



## The Federal Crime Bill: What Will it Mean for California?

### **SUMMARY**

On September 13, 1994, President Clinton signed the Violent Crime Control and Law Enforcement Act of 1994 (the federal "crime bill"). This measure will have a variety of impacts on California.

- ❖ **Between 3,000 and 4,000 new law enforcement officers** could be hired as California's share of the "Cops On the Beat" program designed to provide community-oriented policing. The addition of new law enforcement personnel will likely result in significant increases in the costs of the state and county criminal justice system, and significant short-term and long-term costs for hiring the new officers.
- ❖ **California could qualify** for up to \$1.2 billion in grants for state prison construction, enough for the construction of five prisons.
- ❖ **California and local entities**—counties, cities, schools, transit and park districts, and community-based organizations—stand to receive millions of dollars in federal grant monies over the next six years for crime prevention.
- ❖ **Funding for most programs will depend on future federal appropriations** which may be less than the amounts authorized in the bill.
- ❖ **Most federal funding will require a match** by the state and local governments. In addition, because funding is limited to just six years, the state and local governments could incur substantial future costs to continue programs.

We recommend that the Legislature and Governor enact legislation that lays out a policy direction for California to follow as it decides which funds to apply for, how to use the funds, and what policies it should enact to further the measure's purposes or receive additional federal funds.

*“For most programs established in the bill, the role of the state is minimal.”*

## OVERVIEW OF THE FEDERAL CRIME BILL

On September 13, 1994, President Clinton signed the Violent Crime Control and Law Enforcement Act of 1994 (the federal “crime bill”). This legislation:

- Increases federal penalties for many crimes, including adding new offenses that can be punished by death.
- Makes a variety of offenses new federal crimes, such as “drive-by” shootings and carjacking.
- Increases funding for federal law enforcement, including significant increases for the Border Patrol and Immigration and Naturalization Service (INS).
- Provides federal funding for state and local law enforcement, crime prevention programs, and construction of new state prisons.

The bill *authorizes* over \$30 billion for these programs over a six-year period, ending in federal fiscal year (FFY) 2000 (California's fiscal year 2000-01). The actual funds available will be determined through the annual federal appropriations process. Figure 1 shows the total funding authority by major program areas.

**Figure 1**  
**Federal Crime Bill**  
**Funding Authorizations**  
**FFY 1995-2000**

<b>(In Billions)</b>	
State and local law enforcement	\$10.8
Federal law enforcement	2.6
Prison construction	9.7
Crime prevention	7.1
<b>Total</b>	<b>\$30.2</b>

Source: Violent Crime Control and Law Enforcement Act of 1994.

## How the Programs are Funded

The crime bill provides that funding for its programs is to come from savings resulting from reductions in federal personnel recommended by the Vice President's National Performance Review. These savings are predicated on reducing 270,000 federal employees, which would result in almost \$30 billion in savings. To ensure that the savings are realized, discretionary funding for certain federal departments has been reduced by an amount equal to the projected savings. The savings will be placed in a special account, the Violent Crime Reduction Trust Fund, whose funds can only be appropriated for the programs contained in the federal crime bill (\$2.4 billion has been appropriated for the 1995 federal fiscal year). If in any year there are not sufficient funds for all programs established by the crime bill, then all programs would be reduced by the same percentage.

The bill also allows the Congress some flexibility in moving funding from one program to another within three categories: state and local law enforcement, federal law enforcement, and crime prevention programs. Congress could transfer up to 10 percent of the authorization of one program to another, but only if the programs are in the same category.

Figure 2 shows the amounts that are estimated to be available from the trust fund in each federal fiscal year.

**Figure 2**

**Federal Crime Bill  
Trust Fund Amounts  
FFY 1995-2000**

**(In Millions)**

Federal Fiscal Year	Amount Anticipated
1995	\$2,423
1996	4,287
1997	5,000
1998	5,000
1999	6,500
2000	6,500
<b>Total</b>	<b>\$29,710</b>

*Source: Federal Funds Information for States, August 30, 1994, Issue Brief.*

The crime bill contains approximately \$500 million more in spending authority than is expected to be available from the trust fund. Of the \$30.2 billion authorized in the crime bill between 1995 and 2000, \$27.4 billion would be available for grant-in-aid programs for state, local government, Indian tribes, and

community-based organizations. Federal law enforcement and prevention programs would receive the remaining funds.

