



# The California County Platform | Chapter 2

## Administration of Justice

*Adopted by the CSAC Board of Directors March 2023*

### **SECTION 1: GENERAL PRINCIPLES**

This chapter is intended to provide a policy framework to direct needed and inevitable change in our justice system without compromising our commitment to both public protection and the preservation of individual rights. CSAC supports and strives to improve the efficiency, effectiveness, quality, and equity within our California justice systems .

#### The Role of Counties

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

CSAC believes that delegation of the responsibility to provide a justice system is meaningless without provision of adequate sources of funding.

### **SECTION 2: LEGISLATIVE AND EXECUTIVE MATTERS**

#### Board of Supervisors Responsibilities

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

#### Law Enforcement Services

While continuing to provide the full range of police services, county sheriffs should move in the direction of providing less costly specialized services, which can most effectively be managed on a countywide basis. Cities should provide for patrol and emergency services within their limits or spheres of influence, as well as working collaboratively with sheriffs and counties, sharing the common goal of matching justice-involved individuals with appropriate rehabilitative treatment and support services where available. However, where deemed mutually beneficial

to counties and cities, it may be appropriate to establish contractual arrangements whereby a county would provide law enforcement services within incorporated areas. Counties should maintain maximum flexibility in their ability to contract with municipalities to provide public safety services.

#### District Attorney Services

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

#### Victim Indemnification

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

#### Witness Assistance

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

#### Grand Juries

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

#### Public Defense Services

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

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

Adult defendants and parents of represented juveniles who have an ability to pay part of the costs of defense should continue to be required to do so as determined by the court. The state should increase its participation in sharing the costs of public defense services.

Should the Legislature require counties to collect and report data to the state regarding effective and equitable indigent defense, then the Legislature should provide sufficient funding for the staffing and resources necessary to do so.

### Coroner Services

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

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

### Pre-Sentence Detention

#### **Adults**

#### 1) Facility Standards

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

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

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

#### 2) Pre-sentence Release

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

#### 3) Bail

CSAC supports a pre-trial and bail system that would validate the release of pre-sentence persons using risk assessment tools as a criteria for release. Risk assessment

tools and pre-trial release assessments should be designed to mitigate racial and economic disparities while maintaining public safety.

Any continuing county responsibility in the administration or operation of the bail system must include: 1) a state mechanism to finance the full costs of such a system at a level that does not require counties to supplement and 2) provide counties with adequate local flexibility.

### ***Juveniles***

#### **1) General**

CSAC views the juvenile justice system as being caught between changing societal attitudes calling for harsher treatment of serious offenders and its traditional orientation toward assistance and rehabilitation. CSAC must be involved in state-level discussions and decision-making processes regarding changes to the juvenile justice system that will have a local impact. There must also be recognition that changes do not take place overnight and that an incremental approach to change may be most appropriate.

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

#### **2) Facility Standards**

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

CSAC supports the separation of juveniles into classes of sophistication. Separation should be based upon case-by-case determinations, taking into account age, maturity, need for secure custody, among other factors to keep juveniles and staff safe.

Due to the high cost of constructing separate juvenile hall facilities, emphasis should be placed on establishment of facilities and programs that allow for separation.

#### **3) Treatment and Rehabilitation**

As with the adult system, counties should have broad discretion in developing programs for juveniles, but with a focus on treatment, rehabilitation, and reentry.

To reduce overcrowding of juvenile institutions and to improve the chances for treatment and rehabilitation of those who commit more serious offenses, it is necessary that individuals with lower-level offenses are diverted from the formal juvenile justice

system to their families and appropriate community-based programs. Each juvenile should receive individual consideration and, where feasible, a risk assessment.

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

Prevention and diversion programs should be developed by each county or regionally to meet the local needs and circumstances, which vary greatly among urban, suburban, and rural areas of the state. Programs should be monitored and evaluated on an ongoing basis for their effectiveness to ensure their ability to protect public safety and to ensure compliance with applicable state and federal regulations.

4) Bail

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

5) Removal of Juveniles to Adult Court

To the greatest extent possible, determinations regarding the fitness of juveniles who have committed serious offenses should be made by the juvenile court on a case-by-case basis.

