Written Comments Received for July 25, 2013, Judicial Council Meeting

Name and Title	Affiliation	Topic	Date of Receipt	Page Nos.
1. Hon. Elizabeth W. Johnson, Presiding Judge	Trinity Superior Court	Allocation of Criminal Justice Realignment Act Funding	7/23/13	16
2. Hon. F. Dana Walton, Assistant Presiding Judge	Mariposa County	Trial Court Allocation: Funding for General Court Operations and Specific Costs in 2013- 2014; TCBAC Recommendation #10	7/24/13	1



Superior Court of California County of Trinity

ANTHONY EDWARDS

Judge

JAMES P. WOODWARD

Judge

July 23, 2013

Chief Justice Tani G. Cantil-Sakauye Chairperson of the Judicial Council 350 McAllister Street San Francisco, CA 94102-3660

Re: Allocation of Criminal Justice Realignment Act Funding

Dear Chief Justice Cantil-Sakauye:

Trinity County Superior Court has asked for the opportunity to speak at the July 25, 2013, meeting of the Judicial Council concerning the above item. As I will be the only judge on hand to preside over our court's criminal calendar on that date, I have asked our court's chief executive officer, Laurie Wills, to present this court's position and respond to any questions that you or the Council may have. Our concerns are set forth below. Thank you and the Council for your consideration and time in reviewing this matter.

1. Approve TCBAC's Recommendation for Allocation for Unfunded 2012-2013 Costs for Trinity and Mariposa Courts

Trinity County Superior Court appreciates and supports the Trial Court Budget Advisory Committee's (TCBAC) recent recommendation that the Judicial Council approve a \$7,776 allocation for unfunded 2012-2013 costs from the \$150,000 that was held in reserve out of the previous year's \$18 million statewide allocation. Since we did not receive an initial allocation in FY2011-2012 or FY2012-2013 for realignment funding,¹

¹ This in itself is a puzzle. We have responded to every published survey for statistical and cost data. In April 2012, the Court submitted our FY11/12 Expenditure of Criminal Justice Realignment Act Funding

the unfunded allocation will help mitigate expenses incurred to date. We would appreciate the Council approving this recommendation.

2. Reconsider TCBAC's Proposed Recommendation to Make No Initial Allocation to Trinity and Mariposa for 2013-2014.

We respectfully ask the Council to give further consideration to, and reject the TCBAC's recommended allocations of realignment funding going forward, since the recommendation again includes no money for Trinity or Mariposa courts. Trinity Superior Court has incurred realignment expenses since its inception, and expects these to continue. We are asking for an initial allocation based on our past year's filings, consistent with the formula used for the other courts, for reasons that follow.

Our court did not receive any initial allocation based on the California Department of Corrections & Rehabilitation (CDCR) projections, which according to the Realignment October to December 2011 Summary Report (Attachment B) shows the ratio for Trinity's actuals to projections had a variance of 333%. We had the third highest variance in the state. Based on the Trinity County Probation Department's 2012 AB109 Report (Attachment C), the CDCR's projections continue to be way off. We have 19 parolees residing here presently. In FY2012-2013, we processed 6 petitions, performed numerous flash incarcerations and processed several resentencing cases. Our court should be able to rely on an allocation to offset the expenses of this realignment population in preparing its own budget, the same as all the other courts in the state, regardless of whether the CDCR projections are accurate. The CDCR's projections are no more or less accurate for us than for any other court. For example, we are informed that Los Angeles expected and received funding for fewer than 2000 projected parolees, but actually processed over 8,000 petitions in 2012-2013. The fact that our numbers are comparatively small does not mean our court experiences no effects of the added burden.

report (Attachment A) seeking reimbursement of over \$11K in start up expenses and requested consideration for an allocation for FY12/13. To substantiate our funding concerns we included a copy of the CDCR's Realignment October to December 2011 Summary Report (Attachment B) showing the projections were flawed; still our initial requests were denied. Despite the fact our FY12/13 statistical reports (Attachment D) show 6 PRCS petitions were filed, the recommendation for Trinity for FY13/14 continues to be a zero allocation.

