



CSAC Annual Meeting

Administration of Justice Policy Committee Meeting

Thursday, November 20, 2014 ■ 9:00 – 11:00 a.m.

Disneyland Hotel ■ Magic Kingdom 3 ■ Anaheim ■ Orange County, CA

Supervisor Federal Glover, Contra Costa County, Chair
Supervisor John Viegas, Glenn County, Vice-Chair

- 9:00 a.m. **I. Welcome and Introductions**
Supervisor Federal Glover, Contra Costa County
- 9:05 **II. Update from the Board of State and Community Corrections**
*Linda Penner, Chair, Board of State and Community Corrections (BSCC);
Kathleen Howard, Executive Director, BSCC*
- 9:35 **III. Exploring Options for Establishing a Protocol for Issuance of
Inmate Identification Cards – *POTENTIAL ACTION ITEM***
*Mike McGowan, Deputy Director - Executive Division, Strategic Planning
and Policy, Department of Motor Vehicles (DMV); Herbert Brown,
Manager V - Field Operations Division, Program Services and Policy
Unit, DMV; Michael Lee, Manager I - Field Operations Division,
Enhancement and Compliance Unit, DMV*
- 10:05 **IV. 2015 Attorney General Priorities**
*Jeff Tsai, Special Assistant Attorney General, Office of the Attorney
General; Linda Denly, Associate Director, Division of Recidivism
Reduction & Re-Entry, Office of the Attorney General*
- 10:35 **V. 2015 Advocacy Priorities – *ACTION ITEM***
Elizabeth Howard Espinosa, CSAC Senior Legislative Representative
- 10:50 **VI. Review of Administration of Justice Legislative Platform**
Elizabeth Howard Espinosa, CSAC Senior Legislative Representative
- 10:55 **VII. 2014 Legislative Wrap-up**
Elizabeth Howard Espinosa, CSAC Senior Legislative Representative
- 11:00 a.m. **VIII. Adjournment**

ITEM II
Update from the Board of State and Community
Corrections



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California
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916.441.5507

November 4, 2014

TO: CSAC Administration of Justice Policy Committee

FROM: Elizabeth Howard Espinosa, Senior Legislative Representative
CSAC Administration of Justice Policy Committee

Re: **Update from the Board of State and Community Corrections**

Under leadership in place over the last year, the Board of State and Community Corrections (BSCC) has emerged as a strong and committed partner to counties. We are pleased to have BSCC Chair Linda Penner and Executive Director Kathleen Howard address the committee at its November meeting. Member will hear updates on a number of important initiatives underway that are of significant interest to counties. Those topics and a brief background on each are provided below.

AB 1050 Recidivism Definition

At its November 13 meeting, the BSCC will consider approval of a statewide definition of recidivism. Pursuant to AB 1050 (Dickinson, 2013), the Board was charged with establishing a cross-jurisdictional working group to tackle the definition of key phrases associated with realignment. CSAC was represented on the working group by Patrick Blacklock, the Yolo County Administrative Officer. The first phrase the working group focused on was recidivism; the attached release from BSCC details the recommended definition.

SB 863 (2014): \$500 million Investment in Local Jail Construction

The BSCC is the state entity that will administer the jail construction program established pursuant to an additional \$500 million committed in the 2014-15 state budget to local jail construction projects, with a focus on rehabilitative and treatment space. The process is underway now for identifying a cross-section of representatives that will make up SB 863 Executive Steering Committee, the body charged with developing the Request for Proposals and subsequently reviewing and ranking county project proposals.

Realignment Performance Metrics

The main 2014-15 budget bill (SB 862) enacted provisions within the BSCC budget regarding collection of data elements relative to counties' community corrections systems. Specifically, the budget bill language requires the BSCC to report to the Governor and Legislature by February 15, 2015 outlining "a set of 6 to 12 recommended performance metrics that are available or should be commonly available" related to counties' community corrections systems. In developing the recommended measures, the BSCC is encouraged to work with stakeholders and nonpartisan research groups. In addition to the definition of data points, BSCC is also asked to report a description of where the data may be accessed, and how the data may be interpreted.

Mentally Ill Offender Crime Reduction Grants (MIOCR)

Counties will recall that the 2014-15 budget included a commitment of \$18 million – to be divided evenly between juvenile and adult programs – to renew local MIOCR programs. CSAC had advocated strongly for inclusion of this program in the budget. As specified in Penal Code Section 6045 et seq. (see Section 32 of AB 1468, the 2014-15 public safety trailer bill), counties will apply through competitive process administered by BSCC to seek this funding. Applications must outline a four-year plan for expenditures, and a 25 percent local match will be required with priority given to those counties that offer a higher match. Successful applicants will be required to submit specified outcome measurement data.

Social Innovation Financing

AB 1837 (Atkins) establishes a framework for the issuance of up to \$5 million in social innovation or pay-for-success bonds. An appropriation of the same amount included in the 2014-15 budget is contingent upon authorizing legislation. This measure serves as that authorizing vehicle. The measure dedicates grant funds, as specified, to social innovation financing contracts, which are agreements among government, private investors, and service providers under which the investors provide financing to service providers based on agreed-upon outcomes. In return, the governmental entity agrees to pay a return on the investment if the service provider achieves a successful programmatic outcome.

AB 1837 expresses legislative intent that this grant program, with the support of available philanthropic and private investment, would be dedicated to a variety of approaches shown to be successful in reducing recidivism – including strategies to address homelessness, substance use disorder treatment, and unemployment. BSCC is the administering agency for this new approach, which has seen success in other states and is being piloted in a limited number of jurisdictions in California.



FOR IMMEDIATE RELEASE
SEPTEMBER 25, 2014

CONTACT: Tracie Cone , 916.322.1054
Tracie.Cone@bscc.ca.gov

BSCC Committee Releases Recidivism Definition

SACRAMENTO -- A Board of State and Community Corrections committee charged with defining the term "recidivism" has approved its final version of the definition, which will be presented for approval to the Board in November.

The committee of public safety officials and subject matter experts has been working since January 2014 to craft the definition mandated by AB 1050, which requires the BSCC to develop definitions to promote statewide consistency in local data collection, evaluation and implementation of evidence-based practices and programs.

It will be the only definition of recidivism prescribed by state statute. The definition reads as follows:

Adult Recidivism Definition

Recidivism is defined as conviction of a new felony or misdemeanor committed within three years of release from custody or committed within three years of placement on supervision for a previous criminal conviction.¹

Supplemental Measures

This definition does not preclude other measures of offender outcomes. Such measures may include new arrest, return to custody, criminal filing, violation of supervision, and level of offense (felony or misdemeanor).

Recidivism Rates

While the definition adopts a three-year standard measurement period, rates may also be measured over other time intervals such as one, two, or five years.

¹ "Committed" refers to the date of offense, not the date of conviction.

The committee released a draft definition in June, then received public comment for 30 days. The committee's final version takes those comments into consideration.

The committee continues to work on other definitions as required by the legislation. AB 1050 amended Section 6027 of the Penal Code to require the Board to: "Develop definitions of key terms, including, but not limited to, 'recidivism,' 'average daily population,' 'treatment program completion rates,' and any other terms deemed relevant in order to facilitate consistency in local data collection, evaluation, and implementation of evidence-based practices, promising evidence-based practices, and evidence-based programs." It is hoped that counties and law enforcement agencies will use the standard definitions for these key terms once all are developed and approved by the BSCC.

Since Public Safety Realignment launched in 2011 California has been investing hundreds of millions of dollars at the local level so that low-level, non-violent offenders and parole violators would serve their terms in county jails, closer to support systems and the rehabilitative programming that officials of the 58 counties determine work best for their communities. A central goal of Realignment is reducing recidivism.

The BSCC is mandated by AB 109 to collect and maintain data about state and community correction policies, practices and needs. Having standard definitions will promote consistent statewide reporting.

###



ITEM III
**Exploring Options for Establishing a Protocol for the
Issuance of Inmate Identification Cards**



November 4, 2014

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Telephone
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TO: CSAC Administration of Justice Policy Committee

FROM: Elizabeth Howard Espinosa, Senior Legislative Representative
CSAC Administration of Justice Policy Committee

Re: Exploring Options for Establishing a Protocol for Issuance of Inmate Identification Cards – *POTENTIAL ACTION ITEM*

Recommendation. Staff recommends that the CSAC Administration of Justice Policy Committee consider supporting the DMV's request to partner on developing a statewide framework or protocol for individual county use regarding issuance on inmate identification (ID) cards.

Background. As counties deepen their experience with new criminal justice system responsibilities, the focus on community reintegration of offenders back into the community becomes more significant. To the extent that counties are successful in building strong reentry bridges, the public safety and societal benefits are obvious – decreased victimization, increased public safety, and improved outcomes for the court-involved population and their families.


One element that can and often does have an impact on a person's ability to successfully reconnect in the community is a fairly basic need: a valid ID card. An ID can be critical in opening doors for housing, employment, and health care – all critical for positive community reintegration.

At the Administration of Justice policy committee meeting, former CSAC President Mike McGowan – now the Deputy Director over Strategic Planning and Policy with the Department of Motor Vehicles (DMV) – and two of his DMV colleagues will discuss the Department's desire to strengthen relationships and collaboration with counties. Specifically, Mr. McGowan – along with Herbert Brown and Michael Lee of DMV's Field Operations Division – will explore with the policy committee opportunities and options for establishing a statewide protocol for the issuance of inmate identification cards. Certainly with the implementation of realignment and the associated impact on county jails (i.e., inmates staying for significantly longer terms), there may be some value in discussing options for a statewide approach to securing IDs for inmates. DMV has already begun discussions with a limited number of individual counties, but the Department is understandably interested in exploring whether more comprehensive and arguably more efficient statewide framework might be identified.

After the DMV's presentation, the policy committee may wish to engage in a discussion about ways in which CSAC could further the work in this area. There would be significant potential operational and workload issues associated with this approach at the local level, which could be offset by the policy benefits of securing inmates ID cards.

Action Requested. Should the AOJ policy committee have an interest in pursuing options for establishing a statewide inmate ID card protocol, staff would recommend that the committee direct staff to:

1. Further explore the issue with key county contacts and public safety partners;
2. Return to the policy committee at its next meeting with an update on progress and an identification of key issues; and
3. Identify potential participants in the effort that would be necessary to successfully engage in this undertaking.




