



Agenda

PUBLIC PROTECTION COMMITTEE

March 6, 2017
10:30 A.M.

651 Pine Street, Room 101, Martinez

Supervisor Federal D. Glover, Chair
Supervisor John Gioia, Vice Chair

Agenda Items:	Items may be taken out of order based on the business of the day and preference of the Committee
---------------	--

1. Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).
3. APPROVE Record of Action from the February 6, 2017 meeting. **(Page 4)**
4. CONSIDER receiving an update on the status of Reentry Strategic and AB109 Operational Plan updates and approving the Office of Reentry and Justice to commence a request for proposals process to contract for facilitation and plan development services to assist with the update to both plans. **(Lara DeLaney, Office of Reentry and Justice) (Page 8)**
5. CONSIDER accepting a verbal update on the status of certain fees assessed in the juvenile justice system and determine whether the current moratorium on the assessment and collection of those fees should be made permanent for final consideration by the Board of Supervisors. **(Todd Billeci, County Probation Officer) (Page 10)**
6. CONSIDER introducing referral on County law enforcement participation and interaction with Federal immigration authorities and provide direction to staff on next steps. **(Timothy Ewell, Committee Staff) (Page 26)**
7. The next meeting is currently scheduled for Monday, April 3, 2017 at 10:30 AM.
8. Adjourn

The Public Protection Committee will provide reasonable accommodations for persons with disabilities planning to attend Public Protection Committee meetings. Contact the staff person listed below at least 72 hours before the meeting.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Public Protection Committee less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.

Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.

For Additional Information Contact:

Timothy Ewell, Committee Staff
Phone (925) 335-1036, Fax (925) 646-1353
timothy.ewell@cao.cccounty.us

Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):

Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

AB	Assembly Bill	HIPAA	Health Insurance Portability and Accountability Act
ABAG	Association of Bay Area Governments	HIV	Human Immunodeficiency Syndrome
ACA	Assembly Constitutional Amendment	HOV	High Occupancy Vehicle
ADA	Americans with Disabilities Act of 1990	HR	Human Resources
AFSCME	American Federation of State County and Municipal Employees	HUD	United States Department of Housing and Urban Development
AICP	American Institute of Certified Planners	Inc.	Incorporated
AIDS	Acquired Immunodeficiency Syndrome	IOC	Internal Operations Committee
ALUC	Airport Land Use Commission	ISO	Industrial Safety Ordinance
AOD	Alcohol and Other Drugs	JPA	Joint (exercise of) Powers Authority or Agreement
BAAQMD	Bay Area Air Quality Management District	Lamorinda	Lafayette-Moraga-Orinda Area
BART	Bay Area Rapid Transit District	LAFCo	Local Agency Formation Commission
BCDC	Bay Conservation & Development Commission	LLC	Limited Liability Company
BGO	Better Government Ordinance	LLP	Limited Liability Partnership
BOS	Board of Supervisors	Local 1	Public Employees Union Local 1
CALTRANS	California Department of Transportation	LVN	Licensed Vocational Nurse
CaiWIN	California Works Information Network	MAC	Municipal Advisory Council
CaiWORKS	California Work Opportunity and Responsibility to Kids	MBE	Minority Business Enterprise
CAER	Community Awareness Emergency Response	M.D.	Medical Doctor
CAO	County Administrative Officer or Office	M.F.T.	Marriage and Family Therapist
CCCFPD	(ConFire) Contra Costa County Fire Protection District	MIS	Management Information System
CCHP	Contra Costa Health Plan	MOE	Maintenance of Effort
CCTA	Contra Costa Transportation Authority	MOU	Memorandum of Understanding
CDBG	Community Development Block Grant	MTC	Metropolitan Transportation Commission
CEQA	California Environmental Quality Act	NACo	National Association of Counties
CIO	Chief Information Officer	OB-GYN	Obstetrics and Gynecology
COLA	Cost of living adjustment	O.D.	Doctor of Optometry
ConFire	(CCCFPD) Contra Costa County Fire Protection District	OES-EOC	Office of Emergency Services-Emergency Operations Center
CPA	Certified Public Accountant	OSHA	Occupational Safety and Health Administration
CPI	Consumer Price Index	Psy.D.	Doctor of Psychology
CSA	County Service Area	RDA	Redevelopment Agency
CSAC	California State Association of Counties	RFI	Request For Information
CTC	California Transportation Commission	RFP	Request For Proposal
dba	doing business as	RFQ	Request For Qualifications
EBMUD	East Bay Municipal Utility District	RN	Registered Nurse
ECCFPD	East Contra Costa Fire Protection District	SB	Senate Bill
ECCRPC	East Contra Costa Regional Planning Commission	SBE	Small Business Enterprise
EIR	Environmental Impact Report	SRVRPC	San Ramon Valley Regional Planning Commission
EIS	Environmental Impact Statement	SWAT	Southwest Area Transportation Committee
EMCC	Emergency Medical Care Committee	TRANSPAC	Transportation Partnership & Cooperation (Central)
EMS	Emergency Medical Services	TRANSPLAN	Transportation Planning Committee (East County)
EPSDT	State Early Periodic Screening, Diagnosis and Treatment Program (Mental Health)	TRE or TTE	Trustee
et al.	et alii (and others)	TWIC	Transportation, Water and Infrastructure Committee
FAA	Federal Aviation Administration	VA	Department of Veterans Affairs
FEMA	Federal Emergency Management Agency	vs.	versus (against)
F&HS	Family and Human Services Committee	WAN	Wide Area Network
First 5	First Five Children and Families Commission (Proposition 10)	WBE	Women Business Enterprise
FTE	Full Time Equivalent	WCCTAC	West Contra Costa Transportation Advisory Committee
FY	Fiscal Year		
GHAD	Geologic Hazard Abatement District		
GIS	Geographic Information System		
HCD	(State Dept of) Housing & Community Development		
HHS	Department of Health and Human Services		



Contra Costa County Board of Supervisors

Subcommittee Report

PUBLIC PROTECTION COMMITTEE

3.

Meeting Date: 03/06/2017

Subject: RECORD OF ACTION - February 6, 2017

Submitted For: PUBLIC PROTECTION COMMITTEE,

Department: County Administrator

Referral No.: N/A

Referral Name: RECORD OF ACTION - February 6, 2017

Presenter: Timothy Ewell, Committee Staff **Contact:** Timothy Ewell, (925) 335-1036

Referral History:

County Ordinance requires that each County body keep a record of its meetings. Though the record need not be verbatim, it must accurately reflect the agenda and the decisions made in the meeting.

Referral Update:

Attached for the Committee's consideration is the Record of Action for its February 6, 2017 meeting.

Recommendation(s)/Next Step(s):

APPROVE Record of Action from the February 6, 2017 meeting.

Fiscal Impact (if any):

No fiscal impact. This item is informational only.

Attachments

Record of Action - February 2017



Agenda

PUBLIC PROTECTION COMMITTEE

February 6, 2017

10:30 A.M.

651 Pine Street, Room 101, Martinez

Supervisor Federal D. Glover, Chair
Supervisor John Gioia, Vice Chair

Agenda Items:

Items may be taken out of order based on the business of the day and preference of the Committee

Present: Federal D. Glover, Chair
John Gioia, Vice Chair

Staff Present: David J. Twa, County Administrator
Timothy M. Ewell, Senior Deputy County Administrator - Committee Staff
Lara DeLaney, Senior Deputy County Administrator - ORJ Director

1. Introductions

Convene - 9:00 AM

2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).

The Committee received public comment.

3. APPROVE Record of Action from the December 12, 2016 meeting.

Approved as presented.

Vice Chair John Gioia, Chair Federal D. Glover

AYE: Chair Federal D. Glover, Vice Chair John Gioia

Passed

- 4.
1. The Public Protection Committee ACCEPT the Review Panel recommendation that the County contract with Resource Development Associates for “Facilitation and Data Analysis Services” for the Racial Justice Task Force in response to Contra Costa County RFQ #1612-205, and RECOMMEND that the Board of Supervisors authorize a contract with Resource Development Associates in the amount of \$170,000 to provide facilitation and data analysis services for the Racial Justice Task force for the period February 14, 2017 through June 30, 2018.
 2. The Committee acknowledge a preference of multiple members of the Review Panel that the scoring had included a greater proportion of points dedicated to the showing of an understanding and experience specifically related to cultural

competence, diversity, and race related issues.