California will automatically receive funds under some provisions of the bill. The state and local governments may also apply for grant funds under other provisions. For most programs established in the bill, the role of the state is minimal. This is because funding will be provided directly to local entities. The U.S. Attorney General is charged with establishing criteria for allocating funding; at the time this analysis was prepared, the allocation criteria had not been established.

Grant funding will be awarded using two different methods. The first method allocates funding based on a defined formula, such as a state's population or violent crime rate compared to the nation as a whole. Grants awarded using this method are known as "formula grants." Because the basis for the formula is specified in the crime bill for each formula grant, we can reasonably estimate California's share of program funding.

Other funds will be allocated as "project grants." Under this approach, states, local governments, community-based organizations, and other entities, can submit applications for grant monies. The U.S. Attorney General will award grant funds to applicants based on the number of applications that meet program criteria. Unlike formula grants, the crime bill does not spec-

*"In addition to hiring or rehiring police officers, the bill allows grantees to use the funding for acquisition of equipment, technology, support systems, or over-time . . ."*

ify how much funding each state is entitled to. Consequently, estimating the amount of federal funding that might be available for California projects will be less precise.

**FEDERAL ASSISTANCE FOR STATE AND LOCAL LAW ENFORCEMENT**

The federal crime bill authorizes a total of \$10.8 billion over six years for several programs to assist state and local law enforcement. The bulk of the funds—\$8.8 billion—is to support additional police. Figure 3 shows the various types of programs and the total amounts of funding that is authorized for each program over the next six years.

**Figure 3**  
**Federal Crime Bill Law Enforcement Authorization Amounts FFY 1995-2000**  
(In Millions)

State and Local	Amount Authorized
Community Policing "Cops on the Beat"	\$8,800
Byrne Memorial Grant Augmentation	1,000
Rural Law Enforcement	245
Grants for Courts, Prosecutors, and Public Defenders	200
Police Corps Scholarships	200
Implementation of the "Brady Bill"	150
Technical Automation	130
DNA Research	40
<b>Total</b>	<b>\$10,765</b>

Source: Violent Crime Control and Law Enforcement Act of 1994.

We estimate that California can expect about \$40 million over the next six years for technical automation, DNA testing, courts, prosecutors, and public defenders. In addition, the increase in funding for the existing Byrne Memorial Grants, which is a formula grant, could supplement California's share of the grants by up to \$10 million annually. This added funding would be used locally and statewide to augment existing anti-drug enforcement efforts and narcotics task forces.

It is uncertain whether California will qualify for grant funds for the implementation of "Brady Bill" requirements for the waiting periods and record checks of individuals purchasing firearms. This is because California has already met and exceeded federal requirements. In addition, California will not qualify for rural law enforcement grants because these grants are only available for states whose largest county has a population of less than 150,000. The amount of funding for Police Corps scholarships program, which provides funding for individuals who pursue a career in law enforcement, will depend on the number of Californians that apply and receive these scholarships. Our estimate of California's share of the "Cops on the Beat" grant program is detailed below.

**"Cops On The Beat"**

The crime bill authorizes the U.S. Attorney General to make grants to states and local government, and to other public and private entities,

such as transit districts, school districts, and college police departments, to increase police presence through "community policing." The crime bill authorizes \$1.3 billion in 1995 and an additional \$7.5 billion between 1996 and 2000 for these community policing grants, commonly known as "cops on the beat." These grants are project grants.

The intent of the program is to provide funding for state and local governments to hire police officers and increase their involvement in the community. According to the National Institute of Justice, there are many definitions of community-oriented policing, but they all have one element in common: a cooperative approach of police working with citizens and other community and governmental agencies based on the concept of shared responsibility for community security.

In addition to hiring or rehiring police officers, the bill allows grantees to use the funding for acquisition of equipment, technology, support systems, or overtime, if they can demonstrate that the expenditures would increase the number of police officers providing community-oriented policing. Furthermore, the bill allows grantees to use part of these grant funds for other community policing purposes, such as training in conflict resolution and mediation. Nevertheless, grantees would be required to expend at least 85 percent of their grant funds on the hiring of police officers, payment of officer overtime, and the procurement of equipment.

