



Administration of Justice (AOJ) Policy Committee  
128<sup>th</sup> CSAC Annual Meeting  
Tuesday, November 15, 2022 · 2:00 pm – 3:30 pm  
Disneyland Hotel · Magic Kingdom Ballroom I  
Orange County · Anaheim, California

**Supervisor Kelly Long, Ventura County, Chair**  
**Supervisor Susan Ellenberg, Santa Clara County, Co-Vice Chair**  
**Supervisor Oscar Villegas, Yolo County, Co-Vice Chair**

- 2:00 p.m.**            **I. Welcome and Introductions**  
*Supervisor Kelly Long, Ventura County, Chair*  
*Supervisor Susan Ellenberg, Santa Clara County, Co-Vice Chair*  
*Supervisor Oscar Villegas, Yolo County, Co-Vice Chair*
- 2:05 p.m.**            **II. Juvenile Justice Realignment**  
*Karen Pank, Executive Director, Chief Probation Officers of California (CPOC)*  
*Katherine Lucero, Director, Office of Youth and Community Restoration (OYCR)*  
*Linda Penner, Chair and Katie Howard, Executive Director, Board of State and Community Corrections (BSCC)*
- 2:50 p.m.**            **Question and Answer**
- 3:00 p.m.**            **III. CSAC 2022-23 Platform Update Process - ACTION ITEM**  
*Supervisor Kelly Long, Ventura County, Chair*  
*Ryan Morimune, AOJ Legislative Representative, CSAC*  
*Stanica Boatner, AOJ Legislative Analyst, CSAC*
- 3:15 p.m.**            **IV. Administration of Justice 2023 Priorities - ACTION ITEM**  
*Supervisor Kelly Long, Ventura County, Chair*  
*Ryan Morimune, AOJ Legislative Representative, CSAC*  
*Stanica Boatner, AOJ Legislative Analyst, CSAC*
- 3:30 p.m.**            **V. Closing Comments and Adjournment**

***\*Informational Item: AOJ 2022 Legislative Outcomes***

## **ATTACHMENTS**

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### **Juvenile Justice Realignment**

Attachment One..... Juvenile Justice Realignment Memo

Attachment Two..... County Probation Consortium Memo

Attachment Three..... Considerations for Transferring Jurisdiction Prior to the Closure of  
the Division of Juvenile Justice

### **Administration of Justice (AOJ) Policy Platform Update – ACTION ITEM**

Attachment Four..... AOJ Platform Update Memo

Attachment Five..... AOJ Platform Proposed Changes Draft

Attachment Six..... CSAC Homelessness Principles

### **Administration of Justice (AOJ) 2023 Legislative Priorities & 2022 Year in Review – ACTION ITEM**

Attachment Seven..... AOJ 2023 Legislative Priorities & 2022 Year in Review Memo

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**Juvenile Justice Realignment  
Attachment One**

Memo: Juvenile Justice Realignment



November 3, 2022

**OFFICERS**

**President**

Ed Valenzuela  
Siskiyou County

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James Gore  
Sonoma County



**EXECUTIVE DIRECTOR**

Graham Knaus

To: Administration of Justice Policy Committee

From: Ryan Morimune, CSAC Legislative Representative  
Stancia Boatner, CSAC Legislative Analyst

**Re: Update - Juvenile Justice Realignment**

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**Background.** [Chapter 337, Statutes of 2020 \(Senate Bill 823\)](#) realigned the remaining state juvenile justice population to counties. Given that the AOJ Policy Platform has long included language calling for the state to maintain a juvenile justice system for the most complex youth cases, CSAC and other affiliate organizations opposed this realignment. However, CSAC advocated for many important improvements to the original proposal that are included in the final bill, including: increased funding by \$100,000 per youth, created a statutory appropriation, delayed implementation by six months, and a requirement that the state resume responsibility for this population if it fails to continue providing annual funding.

Effective July 1, 2021, pursuant to SB 823, a new Office of Youth and Community Restoration (OYCR) now operates within the California Health & Human Services (CalHHS) Agency. The OYCR supports the transition of justice involved youth being served in local communities, promotes a youth continuum of services that are trauma responsive and culturally informed, using public health approaches that support positive youth development, builds the capacity of community-based approaches, and reduces youth involvement in the justice system.

The OYCR assesses the efficacy of local programs, provides technical assistance and support, reviews local Juvenile Justice Realignment Block Grants (JJRBG), fulfills statutory obligations of an Ombudsperson and develops policy recommendations.

To be eligible for funding under the JJRBG Program, county probation offices submitted their plans to OYCR by January 1, 2022 and received their share of \$121,438,094 for the current fiscal year 2022-23. For any county whose allocation was less than \$250,000, the Department of Finance increased the allocation to \$250,000.

In addition to the JJRBG funding, county probation departments received their share of \$100 million, one-time funding, which was secured in the [Budget Act of 2022, Chapter 45, Statutes of 2022 \(AB 178\)](#). The funding, which was distributed in August, must be used to support infrastructure improvements to county-operated juvenile facilities with an emphasis on creating environments that support trauma-informed care, restorative justice, and rehabilitative programming.

CSAC will continue to advocate for additional and ongoing funding to protect county interests consistent with the Administration of Justice Policy Platform.

Please contact Ryan Morimune ([rmorimune@counties.org](mailto:rmorimune@counties.org)) or Stancia Boatner ([sboatner@counties.org](mailto:sboatner@counties.org)) if you have any questions.

