

Item 4: Allocation of Criminal Justice Realignment Act Funding

Issues

What methodology should be used to allocate the remaining half of realignment funds for FY 2013–2014? What funding decisions should be made for courts that, based on the allocation methodology recommended, will be receiving significantly less or more funding than they indicate is needed in their realignment expenditure survey? What should be done with the realignment funding remaining in the reserve?

Background

On July 9, 2013, the Trial Court Budget Advisory Committee (TCBAC) approved, among others, the following recommendations of its Realignment Subcommittee:

1. Allocate one-half of the \$9.223 million in ongoing realignment funding to the trial courts in July 2013 based on the allocation methodology used in FY 2012–2013. After the first quarter of FY 2013–2014, realignment data collected from the courts as required by Penal Code section 13155 will be used to develop a new methodology for allocation of the remaining funding.
2. AOC staff will survey courts to obtain their FY 2013–2014 expenditures related to criminal justice realignment.

On July 25, 2013, the Judicial Council approved the recommendation for a one-time allocation of \$4.6 million for 2013–2014 costs related to criminal justice realignment and an allocation of \$12,960 for unfunded 2012–2013 costs. In addition, The Judicial Council amended the proposed realignment allocation for 2013–2014 to provide funding for the Superior Courts of Mariposa County, in the amount of \$3,954, and Trinity County, in the amount of \$2,636.

On January 9, 2014, the Realignment Subcommittee met to discuss the issues mentioned above and to make recommendations for the Trial Court Budget Advisory Committee. Each issue is described in more detail below.

Issue 1

What methodology should be used to allocate the remaining half of realignment funds for FY 2013–2014?

The Administrative Office of the Courts (AOC's) Criminal Justice Courts Services Office (CJCSO) collected and developed statistics, as well as allocation distribution options. Several methodologies were developed, based on realignment population, realignment workload, or combinations of population and workload. These options were presented to the Realignment

Subcommittee chairs, Hon. David Wesley and Mr. David Yamasaki, for review and recommendations. Also presented were the results of a court survey conducted by the Fiscal Services Office (FSO) on behalf of the co-chairs of the Realignment Subcommittee that provides information on realignment related expenditures.

Recommendation 1

The Realignment Subcommittee recommends that the method to distribute the allocation presented in Table 1 be adopted. This methodology redistributes the remaining FY 2013–2014 realignment funding based on a combination of population (post-release community supervision [PRCS] and parole) and workload (measured as petitions to revoke/modify PRCS or parole). Incorporating population information is recommended at this time, because the workload measures rely on only one quarter work of data (the first quarter in which parole revocations hearings were conducted by the courts). The subcommittee recommends that realignment allocations in future years be based solely on workload measures that are established, consistent with workload measurements used in the Workload Allocation Funding Methodology.

Information collected in the realignment expenditure survey is also presented in the table as well as a calculation of the difference between the potential allocation based on realignment data and the expenditure survey.

A brief explanation of the columns displayed in Table 1 follows:

- Column A: Each court’s percentage of the statewide realignment allocation for the first half of FY 2013–2014. (Source: Court quarterly realignment data)
- Column B: The realignment funding allocation each court received for the first half of FY 2013–2014. (Source: Court quarterly realignment data)
- Column C: Each court’s percentage of statewide realignment allocation for the second half of FY 2013–2014 based on:
 - The court’s percentage of the statewide population of individuals on PRCS and parole (weighted at .50).
 - The court’s percentage of the statewide realignment workload measured as the number of petitions filed and court motions made to revoke/modify PRCS and parole (weighted at .50).
- Column D: The realignment allocation each court would receive for the second half of FY 2013–2014 based on the percentage of statewide realignment population and workload (Column C). (Source: Court quarterly realignment data)
- Column E: Additional funding requested by the courts to cover their realignment expenditures for the first half of FY 2013–2014. (Source: Court expenditure survey).
- Column F: Estimated realignment allocation needed for the second half of FY 2013–2014 based on total ongoing realignment costs incurred in the first quarter of FY 2013–2014. (Source: Court expenditure survey).

- Column G: Difference between the second half of FY 2013–2014 realignment allocation based on realignment population and workload data (Column D) and the realignment allocation based on actual realignment spending in the first quarter of FY 2013–2014 (Column F).

Issue 2

What funding decisions should be made for courts that, based on the allocation methodology recommended, will be receiving significantly less or more funding than they indicate is needed in their realignment expenditure survey?

Background

Results from the realignment expenditure survey conducted on behalf of the Realignment Subcommittee by the Fiscal Services Office indicate that, based on first quarter expenditures collected in the expenditure survey, some of the courts need either less or more funding than the potential allocation based on the methodology created based on data collected from the Criminal Justice Court Services Office.