Field Operations Division

AB 109 Public Safety Realignment Act & DMV Cal-ID Card Procedures

Designed by: Michael Lee

STATE OF CALIFORNIA: Department of Motor Vehicles



Objectives


- Discuss



Why:
We are committed to being exceptional at delivering the products/services important to our customers

How:
CSAC and DMV collaboratively serve 58 Counties

What:
Public Safety Realignment
Identification Card Issuance


STATE OF CALIFORNIA: Department of Motor Vehicles 2




 **DMV Customers**




33 million vehicles registered and 23 million licenses drivers issued by DMV

STATE OF CALIFORNIA: Department of Motor Vehicles 3

 **DMV Field Office**



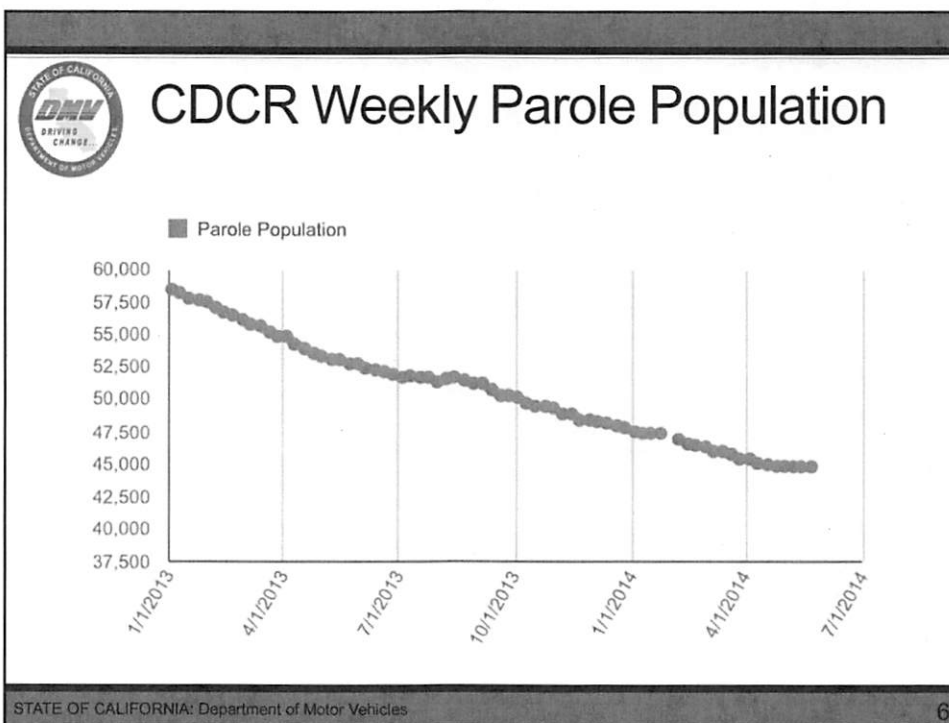
STATE OF CALIFORNIA: Department of Motor Vehicles 4


 **Public Safety Realignment...**

The Cornerstone of California's Solution to Reduce Overcrowding, Costs, and Recidivism

CDCR

STATE OF CALIFORNIA: Department of Motor Vehicles 5






Post-release Supervision

- All 58 counties have identified Probation as the designated agency responsible for Post-release community supervision.
- Specifies CDCR shall have no jurisdiction over any person who is under post-release community supervision and no person shall be returned to prison except for **persons previously sentenced to a term of life** (and only after a Board of Parole Hearing order).


STATE OF CALIFORNIA: Department of Motor Vehicles 7





California Identification Card

CURRENT PROCESSES				RESIDENCY REQUIREMENT
Customer 1: Visit a DMV office: Complete application form DL 44	2. Verify your birth date and legal presence	3. Give a thumb print / have your picture taken	4. Pay \$28. for a Regular ID , \$0 Senior ID, \$8. Reduced-fee ID	California Residency: Established by voting, paying homeowner's property tax exemption, etc.
CDCR Customer: 1. Prisons send info, DL 44 applications, and photos to DMV	2. DMV reviews received info and notifies CDCR on eligible prisoners	3. CDCR updates and returns info on eligible prisoners with payment to DMV	4. Prisoner receives ID Card upon release or at mailing address provided	Same as above


STATE OF CALIFORNIA: Department of Motor Vehicles 8



LACSD

Los Angeles County
Sheriff's Department



MEN'S CENTRAL JAIL A
441 Bachtel Street, Los Angeles CA 90012
Inmate info: (213) 473-6100

TWIN TOWERS CORRECTIONAL FACILITY B
450 Bachtel Street, Los Angeles CA 90012
(213) 4893-5030


INMATE RECEPTION CENTER C
450 Bachtel Street, Los Angeles CA 90012
Inmate info: 213-473-6100

INMATE INFORMATION CENTER D
450 Bachtel Street, Los Angeles CA 90012
Inmate info: 213-473-6100


MEDICAL SERVICES BUREAU E
450 Bachtel Street, Los Angeles CA 90012

STATE OF CALIFORNIA, Department of Motor Vehicles

9



Region I Counties




1. <u>Butte</u>	7. <u>Lassen</u>	15. <u>Sierra</u>
2. <u>Colusa</u>	8. <u>Marin</u>	16. <u>Siskiyou</u>
3. <u>Del Norte</u>	9. <u>Mendocino</u>	17. <u>Sonoma</u>
4. <u>Glenn</u>	10. <u>Modoc</u>	18. <u>Sutter</u>
5. <u>Humboldt</u>	11. <u>Nevada</u>	19. <u>Tehama</u>
6. <u>Lake</u>	12. <u>Plumas</u>	20. <u>Trinity</u>
13. <u>San Francisco</u>	21. <u>Yuba</u>	
	14. <u>Shasta</u>	

Mary Galvan, Administrator
Region Office
615 Locust St.
Redding 96001

STATE OF CALIFORNIA, Department of Motor Vehicles

10

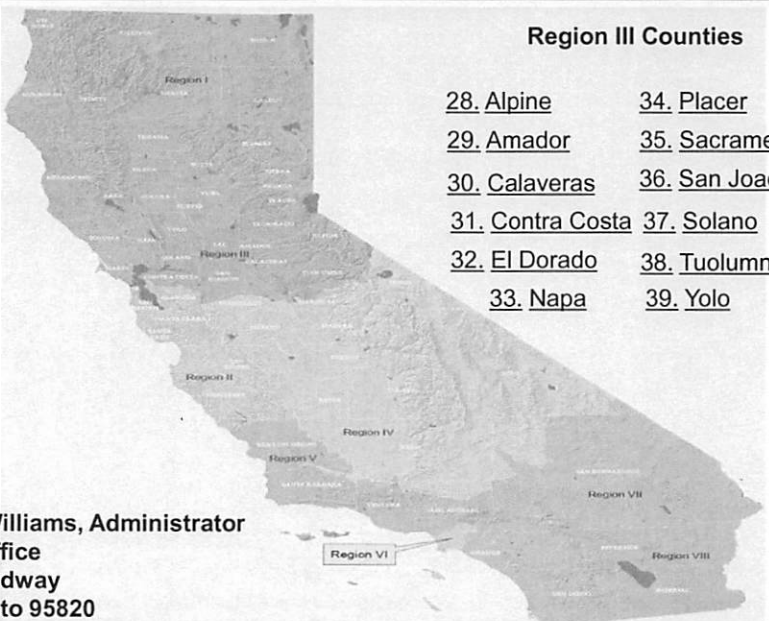


Region II Counties

- 22. Alameda
- 23. Monterey
- 24. San Benito
- 25. San Mateo
- 26. Santa Clara
- 27. Santa Cruz

Carmen Tapia, Administrator
Region Office
3665 Flora Vista Ave.
Santa Clara 95051

STATE OF CALIFORNIA: Department of Motor Vehicles 11




Region III Counties

<u>28. Alpine</u>	<u>34. Placer</u>
<u>29. Amador</u>	<u>35. Sacramento</u>
<u>30. Calaveras</u>	<u>36. San Joaquin</u>
<u>31. Contra Costa</u>	<u>37. Solano</u>
<u>32. El Dorado</u>	<u>38. Tuolumne</u>
<u>33. Napa</u>	<u>39. Yolo</u>

Babette Williams, Administrator
Region Office
4700 Broadway
Sacramento 95820

STATE OF CALIFORNIA: Department of Motor Vehicles 12

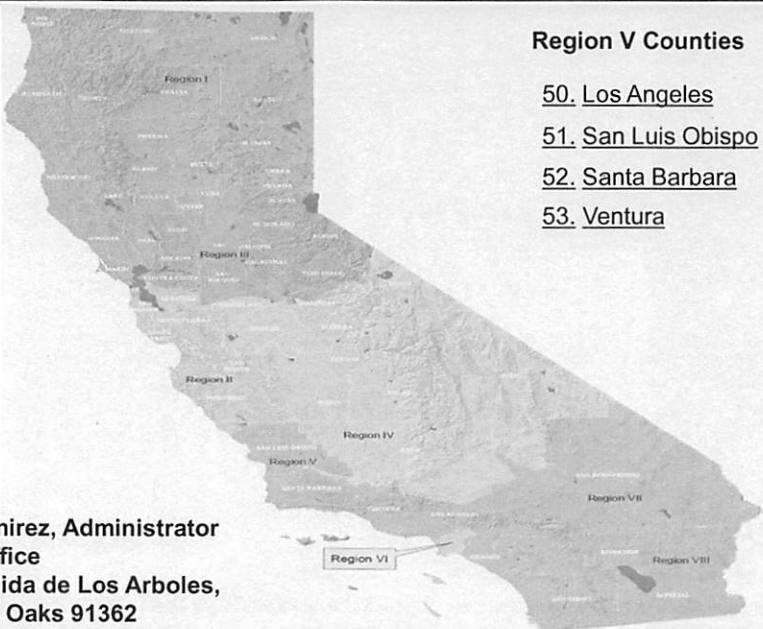


Region IV Counties

<u>40. Fresno</u>	<u>44. Madera</u>	<u>48. Tulare</u>
<u>41. Inyo</u>	<u>45. Mariposa</u>	<u>49. Stanislaus</u>
<u>42. Kern</u>	<u>46. Merced</u>	
<u>43. Kings</u>	<u>47. Mono</u>	

Rafaela Escalante, Administrator
Region Office
6420 N. Blackstone Ave.,
Fresno 93710

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Region V Counties

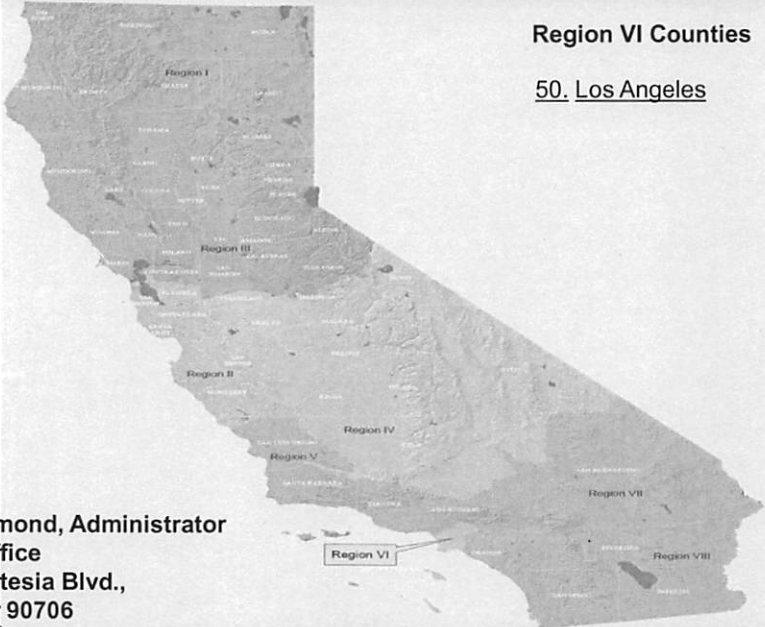
<u>50. Los Angeles</u>
<u>51. San Luis Obispo</u>
<u>52. Santa Barbara</u>
<u>53. Ventura</u>

Leroy Ramirez, Administrator
Region Office
1810 Avenida de Los Arboles,
Thousand Oaks 91362