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**Juvenile Justice Realignment  
Attachment Two**

Memo: County Probation Consortium



November 3, 2022

**OFFICERS**

**President**

Ed Valenzuela  
Siskiyou County

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Bruce Gibson  
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James Gore  
Sonoma County



**EXECUTIVE DIRECTOR**

Graham Knaus

To: Administration of Justice Policy Committee

From: Ryan Morimune, Legislative Representative  
Stanicia Boatner, Legislative Analyst

**Re: Memo on County Probation Consortium**

The County Probation Consortium Partnering for Youth Realignment known as the “Consortium” is a California Nonprofit Public Benefit Corporation incorporated in March 2022 as an inter-county collaborative resource for county probation departments to assist with local efforts to address the specific and often specialized needs of youth committed by the juvenile courts to secure youth treatment facilities.

In anticipation of the state’s closure of state-operated youth correctional facilities, the California State Association of Counties (CSAC), Chief Probation Officers of California (CPOC), and California Association of County Executives (CACE) created a working group to assist counties with the transition and to develop a resource to assist in serving these youth. The Consortium’s [Board of Directors](#) includes the Chief Probation Officers from each participating county plus the executive directors from CSAC, CPOC, and CACE.

**Background**

The State Legislature passed, and Governor Gavin Newsom signed, [Senate Bill 823](#) as a part of the 2020 Budget to close the state-run youth correctional facilities managed by the California Division of Juvenile Justice (DJJ). Beginning, July 1, 2021, the state shifted the responsibility for the care and treatment of these youth who otherwise would have been committed to DJJ by a juvenile court judge to the care of county probation departments. At that time, DJJ stopped intake of youth with the temporary exception of a small subset of youth who might otherwise be transferred to adult criminal court. The legislation requires the state to completely shut down all youth correctional facilities by June 30, 2023.

The youth who were previously sent to a state-run youth correctional facility have been adjudicated for a serious or violent offense and often need specialized care in the form of sex offender treatment and/or complex mental health treatment. Under the new law, per Welfare and Institutions Code 875, these youth will be committed to a secure youth treatment facility (SYTF) operated by the county or contract with another county.

Since the passage of SB 823, there has been follow-up legislation ([Senate Bill 92](#)) that created a more detailed framework and process for juvenile courts to commit youth to secure youth treatment facilities. The state recognized in the implementing legislation that not all counties may have the appropriate treatment options for some of these youth, and, because of that, the legislation allows a county to contract with another county for placement in a secure youth treatment facility when a juvenile court judge determines such a commitment is necessary. The Consortium will help to facilitate these partnerships when needed.

### **Goals & Objectives of the Consortium**

The Consortium is a statewide collaborative resource to facilitate problem-solving across counties as they work to safely address the needs of youth at the deepest end of the juvenile justice service and treatment continuum. The Consortium will assist counties who do not have a needed program partner with another county who has the capacity to keep youth within the juvenile system and avoid the transfer of high-need youth to the adult criminal justice system.

### **A resource for counties to access secure youth treatment facilities**

Providing information about all available secure youth treatment facilities across the state to ensure that every youth receives the specialized treatment and programming options they need. The information provided by the Consortium to local probation departments could help secure the confidence of juvenile court judges for youth to remain in juvenile court even if there is not the necessary program within the youth's own county.

### **Prevent "justice by geography"**

The Consortium can assist counties by providing information about the availability of high-quality programs in different regions across the state that are culturally responsive, trauma-informed, evidence-based, age appropriate, as close to home as possible, centered on youth and family engagement, and based on positive youth development.

### **Prevent net-widening**

Counties can help maximize their resources through inter-county collaboration and problem-solving particularly for those youth who have the most specialized needs.

Consortium website: <https://caconsortium.org/>.

**Contacts.** Please contact Ryan Morimune ([rmorimune@counties.org](mailto:rmorimune@counties.org)), or Stanicia Boatner ([sboatner@counties.org](mailto:sboatner@counties.org)) for additional information.

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**Juvenile Justice Realignment  
Attachment Three**

Considerations for Transferring Jurisdiction Prior to the Closure of the  
Division of Juvenile Justice



# CONSIDERATIONS FOR TRANSFERRING JURISDICTION PRIOR TO THE CLOSURE OF THE DIVISION OF JUVENILE JUSTICE

The information in this document is intended to assist county jurisdictions in planning for the closure of the state's Division of Juvenile Justice. This document was prepared collaboratively by the County Probation Consortium Partnering for Youth Realignment, the Chief Probation Officers of California, the Division of Juvenile Justice, and the Office of Youth and Community Restoration. The considerations below are an attempt to support consistency and address common questions regarding how to best transfer the jurisdiction of youth who will not be discharged from DJJ prior to their closure on June 30, 2023. While the information below reflects careful consideration of existing statute and operational constraints, local processes may differ from those outlined here.

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## Getting on the Same Page: Prior to Scheduling a Hearing

The goal of transition planning is to have all parties in agreement prior to the hearing so that the process is seamless and stress-free for the youth. Ideally, the hearing will be a formality--not a litigious one.

- Gathering information about youth: Probation staff are in communication with DJJ and gathering specific information about each youth, their progress, treatment needs, etc. This information can inform the recommendation and discussion.
  - For example, probation staff are participating in case conferences with youth and DJJ staff to gain a better understanding of the youth's progress and ongoing treatment/program needs.
- Depending on each youth's individual needs, it may be helpful to include families, behavioral health, education partners, and/or other members of the youth's multi-disciplinary team in developing a recommended plan.
- Some counties with multiple youth returning are identifying a dedicated judicial officer to provide consistency in this process.

## Initiating the Legal Process

Once the court, probation, the parties and their attorneys are in agreement about the timeframe for the youth's return, the formal process can be initiated. (Note: DJJ will not initiate the recall process.)

