



Administration of Justice Policy Committee  
Conference Call Meeting\*  
Monday, March 21 ■ 10:00 a.m. – 11:00 a.m.  
Call-in number: 800-867-2581 ■ Passcode: 3559792#

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**Supervisor John Viegas, Glenn County, Chair**  
**Supervisor Virginia Bass, Humboldt County, Vice-Chair**

- 10:00 a.m.    **I.    Welcome and Introductions**  
*Supervisor John Viegas, Glenn County*
- 10:05 a.m.    **II.    Establish Multi-Disciplinary Task Force on Reforming Domestic Violence  
Batterer Intervention Programs – ACTION ITEM**  
*Darby Kernan, CSAC Legislative Representative*  
*Stanica Boatner, CSAC Legislative Analyst*
- 10:30 a.m.    **III.    Budget Update**  
*Darby Kernan, CSAC Legislative Representative*  
*Stanica Boatner, CSAC Legislative Analyst*
- 10:50 a.m.    **IV.    Legislative Update**  
*Darby Kernan, CSAC Legislative Representative*  
*Stanica Boatner, CSAC Legislative Analyst*
- 11:00 a.m.    **V.    Adjournment**

For those wishing to attend the meeting in person, we will have limited seating available at CSAC (1100 K Street, 3<sup>rd</sup> Floor Conference Room) in Sacramento.



March 17, 2016

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**To: Members of the CSAC Administration of Justice (AOJ) Policy Committee**

**From: Darby Kernan, AOJ Legislative Representative  
Stanicia Boatner, AOJ Legislative Analyst**

**Re: Establish a Task Force on Domestic Violence Batterer Intervention Programs**

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**Background:** In the early 1990s California established a mandatory 52 week domestic violence batterer intervention program for persons placed on probation for domestic violence battery. Under state law, probation chiefs are responsible for assessing offender needs and certifying and monitoring domestic violence batterer treatment programs. For the most part, the controlling statutes for batterer intervention programs have not been updated since 1994.

In 2012 the Chief Probation Officers of California (CPOC) commissioned the Crime and Justice Institute (CJI) to prepare a report regarding domestic violence diversion programs. The report found domestic violence offenders generally have a high rate of recidivism. Further, studies using direct victim interviews over a period of time estimate repeat violence in the range of 40 to 80 percent of cases.

The report also looked at the effectiveness of batterer intervention programs and stated, "...domestic violence is a complicated community problem and we have yet to figure out what works for effectively intervening with batterers to reduce recidivism. Research to date has indicated that the most common court-mandated batterer intervention programs do not reduce recidivism or alter batterers' attitudes about violence."

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

**Recommended Action:** The CSAC AOJ Committee create a multi-disciplinary task force with participation from various stakeholders including, but not limited to Chief Probation Officers of California (CPOC), California District Attorneys Association (CDAA), the California State Sheriffs Association (CSSA), California Partnership to End Domestic Violence, victim advocates, Judicial Council, and a batterer intervention program provider.

**The Goal:** The task force would meet over the next several months to review California's batterer intervention programs; look at what other states provide for batterer intervention programs; review any research that looks at evidence-based batterer intervention programs; and go through California's domestic violence batterer intervention statutes to see what changes are needed.

The task force will complete a report making recommendations of how to improve and reform California's statutes overseeing domestic violence intervention programs. The report will be presented to the AOJ Committee upon its completion for recommended policy and potential legislative changes.

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Stanicia Boatner, CSAC Legislative Analyst [sboatner@counties.org](mailto:sboatner@counties.org), (916) 650-8116.



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**Re: AOJ Budget Update**

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Budget hearings are in full swing in both houses, with budget subcommittees taking the lead to hear each of the Governor's January budget proposals, as well as other ideas presented by members, advocates, and stakeholders.