Approved as presented with the following direction to staff:

1. Forward to the Board of supervisors on the consent calendar.

Vice Chair John Gioia, Chair Federal D. Glover

AYE: Chair Federal D. Glover, Vice Chair John Gioia

Passed

5. REVIEW and ACCEPT the AB 109 Annual Report for FY 2015-16, as prepared by Resource Development Associates. Provide comment to staff on the structure and content of the Annual Report template.

Approved as presented with the following direction to staff:

1. Schedule for discussion at the full Board of Supervisors

Chair Federal D. Glover, Vice Chair John Gioia

AYE: Chair Federal D. Glover, Vice Chair John Gioia

Passed

6. REVIEW and APPROVE a fiscal year 2017/18 AB 109 budget proposal, as recommended by the Community Corrections Partnership-Executive Committee.

Approved as presented with the following direction to staff:

1. Bring the final allocation of the Community Advisory Board (CAB) budget back to the Committee at a future date once the CAB has completed its recommendation.

2. Provide a budget to actuals comparison for fiscal year 2015/16 and 2016/17 to the Committee at a future date.

3. Increase the "Jail to Community" allocation in the Sheriff's Office budget by \$8,000, from \$200,000 to \$208,000 (equivalent of 4%).

Vice Chair John Gioia, Chair Federal D. Glover

AYE: Chair Federal D. Glover, Vice Chair John Gioia

Passed

7. The next meeting is currently scheduled for March 6, 2017 at 10:30 AM.

8. Adjourn

Adjourned - 11:11 AM

The Public Protection Committee will provide reasonable accommodations for persons with disabilities planning to attend Public Protection Committee meetings. Contact the staff person listed below at least 72 hours before the meeting.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Public Protection Committee less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.

Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.

For Additional Information Contact:

Timothy Ewell, Committee Staff
Phone (925) 335-1036, Fax (925) 646-1353
timothy.ewell@cao.cccounty.us

In September 2016, the County was notified that it had been awarded a federal grant called “Smart Reentry: Focus on Evidence-based Strategies for Successful Reentry from Incarceration to Community.” During the first year planning phase of the grant, the County is required to develop a local reentry strategic plan that describes our long-term reentry strategy, including measurable annual and 5-year performance outcomes that are related to the long-term goals of increasing public safety and reducing recidivism. One goal of the plan must be achieving a 50 percent reduction in the rate of recidivism over a 5-year period.

The strategic planning process should provide an opportunity for the grant’s Reentry Task Force to ensure stakeholders and policymakers work together to identify and address local policy driven or procedural barriers to effective reentry, especially among the transition age youth (18-25) population. In developing the plan, we are expected to engage representatives from the fields of public safety, corrections, housing (including partnerships with public housing authorities), homeless services providers, health, education, substance abuse, children and families, victims’ services, employment, and business.

The Reentry Strategic Plan must have the following components:

- A multi-disciplinary, jurisdiction-wide reentry strategy to improve outcomes for individuals coming home from incarceration that incorporates the federally established “Fundamental Principles of Evidence-Based Correctional Practice”
- A detailed implementation schedule and sustainability plan
- A description of the role local governmental agencies, nonprofit organizations, and community stakeholders will play in the reentry strategy with certification of the involvement of such agencies and organizations
- Extensive evidence of collaboration with state and local government agencies overseeing health, mental health, housing (including partnerships with public housing authorities), homeless services, child welfare, education, substance abuse, victims’ services, employment services, and local law enforcement
- A discussion of the role state corrections departments, community corrections agencies, local jails, and/or juvenile corrections systems have in ensuring successful reentry of individuals into local communities from incarceration.

The Smart Reentry grant budget includes \$40,000 for the Reentry Strategic Plan process. The FY 2016-17 budget for the establishment and operations of the Office of Reentry and Justice has designated \$20,000 for this purpose. Additional funding for the update of the AB 109 Operational Plan could be provided from the AB 109 Planning and Implementation funds the County has received annually from the State, which is expected to be \$200,000 in FY 2017-18.

ORJ staff recommends that the County undertake a Request for Qualifications (RFQ) process to identify a contractor(s) who can provide facilitation and plan development services. Ideally, we would like to identify a contractor who is capable of undertaking the update of both plans, as there is a relationship between the Plans and an understanding of the reentry and public safety realignment systems in Contra Costa County that would benefit from a single provider. ORJ staff will assemble an RFQ Advisory Group to solicit input on the development of the RFQ.

The proposed timeline for the procurement process, which is anticipated to take 10 weeks, is as follows:

Timeline for the RFQ for the Reentry Strategic Plan and AB 109 Operational Plan Updates

Event	RFQ Date
RFQ Issued	Mar. 27, 2017
Mandatory Bidders Conference	April 12, 2017
Written Questions Due from bidders	April 19, 2017
Addendum Issued	April 24, 2017
Responses Due	May 10, 2017
Evaluation Period	May 15-26
Vendor Interviews	Week of May 22
Results Letter Issued	May 26, 2017
Appeal Period	May 27-June 2
Public Protection Reviews Results	June 5, 2017
Board Award Date	June 13, 2017
Contract Start Date	July 1, 2017

The timeline includes a mandatory Bidders Conference, which staff will endeavor to include remote access capabilities (webinar).

Recommendation(s)/Next Step(s):

1. RECEIVE an update on the status of Reentry Strategic and AB109 Operational Plan updates, and
2. APPROVE the Office of Reentry and Justice to commence a request for proposals process to contract for facilitation and plan development services to assist with the update to both plans, and
3. PROVIDE additional direction to staff as necessary.

Attachments

No file(s) attached.



Contra Costa County Board of Supervisors

Subcommittee Report

PUBLIC PROTECTION COMMITTEE

5.

Meeting Date: 03/06/2017

Subject: REFERRAL ON JUVENILE FEES CHARGED BY THE PROBATION DEPARTMENT

Submitted For: David Twa, County Administrator

Department: County Administrator

Referral No.: N/A

Referral Name: REFERRAL ON JUVENILE FEES CHARGED BY THE PROBATION DEPARTMENT

Presenter: Timothy Ewell, Committee Staff **Contact:** Timothy Ewell, (925) 335-1036

Referral History:

On July 19, 2016, the Board of Supervisors referred to the Public Protection Committee a review of fees assessed for services provided while a minor is in the custody of the Probation Department. Welfare and Institutions Code 903 *et seq.* provides that the County may assess a fee for the provision of services to a minor in the custody of its Probation Department. This request was following a statewide discussion as to whether or not these fees should be imposed by counties on the parents or legal guardians of minors in the custody of the County. For reference, included as an attachment is a survey conducted by the California State Association of Counties (CSAC) trying to determine what policies individual counties have put in place related to juvenile fees (Attachment A). In addition, the County of Alameda adopted a resolution in March 2016 imposing a moratorium on juvenile fees and in July 2016 adopted an ordinance to repeal all juvenile fees. Copies of the Board Letter, Resolution and Ordinance are included in the agenda packet for reference (Attachment B).

Collection of Fees

For several years, the County operated an Office of Revenue Collection (ORC) to centralize the collection of fees, fines and other assessments due to the County. The ORC was discontinued and the responsibility for the collection of fees was returned to the departments that originally imposed the fee. In the case of the Probation Department, the responsibility for both juvenile fees and adult public defense fees were assigned. At the time, it was determined to be inefficient to establish a collection unit in both the Probation Department and Public Defender's Office.

Authority for Juvenile Fees

California Welfare and Institutions Code 903 et seq. provides counties the ability to recover costs for the provision of services to juveniles in-custody. In 2003, the Board of Supervisors adopted Resolution No. 03/591 establishing a fee for reimbursement of the actual cost of care of a minor in detention at Orin Allen Youth Rehabilitation Facility (OAYRF) and Juvenile Hall. The Resolution authorized the Probation Department to collect \$17.03 per day, per minor. In 2010, the Board of Supervisors adopted Resolution No. 2010/253 increasing the fee from \$17.03 per day to \$30.00 per day following legislative action increasing the maximum recovery amount to \$30.00 per day. In 2009, the Board of Supervisors adopted Ordinance No. 2009-23 establishing a \$17-per-day fee for electronic surveillance of minors who are under Probation supervision.