STATE OF CALIFORNIA: Department of Motor Vehicles 14




Region VI Counties
50. Los Angeles

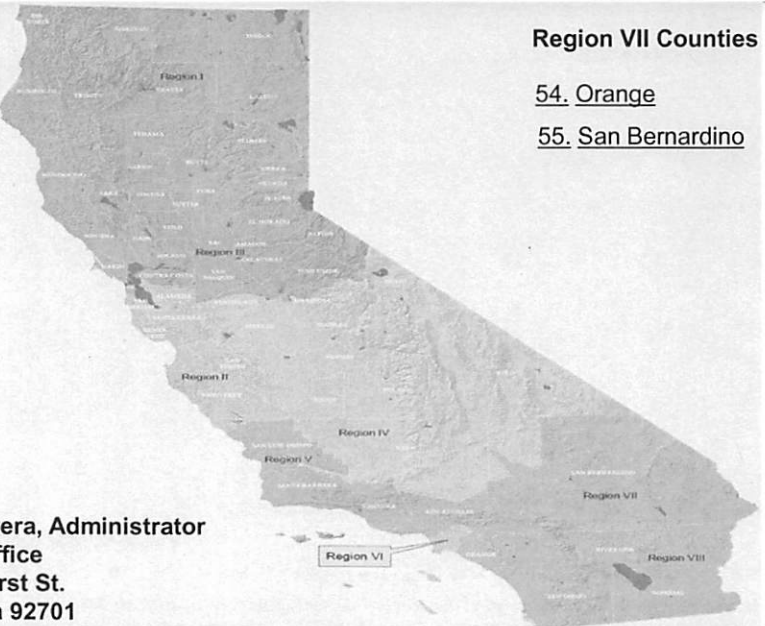


Velma Edmond, Administrator
Region Office
9520 E. Artesia Blvd.,
Bellflower 90706

STATE OF CALIFORNIA: Department of Motor Vehicles 15

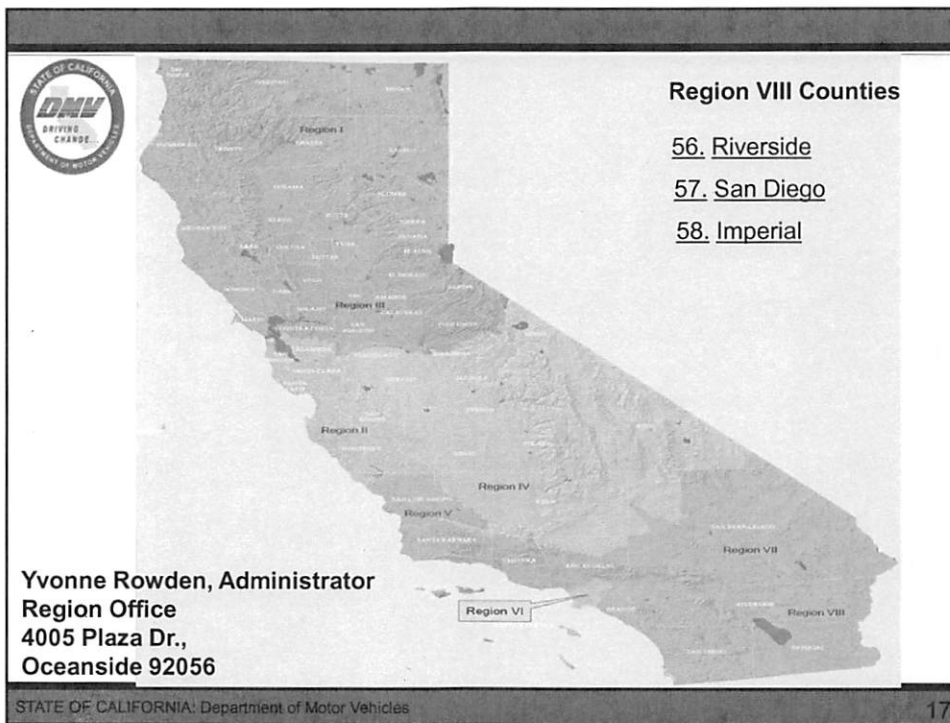


Region VII Counties
54. Orange
55. San Bernardino



Gloria Rivera, Administrator
Region Office
1330 E. First St.
Santa Ana 92701

STATE OF CALIFORNIA: Department of Motor Vehicles 16

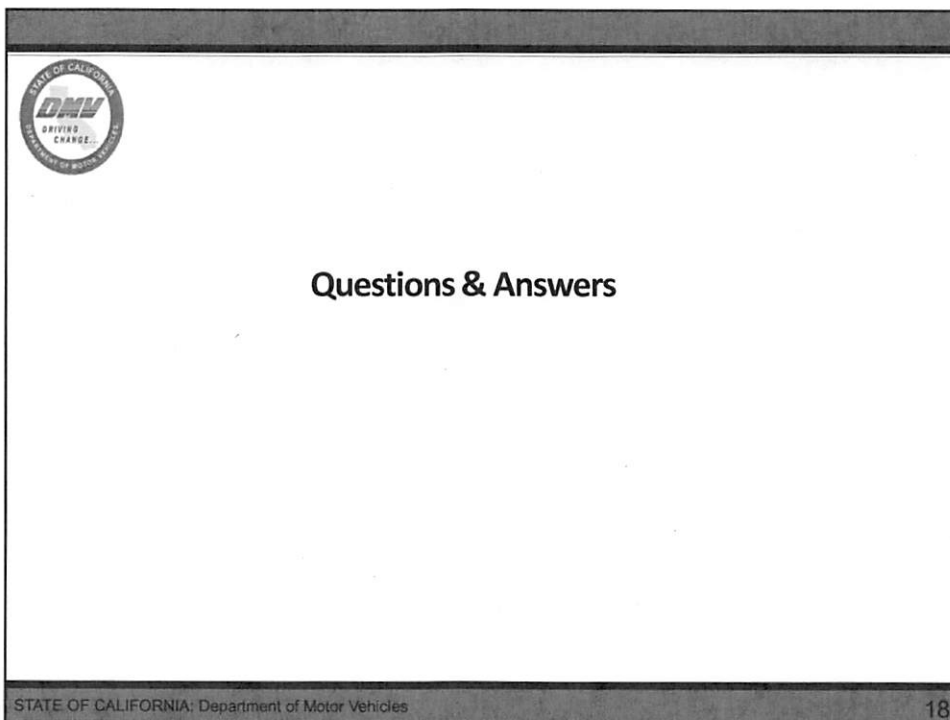


Region VIII Counties

- 56. Riverside
- 57. San Diego
- 58. Imperial

Yvonne Rowden, Administrator
Region Office
4005 Plaza Dr.,
Oceanside 92056

STATE OF CALIFORNIA: Department of Motor Vehicles 17



Questions & Answers

STATE OF CALIFORNIA: Department of Motor Vehicles 18



Summary

- Discussed

Why:

We are committed to being exceptional at delivering the products/services important to our customers

How:

CSAC and DMV collaboratively serve 58 Counties

What:

Public Safety Realignment
Identification Card Issuance



Thank You

ITEM IV
2015 Attorney General Priorities



November 4, 2014

TO: CSAC Administration of Justice Policy Committee

FROM: Elizabeth Howard Espinosa, Senior Legislative Representative
CSAC Administration of Justice Policy Committee

Re: 2015 Attorney General Priorities

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The CSAC Administration of Justice Policy Committee is pleased that Jeff Tsai and Linda Denly from the Office of the Attorney General (AG) will present on the 2015 policy horizons for their office. Committee members will recall that a member of the AG's legislative team attended the April 2014 AOJ policy committee and presented on three topics of mutual interest: human trafficking, recidivism reduction, and truancy and chronic absenteeism.

With an expectation that AG Kamala Harris and her staff will continue to be engaged on public safety issues of interest and consequence to counties, we are delighted to have Mr. Tsai and Ms. Denly discuss initiatives underway that will continue in AG Harris' second term along with new priorities that the AG will engage on in the coming years. A presentation and accompanying materials will be made available at the policy committee meeting.



Jeffrey E. Tsai is a Special Assistant Attorney General of California. He oversees criminal law policy issues for Attorney General Kamala D. Harris, including the California Department of Justice's work on criminal justice reform and recidivism reduction, transnational organized crime, and human trafficking.

Jeff previously served as a federal prosecutor with the U.S. Department of Justice – first at the U.S. Attorney's Office in Miami, Florida, where he prosecuted financial fraud and violent crimes and served as a deputy chief; and then at the Public Integrity Section at the Justice Department's Criminal Division in Washington, D.C., where he handled public corruption matters across the country. In Washington, Jeff also served as Senior Counsel to former Assistant U.S. Attorney General Lanny A. Breuer of the Criminal Division. In that position, he was a senior advisor on financial fraud and anti-corruption enforcement and led the Criminal Division's role in President Obama's Financial Fraud Enforcement Task Force.

Jeff started his career as a law clerk to U.S. District Judge Vanessa D. Gilmore in Houston, Texas, after which he worked in private practice in the San Francisco Bay Area. Jeff earned a law degree from Georgetown University and a Bachelor of Arts degree from the University of Texas at Austin.



Linda Denly, Associate
Director

**Linda Denly, Associate Director
Division of Recidivism Reduction and Re-Entry
Office of the Attorney General
California Department of Justice**

As part of the Attorney General's executive team, Linda Denly serves as the Associate Director for the Division of Recidivism Reduction and Re-Entry (DR3). Linda oversees program development, policy initiatives, innovative funding streams, and technology solutions for data analysis and tracking. Linda is also charged with implementing effective program evaluation models to support recidivism reducing efforts.

Linda's public service career began in 1981 with the California Fair Political Practices Commission investigating alleged violations of the campaign, lobbying and conflict of interest provisions of the Political Reform Act (the "Act"). In 2005, she joined the Department of Justice to implement and shepherd an integrated criminal history archive system throughout the state. In 2009, she was named Chief of the Bureau of Criminal Identification and Investigative Services where she provided leadership to over 350 staff. During her tenure, Linda lead the nation's first automated latent print accreditation effort, expanded the biometrics services to include an automated DNA collection service and mobile identification, and introduced the department's first web service application for the California Sex and Arson registry. Prior to her most recent assignment, Linda led the Attorney General's "*California SmartJustice*" initiative which provides public safety agencies across the State with a one-stop, user-friendly web portal to access critical information about offenders.

As the Department representative, Associate Director Denly is a member of the Board of Directors for the Western Identification Network and the Automated Fingerprint Identification System Internet, Inc., a member of the International Association for Identification and, a Governor appointed member and elected Board of Director of the National Consortium for Justice Information Statistics.

ITEM V
2015 CSAC Administration of Justice Priorities



November 5, 2014

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TO: CSAC Administration of Justice Policy Committee

FROM: Elizabeth Howard Espinosa, Senior Legislative Representative
CSAC Administration of Justice Policy Committee

Re: **2015 CSAC Administration of Justice Advocacy Priorities – ACTION ITEM**

Recommended Action. Staff requests that the CSAC Administration of Justice Policy Committee review and adopt the proposed 2015 advocacy priorities outlined below.

Background. Capitol observers now are trying to sort out the practical and political impacts of yesterday's election. Governor Brown has been re-elected to a historic fourth term, there are very fresh changes to leadership in both the Senate and Assembly, and the Democratic supermajority has evaporated in the state Senate and Assembly. In addition, perhaps the biggest and most immediate impact affecting county justice systems is the passage of Proposition 47, which, as the committee will recall, changes sentencing for six lower-level property and drug-related crimes.

With that as a backdrop, we have identified several key budget and legislative priorities for 2015 in the Administration of Justice area. The articulation of these priorities does not, of course, preclude CSAC from engaging on any number of additional budget and policy issues that may emerge during the year. We will keep the policy committee apprised of key legislative initiatives once the 2015-16 session gets underway in January.

Proposed Administration of Justice 2015 Advocacy Priorities

Recidivism Reduction Grants / Behavioral Health Interventions. CSAC will advocate for \$100 million in additional resources for the Mentally Ill Offender Crime Reduction (MIOCR) program to assist with mental health services for both the juvenile and adult criminal justice populations.