6) Jury Trial for Juveniles

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

### General Principles for Local Corrections

#### ***Definition***

Local corrections include maximum, medium and minimum-security incarceration, work furlough programs, home detention, county parole, probation, Post Release Community Supervision (PRCS) and community-based programs for convicted persons.

#### ***Purpose***

CSAC believes that swift and certain arrest, conviction, and punishment is important to meet immediate public safety needs. However, we also believe that appropriate, individualized treatment and rehabilitative programming are also key to the prevention of crime and reduction of recidivism. Pragmatic experience justifies the continuation of rehabilitative programs for those convicted persons whom a court determines must be incarcerated and/or placed on local supervision.

In light of the state's recent efforts on corrections reform — primarily on recidivism and overcrowding in state detention facilities, counties feel it is essential to articulate their values and objectives as vital participants in the overall corrections continuum. Further, counties

understand that they must be active participants in any successful effort to improve the corrections system in our state. Given that local and state corrections systems are interconnected, true reform must consider the advantage — if not necessity — of investing in local programs and services to help the state reduce the rate of growth in the prison population. Emphasizing front-end investment in local programs and initiatives, will yield greater long-term economic and social dividends that benefit communities across the state.

An optimum corrections strategy must feature a strong and committed partnership between the state and local governments. State and local authorities must focus on pro-social behavior and productive use of time while individuals are in custody or under state or local supervision. A shared commitment to rehabilitation can help address the inextricably linked challenges of recidivism and facility overcrowding. The most effective method of rehabilitation is one that maintains ties to the community.

Programs and services must be adequately funded to enable counties to accomplish their functions in the corrections system and to ensure successful outcomes. To the extent that new programs or services are contemplated, or proposed for realignment, support must be in the form of a dedicated, new and sustained funding source specific to the program and/or service rather than a redirection of existing resources, and adequate to achieve specific outcomes. In addition, any realignment must be examined in relation to how it affects the entire corrections continuum and in context of sound, evidence-based practices. Any proposed realignment of programs and responsibility from the state to counties must be guided by CSAC's existing Realignment Principles.

System and process changes must recognize that the 58 California counties have unique characteristics, differing capacities, and constituents with varying views on public safety and our criminal justice system. Programs should reflect this diversity and be designed to promote innovation at the local level and to permit maximum flexibility, so that services can best target individual community needs and capacities. Data collection and data sharing are critical components as counties implement new criminal justice efforts.

### ***Equal Treatment***

Policies that reinforce equitable conditions, treatment, resources, and opportunities are strongly supported. State policy must uphold individuals' right to privacy and acknowledge the programmatic needs of those in custody.

### ***Community-Based Programs***

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

State policy must recognize that correctional programs must always be balanced with the need for public safety and that community-based programs are only successful to the extent that they are sufficiently funded.

### ***Relationship to Human Services Systems***

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

### ***Relationship to Mental Health System: Mental Health Diversion Programs***

Adequate mental health services can reduce criminal justice costs and utilization. Appropriate diagnosis and treatment services, as well as increased use of diversion programs, will result in positive outcomes for individuals with a mental illness and ultimately, the public. Counties continue to work across disciplines to achieve positive outcomes for persons with mental health and/or co-occurring substance use disorder issues.

### ***Medical Services***

CSAC supports efforts at the federal level to permit local governments to access third-party payments for health care provided in detention facilities. CSAC also supports efforts to ensure continuity of benefits for those detained in county detention facilities — adult and juvenile — and for swift reenrollment in the appropriate benefits program pre-release.

### ***Investment in Local Programs and Facilities***

The state's investment in local programs and facilities returns an overall benefit to the state corrections system and community safety. State support of local programs and facilities will aid materially in addressing the “revolving door” problem in state and local detention facilities.

The state should invest in improving, expanding, and renovating local detention facilities to address overcrowding, early releases, and improved delivery of health care for incarcerated persons. Incentives should be included to encourage in-custody treatment programs and other services.