It is at least as reasonable to predict activity and make an allocation based on the past year's activity as on CDCR's projections. If Trinity County Superior Court's actual activity in 2012-2013 (6 petitions) is used as a basis for its initial allocation going forward, and applying the same funding methodology using \$659 per petition, we would anticipate an initial allocation of \$3,954. We ask the Judicial Council to give favorable consideration to this request, and reject the recommendation of the TCBAC that makes no allocation to our court going forward.

Thank you for the opportunity to present this matter.

Very truly yours,

lizabeth W. Johnson

Presiding Judge

EWJ:sh Attachments A, B, C and D

cc: Hon. Laurie M. Earl, Co-Chair Mr. Zlatko Theodorovic, Cochair Members of the Trial Court Budget Advisory Committee

Ms. Laurie Wills, Court Executive Officer

FY 2011-2012 Expenditures of Criminal Justice Realignment Act Funding

	Amount			
otal funds received in FY 2011 -2012 (see		Court		
mount in "Distributions" tab)	1	(select from drop-down list)	Trinity	
otal expenses as of 2/29/12	7,607	Court Contact Name: Laur	Laurie Wills, CEO	
rojected amount court plans to expend				
etween 3/1/12 and 6/30/12	3,700	Telephone Number: 53	530-623-8330	
unding Remaining	(11,307)	E-Mail Address:	lwills@trinitycounty.org	
. Number of petitions for revocation of postr	release community	. Number of petitions for revocation of postrelease community supervision filed with the court under PC § 3455(a) as of 2/29/12:		
. Number of petitions for revocation of the n	nandatory supervisi	Number of petitions for revocation of the mandatory supervision portion of a sentence imposed by court under PC § 1170(h)(5)(B):	B):	
. Number of requests for warrants against pe	ersons supervised u	Number of requests for warrants against persons supervised under postrelease community supervision sought by supervising county	tty	
agencies (probation departments) under PC § 3455(a)(4	C § 3455(a)(4):			

100

Trinity's projected parolees for the period October 2011 through February 2012 was 5 (1 per month); the actual number of PRCS cases for this first period was 15. Trinity Court is one of three courts that did not receive an allocation for AB109 based on CDCR's projections. Actual results demonstrate Trinity received 300% of the projections indicating deficiencies in the CDCR's formulas. Based on this report the court is requesting reimbursement of the expenses incurred through February 2012 and requesting consideration for a future allocation.

4. Number of requests for warrants against persons violating mandatory supervision:

6. Number of other types of hearings (please explain in box below):

5. Number of mandatory supervision modification hearings:

8	COSTS FOR PERSON	R PERSONNEL (Existing, newly hired, or contracted)	wly hired, or con	tracted)	Total
Classification	Existing=	CEO	Supervisor	Clerks	
FTEs		1.00	1.00	2.00	4.00
Amount expended as of 2/29/12*		217	2,864	818	3,899
Additional amount projected to be					
expended between 3/1/12 and 6/30/12		1	2,800	006	3,700
* Amount should include salary and all benefits paid	efits paid by the court.	ourt.			7,599

* Amount should include salary and all benefits paid by the court.

	Training							
	(Paid for by				Overhead	Security	Other (explain	
OPERATING EXPENSES	Court)	Equipment	Furniture	Office Supplies (explain below)	(explain below)	Related Costs	(moleq	Total
Amount expended as of 2/29/2012	NAME OF TAXABLE PARTY.				3,708			3,708
Additional amount projected to be					3	•		
expended between 3/1/12 and 6/30/12								1

If you included expenditures in "Overhead" or "Other" above, please describe in the box below what the funding was expended on.

AB109 requirements.	
nt court forms to include/comply with	
erhead expense incurred to update and pri	
Over	

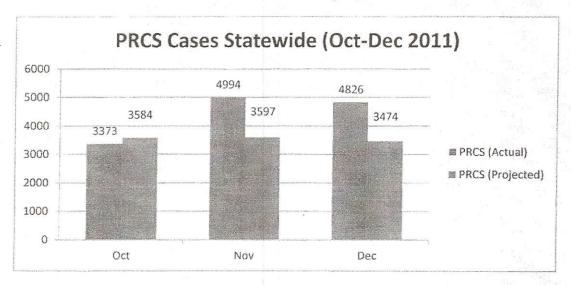
Please send this form to Vicki Muzny at vicki.muzny@jud.ca.gov by March 5, 2012.