Budget hearings will continue right up to the Governor's release of the May Revision Budget on May 15<sup>th</sup>. The budget subcommittees will then reconvene to hear previous and new issues. The Legislature must pass the 2016-17 budget no later than June 15<sup>th</sup>.

CSAC will be lobbying on several AOJ-related budget issues up to, and through, the Governor's May Revision. They include:

**Local Correctional Facilities:** The Governor has proposed \$250 million in general fund dollars for jail construction and rehabilitation projects. The funds build on previous investments provided through legislation that have provided a combined \$2.2 billion in jail construction. The \$250 million is directed to counties that have never received an allocation or have received a partial allocation. The funds are prioritized for projects that focus on mental health and health care treatment space; as well as rehabilitative programming space. CSAC is partnering with the California State Sheriffs Association in advocating for the approval of this local correctional facilities funding.

**Proposition 47:** The savings anticipated from the enactment of Proposition 47 totals \$29.3 million for mental health, substance abuse treatment, reduced truancy, and improved victim services. The Board of State and Community Corrections (BSCC) is working on establishing an Executive Steering Committee (ESC) to develop an RFP on how these funds will be allocated.

The Department of Finance (DOF) estimate assumes savings from a reduction in the state's adult inmate population, increased costs due to a temporary increase in the parole population and trial court workload increases associated with the resentencing of previously convicted offenders. The estimate also takes into consideration the savings associated with fewer felony filings, more misdemeanor filings, and the number of offenders resentenced and released from the Department of State Hospitals. The Department of Finance estimates ongoing annual savings to be approximately \$57 million.

The administration assumes that the department was able to reduce the number of contract beds by about 400 due to Proposition 47 and that the balance of the population reductions from the measure—about 4,300 inmates—resulted in a reduction in the inmate population in the state's 34 prisons. In other words, the administration's approach implies that, had Proposition 47 not passed, CDCR would have otherwise accommodated the 4,700 inmates in 2015–16 by placing (1) 400 inmates in contract beds and (2) 4,300 inmates in the state's prisons.

In the LAO's view, it is more realistic to assume that had Proposition 47 not passed, CDCR would have attempted to maintain a similar population level in the state prisons—along with a similar cushion below the population limit—and thus accommodated the additional inmates by contracting out for an additional 4,700 beds. In other words, we estimate that Proposition 47 allowed CDCR to avoid the need for 4,700 contract beds in 2015–16. This alternative assumption yields a prison savings estimate for 2015–16 that is \$83 million higher than the administration's estimate—bringing total prison savings to \$135 million.

Proposition 47 left the calculation for savings to the DOF which used a blended rate to develop savings. The May Revision may result in an adjustment based on revenues.

**Court Security Funding:** The Governor's Budget includes \$5 million to address unmet court security needs created by the opening of new courthouses. As new court houses open, the need for additional court security is continuing based on the design and construction of these new facilities.

**Incentive to Site Facilities:** In an effort to address communities that are reluctant to allow program operations for the rehabilitation of offenders in the criminal justice system or mental health and substance abuse treatment facilities, the Governor's budget proposes \$25 million general fund dollars for incentive payments to cities and counties that approve new long-term permits for hard-to-site facilities that improve public safety.

**2011 Realignment:** The Governor's budget updates revenue assumptions for 2011 Realignment programs and details base and growth estimates for 2016-17. For the Community Corrections Subaccount (AB 109, the Governor's budget confirms that the 2015-16 base is \$1.107 billion and estimates that growth attributable to 2015-16 will be \$96.8 million. The growth estimate will be revisited and revised in this spring's May Revision and again in the fall, at the end of the Realignment fiscal year. Counties will also note that the Enhancing Law Enforcement Activities Subaccount should achieve its guaranteed funding level of \$489.9 million with VLF alone, with healthy growth available in 2015-16 (an estimated \$80.5 million) and 2016-17 (an estimated \$99.3 million). This subaccount funds a variety of local assistance programs including Citizens' Option for Public Safety, the Juvenile Justice Crime Prevention Act, and the rural and small county sheriffs program, amongst others.