Funds for the grants are to be evenly divided between law enforcement agencies serving jurisdictions with populations greater than 150,000 and those agencies serving smaller jurisdictions. The U.S. Attorney General is responsible for the review and approval of grants. However, a state can choose to complete the initial evaluation of grant applications for agencies serving populations of less than 150,000. In general, the federal grants can be used to cover up to 75 percent of approved program costs, resulting in a minimum local share of cost of 25 percent. None of the federal monies can be used to supplant state or local funds.

One of the requirements for the receipt of these federal funds is that applicants must show how the law enforcement agency will pay for the officers when the grants end. The U.S. Attorney General, in awarding grant funds, is required to give precedence to applicants who show that they will assume a progressively larger share of costs during the grant period.

#### *How Many New Law Enforcement Officers are Likely for California?*

It is difficult to accurately estimate California's share of "Cops on the Beat" grant monies because the crime bill does not specify how the total grant funds are to be divided among the states. This is a project grant (rather than a formula grant), and thus dependent on how many agencies apply for funds, and how many California applications are approved by the U.S. Attorney

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General. California law enforcement agencies may choose not to apply, or may apply for a smaller share, because their fiscal conditions may make it difficult to fund the required match in the short-term and pay 100 percent of officer costs after funding for the program ends.

Nevertheless, assuming that the state, as a whole, would receive approximately 12 percent of the available funds—based on California's population compared to the rest of the country—we estimate that California could add between 3,000 to 4,000 new law enforcement officers during the six years of the grant program. The new personnel would be in city police departments, county sheriff departments, school, community college, California State University, and University of California campuses, transit districts, and possibly the California Highway Patrol. This would increase the current number of sworn law enforcement personnel in California by approximately 6 percent.

In addition, applicants would receive funding for equipment, support, and overtime and might use some of the funding for community-oriented police training. Using these assumptions, California law enforcement agencies would receive just over \$1.0 billion over six years, and be required to meet a local share of costs totaling \$330 million over the same period.

Our estimate of 3,000 to 4,000 new law enforcement officers is lower than some other estimates. This is

because, in part, we assume applicants will take advantage of provisions of the bill that allow part of the grant funds to be used for equipment and training, and that the grants are spread over a number of years.

*What Will Be the Effect of the New Law Enforcement Officers?* There could be significant effects resulting from the addition of over 3,000 new law enforcement personnel in California.

While a local law enforcement agency's costs of hiring new officers will in large part be paid for with grant monies, both the state and the county where that agency is located will have costs that *are not offset* with federal funds. The state and counties are responsible for:

- Courts, which include, the costs associated with court administration at the county level and at the state level for appeals.
- District attorneys' costs of prosecution.
- Public defenders' costs of providing legal defense to indigents.
- County sheriff's costs associated with jailing defendants awaiting trial and incarcerating those sentenced to county jail.
- County probation departments for the costs of supervision of adult probationers and the

administration of juvenile offender supervision and incarceration.

- State prison costs for housing sentenced felons and supervising parolees.

None of these costs will be funded with federal grant monies. The costs of law enforcement comprise approximately 40 percent of the total spending for California's criminal justice system. Of that amount, 65 percent are city expenditures, 25 percent county expenditures, and 10 percent state expenditures. Of the remaining 60 percent of total criminal justice costs for all those activities shown above, virtually all of these costs are paid for by the state and counties.

The addition of new law enforcement personnel will presumably result in more arrests and consequently additional costs for the rest of the criminal justice system. Cities, who have the largest number of law enforcement agencies, will be the greatest beneficiaries of the federal grant funds. Moreover, cities pay virtually none of the costs of the criminal justice system beyond those costs associated with apprehension of offenders. As a result, the counties and the state, who have no say in whether a city applies for federal grant funds, will bear significant additional costs because of this program.