Probation Collections Unit

The fiscal year 2016/17 budget authorizes 4.0 FTE employees to staff the Probation Collections Unit (PCU); (2) two Collections Enforcement Officers, (1) one Accounting Technician and (1) one Clerk-Specialist Level position. A summary of the Recommended Budget is summarized below:

		2016-17 Recommended
3004	PROBATION COLLECTIONS UNIT	
E1000	Salaries and Benefits	402,965
E2000	Services and Supplies	77,097
E4000	Fixed Assets	20,000
GRSCST	GROSS EXPENDITURES	500,062
TOTEXP	TOTAL EXPENDITURES	500,062
TOTREV	GROSS REVENUE	790,000
FTE	Allocated Positions (FTE)	4.00
NETCOST	NET COUNTY COST (NCC)	(289,938)

Note that the fiscal year 2016/17 budget plan for PCU anticipates a Net County Cost (NCC) of (\$289,938). Since the NCC is a negative number, this should be looked at as a revenue for purposes of analyzing budgetary impacts.

PCU Actual Performance Since Inception

The table below illustrates actual budget performance of PCU since inception in fiscal year 2010/11. Over the past six years, PCU has generated an between \$200k-250k in net collections revenue for the County each year. In fiscal year 2015/16 (shown in the YTD Actuals column) that figure has increased to approximately \$374k due to cost savings from a vacancy in the unit and higher than average collection revenue.

	YTD Actuals	2014-15 Actual	2013-14 Actual	2012-13 Actual	2011-12 Actual	2010-11 Actual
PROBATION COLLECTIONS UNIT	0	0	0	0	0	0
Salaries and Benefits	338,601	450,340	429,190	406,283	434,359	370,932
Services and Supplies	103,470	68,513	68,766	78,770	75,430	134,192
Fixed Assets	0	0	0	0	0	0
GROSS EXPENDITURES	442,072	518,853	497,956	485,054	509,789	505,124
TOTAL EXPENDITURES	442,072	518,853	497,956	485,054	509,789	505,124
GROSS REVENUE	815,835	770,053	739,861	690,928	764,033	720,307
Allocated Positions (FTE)	4.00	4.00	5.00	5.00	5.00	0
NET COUNTY COST (NCC)	(373,763)	(251,200)	(241,905)	(205,874)	(254,244)	(215,183)

" Note that the "YTD Actuals" column reflects the fiscal year 2015/16 unaudited actuals.

Composition of Revenues

Since the PCU collects revenue for both the Probation and Public Defender departments, it is important to illustrate the revenues generated from each stream of fee recovery revenue. The table below shows the breakdown of Gross Revenue in each fiscal year, by fee type:

3004	PROBATION COLLECTIONS UNIT	2015/16	2014/15	2013/14	2012/13	2011/12	2010/11
	Revenue Composition						
	Juvenile Fees	530,032	430,926	442,707	419,323	474,210	365,809
	Public Defender Fees	285,803	339,127	296,500	271,605	289,824	354,498
	Misc Revenue	0	0	654	0	0	0
	Total	815,835	770,053	739,861	690,928	764,034	720,307

The most important finding to be made from the information in the table above is that annual fee revenue from each source exceeds the average net collections revenue from year to year discussed earlier in this report. That is to say that discontinuing one of the two fees would result in PCU being unable to cover its annual operating costs from year-to-year.

How Does PCU Compare to the Cost of Running Juvenile Hall?

The PCU operates in a separate cost center within the Probation Department budget. However, since the PCU currently provides a net collections revenue benefit to the department as a whole, it is important to illustrate the relative costs to the County for operating the Juvenile Hall as an illustration. A summary of the fiscal year 2016/17 Recommended Budget is provided below for reference:

	2016-17 Recommended
JUVENILE HALL	
Salaries and Benefits	18,287,278
Services and Supplies	992,003
Other Charges	10,200
Expenditure Transfers	16,195
GROSS EXPENDITURES	19,289,481
TOTAL EXPENDITURES	19,305,676
GROSS REVENUE	3,500
Allocated Positions (FTE)	121.00
NET COUNTY COST (NCC)	19,302,176

Current Status of Accounts Receivable

Currently, the PCU has \$16.9 million in accounts receivable outstanding through June 30, 2016. A breakdown by fee type and year of assessment is attached to this staff report for reference (Attachment C). In summary, \$8.55 million is attributable to Juvenile Fees and \$8.34 million is attributable to Public Defender fees with the oldest account dating back to 1990.

Referral Update:

The Public Protection Committee heard this item on September 26, 2016 and forwarded the issue to the Board of Supervisors for discussion. Ultimately, on October 25, 2016 the Board adopted Resolution No. 2016/606, which established a moratorium on the assessment and collection of juvenile fees. Concurrently, the Board directed staff to return to the Public Protection Committee and forward a recommendation back to the Board by May 31, 2017.

Today's action is to receive an update from the County Probation Officer on the status of juvenile fees and the current moratorium. In addition, the Committee is being asked to determine whether or not to recommend the permanent repeal of juvenile fees for final consideration by the Board of Supervisors.

Recommendation(s)/Next Step(s):

1. ACCEPT a verbal update on the status of certain fees assessed in the juvenile justice system, and
2. DETERMINE whether the current moratorium on the assessment and collection of those fees should be made permanent for final consideration by the Board of Supervisors

Fiscal Impact (if any):

No immediate fiscal impact.

Attachments

Attachment A - CSAC Survey Results - Juvenile Fees

Attachment B - County of Alameda Resolution Establishing Moratorium and Ordinance on Juvenile Fees

Attachment C - PCU Outstanding Balances through June 30, 2016

CSAC Survey Results

Juvenile Fees

August 2016

- **Alameda County** placed a moratorium on the assessment and collection of fees in March 2016.
- **Los Angeles County** placed a moratorium on the assessment of fees in 2009.
- **San Francisco County** has not charged fees to date for these activities.
- **Fresno County** the \$50 juvenile administrative fee is charged to the parents when a juvenile is cited by law enforcement.
- **Santa Barbara County** does charge administrative fees to juveniles related to community service work and we charge their parents for basic juvenile hall and camp costs related to their child's support and enrollment. There is also a 10% restitution collection surcharge.
- **Santa Cruz County** charges a daily juvenile hall charge, which is \$ 27 per day. They do not charge supervision fees, records sealing fees or charge for electronic monitoring.
- **Kern County** does not charge juvenile administration fees.



BOARD OF SUPERVISORS

March 16, 2016

The Honorable Board of Supervisors
County Administration Building
Oakland, California 94612

Dear Board Members:

SUBJECT: ADOPT A RESOLUTION SUSPENDING THE ASSESSMENT AND COLLECTION OF JUVENILE PROBATION FEES AND THE JUVENILE PUBLIC DEFENDER FEE FOR ALL ALAMEDA COUNTY RESIDENTS

RECOMMENDATION:

1. Adopt a Resolution establishing a moratorium on the assessment and collection of juvenile probation fees and the juvenile public defender fee for all county residents (suspending both the assessment of new fees and the collection of outstanding fees).
2. Direct the County Administrator, Probation Department, the Auditor-Controller's Office, and the Office of the Public Defender to develop a plan and ordinance for the repeal of Section 2.42.190 of the Administrative Ordinance Code ("Juvenile Probation Department Fees Ordinance").

SUMMARY/DISCUSSION:

The moratorium being brought for your consideration would affect both the assessment and collection of juvenile administrative fees. With regard to assessment, no youth or his/her family shall be assessed juvenile fees by the County. With regard to the collection, no youth or his/her family who have been previously assessed juvenile fees shall be required to pay on outstanding amounts and no interest will accrue during the moratorium. Implementing a moratorium will reduce one source of revenue for the Probation Department, the Office of the Public Defender and the Auditor-Controller's Office. The County should ensure that expenditures for critical juvenile probation services be supported with funding from other sources to ensure no loss in services or impact on staff during the moratorium.