The budget continues with another round of planning grants totaling \$7.9 million for Community Corrections Partnerships (CCPs) to support work associated with ongoing AB 109 implementation efforts. The planning grants are disbursed in fixed amounts depending on the county's size. As in past years, it is expected that receipt of the grants will be conditioned upon reporting to the Board of State and Community Corrections (BSCC) regarding AB 109 implementation plans.

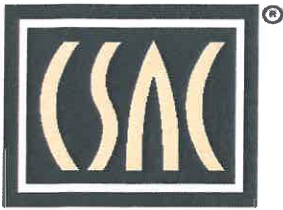
**SB 678 Funding:** The budget assumes sustained SB 678 funding reflecting counties' ongoing success under the 2009 performance-based probation funding program. Based on the revised formula established in 2015-16, the Budget proposes \$129.7 million to continue the Community Corrections Performance Incentive Grant Program. The budget recognizes the significance of this funding stream in supporting probation's important evidence-based prevention and intervention efforts.

**Racial and Identity Profiling Act of 2015:** The budget proposes \$10 million general fund dollars to allocate to local law enforcement agencies for costs related to the implementation of AB 953 which revises the definition of racial profiling. There are increased costs for law enforcement reporting, as well as funding needed for the Attorney General to report on citizen complaints on racial or identity profiling for state law enforcement agencies. The Administration will work with law enforcement to develop an allocation methodology for these funds and for the overall program.

**State Hospitals:** The budget proposes \$500,000 in 2015-16 and \$1.5 million in 2016-17 for the Department of State Hospitals to contract with Sonoma County to establish a jail based Restoration of Competency program for Incompetent to Stand Trial.

**Judicial Branch:** The budget proposes \$146.3 million in judicial branch augmentations, largely focused on innovations to benefit court constituents and develop new ways of doing business, including a \$30 million one-time grant program to improve access to justice. The budget focuses on improving the state's court system by reallocating up to five vacant superior court judgeships and the staffing and security that is needed to support and implement the proposal. The goal would be to shift the judgeships where the workload is highest without needing to increase the overall number of judgeships.

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# Administration of Justice

## March 2016 Legislation Update

The following bills reflect CSAC advocacy efforts since the beginning of the 2016 legislative session for Administration of Justice policy unit. More information, including position letters and summaries, is available at [www.counties.org/legislative-tracking](http://www.counties.org/legislative-tracking) or please contact Darby Kernan, Legislative Representative, at (916) 327-7500, ext 537, or [dkernan@counties.org](mailto:dkernan@counties.org) or Stanicia Boatner, Legislative Analyst, at (916) 327-7500, ext 503 or [sboatner@counties.org](mailto:sboatner@counties.org).

Updated March 15, 2016

<i>Sponsored Bill</i>			
MEASURE	ISSUE	BRIEF SUMMARY	LOCATION
<b>AB 1854 (Bloom)</b>	<b>Bail: Attorney Fees: Forfeited Bail</b>	This bill restores funding for prosecutorial agencies and county counsel offices for the costs that are incurred in successfully opposing a motion to vacate the forfeiture of bail.	Passed out of the Assembly Public Safety Committee (7-0) and is now on the Assembly Floor.
<i>Support Bills</i>			
MEASURE	ISSUE	BRIEF SUMMARY	LOCATION
<b>AB 898 (Gonzalez)</b>	<b>Parole Suitability: Notice</b>	This bill would require the Board of Parole Hearings, in the case of an inmate who was convicted of the murder of a firefighter, to provide notice of the parole suitability hearing to the fire department that employed the fire fighter.	Senate Public Safety Committee
<b>AB 1597 (Stone)</b>	<b>County Jails: Performance Milestone Credits</b>	This bill would reduce recidivism and jail overcrowding by providing milestone credits for eligible prisoners to participate in education and life skills programs as they earn modest time reductions off their sentences.	Passed out of the Assembly Public Safety Committee (5-0) and is now on the Assembly Floor.
<b>AB 1703 (Santiago)</b>	<b>Inmates: Medical Treatment</b>	This bill would expedite the transport process for inmates who require critical medical procedures by extending the definition of immediate medical care to include critical specialty medical procedures or treatment such as dialysis reducing the burden on the courts and law enforcement for repetitive court orders.	Passed out of the Assembly Public Safety Committee (7-0). It will next be heard in Assembly Health Committee on March 29 <sup>th</sup> .
<b>AB 1705 (Rodriguez)</b>	<b>Jails: Searches</b>	This bill would authorize law enforcement to use body scanners to search a person who has been arrested and taken into custody for weapons or contraband eliminating reliance on invasive patdown or full clothing searches.	Passed out of the Assembly Public Safety Committee (5-1) and is now on the Assembly Floor.