The state should invest in adult probation services — using as a potential model the Juvenile Justice Crime Prevention Act (JJCPA) — to build a continuum of intervention, prevention, and supervision services for adults.

The state should continue to fully support the successful JJCPA initiative, which provides a range of juvenile crime prevention and intervention programs and which represents a critical component of an overall crime reduction and public safety improvement strategy. Diverting juveniles will help reduce pressure on the adult system.

The state should invest in mental health and substance use disorder (SUD) in-custody treatment and jail diversion programs, where treatment and services can help promote long-term stability and co-occurring mental health and SUD treatment services can be deployed.

This includes but is not limited to further investment in outpatient treatment facilities, given that many incarcerated persons in state and local systems struggle with co-occurring disorders, which may be a primary factor in their criminality.

### ***Reentry Programs***

Reentry programs represent a promising means for preventing recidivism by providing a continuum of care that facilitates pre-sentence assessment, prevention, and transition of persons back into the community through appropriate treatment, life skills training, job placement, and other services and supports. Given the short length of stay for many held in county jail, a robust continuum of care should begin with reentry planning, assessment, and connection to services upon booking. The state should consider further investment in multiagency programs authorized under SB 618<sup>1</sup>, which are built on proven, evidence-based strategies including comprehensive pre-sentence assessments, in-custody treatment, targeted case management, and the development of an individualized life plan. These programs promote a permanent shift in the way individuals who have committed nonviolent felonies are managed, treated and released into their respective communities. Examples of program elements that have been demonstrated to improve chances for successful community reintegration include, but are not limited to, the following:

- 1) Early risks and needs assessment that incorporates assessments of the need for treatment of alcohol and substance use disorders, and the degree of need for literacy, vocational, and mental health services;
- 2) In-custody treatment that is appropriate to each individual's needs — no one-size-fits-all programming;
- 3) After care and relapse prevention services to maintain a “clean and sober” lifestyle;
- 4) Strong linkages to treatment, vocational training, and support services in the community;
- 5) Prearranged housing and employment (or vocational training) for offenders before release into their communities of residence;
- 6) Completion of a reentry plan prior to the offenders' transition back into the community that addresses the following, but is not limited to: an offender's housing, employment, medical, dental, and rehabilitative service needs;
- 7) Preparation of the community and families to support reintegration and utilize counseling and public education which targets inter-generational impacts and cycles of criminal justice system involvement;

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<sup>1</sup>Chapter 603, Statutes of 2005.



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- 9) Long-term mentorship and support from faith-based and other community and cultural support organizations that will last a lifetime, not just the duration of the parole period;
- 10) Community-based treatment options and sanctions; and
- 11) Reentry programs that include incentives for participation.

### ***Siting of New Facilities***

Counties acknowledge that placement of correctional facilities is controversial. However, the state must be sensitive to community response to changing the use of, expanding, or siting new correctional facilities (prisons, community correctional facilities, ~~juvenile facilities~~ or reentry facilities). Counties and other affected municipalities must be involved as active participants in planning and decision-making processes regarding site selection. Providing for security and appropriate mitigations to the local community are essential.

### ***Impact on Local Treatment Capacity***

Counties and the state must be aware of the impact on local communities' existing treatment capacity (e.g., mental health, substance use disorder treatment, vocational services, sex offender treatment, indigent healthcare, developmental services, and services for special needs populations) if the correction reforms contemplate a major new demand on services as part of development of community correctional facilities, reentry programs, or other locally based programs. Specialized treatment services that are not widely available are likely the first to be overtaxed. To prevent adverse impacts upon existing alcohol and SUD and mental health treatment programs for primarily non-criminal justice system participants, treatment capacity shall be increased to accommodate criminal justice participants. Treatment capacity shall be separately developed and funded, and is determined by facility space, existing workforce or expansion of the workforce, as well as funding for slots.

### ***Impact on Local Criminal Justice Systems***

Proposals must adequately assess the impact on local criminal justice systems (courts, prosecution and defense, probation, detention systems and local law enforcement).

### ***Emerging and Best Practices***

Counties support the development and implementation of a mechanism for collecting and sharing of best practices that can help advance correction reform efforts.