Attachment A

Realignment October to December 2011 Summary

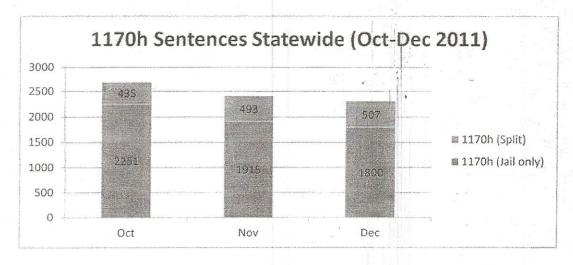
Post Release Community Supervision Cases

- 13,193 PRCS cases came to probation departments from October to December, 24% above CDCR estimates.
- 52 counties had more PRCS cases than projected, with 28 above the statewide average
- 6% of all PRCS cases Failed to Appear before reaching probation
- 5% of received cases are on warrant after arriving at probation



1170h Sentences

- 7,352 1170h cases have been sentenced
- 20% of 1170h sentences have been Split sentences (Jail with mandatory supervision)
- 30 counties are using split sentences at a rate higher than the statewide average
- Less than 1% have been sentenced to mandatory supervision only (no jail)



Thursday, February 23, 2012

Affachment B

Marine Carrier	PRCS Actual	PRCS Projected	Ratio of PRCS Act Projections	uals to	PRCS-	FTA % of PRCS	PRCS Warrant	Warrant % of PRCS
County	289	217		133%	12	4%		0%
Vameda	200	211	ACCOUNTY OF THE PROPERTY OF TH					
Alpine	19	10		190%		0%	*	0%
Amador		103	And the second s	118%	9	7%	9	7%
Butte	122	100	Commence of the Commence of th			0%	1	11%
Calaveras	9	5		60%		0%	*	0%
Colusa	3			192%	6	4%	3	2%
Contra Costa	152	79		125%	1	10%	-	0%
Del Norte	10	8		103%	3	10%		0%
El Dorado	30	29	And the second s	194%	47	8%	19	3%
resno	577	298		100%		0%		0%
Slenn	9	9	A 12 Section and commence of the section of the sec	103%	6	9%	21	30%
lumboldt	70	68				0%	1	1%
mperial	80	23		348%	1	25%		0%
nyo	4		and the second s	44401		8%	18	2%
(ern	730	641		114%	55		1	1%
(ings	99	90		110%	2	2% 3%		0%
ake	30	22		136%			3	25%
assen	12	12		100%	-	0%	J	0%
os Angeles	3,457	3,441	No. 200 Carlo Communication Conference of Principles Conference of Confe	100%	218	6%		0%
.os Angeles Madera	62	39	The state of the s	159%		0%		17%
Aarin	12	9		133%	3	25%	2	and the second s
Aariposa	5	6		83%	-	0%		20%
Aendocino	~ 22	33		67%	1	5%		0% 9%
//erced	90	75		120%	2	2%	8	
many at 200 december 200 to a service of the servic	2	2		100%	-	0%		0%
Modoc	4	2		200%	-	0%	ar Annanya mengantahan	0%
/lono	125	108	and there are the later and	116%	2	2%	9	7%
/lonterey	22	32		69%	2	9%		0%
lapa	6	1	Ca. Comment	600%	-	0%	-	0%
Vevada	878	542		162%	48	5%	77	9%
Orange	63	58		109%	1	2%	8	13%
Placer	10	6	0-02	167%	1	10%	*	0%
Plumas	792	701		113%	69	9%	18	2%
Riverside	553	374		148%	24	4%	56	10%
Sacramento		16	The second secon	94%		0%		0%
San Benito	15	885	State and Applicate District Assessment Control of Cont	154%	55	4%	18	1%
San Bernardino	1,365	757		125%	75	8%	95	10%
San Diego	948	40.00		184%	12	8%	21	13%
San Francisco	156			115%	26	8%	14	4%
San Joaquin	318			127%	8	11%		5%
San Luis Obispo	76			86%		0%		16%
San Mateo	99	and the second second	Contraction of the contraction o	138%	8	6%		6%
Santa Barbara	130			127%		0%		15%
Santa Clara	405			157%	5	14%		On
Santa Cruz	36			127%	6	5%		19
Shasta	117	92	The second secon	3 12110				
Sierra		- ~	where the commence of the comment of	122%		0%	American Company of the Company	0%
Siskiyou	11	the second contract of the contract of the		123%	5	3%		
Solano	149] 142%	12	The second secon	edicar exer versions	109
Sonoma	101			114%	12		THE R. P. LEWIS CO., LANSING MICH. LANSING MICH. LANSING MICH. LANSING MICH.	
Stanislaus	277			193%	1	0%	A common account count to	09
Sutter	52					0%		NAME OF TAXABLE PARTY.
Tehama	44	The second secon		119%				09
Trinity	10			333%	- 12	6%		28
Tulare	208		The second secon	153%		0%		09
Tuolumne	10			111%	140	and ottom or application and the		AND A SHORT OF THE PARTY OF THE
Ventura	169	the state of the s	Commence of the Commence of th	141%	16	0%		and the second s
Yolo	89		The State of the S	122%	3			39
Yuba	60) 39		154%		Laboration of the		and the second second