Additionally, as noted above, grant recipients—cities, counties, and other agencies that apply for these funds—would have at least a

25 percent share of costs in order to receive the federal funds. This share of costs could be as high as \$330 million for all recipients over six years. However, the true costs would come when federal grant monies end in six years. Using today's dollars, the costs of salaries and benefits for the additional officers could be as much as \$200 million annually after assuming full responsibility. This figure does not include equipment and other costs. Each agency that applies for grant funds will have to take into account the fact that, ultimately, all costs associated with hiring new officers will be borne by that agency. Since the fiscal condition of some of California's cities and counties is poor, the future costs of federally-supported law enforcement personnel could have a serious effect on all services provided by these governments.

While we can conclude that this grant program could have significant costs, we cannot estimate how the addition of new officers will affect crime rates. This is because it is not clear which law enforcement agencies will hire new law enforcement officers or how and where the new officers will be used. For example, if a significant number of new officers are added to a relatively small high crime area, that jurisdiction might see a substantial reduction in crime. In contrast, if a large law enforcement agency adds just a few new officers, there might not be any discernable effect on crime in that jurisdiction. Consequently, no real measures of this programs'

*" . . . recent legislation . . . requires that all violent offenders, including first-time offenders, serve at least 85 percent of their sentence, thus meeting the federal guidelines."*

effect on crime in California can be developed until well after all the new officers have been hired.

### FEDERAL LAW ENFORCEMENT AGENCY FUNDING

In addition to the new grant funds available for state and local law enforcement, the crime bill contains significant increases in authorizations for federal law enforcement agencies. Of greatest interest to California is the \$1.2 billion for expanded immigration enforcement. The Immigration and Naturalization Service, including the Border Patrol, will receive the bulk of these funds for new agents and the expansion of current enforcement activities. The crime bill also provides for a new summary deportation procedure to speed deportation of aliens convicted of a crime. The bill also increases penalties for smuggling aliens and for document fraud.

In addition to funds for immigration enforcement, the crime bill includes authority for funding other federal law enforcement agencies. For example, the Federal Bureau of Investigation (FBI), the Drug Enforcement Agency (DEA), the U.S. Treasury, and the U.S. Justice Department will share over \$1 billion over six years for augmenting law enforcement activities. The federal courts and the U.S. Attorneys are authorized to receive \$250 million to increase and speed prosecution of criminals at the federal level.

### FEDERAL FUNDING FOR PRISONS

The crime bill authorizes \$9.7 billion for states to build and operate prisons, develop alternative punishments for non-violent offenders, and for the incarceration of undocumented aliens. Figure 4 shows the total amount of federal authorizations for each incarceration program.

**Figure 4**

**Federal Crime Bill Authorizations for Prisons FFY 1996-2000**

(In Millions)

Prison Construction Programs	Amount Authorized
Violent Offender Incarceration Grants	\$3,948
Truth in Sentencing Incentive Grants	3,948
Undocumented Alien Felon Incarceration Grants	1,800
Certain Punishment for Youthful Offender Grants	150
<b>Total</b>	<b>\$9,846</b>

*Source: Violent Crime Control and Law Enforcement Act of 1994.*

California's potential share of each of these programs is discussed below.



## Violent Offender Incarceration and "Truth In Sentencing"

The crime bill includes two grant programs for states to expand correctional facilities for violent offenders: (1) the Violent Offender Incarceration Prison Construction Grant Program, and (2) the Truth In Sentencing Incentive Prison Construction Grant Program. Unlike most of the other grant programs contained in the crime bill, these two programs are only five years in duration, and do not begin until federal fiscal year 1996 (California fiscal year 1995-96). These two programs are both formula grants. California's share of these programs would be based on California's violent crime rate in comparison to other states. Both programs also have a 25 percent matching requirement.

The difference between the two programs is that to qualify for grants through the Violent Offender Incarceration Program, states must have implemented federal sentencing guidelines known as "Truth In Sentencing." These federal guidelines require that all persons convicted of a violent crime, even first-time offenders, serve at least 85 percent of their sentence. Under this grant program, states could use these funds for new prison construction and for the building of "boot camp-style" alternative punishments for non-violent offenders if these programs freed prison beds for violent offenders.

California will be eligible for these grant monies because of recent legislation. The Governor signed Ch 713/94, (AB 2716, Katz), on September 21, 1994, which requires that all violent offenders, including first-time offenders, serve at least 85 percent of their sentence, thus meeting the federal guidelines.

