

STATE OF CALIFORNIA  
**Budget Change Proposal - Cover Sheet**  
 DF-46 (REV 08/15)

Fiscal Year 2016-17	Business Unit 0250	Department Judicial Branch	Priority No. 008
Budget Request Name 0250-008-BCP-BR-2016-GB		Program <b>0150 SUPPORT FOR OPERATION OF TRIAL COURTS</b>	Subprogram <b>0150010</b> -Support for Operation of trial Courts

Budget Request Description  
 Court-Provided (Non-Sheriff) Security

Budget Request Summary

The Judicial Council requests an ongoing General Fund augmentation of \$343,000 to address increased costs for court-provided (non-sheriff) security to maintain funding at 2010-2011 security levels. Trial courts have not received any funding specifically for increased costs for marshals since the 2011 Public Safety Realignment.

Requires Legislation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Code Section(s) to be Added/Amended/Repealed	
Does this BCP contain information technology (IT) components? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, departmental Chief Information Officer must sign.</i>	Department CIO	Date

For IT requests, specify the date a Special Project Report (SPR) or Feasibility Study Report (FSR) was approved by the Department of Technology, or previously by the Department of Finance.  
 FSR       SPR      Project No.      Date:

If proposal affects another department, does other department concur with proposal?     Yes     No  
 Attach comments of affected department, signed and dated by the department director or designee.

Prepared By PBallard	Date 12/22/2015	Reviewed By ZTheodorovic	Date 12/22/2015
Chief Administrative Officer <i>Zlatan Theodorovic</i>	Date 12/31/15	Administrative Director <i>State for NH</i>	Date 12/31/15

**Department of Finance Use Only**

Additional Review:  Capital Outlay     ITCU     FSCU     OSAE     CALSTARS     Dept. of Technology

BCP Type:       Policy       Workload Budget per Government Code 13308.05

PPBA <i>B. J.</i>	Date submitted to the Legislature 1/7/16
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## Analysis of Problem

### A. Budget Request Summary

The Judicial Council requests a General Fund ongoing augmentation of \$343,000 to address increased costs for court-provided (non-sheriff) security to maintain funding at 2010–2011 security levels. Trial courts have not received any funding specifically for increased costs for marshals since the 2011 Public Safety Realignment. The Legislature established an account (Senate Bill 1020, Stats. 2012, ch. 40) to address cost increases for county-provided sheriff security. As a result of this, along with a cost of living adjustment provided in FY 2011–2012, counties have received increases averaging 2.55% a year from FY 2011–2012 to FY 2014–2015 to fund growth in county-provided sheriff security. The projected growth funding level is 2.95% for FY 2015–2016. If similar growth for each year was provided for court-provided security the trial courts would have received a total of \$380,000 in growth funding for marshals in this same period.

### B. Background/History (*Provide **relevant** background/history and provide program resource history. Provide workload metrics, if applicable.*)

Prior to 2011, the trial court security budget funded both sheriff-provided and non-sheriff-provided court security and the Judicial Council did not track the two categories separately. In preparation for realignment, Department of Finance staff requested that Judicial Council staff provide a breakdown between the two categories. The purpose of separating the categories was because realignment was intended to shift funding to the counties for only the sheriff-provided court security. Judicial Council staff, in compliance with that request, provided the costs of sheriff-provided court security in the 2010–2011 fiscal year.

Assembly Bill 118 (Stats. 2011, ch. 40) and Assembly Bill 121 (Stats. 2011, ch. 41) were legislative measures, as part of the realignment of criminal justice programs, that realigned trial court security funding. Assembly Bill 118 provided the revenues for sheriff provided security and created the account structure to allocate these funds to the counties. As a result of the bill's provisions, Local Revenue Fund 2011 was created and, among other accounts in this fund, a Trial Court Security Account. Assembly Bill 121 required the state Director of Finance to allocate a reduction from the Trial Court Trust Fund (TCTF) to reflect funds used from the Trial Court Security Account in the Local Revenue Fund 2011.

As a result of the two bills, the Judicial Council at its July 22, 2011 business meeting, reduced the trial court base budgets by a total of \$484.6 million, representing the trial courts' adjusted FY 2010–2011 sheriff security allocation. A total of \$41.0 million was to remain in the base budgets for the 39 courts with court-provided security (marshals, court attendants, private security contracts for entrance screening, and other security expenses). The \$41.0 million base budget allocated to courts for court-provided security has remained the same since FY 2010–2011. County-provided sheriff security receives growth funding from the Trial Court Security Growth Special Account, in contrast, courts have not received any funding for increased costs since 2011 except for benefit cost adjustments.

### C. State Level Considerations

Prior to realignment and currently, two rural courts use marshals to help contain costs and because the sheriff does not have sufficient staff available to provide all security services for the court. Without a general fund augmentation, the maintenance of existing entrance weapons screening services and courtroom security is at risk, compromising the safety of judges, staff, court litigants and jurors, and the public.