2011 Public Safety Realignment Realignment. CSAC will continue to have an active role in working collaboratively with the Administration, Legislature, and key public safety stakeholders in addressing public safety realignment implementation issues, primarily related to sentencing changes associated with AB 109. In 2015, CSAC's principal areas of focus will be the broad, long-term impacts associated with county liability, long-term jail offenders, and better managing the behavioral health concerns of the court-involved population. Specifically, CSAC will continue to advocate for a hard cap on felony jail terms as well as seek – in collaboration with the state – potential remedies and mutually beneficial behavioral health responses and strategies. Our ongoing commitment to a robust realignment-related training and education program will continue.

Supplemental court security funding (new court facilities). In follow up to last year's success in securing both funding and a process by which counties can seek supplemental court security funding associated with the activation of a new court facility, CSAC – in collaboration with the California State Sheriffs' Association – will advocate for sustained baseline funding for those counties awarded resources in 2014-15, work to identify potential future needs, and undertake individual county outreach where needed. In 2015-16, the funding level for the supplemental court security line item must be calibrated to cover ongoing approved county costs from the current year along with an estimate of the potential new costs in the budget year. In addition, CSAC is requesting elimination of the per-deputy funding cap.

Criminal Justice/Affordable Care Act Intersection. The CSAC Administration of Justice and Health and Human Service Policy Committees continue to work collaboratively to promote best practices and encourage maximum participation associated with new opportunities for the court-involved population under the Affordable Care Act. As part of these efforts, CSAC is requesting a statutory change that would expressly grant counties the authority to claim federal financial participation for Medi-Cal eligible inmates who have 24+ hour stays at a hospital if the services delivered are for mental health or psychiatry. Those costs are allowable for the juvenile population. It is our understanding that DHCS indicated its intent to permit claiming only for health (and not mental health) services. We continue to work with the Administration to secure finalized and streamlined claiming protocols as soon as is practical.

Reinvestment in the Juvenile System. CSAC will partner with the Chief Probation Officers of California to refocus interest in the juvenile justice system, specifically related to smart and targeted prevention and intervention efforts aimed at preventing deeper downstream involvement in the criminal justice system. This initiative will encompass a commitment of time and resources to exploring counties' gang violence intervention and prevention efforts and well as broad-based framing of issues to help refocus interest and resources on a vital component of the criminal justice system that largely has been overlooked during the intensive triage period following the October 2011 implementation of public safety realignment.

Other Topics

Gang Violence Prevention and Intervention – At the 2014 CSAC Annual Meeting, we are hosting a workshop dedicated to exploring gang violence prevention and intervention strategies. The CSAC Latino Caucus is co-sponsoring the workshop program. A portion of the workshop session will be dedicated to discussing ways in which CSAC could become more engaged in this issue area. To the extent that there are ideas or recommendations that emerge from that discussion, which will precede the Administration of Justice policy committee meeting by two days, the committee could be asked to consider additional policy options and advocacy priorities in this category.

Proposition 47 – CSAC anticipates criminal justice system disruption associated with the implementation of the new sentencing structure imposed by Proposition 47, approved by voters on November 4. We will work closely with counties, our criminal justice system partners, the Administration, Legislature, the California Department of Corrections and Rehabilitation (CDCR), and other key stakeholders in identifying issues and implementation challenges in the months ahead. For reasons outlined in this policy committee’s analysis of the ballot initiative earlier this year, it has been difficult to anticipate specific county-by-county impacts.

For counties’ reference, included on the following page is an estimate prepared by CDCR – as of August 31, 2014 – of the number of state prison inmates eligible for the resentencing provisions of the measure. There presumably will be a cohort of individuals currently now serving time in county for felony offenses that under Proposition 47 are misdemeanors, given that the six offenses for which the punishment has been lowered had all been previously realigned to counties. This universe of the jail population also would now be eligible to petition for resentencing. We will continue to keep counties advised of new information and workload impacts as that information becomes available.

Specific Action Requested. Staff requests that the CSAC Administration of Justice Policy Committee review and adopt the 2015 advocacy priorities outlined above. Adoption of these priorities does not preclude involvement in other emergent issues throughout the year.

Potential Prop 47 Eligible State Prison Inmates as of Aug 31, 2014	
Alameda	8
Amador	1
Butte	43
Calaveras	1
Contra Costa	11
El Dorado	11
Fresno	178
Glenn	3
Humboldt	5
Imperial	17
Inyo	1
Kern	228
Kings	50
Lake	16
Lassen	1
Los Angeles	2005
Madera	31
Marin	2
Mendocino	7
Merced	20
Monterey	44
Napa	13
Nevada	2
Orange	171
Placer	47
Plumas	1
Riverside	514
Sacramento	133
San Benito	1
San Bernardino	315
San Diego	195
San Francisco	1
San Joaquin	51
San Luis Obispo	29
San Mateo	26
Santa Barbara	39
Santa Clara	70
Santa Cruz	10
Shasta	28
Siskiyou	2
Solano	15
Sonoma	19
Stanislaus	181
Sutter	8
Tehama	14
Tulare	65
Tuolumne	8
Ventura	70
Yolo	56
Yuba	3
Grand Total	4,770

ITEM VI
Initial Review of CSAC Administration of Justice
Platform



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DATE: November 5, 2014

TO: CSAC Administration of Justice Policy Committee

FROM: Elizabeth Howard Espinosa
Senior Legislative Representatives, Administration of Justice Policy Committee

RE: **Initial Review of Potential Changes to the Administration of Justice (AOJ) Platform**

Background. The policy committees of the California State Association of Counties (CSAC) are required to review and, if appropriate, revise their respective planks of the association’s policy platform on a biannual basis. The most recent set of modifications to the platform were approved by the CSAC Board of Directors in 2013 for the 2013-14 legislative session. At that time, with respect to the AOJ section, the Board incorporated 2011 Realignment policy statements as an addendum to the platform. That action was taken jointly and concurrently with the Government Finance and Operations Committee as well as the Health and Human Services Committee.

At our November 2014 policy committee meeting, the committee will be asked to refer to the set of potential changes outlined in the table below and shown in an attached mark-up. However, to give committee members an opportunity to consider both these and potentially other new suggestions that come forward, the committee will not be asked to take action on the platform until early 2015. As has been our previous practice, staff will schedule an AOJ policy committee meeting in early January 2015 to review and formalize action on the platform.

Once the January 2015 meeting date is confirmed, committee members will receive a full set of proposed changes – those detailed below and any new recommendations that members may wish to submit in advance of the meeting – for review. The AOJ policy committee will discuss and consider the suggested amendments in January and recommend revisions to the CSAC Executive Committee for its mid-January meeting. In turn, the Executive Committee will make a recommendation for final action by the Board of Directors at its February 2015 meeting.

Page/line number	Change	Rationale/Need
Page 6 / lines 9-18	Add new section on Enrollment of Court-involved Population in Public Programs	Substantive This section is proposed for inclusion to reflect CSAC’s commitment to maximizing opportunities for securing access for the court-involved population to health care, behavioral health, and other supportive services.

Page/line number	Change	Rationale/Need
		Because of the cross-cutting nature of this policy, both the AOJ and Health and Human Services Policy Committee would be asked to adopt this section.
Page 6 / lines 20-34	Add new section on Incompetent to Stand Trial/Department of State Hospitals/Conservatorship	<i>Substantive</i> This section is proposed for inclusion in recognition of the fact that 1. The state's IST waiting lists continue to grow to unacceptably high levels, resulting in long jail stays for persons awaiting availability of an appropriate Department of State Hospitals bed and 2. Policy interest in this area is increasing, with a continued potential for legislative action. Because of the cross-cutting nature of this policy, both the AOJ and Health and Human Services Policy Committee would be asked to adopt this section.
Page 6 / line 36	Changed paragraph number from 8 to 10 for "Private Programs" section	<i>Technical/Non-substantive</i> The "Private Programs" paragraph has been renumbered given the proposed addition of two immediately preceding sections.

The platform, containing page and line numbers referenced to each of the changes above, is attached for your review and reference.

1 Chapter Two

2
3
4 Administration of Justice

5 [Last update adopted 2013]

6
7 **Section 1: GENERAL PRINCIPLES**

8 This chapter is intended to provide a policy framework to direct needed and inevitable change in our
9 justice system without compromising our commitment to both public protection and the preservation of
10 individual rights. CSAC supports improving the efficiency and effectiveness of the California justice
11 systems without compromising the quality of justice.

12
13 **A. The Role of Counties**

14 The unit of local government that is responsible for the administration of the justice system must be close
15 enough to the people to allow direct contact, but large enough to achieve economies of scale. While
16 acknowledging that the state has a constitutional responsibility to enact laws and set standards, California
17 counties are uniquely suited to continue to have major responsibilities in the administration of justice.
18 However, the state must recognize differences arising from variations in population, geography, industry,
19 and other demographics and permit responses to statewide problems to be tailored to the needs of
20 individual counties.

21
22 We believe that delegation of the responsibility to provide a justice system is meaningless without
23 provision of adequate sources of funding.

24
25 **Section 2: LEGISLATIVE AND EXECUTIVE MATTERS**

26 **A. Board of Supervisors Responsibilities**

27 It is recognized that the state, and not the counties, is responsible for trial court operations costs and any
28 growth in those costs in the future. Nevertheless, counties continue to be responsible for justice-related
29 services, such as, but not limited to, probation, prosecutorial and defense services, as well as the
30 provision of local juvenile and adult detention facilities. Therefore, county board of supervisors should
31 have budget control over all executive and administrative elements of local justice programs for which
32 we continue to have primary responsibility.

33
34 **B. Law Enforcement Services**

35 While continuing to provide the full range of police services, county sheriffs should move in the direction
36 of providing less costly specialized services, which can most effectively be managed on a countywide
37 basis. Cities should provide for patrol and emergency services within their limits or spheres of influence.
38 However, where deemed mutually beneficial to counties and cities, it may be appropriate to establish
39 contractual arrangements whereby a county would provide law enforcement services within incorporated
40 areas. Counties should maintain maximum flexibility in their ability to contract with municipalities to
41 provide public safety services.

42
43 **C. District Attorney Services**

44 The independent, locally-elected nature of the district attorney must be protected. This office must have
45 the capability and authority to review suspected violations of law and bring its conclusions to the proper
46 court.

1 **D. Victim Indemnification**

2 Government should be responsive to the needs of victims. Victim indemnification should be a state
3 responsibility, and the state should adopt a program to facilitate receipt of available funds by victims,
4 wherever possible, from the perpetrators of the crime who have a present or future ability to pay, through
5 means that may include, but are not limited to, long-term liens of property and/or long-term payment
6 schedules.

7
8 **E. Witness Assistance**

9 Witnesses should be encouraged to become more involved in the justice system by reporting crime,
10 cooperating with law enforcement, and participating in the judicial process. A cooperative anonymous
11 witness program funded jointly by local government and the state should be encouraged, where
12 appropriate, in local areas.

13 **F. Grand Juries**

14 Every grand jury should continue to have the authority to report on the needs of county offices, but no
15 such office should be investigated more than once in any two-year period, unless unusual circumstances
16 exist. Grand juries should be authorized to investigate all local government agencies, not just counties.
17 Local government agencies should have input into grand jury reports on non-criminal matters prior to
18 public release. County officials should have the ability to call the grand jury foreman and his or her
19 representative before the board of supervisors, for the purpose of gaining clarification on any matter
20 contained in a final grand jury report. Counties and courts should work together to ensure that grand
21 jurors are properly trained and that the jury is provided with an adequate facility within the resources of
22 the county and the court.