During this period, staff will continue to review the policy of assessing fees for juvenile probation services and the procedures under which such fees are referred, collected, or waived to develop a plan for implementing a repeal of juvenile probation fees and the juvenile public defender fee by June 28, 2016. The plan and draft ordinance repealing Section 2.42.190 of the Administrative Code will be presented for discussion at the Public Protection Committee prior to being brought to the full Board of Supervisors for consideration.

The intent of the moratorium is to freeze assessment and collection of fees to allow staff to develop a plan to address the effects of the repeal of these juvenile probation fees and to identify funding for the services currently supported with these juvenile probation fees. The effects of the

repeal could include practical issues, including but not limited to: identifying the universe of persons who are currently in the assessment and collections process, how to notify all persons with outstanding juvenile fee related debt, petitioning the juvenile court to vacate all court-ordered judgments for juvenile fees, recalling and halting collections referred to the Franchise Tax Board.

California Welfare and Institutions Code section 903 et seq. permits counties to charge youth and their families for the cost of services imposed on delinquency system-involved youth. These fees are assessed to youth and to parents or guardians, having custody and control of juveniles. Parents/guardians are charged the costs of detention in juvenile facilities (Juvenile Hall and Camp Wilmont Sweeney), public defender/court-appointed counsel, investigation, supervision, electronic (GPS) monitoring, and drug and substance abuse testing.

The Board of Supervisors adopted the current fee schedule in 2009. Prior to 2009, the County only charged youth and families fees for detention in Juvenile Hall and Camp Wilmont Sweeney and for public defender/court-appointed counsel representation. In order to offset the increased cost of providing probation services, the Board of Supervisors approved increases to the detention fees and added four new fees: investigation, supervision, electronic (GPS) monitoring, and drug testing based on their ability to pay.

The current fee schedule is as follows:

Fee	Amount
Juvenile Hall (per day)	\$25.29
Camp Sweeney (per day)	\$20.32
Public Defender or Court-Appointed Attorney (per case)	\$300.00
Juvenile Investigation (per case)	\$250.00
Juvenile Supervision (per month)	\$90.00
Juvenile Electronic & GPS Monitoring (per day)	\$15.00
Juvenile Drug & Substance Abuse Testing (per test)	\$7.17
Juvenile Lab Test Confirmation (per test)	\$21.51

Cal. Welf. & Inst. Code § 903.45, requires counties that charge these fees to ensure that families who cannot afford to pay are not billed. Currently, two financial hearing officers, who are employees of the Central Collections Division of the Auditor-Controller Agency, evaluate whether or not families in the County can afford to pay these fees. Existing ability to pay determination processes are highly discretionary and do not account for changes in circumstances (income, dependents, etc.). If a family does not meet with a financial hearing officer, they can be billed in full, regardless of ability to pay.

The County does not know how many families receive fee reductions or waivers based on inability to pay or how many families are billed in full. The County keeps no data on families charged, and cannot demonstrate that families who cannot pay have not been charged. In short, there is no data that confirms that only families who can pay are being assessed fees.

Many youth in the juvenile system and their families struggle to pay these fees. Imposing this kind of debt on families induces economic and familial instability, which undermines the rehabilitative purpose of the juvenile system. Outstanding fees become civil judgments, which result in referrals to the Franchise Tax Board where parents' wages can be garnished, bank accounts can be levied, and tax refunds can be intercepted.

Youth of color are disproportionality impacted by the imposition of fees. According to Alameda County Probation Department data youth of color are overrepresented in the system and, on average, serve longer probation terms than their white counterparts. This means that youth of color, and their families, have a heavier financial burden. These fees are unfair and unrealistic given the adverse economic conditions faced by families with youth in the juvenile system.

There is little financial gain for the County from these fees. Staff within the Probation Department and the Auditor-Controller’s Office, in collaboration with the Policy Advocacy Clinic at Berkeley Law, have gathered data, identified information gaps, and performed an initial review of juvenile fees in Alameda County. For example, in fiscal year 2014-15, Alameda County referred juvenile probation fess of more than \$475,000 to approximately 300 families. Based on the number of staff and resources involved in the assessment and collection of juvenile fees, the County spent more than \$250,000 to collect approximately \$420,000.

	FY 2014-15
Referred	\$476,152
Collected	\$419,830
Costs	\$250,938
Net to County	\$168,892

FINANCING:

The County Administrator’s Office working with the appropriate departments will identify alternative funding sources to replace any lost revenue or support impacted staff caused by a moratorium on the assessment and collection of juvenile fees.

Respectfully submitted,

Richard Valle
Supervisor, Second District

Keith Carson
Supervisor, Fifth District

RESOLUTION NO. 2016- 66

A RESOLUTION PLACING A MORATORIUM ON THE ASSESSMENT AND COLLECTION OF ALL JUVENILE PROBATION FEES AND THE JUVENILE PUBLIC DEFENDER FEE

WHEREAS, the County of Alameda currently charges youth involved in the juvenile justice system and their families six Probation Department fees and a Public Defender fee; and

WHEREAS, the seven fees are as follows: 1) a fee for each night spent in Juvenile Hall, 2) a fee for each night spent at Camp Wilmont Sweeney, 3) a one-time fee for public defender representation, 4) a one-time investigation fee, 5) a daily electronic monitoring fee, 6) a monthly supervision fee, and 7) a fee for drug testing and lab confirmation; and

WHEREAS, in 2009 the Alameda County Board of Supervisors increased the two existing detention fees (Juvenile Hall and Camp Sweeney) and added four new fees to the existing fee schedule, and in 2015, the Board eliminated the juvenile record sealing fee; and

WHEREAS, families and advocates in Alameda County have reported that these fees cause financial hardship and disrupt family stability; and

WHEREAS, unpaid administrative fees become civil judgments, which can result in referrals to the Franchise Tax Board where parents' wages can be garnished, their bank accounts can be levied and their tax refunds can be intercepted; and

WHEREAS, it is in the interest of the County, of young people involved in the juvenile justice system and their families, and of the larger community that the County repeal the seven juvenile probation fees and public defender fee; and

WHEREAS, it is in the interest of the County to adopt this resolution in order to allow staff to develop a plan to address the effects of the repeal of these juvenile probation fees and to identify funding for the services currently supported with these juvenile probation fees to maintain the fiscal integrity of affected County departments, including, but not limited to, the Probation Department, the Auditor-Controller's Office, and the Office of the Public Defender; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors as follows:

Section 1. A moratorium is imposed on the assessment and collection of juvenile probation and juvenile public defender fees, suspending the assessment and collection of:

- A. Fees for time juveniles spend in Juvenile Hall;
- B. Fee for time juveniles spend at Camp Wilmont Sweeney;
- C. Fees for the Public Defender's and court-appointed counsel's representation of juveniles;
- D. Fees for the Probation Department's investigation of juvenile cases;
- E. Fees for the Probation Department's supervision of juveniles;
- F. Fees for the electronic (GPS) monitoring of juveniles; and
- G. Fees for drug testing of juveniles.

Section 2. Unless extended by action of this Board, the moratorium shall expire upon repeal of the fees listed in Section 1.

Section 3. For the purpose of implementing this moratorium, no later than June 28, 2016, County staff is directed to return to the Board of Supervisors with a plan and ordinance for the repeal of fees listed in Section 1.

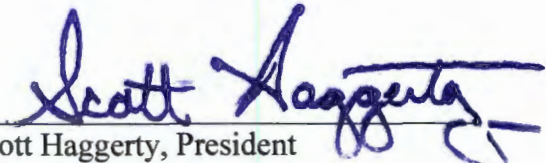
Section 4. That the moratorium imposed by Section 1 of this Resolution shall be effective as soon as it is reasonably possible for the County Auditor-Controller to stop collecting the fees.