- Possible options to initiate process:
  - WIC 731.1 allows the court to recall a DJJ commitment, upon the recommendation of the chief probation officer. (Sample petition attached.)
    - Note: PC 290.008(h)(1) addresses sex offender registry requirements for youth who were required to register when committed to DJJ and are "returned by the division or the chief probation officer of the county to the court of jurisdiction for alternative disposition, specifically due to the statutorily required closure of the division."
  - WIC 779 allows the court to change, modify, or set aside a DJJ commitment.

### Important Considerations about Timing & Transition Reports

Even though statute allows for WIC 731.1 and 779 to be initiated using very short timeframes, i.e., only 15 days' notice (for 731.1) and 10 days (for 779), courts who rely on these short timeframes will NOT receive transition reports from DJJ. Therefore, it is advised that the timeframes noted below are carefully considered when scheduling court proceedings necessary to initiate the transition of youth from DJJ back to counties.

Transition reports are critical to ensuring the youth's transition is seamless and there is as little disruption as possible to their programming and treatment.

- The transition report, which will be provided to probation, the court, the parties, and their attorneys, includes updates on treatment progress and the youth's updated projected board date to assist the court with making findings and setting review dates and/or a baseline term for a commitment to a secure youth treatment facility.
  - DJJ needs 30-60 days to prepare the Transition Report. In order for the court partners to receive this report 60-90 days in advance of the hearing, DJJ **needs to be informed three to four months in advance of the month** the court plans to transfer jurisdiction.
    - Note: While a formal hearing will eventually have to be set, the specific hearing date does not have to be finalized in order to notify DJJ of the timeline for the transfer. As long as DJJ is notified by the Chief Probation Officer of the month in which the court is planning to transfer jurisdiction, DJJ will begin the process of preparing a transition report. (If the court chooses to use the WIC 779 process instead of WIC 731.1, the notice **must** indicate that this is a court-initiated recall to let DJJ know that this is the initiation of the county's recall process.)

Case Conferencing is another important tool to a successful transition. By engaging in the youth's case conferencing well in advance of the hearing, probation staff can incorporate the youth's current DJJ treatment team in developing the youth's case plan, i.e., individual rehabilitation plan for those going into a SYTF. In order to minimize disruptions to treatment, the goal should be to have the youth's plan in place prior to the hearing.

- Note: DJJ will inform probation departments about youth's upcoming case conference schedule and will work with probation staff to schedule case conferences prior to a youth's hearing if one is not already scheduled.

### Remote Hearings

- Hearings may be conducted remotely pursuant to California Code of Procedure 367.75 and Rule of Court 3.672. However, DJJ has limited capacity to support remote hearings and will not be able to accommodate all requests, especially as it gets closer to the date of closure. In the event that DJJ receives more requests for virtual hearings than they can accommodate, prioritization will be based on DJJ resources and attempting to minimize the disruptions to youths' programming.
- If applicable, victim(s) should be notified of the hearing date/time and purpose. They may, if they choose, appear at the hearing or provide a written statement.

### Considerations Related to Modified/Alternate Dispositions

There are a number of factors that should be taken into consideration as part of the transition planning.

- Pine Grove: Even if the plan is for youth to remain at Pine Grove Youth Conservation Camp (PGYCC), they will still need a hearing to have their jurisdiction transferred to the county as they will no longer be under the jurisdiction of DJJ.
  - Note: Any county planning to keep a youth at PGYCC must have a contract executed between the county and CDCR. In order to ensure the timely execution of this contract, counties should begin this contract process with CDCR no later than 1/1/23.
- Secure Youth Treatment Facilities: In setting a baseline term for youth who transfer from DJJ to a secure youth treatment facility, courts can use the discharge consideration date established by DJJ. Courts can adopt DJJ's discharge consideration date as the baseline term with a deviation of plus or minus six months. (Note: The transition report will include updated custody credits.)
  - If an Individual Rehabilitation Plan (IRP) was not developed in advance of the hearing, as recommended above, it must be developed within 30 days of the order pursuant to WIC 875(d)(1).
- DAI: Young adults currently at the Division of Adult Institutions (DAI) with remaining juvenile court time will also need to have their jurisdiction transferred to juvenile court. Pursuant to WIC 1732.9, these youth may opt to stay at DAI for the remainder of their time, but the statute does not specify the timeframes or discharge process for youth who opt to stay at DAI.
- Maximum confinement time: Confirm that it does not exceed the middle term of an adult conviction for that offense pursuant to WIC 726(d).
- Non-707(b) commitments: Youth who were committed to DJJ on a non-707(b) offense, are not eligible for a WIC 875 commitment (i.e., SYTF) and can only remain under juvenile court jurisdiction until the age of 21 pursuant to WIC 607(a).

### Considerations about Transportation and the Timing of Transfer

- If a county needs DJJ to provide transportation for the youth following the hearing, this must be arranged ahead of time with DJJ and the date of transportation will be dependent on the volume of requests for DJJ transportation. (See below about ensuring that court orders reflect the actual date that jurisdiction is transferred.)
- If the youth is going to remain at DJJ after the hearing pending transportation, orders should reflect the date that the youth will be transferring out of DJJ in order to ensure that DJJ has jurisdiction in the event of any emergencies pending the youth's transfer. Note: Youth may remain up to 10 days past the hearing, but no youth may remain at DJJ past June 30, 2023. **Therefore, the county and DJJ must come to an agreement on who will transport and the date in which transportation will occur prior to the hearing.**

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**Administration of Justice (AOJ) Policy Platform Update – ACTION ITEM**  
**Attachment Four**

Memo: AOJ Platform Update



November 3, 2022

**OFFICERS**

**President**

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Siskiyou County

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Chuck Washington  
Riverside County

**2nd Vice President**

Bruce Gibson  
San Luis Obispo County

**Past President**

James Gore  
Sonoma County



**EXECUTIVE DIRECTOR**

Graham Knaus

To: Administration of Justice Policy (AOJ) Committee Members

From: Ryan Morimune, Legislative Representative  
Stanicia Boatner, Legislative Analyst

**Re: Administration of Justice Platform Review – ACTION ITEM**

**Recommendation.** Staff recommends that the Administration of Justice Policy (AOJ) Committee approve the attached recommended changes to the California State Association of Counties (CSAC) policy platform and forward to the CSAC Board of Directors for final approval.

