Meanwhile, state policymakers expanded an effort begun in 2007 to increase funding for jail construction, to both boost capacity and provide space for health care and rehabilitative services. To date, the state has approved \$2.5 billion in lease-revenue bond funding for this purpose, including \$270 million provided in the 2016-17 state budget package.

Jail populations dropped after Prop. 47 took effect in November 2014. Statewide, jail populations fell to about 73,600 by June 2015 — approximately 8,000 below the pre-Prop. 47 level.<sup>30</sup> A study by the Public Policy Institute of California of selected counties found that a year after Prop. 47 was implemented, “the size of the jail population held or serving time for Prop. 47 offenses” had declined by half.<sup>31</sup> This reduction was attributed to a number of factors, including fewer bookings, increased pretrial releases, and reduced custody time related to Prop. 47 offenses.<sup>32</sup>

### Probation Departments

By 2014, counties had received nearly \$580 million in SB 678 funds for reducing the share of adult felony probationers sent to prison for committing a new crime or violating the terms of their probation.<sup>33</sup> Counties used most of this state funding to hire probation officers and to support evidence-based treatment services for people on probation.<sup>34</sup> Counties also have continued to receive additional state funding amounting to more than \$1 billion per year as a result of the 2011 criminal justice realignment. Probation departments’ share of these funds goes to support their expanded role in supervising many adults released from prison (“post-release community supervision”) along with people convicted of lower-level offenses whose sentence includes probation (“mandatory supervision”).<sup>35</sup> However, while realignment shifted more adults into county probation systems, probation caseloads continue to consist mainly of “felony probationers,” whom counties were supervising long before the 2011 realignment took effect.<sup>36</sup>

In fact, the clearest impact of Prop. 47 on county supervision programs relates to felony probation.<sup>37</sup> Felony probationers who were eligible for resentencing under Prop. 47 were typically released from supervision, resulting in the termination of 5,000 felony probation cases in the fourth quarter of 2014. In addition, the number of new felony probation sentences fell by more than one-quarter during this same period. Taken together, these changes reduced the overall population of felony probationers by nearly 3 percent soon after Prop. 47 became law in November 2014.

## How Might Counties Respond to the Implementation of Proposition 47?

As Prop. 47 reduces jail and probation “workloads,” local officials will determine how to allocate the resulting freed-up resources as part of the annual county budget process. (See the text box below for a discussion of “workload.”)

In assessing how these freed-up resources are being allocated in any particular county, advocates and stakeholders should keep in mind the following points:

- Prop. 47 may not permanently free up jail beds in counties that continue to struggle with jail overcrowding. Instead, freed-up beds could be used to reduce early releases by requiring more individuals to serve their full jail terms.
- In the wake of easing jail populations, law enforcement may prioritize lower-level arrests, thereby maintaining jail populations close to their rated capacity.

- Even with declining caseloads, probation departments are likely to increase staffing and service levels as part of their efforts to improve outcomes for probationers through the ongoing implementation of evidence-based practices.
- County savings may be lower than anticipated because some costs are “stickier” (less likely to decline) than others. Variable costs, such as supplies and fuel, “change immediately as workload increases or decreases.”<sup>38</sup> In contrast, fixed costs, such as rent and utilities, and ongoing maintenance costs for existing facilities “are not usually affected even if the workload changes.”<sup>39</sup>

### What Is “Workload”?

The concept of “workload” measures “increases and decreases of inputs or demands for work” and is “a common basis for projecting related budget needs for both established and new programs.”<sup>40</sup> With respect to jails and probation, counties have at least two options for responding to a reduction in workload. On the one hand, they can recognize cost savings, shifting these dollars from jails and probation departments to other local priorities. On the other hand, counties can use freed-up resources to improve outcomes within the criminal justice system, such as by modifying policies or practices or increasing staffing. Counties are not required to account for the freed-up resources that result from Prop. 47. Local officials may indicate that they do not know the magnitude of the potential cost savings. Calculating anticipated changes in yearly workload is critical to a county budget official’s responsibility to appropriately manage limited resources.