23
24 **G. Public Defense Services**

25 Adequate legal representation must be provided for indigent persons as required by constitutional,
26 statutory, and case law. Such representation includes both criminal and mental health conservatorship
27 proceedings. The mechanism for meeting this responsibility should be left to the discretion of individual
28 counties.

29
30 Counsel should be appointed for indigent juveniles involved in serious offenses and child dependency
31 procedures. The court-appointed or -selected attorney in these procedures should be trained specifically
32 to work with juveniles.

33
34 Adult defendants and parents of represented juveniles who have a present and/or future ability to pay part
35 of the costs of defense should continue to be required to do so as determined by the court. The
36 establishment of procedures to place the responsibility for the cost of juvenile defense rightfully upon the
37 parents should be encouraged. The state should increase its participation in sharing the costs of public
38 defense services.

39
40 **H. Coroner Services**

41 The independent and investigative function of the coroner must be assured. State policy should
42 encourage the application of competent pathological techniques in the determination of the cause of
43 death.

44
45 The decision as to whether this responsibility should be fulfilled by an independent coroner, sheriff-
46 coroner combination, or a medical examiner must be left to the individual boards of supervisors. In rural
47 counties, the use of contract medical examiners shall be encouraged on a case-by-case basis where local
48 coroner judgment is likely to be challenged in court. A list of expert and highly qualified medical
49 examiners, where available, should be circulated to local sheriff-coroners.

1
2 **I. Pre-Sentence Detention**

3 **1. Adults**

4 **a. Facility Standards**

5 The state’s responsibility to adopt reasonable, humane, and constitutional standards for
6 local detention facilities must be acknowledged.

7
8 Recognizing that adequate standards are dynamic and subject to constant review, local
9 governments must be assured of an opportunity to participate in the development and
10 modification of standards.

11
12 It must be recognized that the cost of upgrading detention facilities presents a nearly
13 insurmountable financial burden to most counties. Consequently, enforcement of
14 minimum standards must depend upon state financial assistance, and local costs can be
15 further mitigated by shared architectural plans and design.

16
17 **b. Pre-sentence Release**

18 Counties’ discretion to utilize the least restrictive alternatives to pre-sentence
19 incarceration that are acceptable, in light of legal requirements and counties’
20 responsibility to protect the public, should be unfettered.

21
22 **c. Bail**

23
24 We support a bail system that would validate the release of pre-sentence persons. We
25 also believe that public protection should be a criterion considered when setting bail.

26
27 Any continuing county responsibility in the administration or operation of the bail
28 system must include a mechanism to finance the costs of such a system.

29
30 **2. Juveniles**

31 **a. General**

32 We view the juvenile justice system as being caught between changing societal attitudes
33 calling for harsher treatment of serious offenders and its traditional orientation toward
34 assistance and rehabilitation. Therefore, we believe a thorough review of state juvenile
35 laws is necessary. Any changes to the juvenile justice system should fully involve and
36 draw upon the experience of county officials and personnel responsible for the
37 administration of the present system. CSAC must be involved in state-level discussions
38 and decision-making processes regarding changes to the juvenile justice system that will
39 have a local impact. There must also be recognition that changes do not take place
40 overnight and that an incremental approach to change may be most appropriate.

41 Counties must be given the opportunity to analyze the impact, assess the feasibility, and
42 determine the acceptability of any juvenile justice proposal that would realign services
43 from the state to the local level. As with any realignment, responsibility and authority
44 must be connected, and sufficient resources — with a built-in growth factor adjustment
45 — must be provided. Any shift in juvenile detention or incarceration from large state-
46 run facilities to local facilities — if determined to be appropriate — must be pre-planned
47 and funded by the state. However, counties believe that a class of juvenile offenders
48 exists that is best treated by the state. These juvenile offenders are primarily those

1 offenders whose behavioral problems, treatment needs, or criminogenic profile are so
2 severe as to outstrip the local ability to properly treat.

3 We support a juvenile justice system that is adapted to local circumstances and increased
4 state and federal funding support for local programs that are effective.
5

6 **b. Facility Standards**

7 The state's responsibility to adopt reasonable, humane, and constitutional standards for
8 juvenile detention facilities is recognized. The adoption of any standards should include
9 an opportunity for local government to participate. The state must recognize that local
10 government requires financial assistance in order to effectively implement state
11 standards, particularly in light of the need for separating less serious offenders from
12 more serious offenders.

13 **c. Treatment and Rehabilitation**

14 As with adult defendants, counties should have broad discretion in developing programs
15 for juveniles.
16

17 To reduce overcrowding of juvenile institutions and to improve the chances for treatment
18 and rehabilitation of more serious offenders, it is necessary that lesser offenders be
19 diverted from the formal juvenile justice system to their families and appropriate
20 community-based programs. Each juvenile should receive individual consideration and,
21 where feasible, a risk assessment.
22

23 Counties should pursue efficiency measures that enable better use of resources and
24 should pursue additional funding from federal, state, and private sources to establish
25 appropriate programs at the county level.
26

27 Prevention and diversion programs should be developed by each county or regionally to
28 meet the local needs and circumstances, which vary greatly among urban, suburban, and
29 rural areas of the state. Programs should be monitored and evaluated on an ongoing basis
30 to ensure their ability to protect public safety and to ensure compliance with applicable
31 state and federal regulations. Nevertheless, counties believe that the state must continue
32 to offer a commitment option for those juvenile offenders with the most serious
33 criminogenic profile and most severe treatment needs.
34

35 **d. Bail**

36 Unless transferred to adult court, juveniles should not be entitled to bail. Release on their
37 own recognizance should be held pending the outcome of the proceedings.
38

39 **e. Separation of Offenders**

40 We support the separation of juveniles into classes of sophistication. Separation should
41 be based upon case-by-case determinations, taking into account age, maturity, need for
42 secure custody among other factors, since separation by age or offense alone can place
43 very unsophisticated offenders among the more mature, sophisticated offenders.
44

45 In view of the high cost of constructing separate juvenile hall facilities, emphasis should
46 be placed on establishment of facilities and programs that facilitate separation.
47

1 **f. Removal of Serious Offenders to Adult Court**

2 To the greatest extent possible, determinations regarding the fitness of serious offenders
3 should be made by the juvenile court on a case-by-case basis.

4
5 **g. Jury Trial for Serious Offenders**

6 Except when transferred to adult court, juveniles should not be afforded the right to a
7 jury trial — even when charged with a serious offense.

8
9 **J. General Principles For Local Corrections**

10 **1. Purpose**

11 We believe that swift and certain arrest, conviction, and punishment is a major deterrent to
12 crime. Pragmatic experience justifies the continuation of rehabilitative programs for those
13 convicted persons whom a court determines must be incarcerated and/or placed on probation.

14
15 **2. Definition**

16 Local corrections include maximum, medium and minimum security incarceration, work
17 furlough programs, home detention, county parole, probation, and community-based programs
18 for convicted persons.

19
20 **3. Equal Treatment**

21 Conditions, treatment and correctional opportunities that are equal for all detainees, regardless of
22 gender, are strongly supported. State policy must allow recognition of the individual's right to
23 privacy and the differing programmatic needs of individuals.

24
25 **4. Community-Based Corrections**

26 The most cost-effective method of rehabilitating convicted persons is the least restrictive
27 alternative that is close to the individual's community and should be encouraged where possible.

28
29 State policy must recognize that correctional programs must always be balanced against the need
30 for public protection and that community-based corrections programs are only successful to the
31 extent that they are sufficiently funded.

32
33 **5. Relationship to Human Services Systems**

34 State policy toward corrections should reflect a holistic philosophy, which recognizes that most
35 persons entering the correctional system should be provided welfare, medical, mental health,
36 vocational and educational services. Efforts to rehabilitate persons entering the correctional
37 system should involve these other services, based on the needs — and, when possible, a risk
38 assessment — of the individual.

39
40 **6. Relationship to Mental Health System: Mentally Ill Diversion Programs**

41 Adequate mental health services can reduce criminal justice costs and utilization. Appropriate
42 diagnosis and treatment services, as well as increased use of diversion programs, will result in
43 positive outcomes for offenders with a mental illness. Ultimately, appropriate mental health
44 services will benefit the public safety system. Counties continue to work across disciplines to
45 achieve good outcomes for persons with mental illness and/or co-occurring substance abuse
46 issues.
47
48

1 **7. Inmate Medical Services**

2
3 CSAC supports efforts at the federal level to permit local governments to access third-party
4 payments for health care provided in detention facilities, including medical services provided for
5 those who are accused, but not yet convicted. CSAC also supports efforts to ensure continuity of
6 benefits for those detained in county detention facilities – adult and juvenile – and for swift
7 reenrollment in the appropriate benefits program upon a detainee’s release.
8

9 **8. Enrollment of Court-involved Population in Public Programs**

10
11 Counties recognize the importance of enrolling the court-involved population into Medi-
12 Cal and other public programs. Medi-Cal enrollment provides access to important mental
13 health, behavioral health and primary care services that will improve health outcomes and
14 may reduce recidivism. CSAC continues to look for partnership opportunities with the
15 Department of Health Care Services, foundations, and other stakeholders on enrollment,
16 eligibility, quality and improving outcomes for this population. Counties are supportive of
17 obtaining federal Medicaid funds for inpatient hospitalizations, including psychiatric
18 hospitalizations, for adults and juveniles while they are incarcerated.
19

20 **9. Incompetent to Stand Trial/Department of State Hospitals/Conservatorship**

21
22 Counties affirm the authority of County Public Guardians under current law to conduct
23 conservatorship investigations and are mindful of the potential costs and ramifications of
24 additional mandates or duties in this area.
25

26 Counties support collaboration among the California Department of State Hospitals,
27 county Public Guardians, Behavioral Health Departments, and County Sheriffs to find
28 secure supervised placements for individuals originating from DSH facilities, county
29 jails, or conserved status. Counties support a shared funding and service delivery model
30 for complex placements, such as the Enhanced Treatment Program.
31

32 Counties recognize the need for additional secure placement options for individuals who
33 are conserved or involved in the local or state criminal justice systems, including
34 juveniles.
35

36 **§10. Private Programs**

37 Private correctional programs should be encouraged for those categories of offenders that can
38 most effectively be rehabilitated in this manner.
39

40 **K. Adult Correctional Institutions**

41 Counties should continue to administer adult correctional institutions for those whose conviction(s)
42 require and/or results in local incarceration.
43

44 The state and counties should establish a collaborative planning process to review the relationship of
45 local and state corrections programs.
46

47 Counties should continue to have flexibility to build and operate facilities that meet local needs. Specific
48 methods of administering facilities and programs should not be mandated by statute.
49

1 **L. Adult Probation**

2 Counties should continue to provide adult probation services as a cost-effective alternative to post-
3 sentence incarceration and to provide services—as determined appropriate—to persons released from
4 local correctional facilities. Counties should be given flexibility to allocate resources at the local level
5 according to the specific needs of their probation population and consideration should be granted to
6 programs that allow such discretion. State programs that provide fiscal incentives to counties for keeping
7 convicted offenders out of state institutions should be discouraged unless such programs – on balance –
8 result in system improvements. State funding should be based upon a state-county partnership effort that
9 seeks to protect the public and to address the needs of individuals who come into contact with the justice
10 system. Such a partnership would acknowledge that final decisions on commitments to state institutions
11 are made by the courts, a separate branch of government, and are beyond the control of counties. Some
12 integration of county probation and state parole services should be considered. Utilization of electronic
13 monitoring for probationers and parolees should be considered where cost-effective and appropriate for
14 local needs.

