

An Overview: Governor's Public Safety Bond Proposal

LEGISLATIVE ANALYST'S OFFICE

Presented To:
Senate Public Safety Committee
Hon. Carole Migden, Chair





Major Provisions of AB 1833 (Arambula)

Public Safety Bond Act of 2006	Public Safety Bond Act of 2010
Continuous Appropriation	
<ul style="list-style-type: none"> • \$2 billion to California Department of Corrections and Rehabilitation (CDCR) for grants to counties for construction, renovation, and replacement of jail facilities. 	<ul style="list-style-type: none"> • \$2 billion to CDCR for grants to counties for construction, renovation, and replacement of jail facilities.
Available for Appropriations by the Legislature	
<ul style="list-style-type: none"> • \$215 million to the Department of Forestry and Fire Protection for replacement or relocation of emergency fire response activities. • \$200 million for a new DNA lab. 	<ul style="list-style-type: none"> • \$1.1 billion for acquisition, construction, renovation, or reconstruction of state youth and adult correctional facilities.
<ul style="list-style-type: none"> • \$170 million for construction, renovation, and replacement of adult and juvenile facilities operated by the state. • \$25 million for development of state military facilities. • Up to 5 percent may be used by the administering department for administrative activities. 	<ul style="list-style-type: none"> • \$1.1 billion for development, renovation, repair, relocation, and restoration of public safety-related buildings. • Up to 5 percent may be used by the administering department for administrative activities.



Authorizes \$6.8 Billion in General Obligation (GO) Bonds—\$2.6 Billion in 2006 and \$4.2 Billion in 2010

- Most of the bond funds—about \$5.3 billion—would be used for construction and renovation of correctional facilities. (Consists of \$4 billion for jails and \$1.3 billion for state youth and adult correctional facilities.)
- There is over \$1 billion for unspecified “public safety buildings,” and significantly smaller amounts for a variety of projects including funds for a state DNA lab, and replacement and relocation of state fire stations.



Major Provisions of AB 1833 (Arambula)

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Establishes the Jail Capital Expenditures Bond Act Program

- **Program Financing.** The bill proposes a \$12 billion grant program financed by GO bonds (\$4 billion), local matching funds (\$4 billion), and the General Fund (\$4 billion).
- **Grants for Jail Construction.** The California Department of Corrections and Rehabilitation (CDCR) would make grants to counties for jail construction, expansion, renovation, replacement, or reconstruction.
- **Conditions of County Participation.** First, 50 percent local match, with at least one-half the amount in cash, and up to one-half "in-kind". Counties with a population less than 200,000 would be eligible for a reduced match. Second, counties would be required to construct additional jail beds "dedicated" for use by state inmates.
- **Jail Beds for State Use.** These beds would be used for (1) state inmates within 90 days of release from prison, and (2) parole violators returned to custody by a decision of the Board of Parole Hearings.



How Jail Financing Provisions Would Operate

- If, for example, a county determined that it needed 1,000 beds, the state—at the 50 percent sharing rate—would require the county to build another 500 beds, which would be earmarked for state prisoners.
- The cost of constructing the first 1,000 beds would be



Major Provisions of AB 1833 (Arambula)

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covered by the state bonds and local match.

- The cost of the 500 dedicated beds would be financed by a local bond backed by the state General Fund via a long-term contract between the state and county. The bill authorizes CDCR to enter into an agreement whereby the state reimburses a county for the “actual costs incurred for housing certain inmates.”



Jails: History of State and Local Relationship

Key Provisions of Previous County Correctional Facility Bond Acts

Previous Acts	Key Provisions
County Jail Capital Expenditure Bond Act of 1981—\$500 million	<ul style="list-style-type: none"> • 25 percent local match. Subject to legislative appropriation. Cites fiscal constraints of Proposition 13.
County Jail Capital Expenditure Bond Act of 1984—\$250 million	<ul style="list-style-type: none"> • No match specified. Moneys made available subject to criteria adopted by the Legislature. Cites fiscal constraints of Proposition 13.
County Correctional Facility Capital Expenditure Bond Act of 1986—\$495 million	<ul style="list-style-type: none"> • 25 percent local match, which the Legislature may modify or waive. Subject to legislative appropriation. Cites fiscal constraints of Proposition 13. • Provision related to mentally ill inmates, alternatives to incarceration, and joint-use facilities.
County Correctional Facility Capital Expenditure and Youth Facility Bond Act of 1988—\$500 million	<ul style="list-style-type: none"> • 25 percent local match. Subject to legislative appropriation. Cites fiscal constraints of Proposition 13. • Provision related to mentally ill inmates, alternatives to incarceration. Provided that a participating county could not exceed a specified incarceration rate. • Made statutory allocations by county.



Jails: History of State and Local Relationship

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Prior Legislation

- In recognition of local fiscal constraints, the bond acts of the 1980s and 1990s required a 25 percent matching rate.
- These bond acts provided the Legislature appropriation authority and flexibility.