## Evaluating the Impact of Proposition 47: Key Questions for County Officials

A number of factors may complicate counties’ efforts to evaluate Prop. 47’s impact on their criminal justice operations.<sup>41</sup> This section provides a framework for engaging key county officials around the impact of Prop. 47 by:

- Exploring the magnitude of workload reductions (freed-up resources) associated with Prop. 47. For

sheriff’s departments, workload reductions would result from a drop in jail populations; for probation departments, from a decrease in supervision caseloads.

- Determining how county officials responded to workload reductions.
- Exploring next steps, including the need to improve data collection and outcomes for Californians who benefit from Prop. 47.

## The Importance of Doing Basic Research

In order to effectively engage local officials, advocates and stakeholders should first do some basic research to understand the key facts about criminal justice operations in their county, such as recent trends in jail populations and probation caseloads.

### Relevant data sources include:

#### *Jail data:*

- County- and facility-specific data (by month and by quarter) from the Board of State and Community Corrections Jail Profile Survey: [bscc.ca.gov/s\\_fsojailprofilesurvey.php](http://bscc.ca.gov/s_fsojailprofilesurvey.php)
- The technical appendix to *How Has Proposition 47 Affected California's Jail Population?* (Public Policy Institute of California: March 2016): [ppic.org/content/pubs/other/0316MB3R\\_appendix.pdf](http://ppic.org/content/pubs/other/0316MB3R_appendix.pdf)

#### *Crime statistics, including arrests and probation caseloads:*

- County criminal justice profiles published by the Office of the Attorney General: [oag.ca.gov/crime/cjsc/criminal-justice-profiles](http://oag.ca.gov/crime/cjsc/criminal-justice-profiles)

#### *Prop. 47-specific data:*

- Resentencing and reclassification filings for adults and juveniles by county, from the California judicial branch: [courts.ca.gov/prop47.htm](http://courts.ca.gov/prop47.htm)

#### *County financial reports and budgets:*

- Local budget data, including revenues, expenditures, liabilities, assets, and fund balances, from the State Controller's Office: [bythenumbers.sco.ca.gov](http://bythenumbers.sco.ca.gov)
- County budget documents, which are available on most county websites

## Engaging With Sheriff's Department Officials

### Key questions:

State officials projected that Prop. 47 would free up jail beds by decreasing the number of people held in jail and reducing jail terms for people convicted of certain crimes. In other words, analysts projected that counties would see a *reduction in jail workload* due to Prop. 47. How has the department responded to this reduction in workload?

### Possible responses:

- Prop. 47 didn't actually free up jail beds in our county.
  - ✓ **Follow-up:** Ask for further information/clarifications as needed. What percentage of the jail population is pretrial? What kinds of pretrial services does the county employ?
- Prop. 47 reduced the jail population in our county, but this reduction wasn't permanent, and the jail population has since increased. (Reasons that could be provided: property crime has increased, leading to more arrests and convictions; the department has prioritized arrests for lower-level offenses, such as through misdemeanor warrant sweeps; in counties experiencing jail overcrowding, the department has used freed-up beds to hold people for their full sentences, thus reducing or eliminating the need for early releases.)
  - ✓ **Follow-up:** Ask for further information/clarifications as needed. If the county has continued to experience jail capacity issues, ask what strategies the department has adopted to address overcrowding, which could include an increased use of pre-trial releases and other alternatives to incarceration.
- Prop. 47 freed up jail beds in our county *and* led to a permanent reduction in the jail population, reducing our operating costs for the jails.
  - ✓ **Follow-ups:** What strategies has the department used to maintain the jail population at a lower level? What are the annual savings associated with the reduced operating costs? How did the department calculate these savings? Have these savings been reinvested in the department or used to fund other county priorities (and if so, which ones)?

