

# **California Emergency Management Agency**

## **BUDGET NO. 0690**

## **REPORT NO. 1**

## **PENAL CODE**

**PART 4. PREVENTION OF CRIMES AND APPREHENSION OF CRIMINALS [11006. - 14315.] ( Part 4 added by Stats. 1953, Ch. 1385. )**

**TITLE 6. CALIFORNIA COUNCIL ON CRIMINAL JUSTICE [13800. - 13897.3.] ( Title 6 repealed and added by Stats. 1973, Ch. 1047. )**

**CHAPTER 3.5. Gang Violence Suppression [13826. - 13826.7.] ( Chapter 3.5 added by Stats. 1981, Ch. 1030, Sec. 1. )**

### **13826.1.**

(a) There is hereby established in the Board of State and Community Corrections, the Gang Violence Suppression Program, a program of financial and technical assistance for district attorneys' offices, local law enforcement agencies, county probation departments, school districts, county offices of education, or any consortium thereof, and community-based organizations which are primarily engaged in the suppression of gang violence. All funds appropriated to the board for the purposes of this chapter shall be administered and disbursed by the board consistent with the purposes and mission of the board, and shall to the greatest extent feasible be coordinated or consolidated with federal funds that may be made available for these purposes.

(b) The board is authorized to allocate and award funds to cities, counties, school districts, county offices of education, or any consortium thereof, and community-based organizations in which gang violence suppression programs are established in substantial compliance with the policies and criteria set forth in this chapter.

(c) The allocation and award of funds shall be made on the application of the district attorney, chief law enforcement officer, or chief probation officer of the applicant unit of government and approved by the legislative body, on the application of school districts, county offices of education, or any consortium thereof, or on the application of the chief executive of a community-based organization. All programs funded pursuant to this chapter shall work cooperatively to ensure the highest quality provision of services and to reduce unnecessary duplication. Funds disbursed under this chapter shall not supplant local funds that would, in the absence of the Gang Violence Suppression Program, be made available to support the activities set forth in this chapter. Funds awarded under this program as local assistance grants shall not be subject to review as specified in Section 10295 of the Public Contract Code.

(d) The board shall prepare and issue written program and administrative guidelines and procedures for the Gang Violence Suppression Program, consistent with this chapter. These guidelines shall set forth the terms and conditions upon which the board is prepared to offer grants of funds pursuant to statutory authority. The guidelines do not constitute rules, regulations, orders, or standards of general application.

(e) Annually, commencing November 1, 1984, the board shall prepare a report to the Legislature describing in detail the operation of the statewide program and the results obtained by district attorneys' offices, local law enforcement agencies, county probation departments, school

districts, county offices of education, or any consortium thereof, and community-based organizations receiving funds under this chapter and under comparable federally financed awards.

(f) Criteria for selection of district attorneys' offices, local law enforcement agencies, county probation departments, school districts, county offices of education, or any consortium thereof, and community-based organizations to receive gang violence suppression funding shall be developed in consultation with the Gang Violence Suppression Advisory Committee whose members shall be appointed by the executive director of the board, unless otherwise designated.

(g) (1) The Gang Violence Suppression Advisory Committee shall be composed of five district attorneys; two chief probation officers; two representatives of community-based organizations; three attorneys primarily engaged in the practice of juvenile criminal defense; three law enforcement officials with expertise in gang-related investigations; one member from the California Youth Authority Gang Task Force nominated by the Director of the California Youth Authority; one member of the Department of Corrections Law Enforcement Liaison Unit nominated by the Director of the Department of Corrections and Rehabilitation; one member from the Department of Justice nominated by the Attorney General; the Superintendent of Public Instruction, or his or her designee; one member of the California School Boards Association; and one representative of a school program specializing in the education of the target population identified in this chapter.

(2) Five members of the Gang Violence Suppression Advisory Committee appointed by the executive director shall be from rural or predominately suburban counties and shall be designated by the secretary as comprising the Rural Gang Task Force Subcommittee.

(3) The Rural Gang Task Force Subcommittee, in coordination with the Gang Violence Suppression Advisory Committee and the board, shall review the Gang Violence Suppression Program participation requirements and recommend changes in the requirements which recognize the unique conditions and constraints that exist in small rural jurisdictions and enhance the ability of small rural jurisdictions to participate in the Gang Violence Suppression Program.