15
16 **M. General Principles for Juvenile Corrections**

17 We believe that efforts to curtail the criminal behavior of young people are of the highest priority need
18 within the correctional area. The long-term costs resulting from young offenders who continue their
19 criminal activities justifies extraordinary efforts to rehabilitate them.

20
21 Efforts should be made to force parents to assume greater responsibility for the actions of their children,
22 including fines and sanctions, if necessary. Counties should be given flexibility to allocate resources at
23 the local level according to the specific needs of their probation population and consideration should be
24 granted to programs that allow such discretion. State programs that provide fiscal incentives to counties
25 for keeping convicted offenders out of state institutions should be discouraged unless such programs – on
26 balance – result in system improvements. Any program should recognize that final decisions on
27 commitments to state institutions are made by the courts, a separate branch of government, and are
28 beyond the control of counties.

29
30 **N. Juvenile Correctional Institutions**

31 Counties should continue to administer juvenile correctional institutions and programs for the majority of
32 youths requiring institutionalization. Retention of youths at the local level benefits the state by reducing
33 demands on programs and institutions operated by the California Division of Juvenile Justice.

34
35 While counties believe that a state-operated rehabilitation and detention system is a necessary component
36 of the continuum of services for juvenile offenders, CSAC opposes efforts that would require any
37 additional county subsidy of that system. The state should provide subvention for these activities at a
38 reasonable level, with provisions for escalation so that actual expenses will be met.

39
40 **O. Juvenile Probation**

41 Counties should continue to provide juvenile probation services as a cost-effective alternative to post-
42 adjudication and to provide juvenile probation services to individual youths and their families after the
43 youth's release from a local correctional facility.

44
45 Truants, run-a-ways, and youths who are beyond the control of their parents should continue to be
46 removed from the justice system except in unusual circumstances. These youths should be the
47 responsibility of their parents and the community, not the government. Imposing fines and/or sanctions
48 on parents to prompt their participation in their children's lives and involvement in the process should
49 remain an option.

1 **P. Gang Violence Prevention**

2
3 Counties recognize the devastating societal impacts of gang violence – not only on the victims of gang-
4 related crimes, but also on the lives of gang members and their families. Counties are committed to
5 working with allied agencies, municipalities, and community-based organizations to address gang
6 violence and to promote healthy and safe communities. These efforts require the support of federal and
7 state governments and should employ regional strategies and partnerships, where appropriate.

8 **Q. Human Services System Referral of Juveniles**

9 State policy toward juvenile corrections must be built on the realization that a juvenile offender may be
10 more appropriately served in the human services system. Considering the high suicide potential of
11 youths held in detention facilities and, acknowledging the fact that juvenile offenses are more often
12 impulse activities than are adult offenses, juvenile cases and placement decisions should be reviewed
13 more closely under this light.
14

15 **R. Federal Criminal Justice Assistance**

16 The federal government should continue to provide funding for projects that improve the operation and
17 efficiency of the justice system and that improve the quality of justice. Such programs should provide for
18 maximum local discretion in designing programs that are consistent with local needs and objectives.
19

20 **Section 3: JUDICIAL BRANCH MATTERS**

21 **A. Trial Court Management**

22 The recognized need for greater uniformity and efficiency in the trial courts must be balanced against the
23 need for a court system that is responsive and adaptable to unique local circumstances. Any statewide
24 administrative structure must provide a mechanism for consideration of local needs.
25

26 **B. Trial Court Structure**

27 We support a unified consolidated trial court system of general jurisdiction that maintains the
28 accessibility provided by existing trial courts. The state shall continue to accept financial responsibility
29 for any increased costs resulting from a unified system.
30

31 **C. Trial Court Financing**

32 Sole responsibility for the costs of trial court operations should reside with the state, not the counties.
33 Nevertheless, counties continue to bear the fiscal responsibility for several local judicial services that are
34 driven by state policy decision over which counties have little or no control. We strongly believe that it is
35 appropriate for the state to assume greater fiscal responsibility for other justice services related to trial
36 courts, including collaborative courts. Further, we urge that the definition of court operations financed by
37 the state should include the district attorney, the public defender, court appointed counsel, and probation.
38

39 **D. Trial Court Facilities**

40
41 The court facility transfers process that concluded in 2009 places responsibility for trial court facility
42 maintenance, construction, planning, design, rehabilitation, replacement, leasing, and acquisition
43 squarely with the state judicial branch. Counties remain committed to working in partnership with the
44 courts to fulfill the terms of the transfer agreements and to address transitional issues as they arise.
45

46 **E. Court Services**

47 Although court operation services are the responsibility of the state, certain county services provided by
48 probation and sheriff departments are directly supportive of the trial courts. Bail and own recognizance

1 investigations, as well as pre-sentence reports, should be provided by probation, sheriff, and other county
2 departments to avoid duplication of functions, but their costs should be recognized as part of the cost of
3 operating trial courts.
4

5 **F. Jurors and Juries**

6 Counties should be encouraged to support programs that maximize use of potential jurors and minimize
7 unproductive waiting time. These programs can save money, while encouraging citizens to serve as
8 jurors. These efforts must consider local needs and circumstances. To further promote efficiency,
9 counties support the use of fewer than twelve person juries in civil cases.
10

11 **G. Collaborative Courts**

12
13 Counties support collaborative courts that address the needs and unique circumstances of specified
14 populations such as the mentally ill, those with substance use disorders, and veterans. Given that the
15 provision of county services is vital to the success of collaborative courts, these initiatives must be
16 developed locally and entered into collaboratively with the joint commitment of the court and county.
17 This decision making process must include advance identification of county resources – including, but
18 not limited to, mental health treatment and alcohol and drug treatment programs and services,
19 prosecution and defense, and probations services – available to support the collaborative court in
20 achieving its objectives.
21

22 **H. Court and County Collection Efforts**

23
24 Improving the collection of court-ordered debt is a shared commitment of counties and courts. An
25 appropriately aggressive and successful collection effort yields important benefits for both courts and
26 counties. Counties support local determination of both the governance and operational structure of the
27 court-ordered debt collection program and remain committed to jointly pursuing with the courts
28 strategies and options to maximize recovery of court-ordered debt.
29

30 **Section 4: FAMILY VIOLENCE**

31 CSAC remains committed to raising awareness of the toll of family violence on families and
32 communities by supporting efforts that target family violence prevention, intervention and treatment.
33 Specific strategies for early intervention and success should be developed through cooperation between
34 state and local governments, as well as community, and private organizations addressing family violence
35 issues.
36

37 **Section 5: GOVERNMENT LIABILITY**

38 The current government liability system is out of balance. It functions almost exclusively as a source of
39 compensation for injured parties. Other objectives of this system, such as the deterrence of wrongful
40 conduct and protection of governmental decision-making, have been largely ignored. Moreover, as a
41 compensatory system of ever-increasing proportions, it is unplanned, unpredictable and fiscally unsound
42 – both for the legitimate claimant and for the taxpayers who fund public agencies.
43

44 Among the principal causes of these problems is the philosophy – expressed in statutes and decisions
45 narrowing governmental immunities under the Tort Claims Act – that private loss should be shifted to
46 society where possible on the basis of shared risk, irrespective of fault or responsibility in the traditional
47 tort law sense.
48

49 The expansion of government liability over recent years has had the salutary effect of forcing public
50 agencies to evaluate their activities in terms of risk and to adopt risk management practices. However,

1 liability consciousness is eroding the independent judgment of public decision-makers. In many
2 instances, mandated services are being performed at lower levels and non-mandated services are being
3 reduced or eliminated altogether. Increasingly, funds and efforts are being diverted from programs
4 serving the public to the insurance and legal judicial systems.
5

6 Until recently, there appeared to be no end to expansion of government liability costs. Now, however, the
7 "deep pocket" has been cut off. Insurance is either unavailable or cost prohibitive and tax revenues are
8 severely limited. Moreover, restricted revenue authority not only curtails the ability of public entities to
9 pay, but also increases exposure to liability by reducing funding for maintenance and repair programs. As
10 a result, public entities and ultimately, the Legislature, face difficult fiscal decisions when trying to
11 balance between the provision of governmental service and the continued expansion of government
12 liability.
13

14 There is a need for data on the actual cost impacts of government tort liability. As a result of previous
15 CSAC efforts, insurance costs for counties are fairly well documented. However, more information is
16 needed about the cost of settlements and awards and about the very heavy "transactional costs" of
17 administering and defending claims. We also need more information about the programmatic decisions
18 being forced upon public entities: e.g., what activities are being dropped because of high liability? CSAC
19 and its member counties must attempt to fill this information gap.
20

21 CSAC should advocate for the establishment of reasonable limits upon government liability and the
22 balancing of compensatory function of the present system with the public interests in efficient, fiscally
23 sound government. This does not imply a return to "sovereign immunity" concepts or a general turning
24 away of injured parties. It simply recognizes, as did the original Tort Claims Act, that: (1) government
25 should not be more liable than private parties, and (2) that in some cases there is reason for government
26 to be less liable than private parties. It must be remembered that government exists to provide essential
27 services to people and most of these services could not be provided otherwise. A private party faced with
28 risks that are inherent in many government services would drop the activity and take up another line of
29 work. Government does not have that option.
30

31 In attempting to limit government liability, CSAC's efforts should bring governmental liability into
32 balance with the degree of fault and need for governmental service.
33

34 In advocating an "era of limits" in government liability, CSAC should take the view of the taxpayer
35 rather than that of counties per se. At all governmental levels, it is the taxpayer who carries the real
36 burden of government liability and has most at stake in bringing the present system into better balance. In
37 this regard, it should be remembered that the insurance industry is not a shield, real or imagined, between
38 the claimant and the taxpayer.
39

40 **Attachments**

41
42 CSAC Corrections Reform Policies and Principles (adopted by the CSAC Board of Directors November
43 30, 2006; amended on May 22, 2008)
44

45 Sex Offender Management: County Principles and Policies (adopted by CSAC Board of Directors on
46 May 22, 2008)

ITEM VII
2014 Legislative Wrap-Up



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November 4, 2014

TO: CSAC Administration of Justice Policy Committee
FROM: Elizabeth Howard Espinosa, Senior Legislative Representative
CSAC Administration of Justice Policy Committee
Re: **2014 Legislative Wrap-up**

This informational memo summarizes this year's legislative activities in the justice area. As the committee is aware, the second year of a two-year legislative session wrapped up in late August. The Governor took action on hundreds of bills during the month of September. The summary below details the bills CSAC engaged in on your behalf in 2014. Generally speaking, it was a successful year. With but a few exceptions, measures that this policy unit opposed did not advance to the Governor's desk or were otherwise amended to deal with another topic at some point during the legislative process. Additionally, the vast majority of measures we supported were signed into law.

The 2015-16 legislative session will get underway in earnest in just two short months. Please stay tuned for details on new legislative activity when the Senate and Assembly reconvene in January.

2014-15 Budget – Supplemental Trailer Bills

Several budget trailer bills were acted on by the Legislature in the closing days of session to clarify and correct certain provisions of the 2014-15 budget. A few with provisions relevant to public safety / justice budget items are highlighted below; all of these measures were signed into law, with provisions effective immediately:

AB 1476 (Assembly Budget Committee) – Changes to 2014-15 Budget Act Chapter No. 663, Statutes of 2014

AB 1476 makes a variety of changes to the 2014-15 Budget Act (SB 852), including the following adjustments or corrections to justice-related budget items of interest.