<b>AB 2012 (Bigelow)</b>	<b>Jail Industry Program</b>	This bill would allow the Board of Supervisors in Los Angeles, Tuolumne, Ventura, Sacramento, San Diego, Tulare and San Joaquin counties to authorize the sheriff to create a jail industry program. Contra Costa and Sonoma counties currently have Jail Industry Programs. A Jail Industry Program is a program that uses inmate labor to create a product or provide a service that has value for a public or private client and that compensates inmates with pay, privileges, or other benefits.	Set to be heard in the Assembly Public Safety Committee on March 29 <sup>th</sup> .
<b>AB 2263 (Baker)</b>	<b>Protection of Victims: Address Confidentiality</b>	This bill would close a loophole in the Safe At Home Program to protect victims of domestic violence, sexual assault, or stalking by prohibiting Assessor's Offices from posting the residential addresses or telephone numbers of those enrolled in the California Safe at Home Program without prior written permission from the domestic violence victim.	Set to be heard in the Assembly Judiciary Committee on March 29 <sup>th</sup> .
<b>SB 807 (Gaines)</b>	<b>Unmanned Aircraft Systems</b>	This bill would further limit the exposure to civil liability of an emergency responder for damages to an unmanned aircraft or unmanned aircraft system, if the damage was caused while the emergency responder was performing specific emergency services and the unmanned aircraft or unmanned aircraft system was interfering with the provision of those emergency services.	Set to be heard in the Senate Judiciary Committee on March 29 <sup>th</sup> .
<b>Oppose Bills</b>			
<b>MEASURE</b>	<b>ISSUE</b>	<b>BRIEF SUMMARY</b>	<b>LOCATION</b>
<b>AB 2804 (Brown)</b>	<b>Cities And Counties: Legal Services: Contingency Fee Contracts</b>	This bill would limit local control with regards to hiring outside counsel on a contingency fee basis.	Assembly Local Government Committee
<b>SB 885 (Wolk)</b>	<b>Construction Contracts: Indemnity</b>	This bill would prohibit contracts that require state licensed design professionals, including engineers, land surveyors, architects, and landscape architects, to defend claims made against other persons or entities involved in construction projects.	Senate Judiciary Committee
<b>Discussion Bills</b>			
<b>MEASURE</b>	<b>ISSUE</b>	<b>BRIEF SUMMARY</b>	<b>LOCATION</b>
<b>AB 1276 (Santiago)</b>	<b>Child Witnesses: Human Trafficking</b>	This bill adds human trafficking to the list of offenses which permits a child witness to testify at trial out of the presence of the defendant and jury by way of closed-circuit television and increases the permissible age of the child witness from 13 years old and under to 17 years old and under.	Passed out of the Assembly on January 19 <sup>th</sup> and is now in the Senate Public Safety Committee.