### In terms of next steps:

- What data points would help you to improve estimates of the impact of Prop. 47 on your department?
- Have you worked with other county departments to consider how any resources freed up by Prop. 47 could be used to improve outcomes and reduce recidivism among individuals who benefit from Prop. 47?

- ✓ **Follow-up:** Could you please provide some examples of collaborative efforts? What are the key factors that encourage (or hinder) collaboration with other departments in support of these goals?

## Engaging With Probation Department Officials

### Key questions:

Our preliminary research suggests that the county's overall probation caseload *has not* decreased since the voters approved Prop. 47 in November 2014.

- First, can you please provide detailed probation caseload numbers specific to our county going back to at least 2014?
- Second, is our preliminary assessment accurate? If so, why do you think that our county's overall probation caseload *has not* decreased since Prop. 47 was approved?

Our preliminary research suggests that our county's probation caseload *has decreased* since the voters approved Prop. 47 in November 2014.

- First, can you please provide detailed probation caseload numbers specific to our county going back to at least 2014?
- Second, is our preliminary assessment accurate? If so, can you broadly describe how this caseload decline has affected your department?
- Third, has your department calculated the amount of funding that's been freed up due to the reduction in workload associated with the decline in the probation caseload?

- ✓ If not, why not?

- ✓ If so, what methodology did you use to do this calculation, and what was the result?

- Have freed-up funds been reinvested in probation activities? If so, in what way? (Possible responses: Caseload ratios have been reduced; policies have been modified to concentrate on highest-risk populations in order to better adhere to evidence-based practices.)

- Have freed-up resources been used to fund county priorities outside of probation (and if so, which ones)?

### In terms of next steps:

- What key data points would help you improve estimates of the impact of Prop. 47 on your department?
- Have you worked with other county departments to consider how any resources freed up by Prop. 47 could be used to improve outcomes and reduce recidivism among individuals who benefit from Prop. 47?

- ✓ **Follow-up:** Could you please provide some examples of collaborative efforts? What are the key factors that encourage (or hinder) collaboration with other departments in support of these goals?

## Engaging With the County Administrative Officer

Dialogue with the CAO will be most productive *after* meeting with sheriff's and probation officials in order to identify any potential concerns that can be brought to the attention of the CAO. Advocates and stakeholders meeting with a CAO should:

- Begin by *briefly* summarizing what Prop. 47 does.
- Note that Prop. 47 was expected to reduce workloads related to jails and probation and generate budgetary savings.
- Indicate that advocates and stakeholders have met with sheriff's and probation department officials to gather information about the impact of Prop. 47 on criminal justice operations.
- Summarize findings from these interviews (and any other research that advocates and stakeholders have conducted), raise key concerns, and ask additional questions.

## Engaging With the Board of Supervisors

Advocates and stakeholders can meet with members of the Board of Supervisors at any point as they gather information from various county officials about the operational and budgetary impact of Prop. 47. However, it may be most productive to engage with supervisors toward the end of the process, after interviews with other county officials have concluded. This will allow findings and recommendations to be shared with supervisors.

For counties in which transparency around Prop. 47 is an issue, advocates and stakeholders should ask supervisors to request (or direct, as appropriate) the CAO and the sheriff's and probation departments to release workload and budgetary data related to Prop. 47.

## ENDNOTES

<sup>1</sup> The information in this paragraph comes from California State Association of Counties, "County Structure & Powers," <http://www.counties.org/county-structure>. See also California Constitution, Article 11, Section 1.

<sup>2</sup> Public Policy Institute of California, *The State-County Fiscal Relationship in California* (November 2011).

<sup>3</sup> Special districts provide specific services within a limited geographic area (i.e., water, transit, fire, utilities, mosquito abatement) and may be governed by independent boards or the cities or counties that created them.

<sup>4</sup> 2012-13 is the most recent fiscal year for which the state Controller released county revenue data on a statewide basis. County data released as part of the Controller's *Counties Financial Reports* are available at <https://bythenumbers.sco.ca.gov/Raw-Data/Counties-Raw-Data-for-Fiscal-Years-2003-2015/esdm-5xr2>.