The other program—Truth In Sentencing Incentive Grants—would allow states that have not implemented the federal sentencing guidelines to qualify for prison grant funds if they have done all of the following:

- Increased the percentage of violent offenders sentenced to prison.
- Increased the average time violent offenders serve in prison.
- Decreased the amount of credits given violent offenders to reduce time served.
- Have in effect at the time of application, laws that require *repeat* violent or serious drug offenders to serve at least 85 percent of their sentence.

The U.S. Attorney General is responsible for ensuring that each applicant for these funds meets these requirements.

With the passage of the "Three Strikes and You're Out" legislation (Ch 12/94, [AB 971, Jones]), and Chapter 713, California appears to

*" . . . it is not possible to estimate exactly how much California will receive for incarcerating undocumented felons."*

meet all of the requirements for this grant program also.

Figure 5 shows what California's share would be of each grant program if all monies authorized were appropriated.

provide compensation for the costs of incarcerating such individuals. The bill does not specify how compensation is to be calculated but leaves the decision to the U.S. Attorney General. Consequently, it is not possible to estimate exactly how

**Figure 5**  
**Federal Crime Bill**  
**California's Potential Share of Prison Construction Grants**  
(In Millions)

Grant Program	1996	1997	1998	1999	2000	Totals
Violent Offender Incarceration	\$48.9	\$65.2	\$123.9	\$130.4	\$135.0	\$503.4
Truth In Sentencing Incentive	65.2	86.9	165.2	173.9	179.9	671.1
<b>Totals</b>	<b>\$114.1</b>	<b>\$152.1</b>	<b>\$289.1</b>	<b>\$304.3</b>	<b>\$314.9</b>	<b>\$1,174.5</b>

*Source: Federal Funds Information for States, August 30, 1994, Issue Brief.*

In addition to meeting federal guidelines to qualify for these funds, the state would be responsible for a 25 percent share of costs. The total of \$1.6 billion in federal and state funds would be sufficient for the construction of about five new prisons. The California Department of Correction's five-year master plan shows the need for 25 new prisons before 1999-2000, to meet current prison population estimates. These prisons are in addition to the five new prisons authorized but not yet completed.

**Alien Incarceration Grants**

The crime bill allows the U.S. Attorney General to accept undocumented criminal aliens convicted of a felony into federal custody for the duration of their sentence, or enter into a contract with the state to

much California will receive for incarcerating undocumented felons. The bill authorizes \$1.8 billion over six years for compensation to states and for federal costs of incarceration. The Congress has appropriated \$130 million in the first year for these purposes. Of this amount, one-third (\$43 million) will be available to the states in 1994-95, with the balance available in 1995-96.

**Certain Punishment for Youthful Offenders**

The crime bill authorizes \$150 million over the next six years for grants to state and local governments for programs that develop alternative punishments for youthful offenders, such as "boot camps." This is a formula grant and California would be eligible for over \$15 million of this money based on

the number of youthful offenders in the state. Monies from this program are to be distributed to the states and can be used by both state and local agencies. To qualify for the funds, the applicant must use the funding for some alternative or innovative methods of punishment that do not rely on traditional methods of incarceration. Nationwide, \$25 million has been appropriated for this program for 1995, California's share could be approximately \$2 million.

### **Substance Abuse Treatment for State Prisoners**

The crime bill authorizes \$270 million over five years for states to provide residential substance abuse treatment for state prisoners. These funds could be used for inmates in either state or local correctional facilities to provide, at minimum, six to twelve months of treatment in a facility set apart from the rest of the inmate population. This is a formula grant based on the number of state prisoners. California would be eligible for over \$22 million. Currently, no funds have been appropriated for this program.

### **PREVENTION AND OTHER GRANT PROGRAMS**

The federal crime bill contains numerous grants for crime prevention programs. Figure 6 (see page 12) shows the larger grant programs, whether the grant monies are allocated based on a formula or project basis, and our estimate of California's potential share of each pro-

gram. The amount of funding shown is the total authorized for six years, and could be less depending on the annual federal appropriations process. The figure also shows which programs have a share of cost.

