



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on July 28, 2015

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Title	Agenda Item Type
Budget: Fiscal Year 2016–2017 Budget Request for the Trial Courts	Action Required
	Effective Date
	July 28, 2015
Rules, Forms, Standards, or Statutes Affected	Date of Report
None	July 15, 2015
Recommended by	Contact
Trial Court Budget Advisory Committee Hon. Laurie M. Earl, Chair	Patrick Ballard, 818-558-3115 <a href="mailto:patrick.ballard@jud.ca.gov">patrick.ballard@jud.ca.gov</a>

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### Executive Summary

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve a proposed fiscal year (FY) 2016–2017 budget request for court-provided security. Submittal of budget change proposals (BCPs) is the standard process for proposing funding adjustments in the State Budget. This year, the BCPs are to be submitted to the state Department of Finance by September 2, 2015.

### Recommendation

The Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council, effective July 28, 2015, approve the preparation and submission of a fiscal year (FY) 2016–2017 BCP to the state Department of Finance for trial court–provided security, as follows:

1. The TCBAC recommends that the BCP be submitted to address increased costs for court-provided (non-sheriff) security for the maintenance of funding at FY 2010–2011 security levels.

2. Beginning in FY 2016–2017 and beyond, if any new General Fund (GF) augmentation is received, courts with court-provided (non-sheriff) security since 2010–2011 would be provided funding based on the same growth funding percentage that the county sheriff receives.
3. If the growth percentage provided to the county sheriffs exceeds the GF augmentation percentage increase to the trial courts, the funding provided (to courts with court-provided security) will equal the GF augmentation percentage increase. The growth funding would cease if a court discontinues its court-provided security services.

### **Previous Council Action**

The Judicial Council has statutory authority to approve budget requests on behalf of the trial courts. The recommendation in this report is consistent with the council's past practice under this authority.

### **Rationale for Recommendation**

When criminal justice realignment occurred in 2011, funding for sheriff-provided security was transferred to the counties. As a result, in July of 2011 trial court base budgets were reduced by the total amount for sheriff-provided security—\$484.6 million—while a total of \$41.0 million remained in the base budgets for the 39 courts with court-provided security costs (private security contracts, court attendants, marshals, and other costs such as alarm systems). Currently, county-provided sheriff security receives growth funding from the Trial Court Security Growth Special Account; however, courts have not received any funding for increased costs for private security contracts since FY 2010–2011. Courts do, however, receive funding for benefit adjustments for marshal and court security staff through the benefit funding process.

In May 2014, Judge Earl, the chair of TCBAC, appointed a Security Growth Funding Working Group to determine (a) whether the affected courts should receive growth funding and at what rate, and (b) what the best source(s) for any such funding would be.

### **BCP recommendation for Judicial Council approval**

At the TCBAC meeting on September 26, 2014, the committee voted unanimously to approve the Security Growth Funding Working Group's recommendation to send a security survey to the courts that have court-provided security and to develop a costing justification and/or methodology to support a spring BCP, based on the data received. A survey was sent out on October 22, 2014, on behalf of the TCBAC to the 39 courts with court-provided security. Based on the survey results, the working group presented options at the TCBAC meeting on December 9, 2014.

The TCBAC considered all the options and voted unanimously to approve submission of a spring BCP to maintain funding at 2010–2011 security levels with the current cost estimated to be \$2.7 million, as well as to request a growth percentage increase starting in FY 2016–2017. The working group was instructed to provide a recommendation to the TCBAC in January 2015

defining the growth factor, and to determine whether the baseline amount for any growth factor should be restricted in the future to be used only for court-provided security. The recommendation also included more follow-up with courts on the information provided in the security survey related to the \$2.7 million estimate. At its January 22, 2015 business meeting, the Judicial Council approved the preparation and submission of a fiscal year (FY) 2015–2016 spring budget change proposal (BCP) to the state Department of Finance (DOF) for trial court–provided security.

### **BCP Spring 2015 submission**

In February 2015, a spring BCP for 2015–2016 was submitted to the DOF. The BCP request by the Judicial Council was for a GF augmentation of \$3.7 million to address increased costs for court-provided (non-sheriff) security for the maintenance of funding at 2010–2011 security levels. The DOF did not approve the GF augmentation requested in the BCP and, subsequently, it was not included in the Governor’s 2015 May Revise. The DOF’s reasoning was that the trial courts should prioritize security expenses against other costs and utilize their GF augmentation (i.e. \$60 million in 2013–2014, \$86.3 million in 2014–2015, and \$90.6 million in 2015–2016).

The TCBAC met on July 6, 2015, to consider options based on the results of the 2015–2016 BCP from its Security Growth Funding Working Group and unanimously approved Options 1 and 2, below. The committee recommends going forward with a fall BCP for 2016–2017 (Option 1), since trial courts with court-provided security have not received any funding specifically for increased costs for marshals, court attendants, private security contracts for entrance screening, and other security costs since the 2011 Criminal Justice Realignment Act. Once the maintenance of funding at 2010–2011 security levels has been secured through a BCP, future cost increases for security services could be provided if any new GF augmentations are received (Option 2). Each option reviewed by the committee, with a description of the options, is provided below.

*Option 1:* Submission of a fall BCP for FY 2016–2017 to address increased costs for court-provided (non-sheriff) security for the maintenance of funding at FY 2010–2011 security levels.

*Option 2:* Beginning in FY 2016–2017 and beyond, if any new GF augmentation is received, courts with court-provided (non-sheriff) security since 2010–2011 would be provided funding based on the same growth funding percentage that the county sheriff receives. If the growth percentage provided to the county sheriffs exceeds the GF augmentation percentage increase to the trial courts, the funding provided (to courts with court-provided security) will equal the GF augmentation percentage increase. The growth funding would cease if a court discontinues its court-provided security services.

*Option 3:* Beginning in FY 2016–2017 and beyond, if any new GF augmentation is received, courts with court-provided (non-sheriff) security since 2010–2011 would be provided funding based on the GF augmentation percentage increase.

### **Comments, Alternatives Considered, and Policy Implications**

This item was not circulated for public comment, but input was obtained through the previously discussed survey sent to the 39 trial courts that have court-provided security. Options were considered by the TCBAC and are discussed in the Rationale for Recommendation section of the report.

### **Implementation Requirements, Costs, and Operational Impacts**

Not applicable.

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

The recommendation to submit a BCP for court-provided security will address the strategic plan goals of Access, Fairness, and Diversity (Goal I); Independence and Accountability (Goal II); Modernization of Management and Administration (Goal III); Quality of Justice and Service to the Public (Goal IV); and Branchwide Infrastructure for Service Excellence (Goal VI).