THE FOREGOING WAS PASSED AND ADOPTED by the Board of Supervisors this 29th day of March, 2016, to wit:

AYES: Supervisors Carson, Chan, Miley, Valle & President Haggerty

NOES: None

EXCUSED: None



Scott Haggerty, President
Board of Supervisors

ATTEST:
Clerk of the Board of Supervisors

By: R. Bailey, Deputy

APPROVED AS TO FORM:
DONNA R. ZIEGLER, COUNTY COUNSEL

By: Donna R. Ziegler
Donna R. Ziegler, County Counsel

COUNTY ADMINISTRATOR



SUSAN S. MURANISHI
COUNTY ADMINISTRATOR

June 22, 2016

Honorable Board of Supervisors
Administration Building
Oakland, CA 94612

Dear Board Members:

SUBJECT: ADOPT AN ORDINANCE AMENDING ADMINISTRATIVE CODE SECTION 2.42.190 AND THE JUVENILE FEE SCHEDULES FOR PROBATION AND PUBLIC DEFENDER TO REPEAL ALL JUVENILE FEES

RECOMMENDATIONS:

Consistent with your Board's direction on March 29, 2016:

- A) Adopt an ordinance amending Section 2.42.190 of the Administrative Code of the County of Alameda to remove the assessment and collection of juvenile probation fees; and
- B) Amend Resolution No. 2009-468 to repeal juvenile fees collected by the Probation Department in their existing fee schedule for drug or substance abuse testing, laboratory test confirmations and electronic or Global Positioning System (GPS) monitoring; and
- C) Amend Resolution No. 2011-142 to repeal juvenile fees collected by the Public Defender's Office in their existing fee schedule for the Public Defender fee that is assessed for each juvenile case referred to their office.

DISCUSSION/SUMMARY:

On March 29, 2016, your Board passed and adopted Resolution No. 2016-66, which placed a moratorium on the assessment and collection of all juvenile Probation fees and the juvenile Public Defender fee for Alameda County youth involved in the juvenile justice system. The corresponding board letter requested that the County Administrator's Office, Auditor-Controller's Agency, Probation Department and the Public Defender's Office develop a plan and ordinance to amend Section 2.42.190 of the Administrative Code ("Collection of probation department fees") to repeal the portions related to assessment and collection of juvenile fees, which had been allowed per California Welfare and Institutions Code Sections 903 and 904.

Per the approved board letter and resolution, the Auditor-Controller's Agency immediately suspended the collection of juvenile probation fees on March 29, 2016. Action was taken to immediately close two financial hearing offices at the Juvenile Justice Center. Written notices regarding the moratorium were sent to all families on April 6, 2016. Every payment that was received after March 29th was returned or refunded, resulting in refunds totaling \$4,700 between March 29 and June 10. Over-the-counter payments, U.S. Postal Service payments and any checks were returned to families immediately. Tax intercepts, wage garnishments and lockbox check deposits were refunded promptly. All collections referred to the Franchise Tax Board were immediately withdrawn, but additional time was required for the State to receive and remit payments to the County. Since May 1, very few payments have been received resulting in fewer refunds processed.

The Probation Department has also reached out to Presiding Judge Charles Smiley of the Juvenile Dependency Court. Judge Smiley will continue to address each case and situation on its own merits, giving careful consideration to the recommendations of probation and its effects on families in the juvenile justice system.

County Impacts

Juvenile administrative fees paid for specific services provided to those involved in the system as allowed under California Welfare and Institutions Code Sections 903 and 904. Services included programs, activities and staffing costs. **The repeal of these juvenile fees represents a loss of revenue between \$500,000 and \$550,000 annually for Alameda County.** The Proposed Fiscal Year 2016-17 Budget eliminated the collection of juvenile administration fee revenue but expenditures remained in department's operating budgets relying on alternative revenue sources, including the County's General Fund. Additionally, there remains approximately \$2 million in outstanding (assessed, but uncollected) fees assessed since.

Details on departmental revenue reduction impacts are provided below.

Public Defender's Office

In Fiscal Year 2014-15, the Public Defender's Office received just over \$33,000 in revenue from the juvenile Public Defender fee per Resolution No. 2011-142, which is the estimated annual revenue loss. The fees were used to partially offset the cost of juvenile legal representation and were used to cover cost of telephone charges, equipment supplies and expert witnesses when necessary. These service costs will now be covered by other funding sources, primarily the General Fund, and there are no adjustments needed to continue the same level of service.

Probation Department

Based on Fiscal Year 2014-15 totals, the Probation Department estimates that \$275,000 in revenue for juvenile probation fees will be lost annually due to the amendments to Section 2.42.190 of the Administrative Code and Resolution No. 2009-468. These fees were used to support juvenile life skills and educational programming in Camp Sweeney and Juvenile Hall, which could see a reduction in scope of services, activities or events due to the loss of revenue. This includes but is not limited to: Camp Sweeney's Freedom School, Camp Sweeney's Annual Tolerance Tour, Juvenile Hall's Annual Resource Fair and the Destiny Arts Program. Ancillary costs such as special events, bus tickets, payment for bills, etc., are not mandatory but do help youth and families complete their terms and conditions of probation. Other sources of revenue, including the County General Fund, will be needed to continue these services.

Juvenile GPS monitoring is court-ordered per California Welfare and Institutions Code section 601. As such, these are mandated services that the County must continue to provide. The estimated annual cost of electronic/GPS monitoring for juveniles is \$180,000. Today, there are 69 youth in Probation currently being monitored. Additionally, each lost or damaged device costs over \$23,000 to replace. GPS monitoring costs have never been fully offset by juvenile fees, but now the Probation Department, through use of General Funds, will be required to cover the whole cost of these services.

While drug testing for juveniles may also be court-ordered, it is also a term of probation and Camp placement. Juvenile drug testing and post-testing laboratory confirmation costs the department approximately \$30,000 annually. Drug testing costs have never been fully offset by juvenile fees, but now the Probation Department, through use of General Funds, will be required to cover the whole cost of these services.

Auditor-Controller's Office

The estimated revenue lost by the Auditor-Controller's Office is between \$200,000 and \$250,000 annually. Staff in the Auditor-Controller's Office is assigned to the collection of a wide variety of fees, including these juvenile fees. This fee revenue was used to support a portion of staff salary and benefits costs. Since the establishment of the moratorium, affected staff has been assigned to other collection activities.

Given the steps that have been taken by the Auditor-Controller's Office to halt the assessment and collection of fees and the actions that each affected department has taken to plan and assess how the loss of revenue will affect programs, services and staffing, we ask that your Board approve the attached ordinance to repeal the juvenile probation fees and the juvenile Public Defender fee effective immediately.

FINANCING:

The repeal of the juvenile fees translates into loss of revenue for the County of up to \$558,000 annually in newly assessed fees, which breaks down as follows:

Department	Annual Revenue Loss*
Auditor-Controller	\$ 200,000 – 250,000
Probation	275,000
Public Defender	33,000
Total	\$ 508,000 – 558,000

*Approximate

As a result of the Board's action to enact a moratorium on Juvenile Administrative Fees, the FY 2016-17 Proposed Budget reduced revenue collections as indicated above. Department expenses funded previously with fee revenue are budgeted to continue without a specific new revenue source. This revenue loss was part of the FY 2016-17 funding gap and resulted in increased General Fund costs of up to \$558,000.

Additionally, \$2 million in outstanding fees assessed since 2009 will remain uncollected. With service-related expenditures continuing, the net loss to the County is the full amount of revenue that had been generated each year plus any prior year collections that we may have been able to recover.

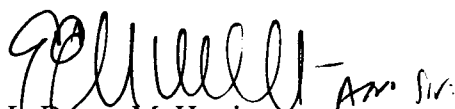
Respectfully submitted,




Susan S. Muranishi
County Administrator



Steve Manning
Auditor/Controller



LaDonna M. Harris
Chief Probation Officer



Brendon D. Woods
Public Defender

SSM:MLC:mcp
cc: County Counsel

ORDINANCE NO. 2016-35

AN ORDINANCE AMENDING SECTION 2.42.190 OF THE ADMINISTRATIVE ORDINANCE CODE TO REPEAL JUVENILE PROBATION FEES, AMENDING RESOLUTION NO. 2011-142 TO REPEAL THE PUBLIC DEFENDER FEE FOR REPRESENTATION OF JUVENILES, AND AMENDING RESOLUTION NO. 2009-468 TO REPEAL THE PROBATION DEPARTMENT JUVENILE SUPERVISION, JUVENILE ELECTRONIC AND GLOBAL POSITIONING SYSTEMS MONITORING, AND JUVENILE DRUG AND SUBSTANCE ABUSE TESTING FEES

WHEREAS, on March 29, 2016, the Board of Supervisors adopted Resolution No. 2016-66 (the Resolution) placing a moratorium on the assessment and collection of seven juvenile probation fees and the Juvenile Public Defender Fee (collectively the Fees); and

WHEREAS, the Resolution directed staff to return to the Board of Supervisors no later than June 28, 2016, with a plan and an ordinance for the repeal of the Fees; and

WHEREAS, the Board of Supervisors finds that it is in the best interest of the County to repeal the Fees and terminate the moratorium;

NOW, THEREFORE, the Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

Section 2.42.190 of the Alameda County Administrative Ordinance Code is hereby amended to read as follows:

2.42.190 - Collection of probation department fees.