Recommendation 2

The subcommittee recommends that realignment allocations be made based solely on the data collected from CJCSO and that no action related to the distribution of the remaining funding be taken at this time regarding the realignment expenditure survey. As in FY 2012–2013, courts that received more funding than needed, as reflected by the expenditure survey, would be allowed to keep the excess funding. The subcommittee makes this recommendation because this enables allocations to be made based on the actual workload associated with realignment and does not rely on differing court processes.

Issue 3

What should be done with the realignment funding remaining in the reserve?

Background

At its July 27, 2012, business meeting, the Judicial Council adopted the following action:

Allocate on a one-time basis \$9.073 million for costs related to parole revocation hearings based on the formula used by the council for allocating funding in 2011–2012, and set aside \$150,000 that would be available to the council to allocate to address unforeseen and unfunded court expenditures.

As mentioned previously, at its July 25, 2013 meeting, the council adopted the following actions:

- Approved, an allocation of \$12,960 for unfunded FY 2012–2013 costs for the Superior Courts of Mariposa County and Trinity County from the reserve.

- Amended the proposed realignment allocation for FY 2013–2014 to provide funding for the Superior Courts of Mariposa County, in the amount of \$3,954, in the amount of \$2,636 from the reserve.

The total of \$19,550 for the allocations to Mariposa and Trinity for FY 2012–2013 and FY 2013–2014 was taken from the reserve resulting in a balance in the reserve of \$130,450.

Recommendation 3

The Realignment Subcommittee recommends that no action be taken related to the reserve funding at this time, but the funding could be used at the end of the year to true-up expenditures by the courts that spend more than they have received.

Table 1. Allocations based on Population 1 (PRCS+Parole) + Workload 3 (Petitions for PRCS+Parole)