### ***Adult Correctional Institutions***

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

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

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

### ***Adult Probation***

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

### **General Principles for Juvenile Corrections**

CSAC believes that efforts to curtail anti-social, harm inducing behavior of young people are of the highest priority within juvenile corrections. The long-term costs resulting from such behavior justifies extraordinary efforts to rehabilitate them.

Counties should be given flexibility to allocate resources at the local level according to the specific needs of the juvenile population and consideration should be granted to programs that allow such discretion. State programs that provide fiscal incentives to counties for keeping convicted persons out of state institutions— on balance – result in system improvements. Any program should recognize that final decisions on commitments to state institutions are made by the courts, a separate branch of government, and are beyond the control of counties.

### ***Division of Juvenile Justice Realignment***

After multiple realignments at the state level, generally counties are responsible for the custody and care of all youth adjudicated as of July 1, 2021. To carry out this responsibility, counties believe it is necessary for the state to provide adequate funding; local flexibility to develop responses and partnerships between counties to adequately serve youth, especially those with higher-level treatment needs; and appropriate oversight and accountability that is commensurate to the responsibility and liability being realigned. Additionally, oversight and accountability measures associated with the most complex youth cases that were last to be realigned should not disrupt the success counties have proven with existing juvenile programs and funding streams.

Funding should recognize the unique position, needs, and conditions of each county, as well as their juvenile facilities, and include a growth factor so that future funding keeps pace with

growing programmatic costs. To the extent the state does not provide adequate funding for counties to be successful with the realigned population, responsibility for the care and custody of the most complex juvenile cases should return to the state.

Counties support evidence-based efforts to protect against unnecessary transfers of juveniles to the adult system. However, these efforts should not reduce local flexibility or create unfunded costs for counties to build new, or retrofit existing, facilities.

### ***Juvenile Probation***

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

Truants, run-a-ways, and youths who are beyond the control of their parents should continue to be removed from the justice system except in unusual circumstances.

### ***Gang Violence Prevention***

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

### ***Human Services System Referral of Juveniles***

State policies should seek to prevent and minimize human services system referrals to the juvenile justice system. As counties are responsible for the entirety of the juvenile justice population, these decisions should be left to counties based on individual case factors, local needs and available treatment and resources. Given the growing research on the cognitive development of youth and their decision making, juvenile placement decisions – as well as child welfare decisions – should reflect the focus on individualized care and treatment and preventing youth from entering the justice system.

### ***Federal Criminal Justice Assistance***

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

## **SECTION 3: SEX OFFENDER MANAGEMENT**

For the safety and well-being of California's citizens, especially those most vulnerable to sexual assault, it is essential for counties and the state to manage known sex offenders living in our communities in ways that most effectively reduce the likelihood that they will commit another offense, whether such reoffending occurs while they are under the formal supervision of the criminal justice system or after supervision comes to an end.

In light of this, counties seek to develop strategies to: 1) educate county residents, 2) effectively manage the sex offender population, which may or may not coincide with existing state policy, 3) assess which sex offenders are at the highest risk to re-offend and require increased monitoring, and 4) partner with other state and local organizations that assist with prevention and supervision.

To that end, CSAC has adopted the following principles and policy on sex offender management.

Any effective sex offender management policy should contain restriction clauses that do not focus on where a sex offender lives but rather on movements and behaviors. Counties believe activities and whereabouts pose a greater danger than their residence. Therefore, any strategy should consider the specific offense/s committed and prohibit travel to areas that may pose heightened risk.

When taking actions to address and/or improve sex offender management, each county should do so in a manner that does not create difficulties for other counties to manage the sex offender population within their jurisdiction.

At minimum, any comprehensive sex offender management program must contain a community education component for it to be successful. And, all supervision programs administered at the local level will require stable and adequate funding from the State to ensure that the programs are appropriately staffed, accessible to local law enforcement departments, and effective.

Global Positioning Systems (GPS) devices are one of a multitude of tools that can be used simultaneously to monitor and supervise. California counties believe that if the State is to adopt the use of GPS to monitor sex offenders a common system should be developed. This system should be portable and accessible across all counties within California and regional collaboration should be encouraged to address sex offender management.