County	Total 1170 Sentences	1170h (a) Jail only	1170h (b) Split	1170h (no jail)	1170h Split Sentence %
Alameda	117	106	11		9%
Alpine					
Amador	8	8		-	0%
Butte	90	88	2	-	1 2%
Calaveras	4	3	1		25%
Colusa	8	4	4	-	50%
Contra Costa	57	13	44		77%
Del Norte	2	2			0%
El Dorado	17	10	7		41%
Fresno	290	204	86		30%
Glenn	5		5		100%
Humboldt	27	18	8	1	31%
THE PARTY OF THE P	8		8	· · · · · · · · · · · · · · · · · · ·	100%
Imperial	3	3	and the second of the second o	1	0%
Inyo	444	389	55		12%
Kern	49		49		100%
Kings	19	17	2		11%
Lake	19				The second secon
Lassen	2,931	2,790	141		5%
Los Angeles	43	30	13	-	30%
Madera	6	2	4		67%
Marin	0			·	Company of the Compan
Mariposa	15	9	6	_	40%
Mendocino	67	28	38	1	58%
Merced	07	20	-		
Modoc	5	5			0%
Mono		82	3		4%
Monterey	85	Secure and the second second	6		60%
Napa	10	4 3	2		40%
Nevada	5	27 Company of the Com	183		material services and the services are services and the services and the services and the services are services and the services and the services are services and the services and the services are services are services and the services are services are services and the services are services are services are services are services are services and the services are servic
Orange	769	586	2		4%
Placer	48	46		1	0%
Plumas	2		84		32%
Riverside	262	178 49	46	10	48%
Sacramento	105	49	6		100%
San Benito	6	252	49		16%
San Bernardino	301	263	68		21%
San Diego	331	263 46	29	2	39%
San Francisco	77		105		64%
San Joaquin	165	60	7		13%
San Luis Obispo	56	49	46	E	94%
San Mateo	49		10		17%
Santa Barbara	60	50	61	F	22%
Santa Clara	278	217	6	17	26%
Santa Cruz	40	17	12		39%
Shasta	31	19	12		The state of the s
Sierra	-	2	4	r	67%
Siskiyou	6	76		1	1%
Solano	78		23		51%
Sonoma	45	22	99	10	73%
Stanislaus	146	37 13	99	-	0%
Sutter	13	The second secon	10		48%
Tehama	21	11	10		14%
Trinity	7	6	39	5	48%
Tulare	87	43	7	3	50%
Tuolumne	14	65	11	2	14%
Ventura	78	22	25		53%
Yolo	47	The second secon	6		46%
Yuba	13		O	A-1-1-1-1-1-1	Service of the servic





Trinity County Public Safety Realignment & Post-Release Community Supervision (AB 109) 2012 Summary

CDCR Projected # of PRCS Cases to Trinity (Inmates released from prison to probation supervision)	12
PRCS Cases Actually Received	19
Days PRCS spent in County Jail on Flash Incarceration (Served by 5 PRCS Parolees)	58
1170(h) Cases Sentenced (Prison housed in county jail) (3 of the 16 received a split sentenced)	16
Total Days 1170(h) Cases Served in County Jail 1419/365 = 3.8	(3.8 beds/day)
Home Electronic Monitoring Days Served By 31 Adult Offenders & Supervised by Probation 2249 (6 2249 / 365 = 6.1	3.1 beds/day)
Current percentage of pre-trial defendants Average pretrial credits 2007 Average pretrial credits 2011 Average pretrial credits 2012	? 46 days 56 days 75 days
Average length of stay increase 2007/2011 Average length of stay increase 2007/2012	22 % 63 %