**Background.** The California County Platform is a statement of basic policies on issues of concern and interest to California’s 58 counties. CSAC’s policy committees and Board of Directors review the platform regularly, amending and updating when necessary. In addition, the CSAC policy committees recommend updates to their relevant platform chapters every two years, with action taken at the Annual Meeting by the respective committees.

As part of this biannual process, in early October, the AOJ staff and chairs reviewed and recommended changes to the AOJ platform chapter, and we invited committee members and county affiliates to provide any additional feedback. Many of the proposed edits are technical or stylistic changes, removal of unnecessary or outdated language, and restructured sections or sentences. To provide an example of a minor change made throughout the AOJ chapter – the term “offender” or “offenders” is replaced with terms like “individual” or “persons.” The reason for this change is recognition of the fact that the majority of the incarcerated population will return to the community and negative labels such as offender or convict may have a lasting impact on rehabilitation and reentry.

Below is a summary of other key changes:

**Section 2: Legislative and Executive Matters**

- *Law Enforcement Services* - describes support for more collaborative work between cities and counties and sharing common goals of providing treatment and services.
- *Public Defense Services* - recognizes the importance of data on indigent defense, as well as necessary funding for staffing and resources.
- *Coroner Services* - emphasizes the preservation of county supervisor authority, while providing flexibility when advocating for all counties on coroner-related legislation.
- *Pre-Sentence Detention, Adults, Bail* - clarifies that counties support a pre-trial and bail system, which utilizes risk assessment tools, and that such a system under county responsibility must be financed in full by the state.
- *Juveniles, Facility Standards* – reinforces support for the separation of juveniles by individual case factors to increase safety and security.
- *Treatment and Rehabilitation* – adds treatment, rehabilitation, and reentry as a focus.
- *General Principles for Local Corrections, Medical Services* – reflects the impact of CalAIM (90-day in-reach) and encourages reenrollment pre-release and not upon release.

- *Investment in Local Programs and Facilities* – adds substance use disorder as an investment area.
  - *Human Services System Referral of Juveniles* – reinforces mitigating youth in the dependency system from entering the juvenile justice system, while focusing on individualized care and treatment.
- **Section 3: Sex Offender Management**
    - *Sex Offender Management* – encourages regional collaboration.
  - **Section 5: Family Violence Prevention** - Broadens this section by removing reference exclusive to family violence prevention and instead captures all violence prevention. Adds further substantive language supporting expanded prevention strategies. This change correlates with the Health Services Chapter 6: Section 9 platform change.
  - **Section 6: Homelessness** – This is a new section, which acknowledges the homelessness principles developed by CSAC’s Homelessness Action Team (HAT). The same language was also added to the Planning, Land Use and Housing Chapter 7: Section 7; and Health Services Chapter 6: Section 15; and Human Services Chapter 11: Section 12.

**Action Requested.** Staff requests approval from the committee to advance the proposed changes to the CSAC Board of Directors.

**Attachment.** Marked-up copy of the AOJ platform chapter to illustrate the proposed changes to Chapter 2 – Administration of Justice

**Contacts.** Please contact Ryan Morimune ([rmorimune@counties.org](mailto:rmorimune@counties.org)), or Stanicia Boatner ([sboatner@counties.org](mailto:sboatner@counties.org)) for additional information.

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**Administration of Justice (AOJ) Policy Platform Update – ACTION ITEM**

**Attachment Five**

AOJ Platform Proposed Changes Draft



## The California County Platform | Chapter 2 Administration of Justice

*Adopted by the CSAC Board of Directors November 2020*

### 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 improving/improve~~ the efficiency, ~~and~~ effectiveness, ~~quality, and equity within of the-our~~ California justice systems ~~without compromising the quality of justice~~.

#### 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.

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

### ~~Section-SECTION 2: Legislative and Executive Matters~~ 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, ~~such as 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~~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~~his or her 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 ~~should be~~ fulfilled by an independent coroner, sheriff-coroner combination, or a medical examiner ~~must 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

We 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

We 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 offenders from those who committed more serious offenses offenders.

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 defendants, 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~~offenders~~, it is necessary that individuals with lower-level offenses~~offenders be 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) Separation of Offenders~~

~~We support 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, since separation by age or offense alone can place very unsophisticated offenders among the more mature, sophisticated offenders.~~

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

6) Removal of ~~Serious Offenders~~Juveniles to Adult Court

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

7) Jury Trial for ~~Serious Offenders~~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~~minimum-security incarceration, work furlough programs, home detention, county parole, probation, Post Release Community Supervision (PRCS) and community-based programs for convicted persons.

**Purpose**

~~We CSAC believes~~ that swift and certain arrest, conviction, and punishment is ~~a major deterrent to crime~~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 enrich the changes currently being contemplated to the state system and, more importantly,~~ 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 ~~making pro-social behavior and~~ productive use of ~~offenders'~~ 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 ~~an offender's~~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 ~~for offenders~~. 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~~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 diverse environments 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 is additionally~~are critical components as counties implement new criminal justice efforts.