- Deletes from the Office of Planning and Research (OPR) a \$5 million appropriation associated with social innovation bonds. (This item is restored and redirected to the Board of State and Community Corrections (BSCC) in SB 875.)
- Clarifies that the \$11.3 million appropriated to the BSCC is to be directed to probation departments for express purpose of addressing the limited-term increase in post-release community supervision population resulting from the increased credit earning required in the February 2014 three-judge panel order.
- Appropriates \$27 million from the Judicial Branch's Immediate and Critical Needs Account for preliminary plans and working drawings for the New Sacramento Court House.

***SB 875 (Senate Budget and Fiscal Review Committee) – Public Safety Trailer Bill Clean-up
Chapter No. 686, Statutes of 2014***

- Appropriates \$5 million to the BSCC for the social innovation financing program (redirected from OPR, as noted above). As detailed in last week's Bulletin, Assembly Speaker Toni Atkins' measure, AB 1837, is the accompanying legislative vehicle to establish the social innovation program.
- Makes technical changes to parole hearing notification process (by authorizing regular rather than certified mail notification in certain instances)

***SB 877 (Senate Budget and Fiscal Review Committee) – Jail Construction Bond Clean-Up
Chapter No. 688, Statutes of 2014***

- Eliminates duplicative language authorizing an additional \$500 million in state lease-revenue bond capacity for local jail rehabilitative facilities. SB 863 remains the stand-alone measure that codifies these provisions. (SB 877 strips unnecessary and repetitive language from AB 1468, the previously enacted public safety trailer bill.)

Social Innovation Bonds

AB 1837 (Atkins)

Chapter No. 802, Statutes of 2014

AB 1837, by Assembly Speaker Toni Atkins, establishes a framework for the issuance of up to \$5 million in social innovation or pay-for-success bonds. An appropriation of the same amount included in the 2014-15 budget (see discussion of AB 1476 and SB 875 in the trailer bill section above) – part of the Recidivism Reduction Fund expenditures – is contingent upon authorizing legislation. This measure serves as that authorizing vehicle.

The measure dedicates grant funds, as specified, to social innovation financing contracts, which are agreements among government, private investors, and service providers under which the investors provide financing to service providers based on agreed-upon outcomes. In return, the governmental entity agrees to pay a return on the investment if the service provider achieves a successful programmatic outcome.

AB 1837 expresses legislative intent that this grant program, with the support of available philanthropic and private investment, would be dedicated to a variety of approaches shown to be successful in reducing recidivism – including strategies to address homelessness, substance use disorder treatment, and unemployment.

The measure creates the Social Innovation Financing Program, with specifications regarding required elements of grant applications. The Board of State and Community Corrections, the administering entity of the program, will solicit applications from interested county boards of supervisors. Three counties would be selected to receive grants of between \$500,000 and \$2 million (for a total not to exceed \$5 million) to enter

into contracts with interested investors. AB 1837 also identifies required elements of grant applications as well as expectations regarding performance targets. Successful county applicants would be permitted to use up to 10 percent of the award grant to develop the pay for success financing contract. The provisions of the measure sunset in 2020.

Collections Issues

AB 2085 (Fox) - Concerns

Died

AB 2085, by Assembly Member Steve Fox, would have established a new amnesty program for misdemeanor violations. CSAC raised two primary concerns: 1. whether the jurisdiction-by-jurisdiction approach outlined in the bill was appropriate and 2. Whether the timing was right to launch another amnesty program given that the last effort to collect outstanding debt under a similar program concluded only 18 months prior to the bill's introduction. The bill could have potentially resulted in additional debt collection for counties and courts that choose to participate by providing a financial incentive for debtors to pay fines owed who otherwise would have been unlikely to resolve the debt. However, AB 2085 was held in the Assembly Appropriations Committee.

AB 2199 (Muratsuchi) – Support ***Chapter No. 468, Statutes of 2014***

AB 2199, by Assembly Member Al Muratsuchi, authorizes the court to direct specified defendants to pay all or a portion of the reasonable cost of probation-related services. Specifically, AB 2199 responds to the December 2013 (*Peo. v. Fandinola*) appellate court opinion that found that neither section 1203.1b of the California Penal Code, nor any other statutory provision permits charging probation fees to a person on mandatory supervision. As a result, this bill simply amended current law to allow the court to order an individual on mandatory supervision to contribute toward the reasonable costs of probation-related services and fees. As you recall, mandatory supervision was a status created under 2011 Public Safety Realignment to give counties needed tools to manage the realigned criminal justice population.

From the county perspective, AB 2199 makes a great deal of sense given that there is virtually no difference between the probation-related duties and responsibilities associated with mandatory supervision and other types of probation services where defendants currently contribute toward the cost of supervision. All existing provisions regarding the ability to set up payment plans and evaluate a defendant's ability to pay remain. AB 2151 was signed into law on September 19.

AB 2332 (Wieckowski)

Died

AB 2332, by Assembly Member Bob Wieckowski, would have restricted trial courts' use of contracts for personal services beginning with contracts entered into or renewed as of

January 1, 2015, as specified. The bill specifically exempted a contract between trial courts or between a court and a local government agency. AB 2332 also would have required disclosure of certain financial information as well as impose audit requirements. The measure was similar to AB 566, also authored by Assembly Member Wieckowski, of last year, which was vetoed. Some raised concerns that these measures would have the potential to impact local collections programs. AB 2332 was held in the Senate Appropriations Committee in August.

AB 2645 (Dababneh)

Chapter No. 111, Statutes of 2014

AB 2645, by Assembly Member Matt Dababneh, requires a court transferring a probation or mandatory supervision case to another county to determine the amount of victim restitution before the transfer is made. The Governor signed this measure into law in early July.

AB 2724 (Bradford)

Died

AB 2724, by Assembly Member Steven Bradford, would have provided that the ability to pay a fine is not a prerequisite to filing a request that the court vacate a civil assessment, and that an agreement to pay a fine in installments or perform community service in lieu of paying a fine is sufficient for the court to request that the hold on the defendant's driver's license be lifted. The measure, which would likely have affected local agencies' civil assessment collections, was held in the Senate Appropriations Committee

SB 419 (Block) – Support

Chapter No. 513, Statutes of 2014

CSAC supported SB 419, by Senator Marty Block, which clarifies the authority of local agencies to collect restitution fines from specified criminal justice populations and makes these fines enforceable by the Victim Compensation and Government Claims Board. SB 419, sponsored by the Chief Probation Officers of California, was signed into law by Governor Brown on September 20.

Specifically, SB 419 amends Penal Code Sections 1214 and 2085.5 to make it clear that local collection programs and agencies designated by a county board of supervisors have the ability to collect restitution from inmates that have either: completed their sentence in county jail; have been sentenced to post-release community supervision; or have been sentenced to mandatory supervision. The bill also clarifies that restitution orders for these populations are fully enforceable by the California Victim Compensation and Government Claims Board.

SB 419 ensures that local entities tasked with the collection of restitution from county jail inmates who previously would have served a prison term prior to Realignment, as well as those in the community on mandatory or post-release community supervision have the clear authority to carry out the duties assigned to them. Amendments taken late in

August provide further clarification necessary to improve restitution recovery at the local level.

SB 1197 (Pavley)

Chapter No. 517, Statutes of 2014

SB 1197, by Senator Fran Pavley, provides for the collection and distribution of restitution and restitution fines when a defendant is released on post release community supervision (PRCS) community supervision, or mandatory supervision. The measure further requires a county electing to collect restitution fines and orders to coordinate efforts with Franchise Tax Board. The Governor signed this measure into law on September 20.

Human Trafficking

SB 473 (Block) - Support

Vetoed

SB 473, by Senator Marty Block, would have added human trafficking to the list of crimes used to establish criminal gang activity. The measure was sponsored by the counties of San Diego, Los Angeles and Alameda, which have experienced quite acutely the problems that flow from sexual exploitation of vulnerable populations. Three of the top ten highest trafficking areas in the nation are located in California: San Francisco, Los Angeles, and the San Diego metropolitan areas. CSAC supported SB 473 given that it would offer law enforcement and prosecutors another tool to curb this growing problem by enhancing the penalties associated with human trafficking tied to criminal street gang activities.

While the Governor signed various other measures related to human trafficking, he vetoed SB 473, questioning the necessity of extending the penalties for these types of convictions. The veto message reads: "These sentences are more than three times the punishment that existed two years ago. SB 473 would add yet another set of enhancements, the third in nine years. No evidence has been presented to support these new penalties."

Non-Homicide Trials Cost Assistance

SB 16 (Gaines) – Support

Died

SB 16, by Senator Ted Gaines, sought to address cost assistance in non-homicide criminal cases. CSAC and RCRC jointly supported this measure.

The program contemplated in SB 16 was modeled largely modeled after the homicide reimbursement program in which state financial assistance may be sought when costs greatly exceed a county's financial capacity. Under this measure, counties could have applied to the State Controller's Office for reimbursement of the costs incurred by the county. The program would have been subject to an appropriation by the Legislature.

In our view, SB 16 was narrowly crafted and sought to address only the most complex and costly cases that threaten to overwhelm a county's ability to provide an appropriate defense. The reimbursement program only would have applied to cases in which the Attorney General is handling the prosecution due to the matter's scope and complexity. The bill stemmed from a case in the author's jurisdiction where a case involving a complex financial scheme is severely taxing the county's resources. The measure was held in the Assembly Appropriations Committee during its Suspense File hearing.

Court Records: Sealing and Destruction

AB 1756 (Skinner) – Oppose

Died

AB 1756, by Assembly Member Nancy Skinner, would have prohibited a court from charging a fee for the destruction and sealing of juvenile court records when the record in question belongs to a person who is 26 years old or younger. The measure was held in the Senate Appropriations Committee on August 14.

Counties: Search and Rescue Costs

AB 2151 (Wagner) – Support

Vetoed

AB 2151, by Assembly Member Don Wagner, would have allowed a city or county to seek reimbursement from residents in specified instances when search and rescue costs are incurred.

Specifically, this measure would have permitted a city or county to seek reimbursement from a resident when search and rescue efforts necessitate the use of extraordinary methods and certain acts or omissions were a contributing factor to the need for search and rescue. The bill would further have required a person deemed to have the ability to pay to remit those funds to the city or county within 30 days.

Governor Brown vetoed the bill. Although he indicated general agreement with the bill's intent to discourage unlawful actions that would endanger persons and rescue personnel, he indicated concerns about the bill's "vague language that may create an incentive for counties to abuse the authority granted by this bill." Given that counties are already permitted under current law to recover costs for search and rescue through a civil lawsuit if they can prove "gross negligence" on behalf of the rescued individual, the Governor encouraged the author to craft a future bill that strikes the right balance between appropriate due process and cost recovery for reckless misconduct.

Mandatory Supervision

AB 579 (Melendez) – Support

Chapter No. 12, Statutes of 2014

AB 579 by Assembly Member Melissa Melendez was an urgency measure to clarify that the period of mandatory supervision period begins immediately upon release from

custody for individuals who have been given a split sentence under Penal Code Section 1170 (h) as a result of 2011 Public Safety Realignment.

This is not a new policy, but rather clean-up language necessary to correct a chaptering out issue created by 2013 legislation that amended the same code section and inadvertently removed the mandatory supervision language.

Governor Brown signed the measure into law on April 28, with its provisions effective immediately, ensuring county probation departments are – once again – able to initiate their mandatory supervision duties as originally intended by statute.

Supervised Population Workforce Training Grant

AB 2060 (V. Manuel Perez)

Chapter No. 383, Statutes of 2014

AB 2060, by Assembly Member V. Manuel Perez, creates the Supervised Population Workforce Training Grant Program, administered by the California Workforce Investment Board (CWIB), to provide grant funding for vocational training and apprenticeship opportunities for offenders under county jurisdiction who are on probation, mandatory community supervision, or post-release community supervision.