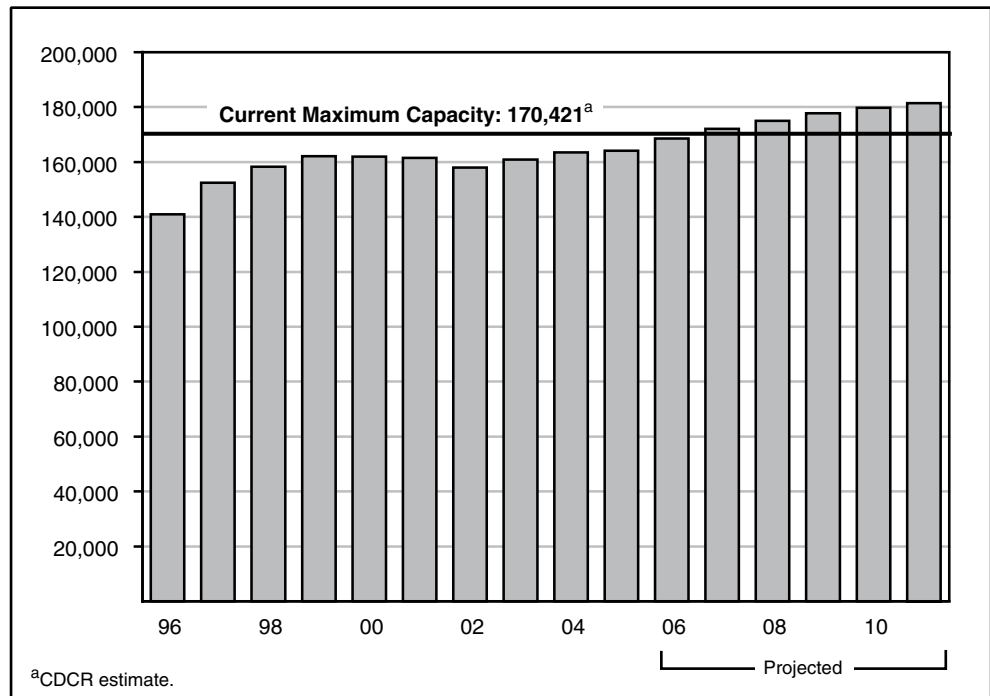
Current State Use of Local Jail Beds

- California has over 100 Type II jails, which is the type that would be funded by AB 1833. These jails have a rated capacity of approximately 75,000 beds.
- In 2004-05, the state used the equivalent of approximately 4,000 jail beds. One-half of these were under contract and roughly one-half were noncontract.
- Existing state contracts are with Los Angeles, Alameda, and Sacramento Counties, which hold state parole violators for the duration of their revocation period.
- The state currently reimburses counties \$68 per bed per day, and funds certain medical costs.



State Inmate Population Versus Capacity

Prison Population Is Projected to Exceed Capacity



- The CDCR currently operates 33 adult prisons and 8 juvenile correctional facilities. It also manages 13 community correctional facilities, 43 adult and juvenile conservation camps, the Richard A. McGee Correctional Training Center, and 202 adult and juvenile parole offices.
- The maximum capacity of the adult prisons is currently 170,421 inmates. This assumes overcrowding of cells and dorms as well as use of contract beds. (As of January 31, 2006, the population was 168,117.)



State Inmate Population Versus Capacity

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- The CDCR projects the inmate population based on current sentencing laws and programs. It estimates that the population will increase to 181,474 inmates by June 30, 2011. At that point the number of inmates would exceed current maximum capacity by approximately 11,000 inmates.
- The projections reflect an average annual growth rate of 1.7 percent, which is the same as the actual average annual growth rate for the period from 1996 through 2005. The projections do not assume changes in current law.



Issues for Legislative Consideration

- Policy Should Drive Facilities.*** The administration's bond proposal would result in facility decisions driving state correctional policy, namely the expanded state use of local jail facilities, for approximately 20 to 30 years. We recommend, instead, that legislative policy and program decisions should drive facility decisions.
- Long-Term Needs Assessment Unavailable.*** The administration has not provided the statutorily required assessments of the state's infrastructure needs. This makes it difficult for the Legislature to assess how this proposal fits with the state's overall needs.
- State/Local Relationship.*** Under the administration's bond proposal, the state would cover at least two-thirds of the cost of jail construction and renovation, at a time when law enforcement is primarily a local responsibility.

 - It also appears that most of the policy decisions that determine the use of these jail beds would be made at the local level. In our view, the entity of government responsible for program decisions, should be the entity of government responsible for providing the funding.
- Legislative Oversight***

 - ***Continuous Appropriation.*** As noted on page 1, \$4 billion of the proposed \$6.8 billion in bond funds would be continuously appropriated. This limits legislative oversight of the program.
 - ***Long-Term Contracts.*** The state would pay the full cost of constructing one-third of the new jail beds, but not own the asset at the conclusion of the contract. The Legislature would not have input or review of contract terms.