#### ***Equal Treatment***

~~Conditions, treatment and correctional opportunities that are equal for all detainees, regardless of gender,~~Policies that reinforce equitable conditions, treatment, resources, and opportunities are strongly supported. State policy must ~~allow recognition of the~~uphold individual's' right to privacy and ~~the differing~~acknowledge the programmatic needs of ~~individuals~~those in custody.

#### ***Community-Based Corrections 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 ~~against with~~ the need for public ~~safety~~protection and that community-based ~~corrections~~ 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 ~~most~~ 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 ~~other~~ services, based on the needs — and, when possible, a risk assessment — of the individual.

#### ***Relationship to Mental Health System: ~~Mentally Ill~~ 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 ~~offenders~~individuals with a mental illness ~~and u-~~Ultimately, ~~the public~~appropriate mental health services will benefit the public safety system. Counties continue to work across disciplines to achieve ~~positive~~good outcomes for persons with mental ~~illness~~health and/or co-occurring substance use disorder issues.

#### ***Inmate 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, ~~including medical services provided for those who are accused, but not yet convicted~~. 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 ~~upon a detainee's pre-~~release.

#### ***Private Programs***

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

### ***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 inmate 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 offenders.

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 from a life of offending will help to reduce pressure on the adult system.

The state should invest in ~~mentally ill~~ 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 in mentally ill offenders or those with co-occurring disorders, decrease recidivism, and divert appropriate offenders out of the criminal justice system.

~~The state should continue to invest in alcohol and substance use disorder treatment and diversion programs. This includes including~~ but is not limited to further investment in outpatient treatment facilities, given that ~~the vast majority of inmates~~ many incarcerated persons in state and local systems struggle with ~~addiction~~ co-occurring disorders, which ~~is~~ may be a primary factor in their criminality.

### ***Inmate Reentry Programs***

Reentry programs represent a promising means for ~~preventing~~ addressing recidivism by providing a continuum of care that facilitates ~~pre-sentence~~ early risk assessment, prevention, and transition of inmates 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.

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

These programs promote a permanent shift in the way individuals who have committed nonviolent felony felonies offenders are managed, treated and released into their respective communities. Examples of program elements that have been demonstrated to improve offenders' chances for a successful community reintegration into their communities upon release from custody 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 offenders' families to receive and support each offender's reintegration and new law respecting and productive lifestyle before release through utilize counseling and public education which that recognize and address the targets inter-generational impacts and cycles of criminal justice system involvement;

~~7)8)~~ \_\_\_\_\_

~~8)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; and

~~9)10)~~ \_\_\_\_\_ Community-based treatment options and sanctions; and

~~10)11)~~ \_\_\_\_\_ Counties believe that such Rreentry programs should that include incentives for inmate 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

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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 substance use disorder~~ and mental health treatment programs for primarily non-criminal justice system participants, treatment capacity shall be increased to accommodate criminal justice participants. ~~In addition,~~ 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 ~~offenders-persons~~ out of state institutions should ~~be discouraged unless such programs~~— 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 probationers and parolees should be considered where cost-effective and appropriate for local needs necessary to uphold public safety.

#### General Principles for Juvenile Corrections

~~We CSAC~~ believes that efforts to curtail ~~the criminal anti-social, harm inducing~~ behavior of young people are of the highest priority ~~need~~ within ~~the correctional juvenile -corrections area~~. The long-term costs resulting from ~~such young offenders who continue their criminal activities behavior~~ justifies extraordinary efforts to rehabilitate them.

~~Parents should assume responsibility for the actions of their children.~~ Counties should be given flexibility to allocate resources at the local level according to the specific needs of the ~~ir~~ probation juvenile population and consideration should be granted to programs that allow such discretion. State programs that provide fiscal incentives to counties for keeping convicted ~~offenders persons~~ out of state institutions ~~should be discouraged unless such programs~~ – 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.

#### Youthful Offenders Division of Juvenile Justice Realignment

After multiple realignments at the state level, generally counties are responsible for the custody and care of all ~~youthful offenders 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 ~~youthful offenders~~ 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 ~~offenders~~ 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. ~~These youths should be the responsibility of their parents and the community, not the government.~~

### **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 ~~address prevent~~ gang violence and ~~to~~ 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 ~~policy policies should seek to prevent and minimize human services system referrals to the toward juvenile corrections, juvenile justice system must be built on the realization notion that a juvenile offender may be more appropriately served in the human services 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 priorities available treatment and resources. ~~Considering the high suicide potential of youths held in detention facilities and, acknowledging the fact that juvenile offenses are more often impulse activities than are adult offenses, juvenile cases and placement decisions~~ 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. ~~should be reviewed more closely under this light.~~

### **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 ~~takes place after that period of~~ supervision comes to an end.

In light of this, counties ~~need 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 ~~thus in need of~~ require increased monitoring, and 4) partner with other state and local organizations that assist ~~in with prevention and~~ supervision ~~of sex offenders~~.

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 ~~the offender's~~ movements and behaviors. Counties believe ~~an offender's~~ activities and whereabouts pose a greater danger than ~~his or her~~ their residence. Therefore, any strategy should consider the specific offense/s ~~of the sex offender committed~~ and prohibit ~~his/her~~ travel to areas that may pose heightened risk. ~~relate to their specific offense~~.

~~Each county, when~~ When taking actions to address and/or improve sex offender management ~~within its boundaries, 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.

~~There are many community misconceptions about how to best monitor the sex offender population, how sex offenders are currently monitored and the threats sex offenders do and do not pose to communities. At minimum, a~~ Any comprehensive sex offender management program must contain a community education component for it to be successful. And, all

sSupervision 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 ~~but~~ one of a multitude of tools that can be used simultaneously to monitor and supervise ~~sex offenders~~. 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 ~~no matter where an offender travels 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.