AHAChment C

7/1/2012 to 9/30/2012

PRE-SENTENCING	
1 - Number of <u>new</u> felony case filings	82
2 - Number of pre-sentence warrants issued for failures to appear (FTA)	35
INITIAL SENTENCING	
3 - Number of cases in which a Defendant is sentenced to state prison at initial sentencing	1
4 - Number of cases in which a Defendant is granted felony probation pursuant to PC1203.1 at initial sentencing	26
5 - Number of cases in which a Defendant is given a straight county jail sentence purusant to section 1170(h)(5)(a) at initial sentencing	1
6 - Number of cases in which a Defendant is given a "split" sentence pursuant to PC1170(h)(5)(b) at initial sentencing	
7 - Number of petitions filed to revoke/modify felony probation	27
PLUS	
7 - Number of petitions filed to remoke/modify felony probation	
8 - Number of cases in which a felony probationer is sentenced to state prison for a violation of probation	1
9 - Number of cases in which a felony probationer receives a "straight" sentence to county jail under PC1170(h)(5)(a) for a violation of probation	
10 - Number of cases in which a felony probationer receives a "split" sentence under PC1170(h)(5)(b) for a violation of probation	
VIOLATION/MODIFICATION OF MANDATORY SUPERVISION	
11 - Number of petitions filed to revoke/modify mandatory supervision	
PLUS 11 - Number of petitions filed to revoke/modify mandatory supervision	
12 - Number of calendar events set on petitions to revoke/modify mandatory supervision	
Attachment D	•

7/1/2012 to 9/30/2012

- 13 Number of court evidentiary hearings held on petitions to revoke/modify mandatory supervision
- 14 Number of cases in which an offender on mandatory supervision has the supervision term revoked and terminated

VIOLATION/MODIFICATION OF POST RELEASE COMMUNITY SUPERVISION

- 15 Number of petitions filed to revoke/modify Post-Release Community
 Supervision (PRCS)

 16 Number of ex parte warrants issued for persons on PRCS

 17 Number of calendar events set on petitions to revoke/modify PRCS

 5

 18 Number of court evidentiary hearings held on a petition to revoke/modify PRCS

 2
- 19 Number of cases in which an offender on PRCS has the supervision term revoked and terminated
- 20 Number of cases in which an offender on PRCS is referred to a reentry court, pursuant to PC 3015
- 21 Number of cases in which an offender on PRCS has the supervision term revoked and reinstated, excluding cases where the PRCS offender is referred to a reentry court

10/1/2012 to 12/31/2012

1 - Number of <u>new</u> felony case filings	73
2 - Number of pre-sentence warrants issued for failures to appear (FTA)	14
ITIAL SENTENCING	
- Number of cases in which a Defendant is sentenced to state prison at initial sentencing	16
- Number of cases in which a Defendant is granted felony probation pursuant to PC1203.1 at initial sentencing	12
i - Number of cases in which a Defendant is given a straight county jail sentence purusant to section 1170(h)(5)(a) at initial sentencing	1
- Number of cases in which a Defendant is given a "split" sentence pursuant to PC1170(h)(5)(b) at initial sentencing	
- Number of petitions filed to revoke/modify felony probation	24
PLUS	
- Number of petitions filed to remoke/modify felony probation	
- Number of cases in which a felony probationer is sentenced to state prison for a violation of probation	5
- Number of cases in which a felony probationer receives a "straight" sentence to county jail under PC1170(h)(5)(a) for a violation of probation	
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IOLATION/MODIFICATION OF MANDATORY SUPERVISION	
1 - Number of petitions filed to revoke/modify mandatory supervision	
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10/1/2012 to 12/31/2012

- 13 Number of court evidentiary hearings held on petitions to revoke/modify mandatory supervision
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1/1/2013 to 3/31/2013

