

ALADS Legislative Corner
By
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I hope you have had a good holiday season. For public safety professionals, the “holidays” are not always a time you can be home with family. I know many of you worked long hours to protect those who had the privilege of being home with family. I know this is something the public often overlooks, so thank you for your commitment and your sacrifice!

The only news these days at the Capitol concerns the State Budget: How bad is it and how can we fix it?

The short answer is that the State Budget is in *very bad shape*. The state’s General Fund deficit through the end of the 2009-2010 fiscal year is projected to be \$41.6 billion’’ or roughly 40% of the current budget. Moreover, the cash situation is dire! Even if all the special session solutions were enacted (and *none* of them are as of now), the state will run out of cash in March and will have to start to issue “IOU’s.” Certain programs, like COPS or Juvenile Justice Crime Prevention Grants, will be given “IOU’s.” In addition, the governor proposes to issue Revenue Anticipation Warrants (“RAW’S”) – as a last ditch tool to keep the state solvent. In issuing “RAW’S,” the state is borrowing against 2010 – 2011 revenue – exacerbating this fiscal mess into the future!

The Governor’s proposed 2009-2010 Budget was released on December 31, 2008, ten days earlier than usual, and features many recommended budget changes in the justice area that have been contained in previous proposals over the last several months, with certain differences noted below. Funding for public safety programs are proposed for steep cuts and, in certain instances, outright elimination.

Shifting Local Public Safety to VLF Funding. The governor continues to propose the creation of a Local Safety and Protection Account into which Vehicle License Fee (VLF) funds will be directed to support on an ongoing basis several public safety initiatives... (The VLF redirection would be replaced by a \$12 increase in vehicle registration fees.) The following table details these programs and proposed funding levels in the current and budget years.

Program	2008-09 Budget Act (As enacted)	Governor’s Proposed 2009-10 Funding Level*
Citizens’ Option for Public Safety (COPS)	\$107.1 million	\$ 95.8 million
Juvenile Justice Crime Prevention Act (JJCPA)	\$107.1 million	\$ 95.8 million
Juvenile Probation	\$151.8 million	\$135.9 million

Local Detention Facility Accounts (Booking Fees)	\$ 31.5 million	\$ 31.5 million
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*Programs would be supported exclusively from VLF Funds

Elimination of Other Public Safety Programs. The governor’s spending plan also proposes elimination of funding for other significant public safety programs including:

Program	2008-09 Budget Act (As enacted)	Governor’s Proposed 2009-10 Funding Level
Juvenile Camps & Ranches Funding	\$ 29.4 million	\$0.00
Rural & Small County Sheriffs’ Program	\$ 18.5 million	\$0.00
Cal-MMET	\$ 11.4 million	\$0.00

The governor’s 2009-10 budget also proposes to eliminate funding for *all other local public safety assistance programs administered by the Office of Emergency Services, including rural crime prevention, gang suppression, SAFE team, and vertical prosecution grants.*

Youthful Offender Block Grant. It is notable that the governor’s budget again leaves untouched the Youthful Offender Block Grant, which is intended to support counties’ responsibilities to provide local programming and supervision for a new population of youthful offenders, pursuant to *SB 81 (2007)*. The proposed block grant allocation for the 2009-10 budget year is \$92 million. Counties will recall that the full impact of the 2007 population realignment is expected to save the state nearly \$600 million, are summarized.

Parole Reforms. Further, the governor’s 2009-10 budget continues to feature an array of parole reform measures, all of which were part of various iterations of the 2008-09 regular and special session budget proposals. These reforms, which are expected to save the state nearly \$600 million, are summarized as follows:

- **Parole Supervision for Most Serious Offenders.** The California Department of Corrections Reform (CDCR) would focus parole supervision efforts on offenders who have committed serious, violent, or sexual crimes; offenders without current or previous serious, violent, or sexual crime convictions who have six months of clean time would be discharged from parole.
- **Earned Credit.** State prison inmates could receive four months of earned credit for each program successfully completed while incarcerated. In addition, eligible inmates will receive day-for-day credits for complying with institutional rules, awaiting transfer to a state prison and enhanced credit for inmates who are awaiting an assignment to a conservation camp.
- **Increased Threshold for Property Crimes.** Changes would be made to adjust the threshold values for certain property crimes that are prosecuted as felonies, resulting in more crimes being classified as misdemeanors.

For law enforcement, the governor’s budget presents some clear and present dangers for the public. The Governor’s plan to eliminate parole for “non-serious, non-violent” offenders

essentially squashed local law enforcement's ability to stop and search without a warrant. As many as 65,000 parolees could be released by June 2010. As law enforcement professionals, you know that just because someone is convicted of a "non-serious, non-violent" crime does *not* mean that person is not a dangerous person. Often times for legal or procedural reasons, deals are cut with truly bad guys because the serious and violent charges could not be proven beyond a reasonable doubt. Making major cuts to law enforcement – which will negatively impact the number of officers on the street – while at the same time releasing as many as 65,000 parolees in the next two years and then tying our hands so that we now have to have P. C. or a warrant to search a felon, or the premises of a felon who may be in possession of a deadly weapon ***makes no sense at all!***

Public safety is a PRIMARY function of government, and we cannot operate in a free society when the safety of the public is in peril. The governor himself has stated on numerous occasions that the public safety is the first priority! Yet the governor's budget creates significant and serious risks to the public and for public safety officers. For example, the total elimination of funding for probation camps likely means the closure of many probation facilities, and the outright release of many violent juvenile gang offenders since the state can't take local offenders, and we don't have jail space. In addition to sending the "wrong message" to our young people, we lose all the positive education and job training benefits our camps provide. Like the budget, we are only digging ourselves into a deeper hole by abdicating our responsibility for turning our young offenders around, and endangering the public when we let young felons go unsupervised back onto the streets.

So what's the fix to this broken system? I sympathize with the governor, I really do. This is a problem not entirely of his making, but one which he is called upon to solve! However, from a public safety viewpoint, the Governor's 2009-2010 Budget is simply not one I can recommend for support to anyone with responsibility for public safety. ***Surely, Governor, your budget should reflect YOUR values, and I have yet to hear ANY SUPPORT for your proposed budget from anyone in the public safety community!***

Until next time, stay safe!