(h) The executive director shall designate a staff member in the Gang Violence Suppression Program to act as the Rural Gang Prevention Coordinator and to provide technical assistance and outreach to rural jurisdictions with emerging gang activities. It is the intent of the Legislature that compliance with this subdivision not necessitate an additional staff person.

*(Amended by Stats. 2011, Ch. 36, Sec. 62. Effective June 30, 2011. Operative July 1, 2012, by Sec. 83 of Ch. 36, as amended by Stats. 2011, Ch. 136, Sec. 32.)*

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1584		Crime prevention: gang members.	Chaptered 10/02/1989		-		
AB-1757	Committee on Budget	State agencies.	Chaptered 08/11/2003	08/11/2003 - Chaptered by Secretary of State - Chapter 229, Statutes of 2003.	-		
AB-2791	Committee on Governmental Organization	California Emergency Management Agency.	Chaptered 09/30/2010	09/30/2010 - Chaptered by Secretary of State - Chapter 618, Statutes of 2010.	Secretary of State-Chaptered	Yes	Majority

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-2874		Research studies and projects.	Chaptered 09/15/1992		-		
SB-92	Committee on Budget and Fiscal Review	Budget Act of 2011.	Chaptered 06/30/2011	06/30/2011 - Chaptered by Secretary of State. Chapter 36, Statutes of 2011.	Secretary of State-Chaptered	Yes	Majority
SB-1354		Gang violence suppression.	Chaptered 09/29/1992		-		

**COMMENTS/RECOMMENDATIONS:**

The Legislative Analyst's Office recommends retaining this requirement until the Legislature determines what reporting is necessary for realignment grant oversight.

## **REPORT NO. 2**

### **PENAL CODE- PEN 999y**

#### **PART 2. OF CRIMINAL PROCEDURE [681. - 1620.]**

*( Part 2 enacted 1872. )*

#### **TITLE 6. PLEADINGS AND PROCEEDINGS BEFORE TRIAL [976. - 1054.10.]**

*( Heading of Title 6 amended by Stats. 1951, Ch. 1674. )*

#### **CHAPTER 2.4. Child Abusers [999q. - 999y.]**

*( Chapter 2.4 added by Stats. 1985, Ch. 1097, Sec. 1. )*

#### **999y.**

The California Emergency Management Agency shall report annually to the Legislature concerning the program established by this chapter. The agency shall prepare and submit to the Legislature on or before December 15, 2002, and within six months of the completion of subsequent funding cycles for this program, an evaluation of the Child Abuser Prosecution Program. This evaluation shall identify outcome measures to determine the effectiveness of the programs established under this chapter, which shall include, but not be limited to, both of the following, to the extent that data is available:

- (a) Child abuse conviction rates of Child Abuser Prosecution Program units compared to those of nonfunded counties.
- (b) Quantification of the annual per capita costs of the Child Abuser Prosecution Program compared to the costs of prosecuting child abuse crimes in nonfunded counties.

*(Amended by Stats. 2010, Ch. 618, Sec. 202. Effective January 1, 2011.)*

### **NO RELATED LEGISLATION**

#### **COMMENTS/RECOMMENDATIONS:**

The Legislative Analyst's Office contends that the data required in this report is not included in the JLBC quarterly report as indicated by CalEMA. The LAO recommends retaining this requirement

## **REPORT NO. 3**

### **PENAL CODE**

#### **PART 2. OF CRIMINAL PROCEDURE [681. - 1620.]**

*( Part 2 enacted 1872. )*

#### **TITLE 6. PLEADINGS AND PROCEEDINGS BEFORE TRIAL [976. - 1054.10.]**

*( Heading of Title 6 amended by Stats. 1951, Ch. 1674. )*

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The California Emergency Management Agency shall report annually to the Legislature concerning the program established by this chapter. The agency shall prepare and submit to the Legislature on or before December 15, 2002, and within six months of the completion of subsequent funding cycles for this program, an evaluation of the Child Abuser Prosecution Program. This evaluation shall identify outcome measures to determine the effectiveness of the programs established under this chapter, which shall include, but not be limited to, both of the following, to the extent that data is available:

- (a) Child abuse conviction rates of Child Abuser Prosecution Program units compared to those of nonfunded counties.
- (b) Quantification of the annual per capita costs of the Child Abuser Prosecution Program compared to the costs of prosecuting child abuse crimes in nonfunded counties.