Counties and the state should rely more heavily on the use of risk and needs assessments to determine how to allocate resources. These assessments will allow an agency at the local level to determine who is most at risk to reoffend and in need of monitoring.

Counties believe that for any policy to work, local governments and the state must work collaboratively. The passage of Jessica’s Law (Proposition 83, November 2006) intensified discussions regarding sex offender management and the public’s perception about effective sex offender management policies. Accordingly, state and local governments should reexamine sex offender management policies.

## **SECTION 4: JUDICIAL BRANCH MATTERS**

### Trial Court Management

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

### Trial Court Structure

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

### Trial Court Financing

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

### Trial Court Facilities

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

### Court Services

Although court operation services are the responsibility of the state, certain county services provided by probation and sheriff departments are directly supportive of the trial courts. Bail and own recognizance investigations, as well as pre-sentence reports, should be provided by probation, sheriff, and other county departments to avoid duplication of functions, but their costs should be recognized as part of the cost of operating trial courts.

### Jurors and Juries

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

#### Collaborative Courts

Counties support collaborative courts that address the needs and unique circumstances of specified populations such as persons living with a mental disorder, those with substance use disorders, and veterans. Given that the provision of county services is vital to the success of collaborative courts, these initiatives must be developed locally and collaboratively with the joint commitment of the court and county. This decision-making process must include advance identification of county resources – including, but not limited to, mental health treatment and alcohol and substance use disorder treatment programs and services, prosecution and defense, and probation services – available to support the collaborative court in achieving its objectives.

#### Court and County Collection Efforts

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

### **SECTION 5: VIOLENCE PREVENTION**

CSAC remains committed to raising awareness of the toll of violence – in particular, family violence and cases of ongoing control/abuses of power, and violence against women, children and the elderly - on families and communities by supporting efforts that target violence prevention, reporting, investigation, intervention, and treatment. Specific strategies for prevention and early intervention should be developed through cooperation between state and local governments, as well as community, and private organizations, taking into account that violence adversely impacts all Californians, particularly those in disadvantaged communities, at disproportionate rates and that these impacts have long-term and wide-ranging health and economic consequences. CSAC also supports efforts to build safe communities, use data-informed approaches, pursue trauma-informed care, work with key partners to implement violence prevention strategies.

Since counties have specific responsibilities in certifying intimate partner batterer intervention programs, it is in the best interest of the state and counties that these programs provide treatment that addresses the criminogenic needs of individuals and looks at evidence-based or promising practices as the most effective standard for certifying batterer intervention programs.

## **SECTION 6: HOMELESSNESS**

Given the growing magnitude of California's homelessness crisis, CSAC reinstated the Homelessness Action Team in 2022 to develop guiding principles on homelessness. These *Homelessness Principles* were approved by the CSAC Board of Directors on September 1, 2022, and will guide advocacy efforts around homelessness policies, investments, and proposals. The principles outline the need for a statewide plan, call for multi-level partnerships and collaboration while recognizing the need for clear lines of responsibility across all levels of government, detail the importance of building enough housing, and highlight how critical sustained and flexible state funding is to making progress.

## **SECTION 7: GOVERNMENT LIABILITY**

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

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

The expansion of government liability over recent years has had the salutary effect of forcing public agencies to evaluate their activities in terms of risk and to adopt risk management practices. However, liability consciousness is eroding the independent judgment of public decision-makers. In many instances, mandated services are being performed at lower levels and non-mandated services are being reduced or eliminated altogether. Increasingly, funds and efforts are being diverted from programs serving the public to the insurance and legal judicial systems.

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

There is a need for data on the actual cost impacts of government tort liability. As a result of previous CSAC efforts, insurance costs for counties are fairly well documented. However, more

information is needed about the cost of settlement awards, and about the very heavy "transactional costs" of administering and defending claims. We also need more information about the programmatic decisions being forced upon public entities, for example, what activities are dropped because of high liability. CSAC and its member counties must attempt to fill this information gap.

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

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

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