<sup>5</sup> Bond funds and grants are often used to pay for capital projects.

<sup>6</sup> 2014-15 is the most recent fiscal year for which the state Controller released county spending data on a statewide basis. County data released as part of the Controller's *Counties Financial Reports* are available at <https://bythenumbers.sco.ca.gov/Raw-Data/Counties-Raw-Data-for-Fiscal-Years-2003-2015/esdm-5xr2>.

<sup>7</sup> California Government Code, Section 25000. San Francisco, which is both a county *and* a city, has a mayor and an 11-member Board.

<sup>8</sup> California State Association of Counties, "How Counties Are Structured: County Structure & Powers," <http://www.counties.org/county-structure>.

<sup>9</sup> This top executive position has various titles, including county manager, county executive, and county administrator. For an overview of the CAO's role, see California State Association of Counties, "How Counties Are Structured: Administrative," <http://www.counties.org/county-structure>.

<sup>10</sup> For a discussion of each of these positions, see California State Association of Counties, "How Counties Are Structured," <http://www.counties.org/county-structure>.

<sup>11</sup> California State Association of Counties, "How Counties Are Structured: Auditor-Controller," <http://www.counties.org/county-structure>. Auditor-controllers are elected, rather than appointed, in all but four counties: Los Angeles, San Diego, San Francisco, and Santa Clara.

<sup>12</sup> California Government Code, Sections 29064 and 29080.

<sup>13</sup> California Government Code, Section 29088.

<sup>14</sup> California Government Code, Sections 29080 and 29081.

<sup>15</sup> This timeline is adapted from Robert Bendorf, Patrick Blacklock, and Dewayne Woods, *County Budgeting and Financial Planning* (California State Association of Counties, Institute for Excellence in County Government).

<sup>16</sup> Some of the crimes that were reclassified by Prop. 47 were “wobblers.” A wobbler is a crime that can be charged either as a felony or a misdemeanor at the discretion of the prosecutor and the court. See California Penal Code, Section 17(b). For an overview of Prop. 47, see Selena Teji, *Proposition 47: Should California Reduce Penalties for Drug and Property Crimes and Invest in Treatment?* (California Budget & Policy Center: September 2014).

<sup>17</sup> An individual who has a prior conviction for a serious and/or violent offense, as specified by Prop. 47, or for any registerable sex offense would not qualify for a reduced sentence under Prop. 47. As a result, people who fall into this category could be sentenced to state prison if convicted of one of the offenses covered by the measure.

<sup>18</sup> The quote is from Legislative Analyst’s Office, *Achieving Better Outcomes for Adult Probation* (May 29, 2009), p. 6.

<sup>19</sup> An individual who has a prior conviction for a serious and/or violent offense, as specified by Prop. 47, or for any registerable sex offense would be ineligible to petition for resentencing.

<sup>20</sup> For an overview of projected Prop. 47 savings at the state and county levels, see Legislative Analyst’s Office, *The 2015-16 Budget: Implementation of Proposition 47* (February 2015).

<sup>21</sup> Savings are calculated relative to 2013-14, the fiscal year before Prop. 47 took effect.

<sup>22</sup> Assembly Bill 117 of 2011 contained additional changes related to the criminal justice realignment.

<sup>23</sup> Adults generally serve their sentences locally rather than in state prison if they do not have a *current* or *prior* conviction for a violent, serious, or sex crime. For overviews of counties’ correctional responsibilities under the 2011 realignment, see Scott Graves, *Steady Climb: State Corrections Spending in California* (California Budget & Policy Center: September 2011), pp. 3-4, and Legislative Analyst’s Office, *The 2012-13 Budget: The 2011 Realignment of Adult Offenders – An Update* (February 22, 2012), pp. 7-8.

<sup>24</sup> In order to be eligible for post-release community supervision, individuals’ *current* offense must not be violent or serious and they must not otherwise qualify for state parole.