*(Amended by Stats. 2010, Ch. 618, Sec. 202. Effective January 1, 2011.)*

### **NO RELATED LEGISLATION**

**COMMENTS/RECOMMENDATIONS:** The Legislative Analyst's Office contends that the data required in this report is not included in the JLBC quarterly report as indicated by CalEMA. The LAO recommends retaining this requirement

## REPORT NO. 4

### PENAL CODE

**PART 4. PREVENTION OF CRIMES AND APPREHENSION OF CRIMINALS [11006. - 14315.] ( Part 4 added by Stats. 1953, Ch. 1385. )**

**TITLE 1.5. STATEWIDE PROGRAMS OF EDUCATION, TRAINING, AND RESEARCH FOR LOCAL PUBLIC PROSECUTORS AND PUBLIC DEFENDERS [11500. - 11504.] ( Title 1.5 added by Stats. 1982, Ch. 116, Sec. 1. )**

#### 11501.

(a) There is hereby established in the California Emergency Management Agency, a program of financial assistance to provide for statewide programs of education, training, and research for local public prosecutors and public defenders. All funds made available to the agency for the purposes of this chapter shall be administered and distributed by the secretary of the agency.

(b) The Secretary of Emergency Management is authorized to allocate and award funds to public agencies or private nonprofit organizations for purposes of establishing statewide programs of education, training, and research for public prosecutors and public defenders, which programs meet criteria established pursuant to Section 11502.

(c) Annually, the secretary shall submit a report to the Legislature describing the operation and accomplishments of the statewide programs authorized by this title.

*(Amended by Stats. 2010, Ch. 618, Sec. 211. Effective January 1, 2011.)*

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1757	Committee on Budget	State agencies.	Chaptered 08/11/2003	08/11/2003 - Chaptered by Secretary of State - Chapter 229, Statutes of 2003.	-		
AB-2791	Committee on Governmental Organization	California Emergency Management Agency.	Chaptered 09/30/2010	09/30/2010 - Chaptered by Secretary of State - Chapter 618, Statutes of 2010.	Secretary of State-Chaptered	Yes	Majority

### COMMENTS/RECOMMENDATIONS:

According to CalEMA, this reporting requirement is no longer relevant.

## REPORT NO. 5

### PENAL CODE

#### PART 4. PREVENTION OF CRIMES AND APPREHENSION OF CRIMINALS [11006. - 14315.]

( Part 4 added by Stats. 1953, Ch. 1385. )

#### TITLE 6. CALIFORNIA COUNCIL ON CRIMINAL JUSTICE [13800. - 13897.3.] ( Title 6 repealed and added by Stats. 1973, Ch. 1047. )

#### CHAPTER 5.5. Rural Indian Crime Prevention Program [13847. - 13847.2.] ( Chapter 5.5 added by Stats. 1990, Ch. 132, Sec. 1. )

#### 13847.

(a) There is hereby established in the agency a program of financial and technical assistance for local law enforcement, called the Rural Indian Crime Prevention Program. The program shall target the relationship between law enforcement and Native American communities to encourage and to strengthen cooperative efforts and to implement crime suppression and prevention programs.

(b) The secretary may allocate and award funds to those local units of government, or combinations thereof, in which a special program is established in law enforcement agencies that meets the criteria set forth in Sections 13847.1 and 13847.2.

(c) The allocation and award of funds shall be made upon application executed by the chief law enforcement officer of the applicant unit of government and approved by the legislative body. Funds disbursed under this chapter shall not supplant local funds that would, in the absence of the Rural Indian Crime Prevention Program, be made available to support the suppression and prevention of crime on reservations and rancherias.

(d) The secretary shall prepare and issue administrative guidelines and procedures for the Rural Indian Crime Prevention Program consistent with this chapter.

(e) The guidelines shall set forth the terms and conditions upon which the agency is prepared to offer grants of funds pursuant to statutory authority. The guidelines do not constitute rules, regulations, orders, or standards of general application.

(f) Every three years, commencing on and after January 1, 1991, the secretary shall prepare a report to the Legislature describing in detail the operation of the program and the results obtained from law enforcement rural Indian crime prevention programs receiving funds under this chapter.