~~Regional collaboration should be encouraged as a means to address sex offender management.~~

~~The level of government with jurisdiction to supervise a sex offender (state parole or county probation) should be responsible and be given the authority for managing that offender.~~

Counties believe that for any policy to work, local governments and the ~~State~~ state must work collaboratively ~~to manage this population of offenders~~. 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

~~We~~ 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 ~~save money~~ 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 ~~the mentally ill~~ 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 ~~entered into~~ collaboratively with the joint commitment of the court and county. This ~~decision making~~ 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: FAMILY-VIOLENCE PREVENTION**

CSAC remains committed to raising awareness of the toll of ~~family 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 ~~family violence prevention~~ reporting, investigation, intervention, and treatment. Specific strategies for prevention and 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~~ 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 domestic violence 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 offenders 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 76: 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 settlements ~~and~~ 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, e.g.,~~ what activities are ~~being~~ dropped because of high liability.<sup>2</sup> 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.



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**Administration of Justice (AOJ) Policy Platform Update – ACTION ITEM**  
**Attachment Six**  
CSAC Homelessness Principles

# California Needs a Comprehensive Homelessness Strategy

**Background:** California's counties are on the front lines helping unsheltered residents access housing and other supportive services while working to provide key behavioral health services for those who qualify. However, without a comprehensive, holistic strategy, our state will never be able to effectively address our severe homelessness crisis. The current approach is fragmented and missing clear lines of responsibility and accountability for all levels of government, provides inconsistent and insufficient funding, and lacks the policy tools needed to guide efforts to functionally end homelessness.

The California State Association of Counties is eager to work with our state and local elected partners to develop the comprehensive strategy necessary to make meaningful progress in helping the unhoused. The following principles should guide our approach:

### **1. California needs a statewide plan.**

- California needs a comprehensive, holistic statewide approach to addressing our severe homelessness crises.
- The current approach is fragmented and missing clear lines of responsibility and accountability for all levels of government, provides inconsistent and insufficient funding, and requires additional policy tools to guide efforts to functionally end homelessness.
- Addressing homelessness requires coordination across numerous policy areas that impact efforts to build housing, serve individuals in need, and prevent vulnerable populations from becoming homeless.
- We need a statewide plan that pulls together all aspects and all levels of government, with clear metrics and accountability for purposeful results.

### **2. A working partnership between the state, counties, and cities must be established with clear responsibilities and accountability.**

- No one level of government is solely responsible for the homelessness crisis. The undertow of massive economic and systemic inequities, as well as a tangled web of decisions made by past leaders, continue to stymie efforts to support those in crisis and create real housing solutions.
- Meaningful progress to reduce homelessness is only achievable through development of a comprehensive system – from shelter and housing to services and rehabilitation – that recognizes the integral role of all state and local governments working as partners.
- The working partnership must align all levels of government with clear responsibilities, accountability, supportive policy changes, robust technical assistance, and flexible funding to meet the unique needs of our diverse communities.

### **3. California needs an all-inclusive plan to build enough temporary and permanent housing with measurable outcomes, clear responsibility, and funding.**

- We need a plan that involves all levels of government to build an adequate housing continuum accessible to all Californians.
- Decades of underfunding and unmet affordable housing production needs cannot be solved with one-time investments.
- Project RoomKey and HomeKey are successful pilot programs, but we need long-term, sustainable policies and funding that encourage housing and shelter production and operation in every community, especially near where most unsheltered residents live.
- Housing and shelter efforts must align with existing community infrastructure and be prioritized in areas where food, transportation, medical care, and other services are most accessible to unsheltered residents.

### **4. Long-term, sustainable, and equitable state investments are necessary to ensure critical treatment and supportive services.**

- Governor Newsom and the Legislature are to be commended for providing more funding to address homelessness than has previously occurred in California.
- To continue progress, local governments need sustainable, long-term and flexible funding to develop housing options and help those at risk of homelessness to remain housed, as well as provide the wraparound services required to help the unhoused and individuals living with a mental illness and/or substance use disorders.
- The complexity of homelessness requires equitable statewide funding for key existing services such as Public Guardians, Assisted Outpatient Treatment, and Peer Support Specialists. Currently, these critical services are funded only to the extent that a county can afford to do so without sacrificing other community behavioral health services.
- We also need sustainable funding for ongoing operating costs, outreach, and engagement efforts – which are the only evidence-based methods known to help transition people from the streets into care – and the flexibility to apply funding to address unique local needs without resource- and time-intensive application requirements.
- Sustained state funding, paired with flexibility at the local level, requires robust technical assistance and strong accountability provisions to ensure all levels of government meet clear outcomes and measurable goals when utilizing public funding.

California's 58 counties seek to engage the Governor, Legislature, cities, community partners, and those who are living without shelter to forge these critical building blocks and investments together. We must develop the comprehensive strategy necessary to make meaningful progress in helping the unhoused.

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**AOJ 2023 Legislative Priorities and Year in Review – ACTION ITEM  
Attachment Seven**

Memo: AOJ 2023 Legislative Priorities and 2022 Year in Review



November 3, 2022

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**EXECUTIVE DIRECTOR**

Graham Knaus

To: CSAC Administration of Justice (AOJ) Policy Committee

From: Ryan Morimune, AOJ Legislative Representative  
Stanicia Boatner, AOJ Legislative Analyst

**Re: Administration of Justice 2023 Legislative Priorities and 2022 Year in Review**

The second year of the 2021-22 legislative session presented many bills with significant impacts to counties. In this memo, please find the Administration of Justice (AOJ) priorities for 2023 and a review of some of the noteworthy public safety measures from 2022.