Sponsored by, The California Workforce Association, AB 2060 was signed into law on September 17. The bill requires local grants to be used for services for the supervised probation, mandatory supervision, or post-release community supervision population.

Vehicle Registration Fees

AB 2393 (Levine) – Support

Chapter No. 292, Statutes of 2014

AB 2393, by Assembly Member Marc Levine, allows counties to impose an increased vehicle registration fee to provide additional funding for fingerprint identification programs used by local law enforcement to identify individuals involved in specified vehicular crimes.

Specifically, AB 2393 amends Vehicle Code Section 9250.19 allowing counties to impose an increased vehicle registration fee from \$1 to \$2 for non-commercial vehicles and from \$2 to \$4 for commercial vehicles to fund fingerprint identification programs which are used by local law enforcement to identify human remains and criminal suspects involved in vehicular crime. For those counties not previously imposing a vehicle registration fee to fund fingerprint identification programs, AB 2393 also allows these counties to opt-in and begin charging at the same rate as currently participating counties.

The Governor signed AB 2393 into law on August 25.

Criminal Procedure: Video Appearances

AB 2397 (Frazier) – Support ***Chapter No. 167, Statutes of 2014***

AB 2397, by Assembly Member Jim Frazier, authorizes increased use of video technology for inmate court appearances. The bill, signed into law on July 21, was co-sponsored by the California State Sheriffs' Association and the Chief Probation Officers of California.

Specifically, the bill permits a defendant who does not wish to be personally present for noncritical portions of trial to submit an oral waiver in open court prior to the proceeding, or submit a written request to the court and would allow the court to grant the request in its discretion. Further, if the defendant is represented by counsel, the bill provides that a defendant's attorney shall not be required to be personally present with the defendant for noncritical portions of the trial if the audio video conferencing system or other technology allows for private communication between the defendant and the attorney. Finally, the bill makes legislative findings making it clear that the bill does not expand or limit the right of a defendant to be personally present with his or her counsel at a particular proceeding as required by the California Constitution.

This bill has the potential to reduce costs associated with various judicial hearings and specified proceedings for local law enforcement without limiting inmate access to due process under the law.

Court Witnesses: Local Agency Employees

AB 2727 (Frazier) – Support ***Chapter No. 170, Statutes of 2014***

AB 2727, by Assembly Member Jim Frazier, increases the deposit amount paid to local public agencies when an employee is subpoenaed to appear as a witness in civil litigation.

Specifically, this bill, which was signed into law on July 21, increases the amount that a party must pay to a local agency for each day an employee is required to remain in attendance and participate in court-related activities pursuant to a civil subpoena issued at the party's request. The deposit amount prior to AB 2727 was \$125 dollars per day; AB 2727 increases this amount to \$275 dollars per day.

Probation

AB 2373 (Hernández) – Oppose ***Died***

CSAC remained in opposition to AB 2373, authored by Assembly Member Roger Hernández, relating to county probation department funding. The bill was held in the Assembly Appropriations Committee.

Existing law requires the chief probation officer to identify in writing to the superior court presiding judge and the board of supervisors when, in his or her opinion, there are

insufficient resources to carry out statutory or court-ordered responsibilities. AB 2373 would extend that provision to require a county board of supervisors either to (1) provide the needed level of funding identified by the probation chief or (2) respond in writing within 30 days that it does not have the resources to do so. The premise of the bill, in our opinion, remained objectionable. It would have created an unnecessary overlay to the county board of supervisors' core responsibility to weigh and prioritize budget requests across dozens of county departments and hundreds of vital programs and services delivered at the local level. Further, the bill would have set a precedent for other constituencies to seek a similar process. As drafted, AB 2373 would have effectively elevates probation's identified needs above all others in the county.

CSAC supports and values the work and significant contributions of probation departments. However, in both principle and practice, the approach proposed in AB 2373 was unacceptable. It set up an adversarial and one-sided process that would not have resulted in the desired outcomes that may have been at the heart of the bill. Questions of funding and how to deploy vital public resources across the vast array of county responsibilities are best managed in the open, public budget process that already exists at the local level.

***SB 933 (Anderson) – Oppose
Died***

SB 933, authored by Senator Joel Anderson, would have required chief probation officers to establish and implement a system of graduated sanctions for probation violations.

Under existing law, county probation officers currently have the flexibility to determine the type and level of supervision for offenders that is most appropriate to carry out court-ordered conditions of probation. While we appreciate the author's intent to make sure evidence-based practices and sanctions are being implemented at the local level, SB 933 is, in our view, not necessary. As demonstrated by the tremendous success of SB 678 (Leno, Chapter No. 608, 2009), the Community Corrections Performance Incentive Act, county probation departments are already deeply engaged in the use of evidence-based programs across the public safety spectrum and have been taking proactive steps to reduce recidivism in our communities.

County probation departments currently use standardized decision making instruments and tools that are designed to determine the most appropriate sanctions for parolees who violate the conditions of their parole. These factors include the severity of the current violation, the probationer's criminal record, and their assessed risk level among other key factors relating to their successful reentry. Our boards are working every day in collaboration with probation departments to carry out the substantial new duties under criminal justice realignment to help ensure its success. Rather than a costly mandate to codify practices that are currently well underway, what is truly needed are sustained resources and funding to ensure the success of evidence-based programs that already exist at the local level.

In our view, SB 933 was overly prescriptive. Science and research may lead us to different strategies in the coming years, and we fear the language of the bill would have limited counties' ability to adapt to changes in best practices. For these reasons and because counties likely would experience major one-time and ongoing costs to establish and implement a graduated sanctions protocol for probation violations as outlined, we must regrettably oppose the measure.

The measure was held in the Senate Appropriations Committee.

AB 2314 (Hall) – Oppose

Died

AB 2314, by Assembly Member Isadore Hall, sought to authorize any probation officer to carry a firearm in the line of duty as determined by the chief probation officer on a case-by-case basis under terms and conditions specified by the chief probation officer. CSAC – jointly with the Rural County Representatives of California (RCRC), the Urban Counties Caucus (UCC), and Los Angeles County – remained opposed to the measure, despite amendments that eliminate a blanket requirement that all probation officers must be armed.

AB 2314 would have provided that if a chief probation officer had not armed or had not adopted a policy regarding arming probation officers prior to January 1, 2015, the chief probation officer must have develop a policy by June 30, 2015. In our view, this measure was unnecessary given that the number of departments (55 of the 59) arming their probation officers suggest that the local decision making process is working. The current process allows for counties to consider and make appropriate adjustments in light of the changed environment resulting from the implementation of 2011 public safety realignment. The requirement to put an arming policy in writing would have created unnecessary liability for counties.

The bill passed the Assembly, but was not heard in the Senate Public Safety Committee prior to legislative deadlines. Therefore, the measure did not move forward this year.

Composition of Community Corrections Partnership

AB 2526 (Gonzalez) – Oppose

Died

AB 2526, by Assembly Member Lorena Gonzalez, sought to alter the composition of the Community Corrections Partnership (CCP). The proposed changes were similar to previous legislative efforts to expand both the full CCP and executive committee membership by adding to two members: a rank-and-file deputy sheriff or police officer and a rank-and-file probation officer.

CSAC and other public safety advocacy groups opposed the measure, questioning not only the necessity but raising the concern that passage of this bill could invite future composition changes that would result in the body becoming too large and unwieldy. AB 2526 passed the Assembly, but was not heard in the Senate Public Safety Committee prior to legislative deadlines. Therefore, the measure did not move forward this year.

Juvenile Placements

AB 2607 (Skinner)

Chapter No. 615, Statutes of 2015

AB 2607, by Assembly Member Nancy Skinner, sought to facilitate swift placements of juveniles into out-of-home placements and minimize to the greatest extent possible keeping juveniles detained while awaiting an appropriate placement. AB 2607 underwent various amendments and ended up strengthening provisions requiring that minors or nonminors be released from juvenile detention as ordered, unless the court determines that a delay in release from detention is reasonable. The Governor signed the measure into law on September 26.

Jails and Juvenile Facilities: Telephone Service Contracts

AB 1876 (Quirk)

Died

AB 1876 authored by Assembly Member Bill would have prohibited commissions in telephone service contracts for county jails and juvenile facilities, and would have required such contracts to be awarded to the lowest bidder.

This bill also would have required all current telephone contracts that provide telephone services to any person detained in a local adult or juvenile facility to be amended to eliminate commissions and other payments before January 1, 2016. AB 1876 was held in the Senate Appropriations Committee.

Inter-county Inmate Transfers

AB 1512 (Stone) – Support

Chapter No. 44, Statutes of 2014

AB 1512, by Assembly Member Mark Stone, allows the Board of Supervisors of a county to enter into a transfer agreement with another county to house local jail inmates when certain criteria are met. The Governor signed the bill into law on June 23.

Prior to the AB 1512, a county may enter into a transfer agreement with another county to house local jail inmates when it is deemed — in the opinion of the sheriff of the transferring county — that the current facilities for housing inmates are inadequate to serve the population. The sheriff of the receiving county must also concur that the facility where the inmates are to be transferred has the capacity to handle the new population. Once these two conditions have been satisfied, the boards of supervisors in the two counties may enter into an inmate transfer agreement.

AB 1512 extended the provisions under existing law and allows for county inmate transfers to continue until July 1, 2018.

Residential Property – Evictions

AB 1513 (Fox)

Chapter No. 666, Statutes of 2014

AB 1513, by Assembly Member Steve Fox, sets up a pilot program in specified jurisdictions named in the measure – two cities in the County of Los Angeles and one in the County of Mendocino – to permit removal of persons unlawfully occupying residential property that has been registered with local law enforcement and verified to be vacant. The pilot program runs through 2018.

Department of State Hospitals Placement Evaluations

AB 2543 (Levine) – Oppose

As amended April 23, 2014

AB 2543, by Assembly Member Marc Levine, would have changed the process for undertaking evaluations for certain Department of State Hospitals (DSH) placements.

DSH has responsibility for providing mental health services to patients in five state hospitals and three in-custody psychiatric programs within state prisons. AB 2543, would have substantially recast the process by which two forensic populations are evaluated for placement into a DSH facility. Under current law, the court selects and appoints experts – with specified experience and credentials – to evaluate defendants who plead not guilty by reason of insanity (under Penal Code section 1370) or those found to be incompetent to stand trial (section 1369). Instead, AB 2543 would have replaced this process with an evaluation panel drawn from a pool of DSH psychiatrists and psychologists.

CSAC remained opposed to the bill for a number of reasons. It appeared to create a rather significant conflict by giving DSH the ability to authorize – or, more importantly, deny – placements. We were further concerned that this change could extend already substantial delays in state hospital placements.

AB 2543 failed in the Assembly Public Safety Committee.

Mentally Disordered Offender

AB 1065 (Holden) – Support

As amended January 6, 2014

AB 1065, by Assembly Member Chris Holden and sponsored by Los Angeles County, sought to provide additional notification to county probation departments should an individual's Mentally Disordered Offender (MDO) status change due to a court order. Specifically, AB 1065 aimed to extend the time the State would hold an offender after they had been declassified as MDO from five to 30 days. Additionally, the bill would have

required CDCR to notify the county of a pending release of a former MDO within five days of a court order for release.

Although CSAC supported the bill given that additional notification and planning time before discharge would allow for more coordinated and safer releases into the community, the bill was held in Assembly Appropriations and did not move forward this session.