Court	A. % JC Approved Allocation for 1st Half of FY 2013-2014	B. JC Approved Allocation for 1st Half of FY 2013-2014	C. % of Statewide Population 1 (PRCS+Parole) + Workload 3 (Petitions for PRCS+Parole) (Quarterly Court Data)	D. Allocation based on % of Statewide Population 1 + Workload 3	E. Total additional funding needed for 1st half of FY 2013-2014 (Court Expenditure Survey)	F. Estimated 2nd half of FY 2013-2014 allocation based on 1st quarter on-going spending (Court Expenditure Survey)	G. Difference from Estimated 2nd half allocation (D - F)
Alameda	5.53%	\$ 255,518	3.61%	\$ 166,507	\$ 94,110	\$ 257,148	\$ (90,641)
Alpine	0.01%	\$ 659	0.00%	\$ 26		\$ -	\$ 26
Amador	0.04%	\$ 1,646	0.04%	\$ 1,842		\$ -	\$ 1,842
Butte	0.83%	\$ 38,196	0.78%	\$ 35,954		\$ 25,022	\$ 10,932
Calaveras	0.01%	\$ 659	0.08%	\$ 3,512		\$ -	\$ 3,512
Colusa	0.01%	\$ 659	0.02%	\$ 1,110	\$ 281	\$ 920	\$ 190
Contra Costa	1.90%	\$ 87,916	1.02%	\$ 47,125	\$ 77,088	\$ 129,964	\$ (82,839)
Del Norte	0.04%	\$ 1,976	0.07%	\$ 3,213		\$ -	\$ 3,213
El Dorado	0.41%	\$ 19,098	0.31%	\$ 14,141		\$ 4,224	\$ 9,917
Fresno	4.79%	\$ 221,273	3.66%	\$ 168,660	\$ 226,017	\$ 447,506	\$ (278,846)
Glenn	0.11%	\$ 4,939	0.05%	\$ 2,324		\$ -	\$ 2,324
Humboldt	0.86%	\$ 39,513	0.47%	\$ 21,493		\$ 20,640	\$ 853
Imperial	0.44%	\$ 20,415	0.25%	\$ 11,709		\$ 10,444	\$ 1,265
Inyo	0.04%	\$ 1,646	0.02%	\$ 949		\$ 3,292	\$ (2,343)
Kern	3.15%	\$ 145,540	4.35%	\$ 200,520	\$ 201,659	\$ 350,529	\$ (150,009)
Kings	0.39%	\$ 18,110	0.71%	\$ 32,882		\$ 14,260	\$ 18,622
Lake	0.23%	\$ 10,537	0.17%	\$ 7,690		\$ 8,826	\$ (1,136)
Lassen	0.04%	\$ 1,976	0.06%	\$ 2,634		\$ 1,912	\$ 722
Los Angeles	27.69%	\$ 1,278,576	37.02%	\$ 1,706,989		\$ 1,204,810	\$ 502,179
Madera	0.56%	\$ 26,013	0.44%	\$ 20,301		\$ 18,310	\$ 1,991
Marin	0.14%	\$ 6,586	0.11%	\$ 5,072		\$ 3,980	\$ 1,092
Mariposa	0.09%	\$ 3,954	0.02%	\$ 1,080		\$ 3,250	\$ (2,170)
Mendocino	0.35%	\$ 16,134	0.22%	\$ 9,997		\$ 13,972	\$ (3,975)
Merced	0.94%	\$ 43,464	0.77%	\$ 35,656		\$ -	\$ 35,656
Modoc	0.01%	\$ 659	0.02%	\$ 725		\$ 3,222	\$ (2,497)
Mono	0.01%	\$ 659	0.01%	\$ 318		\$ -	\$ 318
Monterey	1.83%	\$ 84,294	0.82%	\$ 37,626		\$ 4,438	\$ 33,188
Napa	0.16%	\$ 7,244	0.15%	\$ 7,075	\$ 19,402	\$ 19,402	\$ (12,327)
Nevada	0.06%	\$ 2,634	0.13%	\$ 5,803	\$ 10,428	\$ 13,062	\$ (7,259)
Orange	4.67%	\$ 215,675	5.28%	\$ 243,342	\$ 222,000	\$ 438,232	\$ (194,890)
Placer	0.58%	\$ 27,001	0.40%	\$ 18,537		\$ -	\$ 18,537
Plumas	0.02%	\$ 988	0.01%	\$ 680		\$ 836	\$ (156)
Riverside	3.79%	\$ 175,174	5.74%	\$ 264,651	\$ 73,162	\$ 248,336	\$ 16,315
Sacramento	6.82%	\$ 315,116	3.76%	\$ 173,498		\$ 54,878	\$ 118,620
San Benito	0.09%	\$ 3,951	0.15%	\$ 6,774	\$ 7,746	\$ 22,744	\$ (15,970)
San Bernardino	5.91%	\$ 272,969	7.77%	\$ 358,256		\$ 176,508	\$ 181,748
San Diego	5.05%	\$ 233,127	4.90%	\$ 225,753		\$ 196,242	\$ 29,511
San Francisco	2.87%	\$ 132,369	1.49%	\$ 68,924	\$ 208,077	\$ 309,168	\$ (240,244)
San Joaquin	2.56%	\$ 118,210	2.25%	\$ 103,538		\$ 56,940	\$ 46,598
San Luis Obispo	0.67%	\$ 30,952	0.68%	\$ 31,259	\$ 11,392	\$ 42,344	\$ (11,085)
San Mateo	0.98%	\$ 45,440	0.63%	\$ 28,970		\$ 15,500	\$ 13,470
Santa Barbara	0.88%	\$ 40,830	0.73%	\$ 33,891	\$ 135,000	\$ 181,164	\$ (147,273)
Santa Clara	3.49%	\$ 161,016	2.67%	\$ 123,352	\$ 16,730	\$ 176,746	\$ (53,394)
Santa Cruz	0.64%	\$ 29,635	0.35%	\$ 16,146	\$ 33,662	\$ 28,816	\$ (12,670)
Shasta	0.88%	\$ 40,501	0.75%	\$ 34,412	\$ 27,466	\$ 67,466	\$ (33,054)
Sierra	0.00%	\$ -	0.01%	\$ 265		\$ 204	\$ 61
Siskiyou	0.10%	\$ 4,610	0.07%	\$ 3,032	\$ 3,500	\$ 13,589	\$ (10,557)
Solano	2.06%	\$ 95,161	1.26%	\$ 58,004	\$ 55,462	\$ 150,622	\$ (92,618)
Sonoma	0.96%	\$ 44,452	0.70%	\$ 32,138	\$ 28,242	\$ 62,534	\$ (30,396)
Stanislaus	1.61%	\$ 74,416	1.54%	\$ 71,018		\$ 17,264	\$ 53,754
Sutter	0.29%	\$ 13,500	0.21%	\$ 9,559	\$ 7,000	\$ 21,546	\$ (11,987)
Tehama	0.29%	\$ 13,500	0.20%	\$ 9,170		\$ -	\$ 9,170
Trinity	0.06%	\$ 2,636	0.01%	\$ 680		\$ 2,186	\$ (1,506)
Tulare	0.66%	\$ 30,623	1.30%	\$ 60,092	\$ 7,122	\$ 25,380	\$ 34,712
Tuolumne	0.08%	\$ 3,622	0.08%	\$ 3,657	\$ 2,042	\$ 5,664	\$ (2,007)
Ventura	2.15%	\$ 99,112	0.93%	\$ 42,905		\$ 34,686	\$ 8,219
Yolo	0.65%	\$ 29,964	0.49%	\$ 22,697		\$ 12,700	\$ 9,997
Yuba	0.50%	\$ 23,049	0.29%	\$ 13,369	\$ 4,484	\$ 26,036	\$ (12,667)
Statewide (Total)	100%	\$ 4,618,090	100%	\$ 4,611,500	\$ 1,472,072	\$ 4,947,464	\$ (335,964)