PRE-SENTENCING	
1 - Number of <u>new</u> felony case filings	64
2 - Number of pre-sentence warrants issued for failures to appear (FTA)	22
INITIAL SENTENCING	
3 - Number of cases in which a Defendant is sentenced to state prison at initial sentencing	4
4 - Number of cases in which a Defendant is granted felony probation pursuant to PC1203.1 at initial sentencing	36
5 - Number of cases in which a Defendant is given a straight county jail sentence purusant to section 1170(h)(5)(a) at initial sentencing	. 1
6 - Number of cases in which a Defendant is given a "split" sentence pursuant to PC1170(h)(5)(b) at initial sentencing	
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12 - Number of calendar events set on petitions to revoke/modify mandatory supervision	

1/1/2013 to 3/31/2013

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21 - Number of cases in which an offender on PRCS has the supervision term revoked and reinstated, excluding cases where the PRCS offender is referred to a reentry court

4/1/2013 to 6/30/2013

PRE-SENTENCING	
1 - Number of <u>new</u> felony case filings	71
2 - Number of pre-sentence warrants issued for failures to appear (FTA)	26
NITIAL SENTENCING	
3 - Number of cases in which a Defendant is sentenced to state prison at initial sentencing	5
4 - Number of cases in which a Defendant is granted felony probation pursuant to PC1203.1 at initial sentencing	19
5 - Number of cases in which a Defendant is given a straight county jail sentence purusant to section 1170(h)(5)(a) at initial sentencing	2
6 - Number of cases in which a Defendant is given a "split" sentence pursuant to PC1170(h)(5)(b) at initial sentencing	
7 - Number of petitions filed to revoke/modify felony probation	29
PLUS 7 - Number of petitions filed to remoke/modify felony probation	
7 - Number of pentions med to remove mounty folding products.	
8 - Number of cases in which a felony probationer is sentenced to state prison for a violation of probation	2
9 - Number of cases in which a felony probationer receives a "straight" sentence to county jail under PC1170(h)(5)(a) for a violation of probation	
10 - Number of cases in which a felony probationer receives a "split" sentence under PC1170(h)(5)(b) for a violation of probation	
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supervision

4/1/2013 to 6/30/2013

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Superior Court of the State of California County of Mariposa

WAYNE R. PARRISH Presiding Judge

F. DANA WALTON
Assistant Presiding Judge

5092 Jones Street Post Office Box 316 Mariposa, CA 95338 (209) 966-6984 (209) 966-2079 Fax

July 24, 2013

Chief Justice Tani G. Cantil-Sakauye Chairperson of the Judicial Council 350 McAllister Street San Francisco, CA 94102-3660

Re: Trial Court Allocation: Funding for General Court Operations and Specific Costs in 2013-2014 TCBAC Recommendation #10

Dear Chief Justice Cantil-Sakauye:

Due to calendar constraints, a representative of Mariposa Superior Court is unable to personally attend the July 25, 2013, business meeting of the Judicial Council, but will instead request that this letter serve as our Court's position.

Mariposa joins Trinity in acknowledging appreciation and support of the Trial Court Budget Advisory Committee's recommendation that Judicial Council approve an allocation of \$12,960 for unfunded FY 2012-2013 costs relating to criminal justice realignment (utilizing the FY 2012-13 methodology, which provides \$5,184 to Mariposa and \$7,776 to Trinity.) As noted, \$150,000 was held in reserve from the previous year's \$18 million statewide allocation and is available to address these costs.

Based upon the California Department of Corrections and Rehabilitation's "estimate" a part of the Criminal Justice Realignment: Allocations for FY 2011-2012 Report to the Judicial Council for its business meeting on August 26, 2011, three courts were not factored in the original funding component under the Postrelease Community Supervision Revocation Hearing Caseload. Mariposa contends that it was the Legislature's intent to provide base funding to meet the impacts created by the Criminal Justice Realignment Act of 2011 for all courts. Mariposa believes it has adequately and timely provided its filings for FY 2011-2012 and requests such ongoing base funding as that provided to all other courts. Based upon the then funding methodology using \$659.00, per petition, Mariposa would anticipate its ongoing base funding to be \$2,636, and adjusted with the methodology used to allocate funding for criminal realignment for FY 2013-2014, forward.

Thank you for your consideration.

F. Dana Walton

Sincerely.

Assistant Presiding Judge

cc: Judge Laurie M. Earl, Co-Chair Zlatko Theodorovic, Co-Chair

Members of the Trial Court Budget Advisory Committee