### D. Justification

Courts have identified \$343,000 in security funding (see Table 1 below). With no means to fully fund marshal costs (weapons) screening services are at risk. Reductions in the level of marshals who oversee courtrooms could delay trials and access to justice. In order not to eliminate or reduce these services, courts would need to use operational funds to pay for the services. However, with recent budget cuts, the courts have limited operational funds and thus minimal or no funding available for redirection. As a result, the courts would have to eliminate screening altogether in some locations, switch from marshals to unarmed guards, or further reduce non-security court staff to offset these costs. This would translate into reduced safety for the public, judges and court staff. Use of operational funds may mean additional reductions in non-security court staff,

## Analysis of Problem

diminishing access to justice. Moreover, insufficient funding of other costs such as alarms and alarm monitoring would compromise the courts' ability to effectively respond to threats.

**TABLE 1: Trial Court–Provided Security Funding Need**

	2010-2011 Court-Provided Security Base Allocation	2016-2017 General Fund Augmentation Request	Percentage Change	Average Percentage Change (FY 2011-12 to FY 2016-17)
Marshal Costs	2,840,276	342,506	12.1%	2.4%
Funding Growth in County-Provided Sheriff			13.4%	2.6%

### E. Analysis of All Feasible Alternatives

1. Provide no new funding for court-provided security cost increases for marshals.

Pros:

- No additional General Fund commitment from the state.

Cons:

- Entrance (weapons) screening services are at risk. Although some funding has been restored from the severe budget cuts during the past several years, courts still have insufficient or limited funding available for redirection.
- Elimination of screening in some locations would result in reduced safety for court litigants and jurors, the public, judges and court staff.
- Reduction in non-security court staff to offset these costs would negatively affect the processing of cases and services to the public.

2. Move all court-provided security functions to the sheriff.

Pros:

- Provides annual growth funding from the Trial Court Security Growth Special Account.
- Continued safety to public, judges and court staff.

Cons:

- The current funding of \$2.8 million would be insufficient if sheriff deputies are used to replace marshals since the cost of a deputy is substantially higher.
- The sheriff may not have adequate staff to take on these additional functions.
- Funding for these functions would need to be realigned to the county and the Trial Court Security Subaccount.

3. Provide 50% of funding proposal for court-provided security cost increases.

Pros:

- The proposal will require less commitment of General Fund resources compared to alternative #4.

## Analysis of Problem

- Provides some resources to fund court-provided security costs for marshals.
- Continued safety to the public, judges and court staff.

### Cons:

- Courts would still need to redirect funds by reducing other court operations to pay for the security services. Reduction in non-security court staff to offset these costs would negatively affect the processing of cases and services to the public.
- Entrance (weapons) screening courtroom services may still be at risk.

4. Provide an ongoing General Fund Augmentation of \$343,000 to fund court-provided security cost increases.

### Pros:

- Provides sufficient resources to fund court-provided security costs.
- Continued safety to the public, judges and court staff.

### Cons:

- The proposal will require a higher commitment of General Fund resources compared to alternatives #1 and #3.

## F. Implementation Plan

If the requested funding is included in the Budget Act of 2016, the Judicial Council could allocate the funding to the trial courts that provide marshal security. The trial courts could then begin to ramp up court provided security back to 2010–2011 levels.

## G. Recommendation

The Judicial Council recommends that the request for a General Fund augmentation of \$343,000 to address increased costs for court-provided (non-sheriff) security to maintain funding at 2010–2011 security levels be adopted as proposed.

# BCP Fiscal Detail Sheet

BCP Title: Court Provided Non-Sheriff Security

DP Name: 0250-008-BCP-DP-2016-GB

## Budget Request Summary

	FY16					
	CY	BY	BY+1	BY+2	BY+3	BY+4
Operating Expenses and Equipment						
54XX - Special Items of Expense	0	343	343	343	343	343
<b>Total Operating Expenses and Equipment</b>	<b>\$0</b>	<b>\$343</b>	<b>\$343</b>	<b>\$343</b>	<b>\$343</b>	<b>\$343</b>
<b>Total Budget Request</b>	<b>\$0</b>	<b>\$343</b>	<b>\$343</b>	<b>\$343</b>	<b>\$343</b>	<b>\$343</b>

## Fund Summary

Fund Source - Local Assistance						
0001 - General Fund	0	343	343	343	343	343
<b>Total Local Assistance Expenditures</b>	<b>\$0</b>	<b>\$343</b>	<b>\$343</b>	<b>\$343</b>	<b>\$343</b>	<b>\$343</b>
<b>Total All Funds</b>	<b>\$0</b>	<b>\$343</b>	<b>\$343</b>	<b>\$343</b>	<b>\$343</b>	<b>\$343</b>

## Program Summary

Program Funding						
0150010 - Support for Operation of Trial Courts	0	343	343	343	343	343
<b>Total All Programs</b>	<b>\$0</b>	<b>\$343</b>	<b>\$343</b>	<b>\$343</b>	<b>\$343</b>	<b>\$343</b>