**ACTION ITEM - 2023 Legislative Priorities**

**Felony Incompetent to Stand Trial (IST).** The Department of State Hospitals (DSH) continues to experience a growing number of incompetent to stand trial (IST) commitments, who are referred from trial courts and are awaiting admission to the state hospital system. This increase has been exacerbated by the ongoing COVID-19 pandemic, necessary infection control measures put in place by DSH, and the June 2021 *Stiavetti v. Clendenin* appellate court order, which requires DSH to provide substantive competency restoration services for all ISTs within 28 days receipt of the commitment packet from the court. To address this increasing concern, the Administration unveiled a Felony IST Solution Package in January and the June budget included \$638 million General Fund, annually, beginning in 2025-26 to support efforts to reduce the increasing waitlist.

Building off previous work and the state’s focus on reducing the felony IST waitlist, included in the 2022-23 budget are further investments to address the longstanding concerns with the growing IST population. Although the state was adamant at establishing a cap on the number of IST referrals and imposing penalties for counties exceeding their cap, the budget commits \$638 million annually beginning in 2025-26 to support early community treatment, expand diversion and community-based restoration capacity, improve discharge planning and coordination, and increase the quality of evaluations that determine competency, much of which will be administered at the county level.

Through advocacy and coordination with the state, CSAC will continue to collaborate with all stakeholders to ensure that counties receive adequate resources and funding to assist DSH in reducing the current IST waitlist.

**Juvenile Justice Realignment.** After multiple realignments at the state level, generally counties are responsible for the custody and care of all youthful offenders adjudicated as of July 1, 2021. CSAC partnered with county departments and affiliate organizations, such as the Chief Probation Officers of California, to facilitate implementation of SB 823. To further assist counties with the transition of remaining youth at the state level, CSAC, the California Association of County Executives (CACE) and the Chief Probation Officers of California (CPOC) established a SB 823 County Collaboration Consortium Workgroup. The participating associations identified three primary principles – preventing youth transfers to adult court, ensuring high-quality evidenced-

based programs are available close to home, and encouraging counties to work together to prevent the establishment and staffing of secure treatment facilities in every county. Since then, building off the recommendations and principles of the workgroup, this year the non-profit public benefit corporation, County Probation Consortium was established. Led by probation and joined by CSAC and CACE, the Consortium was developed to achieve statewide collaboration amongst counties to serve the individualized and specialized needs of realigned youth and those committed by the courts to secure youth treatment facilities.

Division of Juvenile Justice (DJJ) realignment will remain a priority for years to come. As such, an immediate need for counties treating youth formerly under the jurisdiction of the state includes, but is not limited to, modernizing county-operated juvenile facilities with an emphasis on creating environments that support trauma-informed care, restorative justice, and rehabilitative programming. Advocating for one-time and ongoing funding for staff, specialized treatment, programming, and facilities will be critical for the outcome of our youth and overall success of our local juvenile justice systems. That said, this year CSAC, along with our probation affiliates, were pleased with the \$100 million one-time funding that was secured in the budget for juvenile facility modernization. CSAC hopes to build off investments in local juvenile justice and will continue to advocate for additional funding to protect county interests consistent with the Administration of Justice Policy Platform.

### **2023 Federal Priorities**

**Justice and Public Safety Funding.** The State Criminal Alien Assistance Program (SCAAP) remains a key source of federal justice funding for many California counties. CSAC will continue to serve as a lead advocate in efforts to protect and enhance SCAAP funding and will urge Congress to pass a long-term SCAAP reauthorization.

In addition, CSAC will continue to advocate for maximum program resources for other key federal justice and public safety programs that are administered through the U.S. Department of Justice, including the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, the Second Chance Act (SCA), the Victims of Crime Act (VOCA), and the Violence Against Women Act (VAWA).

## **INFORMATIONAL ITEM – 2022 AOJ Legislative Year in Review**

### **2022 Legislation**

**The below public safety bills did not pass during this year’s legislative session:**

[Assembly Bill 1608 \(Gipson\)](#) - This measure would have prohibited the consolidation of the county sheriff and coroner offices, which impacts 48 of our 58 counties that have combined the duties of the coroner and sheriff’s department. CSAC and the Rural County Representatives of California (RCRC) were jointly opposed to this bill as it would have created significant one-time, and increased ongoing costs to counties, while removing the existing authority of our boards of supervisors. [CSAC continuously engaged](#) throughout the year with the Legislature, bill author, and co-sponsors to address county concerns. The measure failed the required votes in the Senate during the last week of the legislative session, and on the last night of session, AB 1608 was

moved to the inactive file. CSAC will be engaged in any future legislation focused on coroner-sheriff responsibilities as we enter a new two-year legislative session in 2023.

[Senate Bill 848 \(Umberg\)](#) – This measure would have extended the sunset date authorizing remote court appearances in civil cases. Late amendments prohibited remote proceedings for specified juvenile delinquency and civil commitment proceedings. CSAC expressed significant concerns with the amendments and the impact they would have had on court proceedings, county staff, and persons who would have been required to appear in-person. Given the hostile and unanticipated amendments for this bill in the Assembly, the author requested “no” votes on his own measure and SB 848 failed passage.

[Senate Bill 262 \(Hertzberg\)](#) – This measure would have required the court to order a return of money or property paid to a bail bond company when the action or proceeding against an arrestee is dismissed or when no charges are filed against the arrestee within 60 days of arrest. Despite amendments that narrowed the bill and removed some opposition, SB 262 failed passage.