The following fees and charges shall be paid to the Alameda County probation department or the county of Alameda collection agent:

A. Fees for adult investigations and for providing probation supervision of adults, pursuant to Penal Code Section 1203.1 b, as follows:

1. Adult investigations: Seven hundred ten dollars (\$710.00) per case.
2. Adult supervision: Ninety dollars (\$90.00) per month.

The administrator of the home detention program or his designee, shall have the option to waive the fees for program supervision when deemed necessary, justified or in the interest of justice. All fees paid for program supervision shall be deposited into the general fund of the county. Inmates involuntarily participating in the home detention program shall not be charged fees or costs for the program.

B. Fees for the petition for a change of plea or setting aside of a verdict shall be as follows, pursuant to Penal Code Section 1203.4:

1. Costs of actual services rendered: Not to exceed one hundred fifty dollars (\$150.00) per case.

This fee shall be applied to a person whether or not the petition is granted and the records are sealed or expunged.

SECTION II

The Probation Department schedule of fees adopted in Resolution No. 2009-468 on December 1 2009, is amended to repeal the "Juvenile Supervision Fee" of \$90.00 per month, the "Juvenile Electronic and Global Positioning Systems Monitoring Fee" of \$15.00 per day for the cost of electronic surveillance of a minor, and the "Drug and Substance Abuse Testing Fee" of \$7.17 per drug test and \$21.51 per laboratory confirmation for juveniles. The "Drug and Substance Abuse Testing Fee" of \$7.17 per drug test and \$21.51 per laboratory confirmation for adults shall remain in effect.

SECTION III

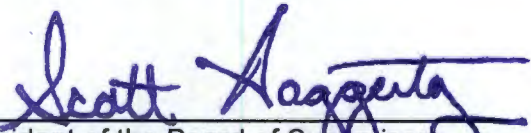
The Public Defender schedule of fees adopted in Resolution No. 2011-142 on May 10, 2011, is amended to repeal the \$300 fee for representation of juveniles established in Section 1.A of the Resolution.

SECTION IV

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on the 12th day of July, 2016, by the following called vote:

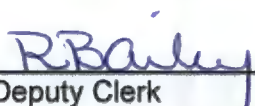
AYES: Supervisors Carson, Chan, Miley, Valle & President Haggerty
NOES: None
EXCUSED: None



President of the Board of Supervisors

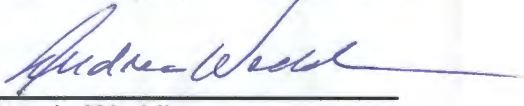
ATTEST:

Clerk of the Board of Supervisors,

By: 
Deputy Clerk

APPROVED AS TO FORM:

DONNA R. ZIEGLER, COUNTY COUNSEL

By: 
Andrea L. Weddle
Assistant County Counsel



Contra Costa County Board of Supervisors

Subcommittee Report

PUBLIC PROTECTION COMMITTEE

6.

Meeting Date: 03/06/2017

Subject: COUNTY LAW ENFORCEMENT PARTICIPATION AND INTERACTION WITH FEDERAL IMMIGRATION AUTHORITIES

Submitted For: PUBLIC PROTECTION COMMITTEE,

Department: County Administrator

Referral No.: N/A

Referral Name: COUNTY LAW ENFORCEMENT PARTICIPATION AND INTERACTION WITH FEDERAL IMMIGRATION AUTHORITIES

Presenter: Timothy Ewell, 925-335-1036 **Contact:** Timothy Ewell, 925-335-1036

Referral History:

On February 7, 2017, the Board of Supervisors referral to the Public Protection Committee the topic of law enforcement participation and interaction with Federal immigration authorities. A copy of the Board's referral is attached for reference.

Referral Update:

Today's action is an introductory discussion of the referral to solicit information from stakeholders and direct staff as to next steps. Representatives from the Sheriff's Office and Probation Department were invited to today's meeting to assist with the discussion.

Recommendation(s)/Next Step(s):

1. INTRODUCE referral on County law enforcement participation and interaction with Federal immigration authorities, and
2. PROVIDE direction to staff on next steps.

Attachments

Board of Supervisors' Referral

Senate Bill 54 (De León) as amended March 1, 2017



Contra
Costa
County

To: Board of Supervisors
From: John Gioia, District I Supervisor
Date: February 7, 2017

Subject: REFERRAL TO PUBLIC PROTECTION COMMITTEE OF COUNTY LAW ENFORCEMENT
PARTICIPATION AND INTERACTION WITH FEDERAL IMMIGRATION AUTHORITIES

RECOMMENDATION(S):

REFER the issue of Contra Costa County law enforcement participation and interaction with federal immigration authorities to the Public Protection Committee.

FISCAL IMPACT:

None.

BACKGROUND:

There has been growing public concern around the county, especially among immigrant communities, about the nature of local law enforcement interaction with federal immigration authorities. This concern has been increasing due to the current political environment and has impacted the willingness of residents of immigrant communities to access certain health and social services provided by community-based organizations. For example, the Executive Director of Early Childhood Mental Health has reported that a number of Latino families have canceled mental health appointments for their children due to concerns over

APPROVE

OTHER

RECOMMENDATION OF CNTY
ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **02/07/2017** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 7, 2017

, County Administrator and Clerk of the Board of Supervisors

Contact: Supervisor John Gioia
(510) 231-8686

By: Stephanie Mello, Deputy

cc:

being deported. It is timely and in the public interest to refer this issue to the Public Protection Committee.

AMENDED IN SENATE MARCH 1, 2017

AMENDED IN SENATE JANUARY 24, 2017

SENATE BILL

No. 54

Introduced by Senator De León

(Principal coauthor: Senator Pan)

(Principal coauthors: Senators Atkins, Pan, and Wiener)

(Principal coauthors: Assembly Members *Bonta, Chiu, Cooper, Gomez,*
and ~~Levine~~ *Levine, and Reyes*)

December 5, 2016

~~An act to repeal Section 11369 of the Health and Safety Code, and to add Chapter 17.25 (commencing with Section 7284) to Division 7 of Title 1 of the Government Code, An act to add Chapter 17.25 (commencing with Section 7284) to Division 7 of Title 1 of the Government Code, to repeal Section 11369 of the Health and Safety Code, and to add Sections 3058.10 and 3058.11 to the Penal Code, relating to law enforcement, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 54, as amended, De León. Law enforcement: sharing data.

Existing law provides that when there is reason to believe that a person arrested for a violation of specified controlled substance provisions may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters.

This bill would repeal those provisions.

Existing law provides that whenever an individual who is a victim of or witness to a hate crime, or who otherwise can give evidence in a hate crime investigation, is not charged with or convicted of committing any

crime under state law, a peace officer may not detain the individual exclusively for any actual or suspected immigration violation or report or turn the individual over to federal immigration authorities.

This bill would, among other things, prohibit state and local law enforcement agencies and school police and security departments from using resources to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified. ~~The bill would require, within 6 months after the effective date of the bill, state agencies to review their confidentiality policies and identify any changes necessary to ensure that information collected from individuals is limited to that necessary to perform agency duties and is not used or disclosed for any other purpose, as specified.~~ The bill would require, within 3 months after the effective date of the bill, the Attorney General, in consultation with appropriate stakeholders, to publish model policies *limiting assistance with immigration enforcement to the fullest extent possible* for use by those entities for those purposes. ~~The bill would also require, within 3 months after the effective date of the bill, the Attorney General to publish model contractual provisions for all state agencies that partner with private vendors for data collection purposes to ensure that those vendors comply with the confidentiality policies, as specified.~~ The bill would require all public schools, health facilities operated by the state or a political subdivision of the state, courthouses, and shelters to implement the model policy, or an equivalent policy. The bill would state that all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy. *The bill would require a law enforcement agency that chooses to participate in a joint law enforcement task force, as defined, to submit a report every 6 months to the Department of Justice. The bill would require the Attorney General, within 14 months after the effective date of the bill, and twice a year thereafter, to report on the types and frequency of joint law enforcement task forces, and other information, as specified, and to post those reports on the Attorney General's Internet Web site. The bill would require the Board of Parole Hearings or the Department of Corrections and Rehabilitation, as applicable, to notify the Federal Bureau of Investigation of the scheduled release on parole or postrelease community supervision, or rerelease following a period of confinement pursuant to a parole revocation without a new commitment, of all persons confined to state prison serving a term for the conviction of a*

violent felony, and would authorize the sheriff to notify the Federal Bureau of Investigation of the scheduled release of a person confined to county jail for a misdemeanor offense who has a prior conviction for a violent felony, as specified.