### **Overview of the Larger Programs**

**Local Partnership Program.** This program, which is authorized \$1.6 billion over six years, is to be used for formula grants to local governments for education, substance abuse, and job programs designed to prevent crime. The funds will be allocated to the states on the basis of their proportion of population, general tax effort, relative per capita income, and labor force employment compared to the nation as a whole. Each state's allotment would be divided among local governments within the state based on a similar formula. California's share could be close to \$200 million over six years.

**Drug Courts.** The crime bill authorizes \$1 billion for grants to assist with the judicial supervision of non-violent offenders with substance abuse problems. These are project grants that can be used for drug testing, substance abuse treatment, probation release programs, and other health care related services. Since these are project grants, both the state and local entities can apply for funding. The Congress appropriated \$29 million for this program for 1995, of which California might receive \$3 million (this estimate is based on California's population

**Figure 6**

**Federal Crime Bill  
Major Crime Prevention Grants  
FFY 1996-2000**

(In Millions)

Program	Total Authorization	California's Potential Share
<b>Formula Grants</b>		
Local Partnership Program	\$1,620	\$200
Combat Violent Crimes Against Women <sup>a</sup>	801	77
Local Crime Prevention Block Grant	377	56
Rape Prevention Education	205	28
<b>Project Grants</b>		
Drug Courts <sup>a</sup>	1,000	120
Family and Community Endeavor School Grants <sup>a</sup>	810	80
Crime Prevention Model Intensive Grants	626	40
Battered Women's Shelters <sup>a</sup>	325	30
National Community Economic Partnership	270	NA <sup>b</sup>
Arrest of Domestic Violence Offenders	120	12
Ounce of Prevention Grants <sup>a</sup>	90	10
Victims of Child Abuse	50	5
Gang Resistance Education and Training	45	4
Assistance for Delinquent and At-Risk Youth	36	4
Capital Improvements for Parks and Transportation	35	4
Prevention of Sexual Exploitation and Abuse	30	3
Community Programs on Domestic Violence	10	1
<b>Totals</b>	<b>\$6,450</b>	<b>\$674</b>

<sup>a</sup> Denotes grant programs with local or state match requirement.

<sup>b</sup> Program provides "lines of credit."

*Note:* This figure shows authorized amounts. Actual receipts could be less based on the annual federal appropriations process. This figure does not contain some minor project grants.

*Source:* LAO estimates and the Violent Crime Control and Law Enforcement Act of 1994.

compared to the nation as a whole). Over the six year period, we estimate that the state potentially could receive \$120 million.

*Family and Community Endeavor Schools.* The crime bill authorizes

\$810 million for this grant program that would fund supervised sports, and other extracurricular activities after school, on weekends, and during summer vacation. These activities would be conducted at schools, parks, churches, recreation

centers, and other sites. California's share of these project grants could be \$80 million from this program, but would be based on the number of applications approved by the federal government.

*Grants to Combat Crimes Against Women, Battered Women's Shelters, Rape Prevention Education, and Grants To Encourage Arrest of Domestic Violence Offenders.* The crime bill authorizes \$1.5 billion for a variety of formula and project grant programs to reduce violence against women. Most of the funding goes for training law enforcement personnel and prosecutors to respond more effectively to violent crimes against women and to provide means to reduce violence. These efforts include providing shelter to battered women, educating individuals (including school-age children) on how to prevent rape, developing law enforcement and prosecution units that specialize in cases of violence against women, and systems to track domestic violence and sexual assault. California's share of these programs could total almost \$150 million over six years.

*Local Crime Prevention Block Grant.* The crime bill authorizes \$377 million for block grants to fund a variety of programs. This is a formula grant based on each state's number of violent crimes. The funds could be used for gang violence suppression and intervention, jobs programs, midnight sports leagues, other supervised sports programs, youth anticrime councils, supervised visitation centers, and other crime

prevention purposes. California's share of this grant program would be \$56 million.

## FEDERAL LAW CHANGES

In addition to the federal grant programs, the crime bill makes numerous changes to federal law. While many of these changes, such as increased penalties for crimes against maritime platforms in federal waters, do not have direct implications for California, some of the new changes could have an indirect effect. Specifically, federal law changes that could affect California include:

- The addition of federal "Three Strikes" type of sentencing enhancement provisions, where an individual's first "two strikes" can be state convictions, and only the third has to be a federal violent offense, such as carjacking. An individual in this circumstance who is convicted of a federal violent felony crime could spend life in federal prison without parole.
- Creation of more than 70 new offenses as federal crimes. For example, allowing the U.S. Attorney to try individuals who are accused of "drive-by" shootings or carjacking in federal court. Such actions taken at the federal level could reduce the workload of the state's courts.