**The below public safety bills were signed into law by the Governor:**

[Assembly Bill 2644 \(Holden\)](#) – This measure prohibits an officer from using threats, physical harm, deception, or psychologically manipulative interrogation tactics when questioning a person 17 years of age or younger about the commission of a felony or misdemeanor. AB 2644 was signed by the Governor on September 13, 2022.

[Assembly Bill 1803 \(Jones-Sawyer\)](#) - This measure exempts a person who meets the criteria for a waiver of court fees and costs from being obligated to pay the filing fee for specified expungement petitions, and prohibits a court from denying expungement relief to an otherwise qualified person, and who meets the criteria, as specified, for a waiver of court fees and costs, solely on the basis that the person has not yet satisfied their restitution obligations. AB 1803 was signed by the Governor on September 23, 2022.

[Assembly Bill 1744 \(Levine\)](#) - This measure will extend authorization for the use of flash incarceration for individuals on probation or mandatory supervision until January 1, 2028. AB 1744 would allow for the continued ability to use flash incarceration as a graduated response for individuals on felony probation and mandatory supervision that was previously authorized via AB 597 (Levine), Chapter 44, Statutes of 2019, and SB 266 (Block), Chapter 706, Statutes of 2016. Further, AB 1744 will maintain current requirements in statute to allow an individual to decline flash incarceration and request a court revocation hearing, as well as a notification to the court and public defender upon imposition of flash incarceration. Graduated responses such as flash incarceration, allow for violations of court-ordered conditions to be addressed in a manner that balances safety considerations while maintaining continuity and engagement in rehabilitative services and support. [CSAC supported AB 1744](#). AB 1744 was signed by the Governor on September 29, 2022.

[Assembly Bill 2321 \(Jones-Sawyer\)](#) - Current law places restrictions on the use of room confinement of minors or wards who are confined in a juvenile facility, as specified, and requires the placement of a minor or ward in room confinement to be conducted in accordance with specified guidelines. Current law excludes from the definition of room confinement the

confinement of a minor or ward in a single-person room or cell for brief periods of locked room confinement necessary for required institutional operations. This measure will limit that exclusion to periods of confinement to no longer than 2 hours. The measure will also require minors and wards who are confined to be provided reasonable access to toilets at all hours. AB 2321 was signed by the Governor on September 29, 2022.

[Assembly Bill 2417 \(Ting\)](#) – This measure makes the state Youth Bill of Rights applicable to youth confined in any local juvenile justice facility. Further, it will require the ombudsperson to notify any complainant in writing of the intention to investigate or refer the complaint for investigation. The measure will also require the ombudsperson to provide written notice of the final outcome of a complaint. Lastly, the measure will require data published and provided to the Legislature by the ombudsperson to be disaggregated by gender, sexual orientation, race, and ethnicity of the complainants to the extent this information is available. AB 2417 was signed by the Governor on September 29, 2022.

[Senate Bill 990 \(Hueso\)](#) - This measure will make changes to the factors which determine placement and transfers for those on parole or post release community supervision (PRCS). It specifies that educational, vocational, and housing programs are factors that must be considered and absent evidence that a parole transfer would present a threat to public safety, an individual can choose a location with verified programs, family support, a job offer, inpatient or outpatient treatment, or housing outside of their county of commitment. This measure has a delayed implementation date of January 2024, and the final version only encourages and authorizes that probation extend the bill's provisions on parole to those on PRCS. SB 990 was signed by the Governor on September 29, 2022.

[Senate Bill 1008 \(Becker\)](#) – This measure will require that a state prison, or a state, county, or city youth residential placement or detention center provide voice communication services to incarcerated persons free of charge to the person initiating and the person receiving the communication. Also, this measure will prohibit a county, city, or state agency from receiving revenue for the provision of communication services to persons in its custody. SB 1008 was signed by the Governor on September 29, 2022.

[Senate Bill 1106 \(Wiener\)](#) - Existing law requires a court to order a defendant who is convicted of a crime in this state to pay full restitution to the victim and a separate restitution fine, as specified. This measure prohibits a petition for relief, whether statutorily authorized or in the court's discretion, from being denied due to an unfulfilled order of restitution or restitution fine. SB 1106 was signed by the Governor on September 29, 2022.

[Senate Bill 1223 \(Becker\)](#) - This measure will change the eligibility criteria when a court grants pretrial diversion for an individual, to include a diagnosis of a mental disorder instead of the court finding the defendant suffers from a mental disorder and would require that the diagnosis or treatment for a diagnosed mental disorder be within the last 5 years. Also, this measure will define "qualified mental health expert" for these purposes. Lastly, the measure will require the court, if a defendant has been diagnosed with a mental disorder, to find that the defendant's mental disorder was a significant factor in the commission of a charged offense unless there is



clear and convincing evidence that it was not a motivating factor, causal factor, or contributing factor to the alleged offense. SB 1223 was signed by the Governor on September 29, 2022.

**The below public safety bills were vetoed by the Governor:**

[Assembly Bill 503 \(Stone\)](#) - This measure would have limited the period of time in which a court may place a ward of the court on probation to six months, except that a court may extend probation in six month increments upon proof by a preponderance of the evidence that it is in the best interest of the ward; required that the conditions of probation be individually tailored, developmentally appropriate, and reasonable; and required that the burden imposed by the probation conditions must be proportional to the legitimate interests served by the conditions. AB 503 was vetoed by the Governor on September 29, 2022. The Governor's veto message can be found [here](#).

[Assembly Bill 2632 \(Holden\)](#) – This measure would have limited the use of segregated confinement and requires specified facilities in the state in which individuals are subject to confinement or involuntary detention to follow specified procedures related to segregated confinement. AB 2632 was vetoed by the Governor on September 29, 2022. The Governor's veto message can be found [here](#).