The bill would state findings and declarations of the Legislature relating to these provisions.

By imposing additional duties on public schools, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 11369 of the Health and Safety Code is~~
2 ~~repealed.~~

3 ~~SEC. 2.~~

4 SECTION 1. Chapter 17.25 (commencing with Section 7284)
5 is added to Division 7 of Title 1 of the Government Code, to read:

6
7 CHAPTER 17.25. COOPERATION ~~WITH~~ WITH FEDERAL
8 IMMIGRATION AUTHORITIES

9
10 7284. This chapter shall be known, and may be cited, as the
11 California Values Act.

12 7284.2. The Legislature finds and declares the following:

13 (a) Immigrants are valuable and essential members of the
14 California community. Almost one in three Californians is foreign
15 born and one in two children in California has at least one
16 immigrant parent.

1 (b) A relationship of trust between California’s immigrant
2 community and state and local agencies is central to the public
3 safety of the people of California.

4 (c) This trust is threatened when state and local agencies are
5 entangled with federal immigration enforcement, with the result
6 that immigrant community members fear approaching police when
7 they are victims of, and witnesses to, crimes, seeking basic health
8 services, or attending school, to the detriment of public safety and
9 the well-being of all Californians.

10 (d) Entangling state and local agencies with federal immigration
11 enforcement programs diverts already limited resources and blurs
12 the lines of accountability between local, state, and federal
13 governments.

14 (e) State and local participation in federal immigration
15 enforcement programs also raises constitutional concerns, including
16 the prospect that California residents could be detained in violation
17 of the Fourth Amendment to the United States Constitution,
18 targeted on the basis of race or ethnicity in violation of the Equal
19 Protection Clause, or denied access to education based on
20 immigration status.

21 (f) This act seeks to ensure effective policing, to protect the
22 safety, well-being, and constitutional rights of the people of
23 California, and to direct the state’s limited resources to matters of
24 greatest concern to state and local governments.

25 7284.4. For purposes of this chapter, the following terms have
26 the following meanings:

27 (a) *“California law enforcement agency” means a state or local*
28 *law enforcement agency, including school police or security*
29 *departments.*

30 ~~(a)~~

31 (b) *“Civil immigration warrant” means any warrant for a*
32 *violation of federal civil immigration law, and includes civil*
33 *immigration warrants entered in the National Crime Information*
34 *Center database.*

35 ~~(b)~~

36 (c) *“Federal immigration authority” means any officer,*
37 *employee, or person otherwise paid by or acting as an agent of*
38 *United States Immigration and Customs Enforcement or United*
39 *States Customs and Border Protection, or any division thereof, or*
40 *any other officer, employee, or person otherwise paid by or acting*

1 as an agent of the United States Department of Homeland Security
2 who is charged with immigration enforcement.

3 ~~(e)~~

4 (d) “Health facility” includes health facilities as defined in
5 Section 1250 of the Health and Safety Code, clinics as defined in
6 Sections 1200 and 1200.1 of the Health and Safety Code, and
7 substance abuse treatment facilities.

8 ~~(d)~~

9 (e) “Hold request,” “notification request,” “transfer request,”
10 and “local law enforcement agency” have the same meaning as
11 provided in Section 7283. Hold, notification, and transfer requests
12 include requests issued by United States Immigration and Customs
13 Enforcement or United States Customs and Border Protection as
14 well as any other federal immigration authorities.

15 ~~(e)~~

16 (f) “Immigration enforcement” includes any and all efforts to
17 investigate, enforce, or assist in the investigation or enforcement
18 of any federal civil immigration law, and also includes any and all
19 efforts to investigate, enforce, or assist in the investigation or
20 enforcement of any federal criminal immigration law that penalizes
21 a person’s presence in, entry, or reentry to, or employment in, the
22 United States, including, but not limited to, violations of Section
23 1253, 1324c, 1325, or 1326 of Title 8 of the United States Code.

24 (g) “*Joint law enforcement task force*” means a California law
25 enforcement agency collaborating, engaging, or partnering with
26 a federal law enforcement agency in investigating, interrogating,
27 detaining, detecting, or arresting persons for violations of federal
28 or state crimes.

29 ~~(f)~~

30 (h) “Judicial warrant” means a warrant based on probable cause
31 and issued by a federal judge or a federal magistrate judge that
32 authorizes federal immigration authorities to take into custody the
33 person who is the subject of the warrant.

34 ~~(g)~~

35 (i) “Public schools” means all public elementary and secondary
36 schools under the jurisdiction of local governing boards or a charter
37 school board, the California State University, and the California
38 Community Colleges.

39 ~~(h)~~

1 (j) "School police and security departments" includes police
 2 and security departments of the California State University, the
 3 California Community Colleges, charter schools, county offices
 4 of education, schools, and school districts.

5 (i) "State agency" has the same meaning as provided in Section
 6 ~~11000 of the Government Code.~~

7 ~~7284.6. (a) State and local California~~ law enforcement
 8 ~~agencies and school police and security departments~~ shall not do
 9 any of the following:

10 (1) Use agency or department moneys, facilities, property,
 11 equipment, or personnel to investigate, interrogate, detain, detect,
 12 or arrest persons for immigration enforcement purposes, including,
 13 but not limited to, any of the following:

14 (A) Inquiring into or collecting information about an individual's
 15 ~~immigration status.~~ *status, except as required to comply with*
 16 *Section 922(d)(5) of Title 18 of the United States Code.*

17 (B) Detaining an individual on the basis of a hold request.

18 (C) Responding to requests for notification or transfer requests.

19 (D) Providing or responding to requests for nonpublicly
 20 available personal information about an individual, including, but
 21 not limited to, information about the person's release date, home
 22 address, or work address for immigration enforcement purposes.

23 (E) Making arrests based on civil immigration warrants.

24 (F) Giving federal immigration authorities access to interview
 25 individuals in agency or department custody for immigration
 26 enforcement purposes.

27 (G) Assisting federal immigration authorities in the activities
 28 described in Section 1357(a)(3) of Title 8 of the United States
 29 Code.

30 (H) Performing the functions of an immigration officer, whether
 31 pursuant to Section 1357(g) of Title 8 of the United States Code
 32 or any other law, regulation, or policy, whether formal or informal.

33 (2) Make agency or department databases, including databases
 34 maintained for the agency or department by private vendors, or
 35 the information therein other than information regarding an
 36 individual's citizenship or immigration status, available to anyone
 37 or any entity for the purpose of immigration enforcement. Any
 38 agreements in existence on the date that this chapter becomes
 39 operative that conflict with the terms of this paragraph are
 40 terminated on that date. A person or entity provided access to

1 agency or department databases shall certify in writing that the
2 database will not be used for the purposes prohibited by this
3 section.

4 (3) Place peace officers under the supervision of federal agencies
5 or employ peace officers deputized as special federal officers or
6 special federal deputies except to the extent those peace officers
7 remain subject to California law governing conduct of peace
8 officers and the policies of the employing agency.