<sup>25</sup> The Legislature redirected to counties two existing revenue streams that fund counties’ new responsibilities under the 2011 realignment: 1.0625 cents of the state sales tax rate and a portion of Vehicle License Fee revenues. Realignment revenues are protected by Proposition 30 (2012), which amended the state Constitution to require the state to continue providing counties with revenues to fund their responsibilities under the 2011 realignment.

<sup>26</sup> Judicial Council of California, *Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program* (2015), p. 3.

<sup>27</sup> For most years since the SB 678 program was established, the probation “failure rate” has been determined based on revocations to state prison. For two years only, the methodology also took into account revocations to county jail. Judicial Council of California, *Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program* (2015), pp. 1, 5-7, and 14.

<sup>28</sup> Judicial Council of California, *Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program* (2015), p. 1.

<sup>29</sup> The jail population figures cited in this section reflect the “average daily population” during each month and come from the Board of State and Community Corrections’ Jail Profile Survey.

<sup>30</sup> The statewide jail population was 81,689 in October 2014, the month before the voters approved Prop. 47. June 2015 is the most recent month for which jail population data are available.

<sup>31</sup> Public Policy Institute of California, *How Has Prop. 47 Affected California’s Jail Population?* (March 2016), p. 7.

<sup>32</sup> Public Policy Institute of California, *How Has Prop. 47 Affected California’s Jail Population?* (March 2016), p. 3.

<sup>33</sup> Judicial Council of California, *Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program* (2015), p. 1.

<sup>34</sup> Evidence-based practices are those that are demonstrated by scientific research to reduce reoffending. Judicial Council of California, *Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program* (2015), pp. 18-19.

<sup>35</sup> Chief Probation Officers of California, *An Updated CPOC Adult Probation Business Model to Improve Criminal Justice Outcomes in California* (May 2014), pp. 2-3, and Chief Probation Officers of California, *Mandatory Supervision: The Benefits of Evidence Based Supervision Under Public Safety Realignment* (Winter 2012).

<sup>36</sup> Felony probationers comprised more than 80 percent of the statewide probation caseload as recently as 2014. Public Policy Institute of California, *Probation in California* (December 2015).

<sup>37</sup> The information in this paragraph comes from Judicial Council of California, *Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program* (2015), p. 9. Prop. 47 may have also reduced counties’ post-release community supervision and mandatory supervision caseloads, but data currently are not available to assess this impact.

<sup>38</sup> The information in this paragraph comes from Vera Institute of Justice, *A Guide to Calculating Justice-System Marginal Costs* (May 2013), p. 6.

<sup>39</sup> In contrast to variable and fixed costs, step-fixed costs, which include staffing levels, “remain constant for a certain range of workload, but can change if the workload exceeds or falls below that range.” For example, “a county corrections department cannot reduce jail staffing if the inmate population decreases slightly, but if the decline is sufficient to close an entire housing area, the corrections department could eliminate the positions related to that unit.” Vera Institute of Justice, *A Guide to Calculating Justice-System Marginal Costs* (May 2013), p. 6.

<sup>40</sup> Department of Finance, *Finance Glossary of Accounting and Budgeting Terms* (no date).

<sup>41</sup> A recent Los Angeles County report indicates that: “Several departments expressed concerns with the difficulty in isolating the Prop. 47 impact to their workloads because of other concurrent factors (e.g., normal fluctuations, changing demographics, impact of other funding/programs, etc.) and thus are concerned about the accuracy and reliability of data they provide on Prop 47 impacts. Some departments also indicated that they may have a lack of infrastructure (i.e., information systems capable of isolating Prop 47 data) or legal restrictions (e.g., mental health client privacy rights, etc.) that hinder their ability to track Prop 47’s impact.” See County of Los Angeles, Department of Auditor-Controller, *Proposition 47: Analysis of Cost Savings and Service Improvements* (April 5, 2016), Attachment I, p. 3.



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