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- Federal death penalty enhancements such as, federal death penalties for carjacking, would allow for some individuals currently tried by the state to be tried at the federal level because the punishment is more severe.

The effect of each of these changes on California will be based on the willingness of the U.S. Attorneys to enforce these new changes in federal court. For example, if the U.S. Attorneys in California pursued federal "Three-Strikes" prosecutions and obtained convictions, these actions might result in reduced state prison costs because the offenders would be housed in the federal prison system instead of California's prison system. Similar savings would result if federal prosecutors tried and convicted individuals accused of crimes that would normally be tried in state courts. If federal prosecutors tried these defendants in federal rather than state court, the state and county would save the costs associated with prosecution, and if the defendant is convicted, the state would save the costs of housing the individual in state prison.

### **WHAT CAN THE LEGISLATURE DO TO IMPLEMENT THE FEDERAL CRIME BILL?**

The federal crime bill contains provisions that could benefit the state and local governments. The bill provides programmatic opportunities to the state and local governments and community-based organizations,

but also has significant fiscal consequences beyond the receipt of new federal funds. Although the state and local entities stand to receive millions of dollars for crime suppression and prevention programs, the measure will likely add fiscal pressure on the Legislature and local governments (especially counties) in two ways:

- First, to fund additional costs for the criminal justice system in program areas (such as, courts) that will not receive funding under the bill, and
- Second to finance the long-term costs of personnel and programs initiated by the bill after the federal funds run out.

Even though the state's role in the crime bill is relatively minor in many areas, given the opportunities and potential fiscal consequences, we believe that the Legislature and Governor should develop an overall approach or strategy for the state to implement the measure in California. Such an approach will help ensure that the state does not incrementally commit itself to policies or programs in the short-term that are inconsistent with its long-term goals.

For this reason, we recommend that the Legislature and Governor enact legislation that lays out policy direction for California to follow as it decides which funds to apply for and how best to use them over the six-year funding period. The legislation should include the following:

***Compete for Project Grants that Augment Existing State Programs.***

We recommend that the legislation specify which programs the state will apply for. In general, we believe that it is in the state's best interest to only compete for those project grants that could augment existing state programs, such as the two prison construction grant programs. The state should not compete for federal project grants with local governments in areas where local governments already have the primary responsibility, such as grants for family and community endeavor school grants.

***Limit New Law Enforcement Officers to Local Level.***

We recommend that the legislation specify that the state will not compete with local law enforcement to add new law enforcement personnel under the federal program. Such an action recognizes that street-level law enforcement is essentially a local responsibility.

***Estimate the Long-Term Fiscal Consequences of Programs Before Applying for Funding.***

Recognizing the long-term programmatic and fiscal effects which may result from implementation of the federal measure in California, we believe that the state should have a full understanding of the secondary costs of the grant programs to other elements of state and local government as well as a financing scheme to support the programs after federal funding expires. Thus, the legislation should direct the Administration to develop

such estimates and financing plans before it submits an application for federal funding.

***Provide Technical Assistance to Local Governments and Community-Based Organizations.***

We believe that the legislation should authorize the Administration to provide technical assistance to potential grant recipients. Such assistance could take the form of identifying potential grants, assisting with applications, and assessing potential fiscal and programmatic consequences of receiving these federal funds on local governments.

***Determine Which State Departments Should Have Responsibility.***

The legislation should also indicate the preferences of the Legislature with respect to which state department or agency should be responsible for the administration of grant programs. Currently, similar programs are administered by several departments, such as the Office of Criminal Justice Planning (OCJP), the Departments of Alcohol and Drug Programs (DADP), and Justice (DOJ). Because of the comprehensive nature of the crime bill, the Legislature could take this opportunity to evaluate how current and future federal grants should be administered to avoid duplication of effort.

Enactment of such legislation would enable the state to further the crime bill's purposes and to maximize the benefits California would receive from implementing the federal crime bill.

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