*(Amended by Stats. 2010, Ch. 618, Sec. 248. Effective January 1, 2011.)*

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1757	Committee on Budget	State agencies.	Chaptered 08/11/2003	08/11/2003 - Chaptered by Secretary of State - Chapter 229, Statutes of 2003.	-		
AB-2761		American Indians.	Chaptered 06/11/1990		-		
AB-2791	Committee on Governmental Organization	California Emergency Management Agency.	Chaptered 09/30/2010	09/30/2010 - Chaptered by Secretary of State - Chapter 618, Statutes of 2010.	Secretary of State - Chaptered	Yes	Majority

**COMMENTS/RECOMMENDATIONS:** According to CalEMA, this program no longer exists.

**REPORT NO. 6**

**Item 0690-102-0001 of Section 2 of the Budget Act of 2006 and Budget Act of 2007**

**SEC. 7.**

**Item 0690-102-0001 of Section 2.00 of the Budget Act of 2006 is amended to read:**

0690-102-0001—For local assistance, Office of  
Emergency Services ..... **56,699,000**

Schedule:

- (1.5) 50.20-Victim Services  
..... 9,317,000
- (2.5) 50.30-Public Safety  
..... 52,953,000
- (18) Reimbursements ..... -5,571,000

Provisions:

1. Notwithstanding any other provision of law, the Office of Emergency Services may provide advance payment of up to 25 percent of grant funds awarded to community-based nonprofit organizations, cities, school districts, counties, and other units of local government that have demonstrated cashflow problems according to the criteria set forth by the Office of Emergency Services.
2. To maximize the use of program funds and demonstrate the commitment of the grantees to program objectives, the Office of Emergency Services shall require all grantees of funds from the Gang Violence Suppression-Curfew Enforcement Strategy Program to provide local matching funds of at least 10 percent for the first and each subsequent year of operation. This match requirement applies to each agency



that is to receive grant funds. An agency may meet its match requirements with an in-kind match, if approved by the Office of Emergency Services.

3. Of the amount appropriated in Schedule (2.5), \$800,000 shall be provided for grants to counties, consistent with the Central Coast Rural Crime Prevention Program as established in Chapter 18 of the Statutes of 2003. The funds shall be distributed only to counties for planning, or for implementation of the program in those counties that have completed the planning process, consistent with Chapter 18 of the Statutes of 2003. In no case shall a grant exceed \$300,000.
4. The Department of Finance shall include a special display table in the Governor's Budget under the Office of Emergency Services that displays, by fund source, component level detail for Program 50, Criminal Justice Projects. In addition, the Office of Emergency Services, in consultation with the Department of Finance, shall provide a report to the Joint Legislative Budget Committee by January 10 of each year that provides a list of grantees, total funds awarded to each grantee, and performance statistics to document program outputs and outcomes in order to assess the state's return on investment for each component of Program 50 for each of the three years displayed in the Governor's Budget.
6. Of the amount appropriated in this item, the Department of Finance may authorize the transfer of up to 5 percent (up to \$995,000) of the augmentation for the California Multijurisdictional Methamphetamine Enforcement Teams Program to Item 0690-001-0001 for the purpose of conducting an

independent evaluation of the program.

7. Of the funding appropriated in this item, \$29,400,000 is for local assistance to support the California Multijurisdictional Methamphetamine Enforcement Teams Program. \$19,900,000 of this funding is provided on a two-year, limited-term basis. No later than January 10, 2008, the Office of Emergency Services, in consultation with the Department of Finance, shall submit to the Joint Legislative Budget Committee a report that proposes a funding allocation plan that links grant funding to the size of the problem in each of the five state-designated regions. The report shall also include a summary of spending by region, program activities, and demonstrated outcomes such as lab seizures and arrests.
8. Of the amount appropriated in this item, \$400,000 shall be available for grants to any private nonprofit organizations that have previously received funding from the California Innocence Protection Program. Any entity receiving funding under this program shall provide detailed expenditure reports semiannually and annually on the use of funds provided under this program. The Office of Emergency Services shall prepare and submit a report to the Joint Legislative Budget Committee on or before June 30, 2007, on the foregoing information for each entity receiving funding under this program.
9. Of the amount appropriated in Schedule (2.5), \$8,000,000 is in augmentation of the Vertical Prosecution Block Grants for a total program of \$16,176,000.

**COMMENTS/RECOMMENDATIONS:** This report requirement is a one-time report. The Legislature may wish to ask CalEMA if the reports required in the Budget Act were ever completed.