9 (4) *Use federal immigration authorities as interpreters for law*
10 *enforcement matters relating to individuals in agency or*
11 *department custody.*

12 (b) Nothing in this section shall prevent ~~the department or any~~
13 ~~state or local law enforcement agency, including school police or~~
14 ~~security departments, from responding~~ *any California law*
15 *enforcement agency from doing any of the following:*

16 (1) *Responding to a request from federal immigration authorities*
17 *for information about a specific person's criminal history, including*
18 ~~previous criminal arrests or convictions~~ *arrests, convictions, and*
19 *similar criminal history information accessed through the*
20 *California Law Enforcement Telecommunications System (CLETS),*
21 *where otherwise permitted by state law.*

22 (2) *Participating in a joint law enforcement task force, so long*
23 *as the purpose of the joint law enforcement task force is not*
24 *immigration enforcement, as defined in subdivision (f) of Section*
25 *7284.4.*

26 (c) *If a California law enforcement agency chooses to*
27 *participate in a joint law enforcement task force, it shall submit a*
28 *report every six months to the Department of Justice, as specified*
29 *by the Attorney General. Sensitive information, as determined by*
30 *the Attorney General, is not a public record for purposes of the*
31 *California Public Records Act pursuant to subdivision (f) of Section*
32 *6254 of the Government Code.*

33 (d) *The Attorney General, within 14 months after the effective*
34 *date of the act that added this section, and twice a year thereafter,*
35 *shall report on the types and frequency of joint law enforcement*
36 *task forces. The report shall include, for the reporting period,*
37 *assessments on compliance with paragraph (2) of subdivision (b),*
38 *a list of all California law enforcement agencies that participate*
39 *in joint law enforcement task forces, a list of joint law enforcement*
40 *task forces operating in the state and their purposes, the number*

1 of arrests made associated with joint law enforcement task forces
2 for the violation of federal or state crimes, and the number of
3 arrests made associated with joint law enforcement task forces for
4 the purpose of immigration enforcement by all task force
5 participants, including federal law enforcement agencies. The
6 Attorney General shall post the reports required by this subdivision
7 on the Attorney General's Internet Web site.

8 (e)

9 (e) Notwithstanding any other law, in no event shall ~~state or~~
10 ~~local law enforcement agencies or school police or security~~
11 ~~departments~~ a California law enforcement agency transfer an
12 individual to federal immigration authorities for purposes of
13 immigration enforcement or detain an individual at the request of
14 federal immigration authorities for purposes of immigration
15 enforcement absent a judicial warrant. This subdivision does not
16 limit the scope of subdivision (a).

17 (f) This section does not prohibit or restrict any government
18 entity or official from sending to, or receiving from, federal
19 immigration authorities, information regarding the citizenship or
20 immigration status, lawful or unlawful, of an individual pursuant
21 to Sections 1373 and 1644 of Title 8 of the United States Code.

22 ~~7284.8. (a) In order to ensure that eligible individuals are not~~
23 ~~deterred from seeking services or engaging with state agencies,~~
24 ~~all state agencies shall, within six months after the effective date~~
25 ~~of the act that added this section, review their confidentiality~~
26 ~~policies and identify any changes necessary to ensure that~~
27 ~~information collected from individuals is limited to that necessary~~
28 ~~to perform agency duties and is not used or disclosed for any other~~
29 ~~purpose. Any necessary changes to those policies shall be made~~
30 ~~as expeditiously as possible, consistent with agency or department~~
31 ~~procedures. The Attorney General shall, within three months after~~
32 ~~the effective date of the act that added this section, publish model~~
33 ~~contractual provisions for all state agencies that partner with private~~
34 ~~vendors for data collection purposes to ensure that those vendors~~
35 ~~comply with the confidentiality policies established pursuant to~~
36 ~~this section.~~

37 (b) ~~The~~

38 7284.8. The Attorney General, within three months after the
39 effective date of the act that added this section, in consultation
40 with the appropriate stakeholders, shall publish model policies

1 limiting *assistance with* immigration enforcement to the fullest
 2 extent possible consistent with federal and state law at public
 3 schools, health facilities operated by the state or a political
 4 subdivision of the state, courthouses, *Division of Labor Standards*
 5 *Enforcement facilities*, and shelters, ~~to ensure and ensuring~~ that
 6 they remain safe and accessible to all California residents,
 7 regardless of immigration status. All public schools, health facilities
 8 operated by the state or a political subdivision of the state, and
 9 courthouses shall implement the model policy, or an equivalent
 10 policy. All other organizations and entities that provide services
 11 related to physical or mental health and wellness, education, or
 12 access to justice, including the University of California, are
 13 encouraged to adopt the model policy.

14 ~~7284.10. Nothing in this chapter prohibits or restricts any~~
 15 ~~government entity or official from sending to, or receiving from,~~
 16 ~~federal immigration authorities, information regarding the~~
 17 ~~citizenship or immigration status, lawful or unlawful, of an~~
 18 ~~individual pursuant to Sections 1373 and 1644 of Title 8 of the~~
 19 ~~United States Code.~~

20 7284.12.

21 7284.10. The provisions of this act are severable. If any
 22 provision of this act or its application is held invalid, that invalidity
 23 shall not affect other provisions or applications that can be given
 24 effect without the invalid provision or application.

25 *SEC. 2. Section 11369 of the Health and Safety Code is*
 26 *repealed.*

27 ~~11369. When there is reason to believe that any person arrested~~
 28 ~~for a violation of Section 11350, 11351, 11351.5, 11352, 11353,~~
 29 ~~11355, 11357, 11359, 11360, 11361, 11363, 11366, 11368 or~~
 30 ~~11550, may not be a citizen of the United States, the arresting~~
 31 ~~agency shall notify the appropriate agency of the United States~~
 32 ~~having charge of deportation matters.~~

33 *SEC. 3. Section 3058.10 is added to the Penal Code, to read:*

34 3058.10. (a) *The Board of Parole Hearings, with respect to*
 35 *inmates sentenced pursuant to subdivision (b) of Section 1168, or*
 36 *the Department of Corrections and Rehabilitation, with respect*
 37 *to inmates sentenced pursuant to Section 1170, shall notify the*
 38 *Federal Bureau of Investigation of the scheduled release on parole*
 39 *or postrelease community supervision, or rerelease following a*
 40 *period of confinement pursuant to a parole revocation without a*

1 *new commitment, of all persons confined to state prison serving*
2 *a term for the conviction of a violent felony listed in subdivision*
3 *(c) of Section 667.5.*

4 *(b) The notification shall be made at least 60 days prior to the*
5 *scheduled release date or as soon as practicable if notification*
6 *cannot be provided at least 60 days prior to release. The only*
7 *nonpublicly available personal information that the notification*
8 *may include is the name of the person who is scheduled to be*
9 *released and the scheduled date of release.*

10 *SEC. 4. Section 3058.11 is added to the Penal Code, to read:*

11 *3058.11. (a) Whenever any person confined to county jail is*
12 *serving a term for the conviction of a misdemeanor offense and*
13 *has a prior conviction for a violent felony listed in subdivision (c)*
14 *of Section 667.5 or has a prior felony conviction in another*
15 *jurisdiction for an offense that has all the elements of a violent*
16 *felony described in subdivision (c) of Section 667.5, the sheriff*
17 *may notify the Federal Bureau of Investigation of the scheduled*
18 *release of that person, provided that no local law or policy*
19 *prohibits the sharing of that information with either the Federal*
20 *Bureau of Investigation or federal immigration authorities.*

21 *(b) The notification may be made up to 60 days prior to the*
22 *scheduled release date. The only nonpublicly available personal*
23 *information that the notification may include is the name of the*
24 *person who is scheduled to be released and the scheduled date of*
25 *release.*

26 ~~SEC. 3.~~

27 *SEC. 5. If the Commission on State Mandates determines that*
28 *this act contains costs mandated by the state, reimbursement to*
29 *local agencies and school districts for those costs shall be made*
30 *pursuant to Part 7 (commencing with Section 17500) of Division*
31 *4 of Title 2 of the Government Code.*

32 ~~SEC. 4.~~

33 *SEC. 6. This act is an urgency statute necessary for the*
34 *immediate preservation of the public peace, health, or safety within*
35 *the meaning of Article IV of the California Constitution and shall*
36 *go into immediate effect. The facts constituting the necessity are:*

37 *Because changes in federal immigration enforcement policies*
38 *require a statewide standard that clarifies the appropriate level of*
39 *cooperation between federal immigration enforcement agents and*

11

- 1 state and local governments as soon as possible, it is necessary for
- 2 this measure to take effect immediately.

O