<b>AB 1595 (Campos)</b>	<b>Employment: Human Trafficking Training: Mass Transportation Employers</b>	This bill would require a private or public employer that provides mass transportation services in the state to train its new and existing employees in recognizing the signs of human trafficking and how to report those signs to the appropriate law enforcement agency by January 1, 2018.	Set to be heard in the Assembly Labor and Employment Committee on April 6 <sup>th</sup> .
<b>AB 1678 (Santiago)</b>	<b>Provision of Incident Reports to Victims</b>	This bill would grant one free copy of a police report to victims of domestic crimes – sexual assault, stalking, human trafficking, elder abuse, or any crime involving a domestic partnership.	Passed out of the Assembly Judiciary Committee (9-0) and is now in the Assembly Appropriations Committee.
<b>AB 1730 (Atkins)</b>	<b>Human Trafficking: Minors</b>	This bill would authorize county probation departments to create pilot programs that provide temporary housing and comprehensive wraparound mental-health, educational, and other services to children who have been commercially sexually exploited.	Passed out of Assembly Public Safety Committee (7-0) and is now in the Assembly Appropriations Committee.
<b>AB 1731 (Atkins)</b>	<b>Human Trafficking: Statewide Interagency Human Trafficking Task Force</b>	This bill creates the California Statewide Interagency Human Trafficking Taskforce, responsible for gathering statewide data about human trafficking, recommending interagency protocols and best practices for training and outreach, and evaluating and implementing approaches to increase public awareness about human trafficking.	Passed out of Assembly Public Safety Committee (7-0) and is now in the Assembly Appropriations Committee.
<b>AB 2147 (Eggman)</b>	<b>Vehicles: Impoundment: Prostitution</b>	This bill would give all cities and counties the option to impound vehicles of those arrested as sex buyers and allow law enforcement the option to enforce an impoundment period of up to 30 days.	Assembly Public Safety Committee
<b>AB 2202 (Baker)</b>	<b>Human Trafficking: Vertical Prosecution Program</b>	This bill would require Governor's Office of Emergency Services (OES) to award funds to up to 11 District Attorney offices that employ vertical prosecution programs for the prosecution of human trafficking crimes. The bill would allocate \$2,600,000 from the General Fund for this program.	Assembly Governmental Organization Committee
<b>AB 2449 (Eggman)</b>	<b>Insurance: Bail Licenses</b>	This bill would provide the California Department of Insurance (CDI) Investigation Division with the resources to eliminate CDI's bail complaint backlog and to fully investigate illegal bail practices by creating a Bail, Education, Investigation and Prosecution Fund by increasing licensing fees for bail professionals and imposing a \$10 fee per bond transaction.	Assembly Insurance Committee
<b>AB 2765 (Weber)</b>	<b>Proposition 47: Sentence Reduction</b>	This bill amends Penal Code Section 1170.18(j) to delete the provision that requires a petition for resentencing under Proposition 47 to be filed within three years after the effective date of the Act.	Assembly Public Safety Committee



<b>SB 823 (Block)</b>	<b>Criminal Procedure: Human Trafficking</b>	This bill would create a presumption that if a defendant or person who has been arrested, convicted, or adjudicated a ward of the juvenile court for committing any offense while he or she was a victim of human trafficking shows evidence that the arrest, conviction, or adjudication was the result of his or her status as a victim of human trafficking, the defendant or person has met the requirements for relief.	Set to be heard in the Senate Public Safety Committee on April 12 <sup>th</sup> .
<b>SB 1064 (Hancock)</b>	<b>Sexually Exploited Minors</b>	This bill would extend the operation of Alameda County's H.E.A.T. Watch pilot program indefinitely and expand its application to all counties willing to opt in. The bill declares that each county, contingent upon local funding, may establish a project to divert commercially sexually exploited minors from incarceration into support services. It also permits counties to plan, create, and implement the tools necessary to identify, treat, and rehabilitate commercially sexually exploited children.	Set to be heard in the Senate Public Safety Committee on April 12 <sup>th</sup> .