



Agenda

PUBLIC PROTECTION COMMITTEE

October 2, 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 July 10, 2017 meeting. **(Page 4)**
4. CONSIDER allocating the balance of funds to the Reentry Strategic Plan Update project to enhance community engagement and outreach and PROVIDE direction to staff on the utilization of the balance of unexpended Community Recidivism Reduction Grant program funds. **(Lara DeLaney, Office of Reentry and Justice) (Page 7)**
5. CONSIDER recommending nominees for appointment to the CY2018 Community Corrections Partnership (CCP) and CY2018 Community Corrections Partnership Executive Committee. **(Timothy Ewell, Committee Staff) (Page 17)**
6. CONSIDER accepting a report on the refunding of certain fees assessed in the juvenile justice system and forward a recommendation to the Board of Supervisors. **(Todd Billeci, County Probation Officer) (Page 25)**
7. The next meeting is currently scheduled for Monday, November 6, 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
CalWIN	California Works Information Network	MAC	Municipal Advisory Council
CalWORKS	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: 10/02/2017

Subject: RECORD OF ACTION - July 10, 2017

Submitted For: PUBLIC PROTECTION COMMITTEE,

Department: County Administrator

Referral No.: N/A

Referral Name: RECORD OF ACTION - July 10, 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 July 10, 2017 meeting.

Recommendation(s)/Next Step(s):


APPROVE Record of Action from the July 10, 2017 meeting.

Fiscal Impact (if any):

No fiscal impact. This item is informational only.

Attachments

Record of Action - July 2017

 <h1 style="font-size: 2em; margin: 0;">Agenda</h1>	<h2 style="text-align: right; margin: 0;">PUBLIC PROTECTION COMMITTEE</h2> <p style="text-align: right; color: red; font-weight: bold;">RECORD OF ACTION ***Special Meeting*** July 10, 2017 1:00 P.M. 651 Pine Street, Room 107, Martinez</p>
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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
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Present: Federal D. Glover, Chair
John Gioia, Vice Chair
Staff Present: Timothy M. Ewell, Committee Staff

1. Introductions

Convene - 1:06 PM

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 March 6, 2017 meeting.

Approved as presented

Vice Chair John Gioia, Chair Federal D. Glover

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

Passed

4. 1. ACCEPT a report on the refunding of certain fees assessed in the juvenile justice system;

2. FORWARD a recommendation to the Board of Supervisors;

3. PROVIDE any additional direction to staff.

Approved as presented with the following direction to staff:

1. The Committee accepted the staff report.

2. Direct staff to conduct additional research into juvenile care and juvenile electronic monitoring fees back to 2010 and report back to the Committee in October 2017.

3. Direct staff to forward recommendation for permanent repeal of juvenile care and juvenile electronic monitoring fees to the full Board of Supervisors as soon as possible. In addition, the Committee's recommendation to the Board includes a request to the Superior Court to expunge all existing court ordered debt related to the juvenile care and juvenile electronic monitoring fees.

Vice Chair John Gioia, Chair Federal D. Glover

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

Passed

5. The next meeting is currently scheduled for Monday, August 7, 2017 at 10:30 am.

The August 7, 2017 meeting has been canceled and the Committee is not scheduled to meet on September 4, 2017 due to the Labor Day holiday. The next regularly scheduled meeting will be on Monday, October 2, 2017 at 10:30 AM.

6. Adjourn

Adjourned - 1:50 PM

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For Additional Information Contact:

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timothy.ewell@cao.cccounty.us



Contra Costa County Board of Supervisors

Subcommittee Report

PUBLIC PROTECTION COMMITTEE

4.

Meeting Date: 10/02/2017
Subject: Community Recidivism Reduction Grant (CRRG) Program
Submitted For: David Twa, County Administrator
Department: County Administrator
Referral No.: N/A
Referral Name: Community Recidivism Reduction Grant (CRRG) Program
Presenter: L. DeLaney **Contact:** L. DeLaney, 925-335-1097

Referral History:

The Public Protection Committee considered and acted on the Community Recidivism Reduction Grant (CRRG) Program allocations in May and September of 2015.

Referral Update:

See the attached staff report.

Recommendation(s)/Next Step(s):

1. DIRECT staff on the utilization of the balance of CRRG funds in the amount of \$16,040.12 derived from the John F. Kennedy School of Law "Driver's License Restoration Clinic" project.
2. CONSIDER allocating the funds to the Reentry Strategic Plan Update for additional community engagement/outreach efforts.

Attachments

Staff Report on CRRG

Attachment A

Attachment B

County of Contra Costa
OFFICE OF THE COUNTY ADMINISTRATOR
MEMORANDUM

DATE: September 27, 2017

TO: PUBLIC PROTECTION COMMITTEE

FROM: LARA DeLANEY, Senior Deputy County Administrator

SUBJECT: **Community Recidivism Reduction Grant (CRRG) Program**

RECOMMENDATION:

1. DIRECT staff on the utilization of the balance of CRRG funds in the amount of \$16,040.12 derived from the John F. Kennedy School of Law “Driver’s License Restoration Clinic” project.
2. CONSIDER allocating the funds to the Reentry Strategic Plan Update for additional community engagement/outreach efforts.

BACKGROUND:

In August 2014, the CAO’s office was notified by the Board of State and Community Corrections (BSCC) that the Budget Act of 2014 had allocated \$8 million to the BSCC for the Community Recidivism Reduction Grant, as described in Penal Code section 1233.10. Counties were eligible to receive funds if the Board of Supervisors, in collaboration with the CCP, agreed to develop a competitive grant program intended to fund community recidivism and crime reduction services, which County staff performed. On September 16, 2014, the Board of Supervisors passed item C. 51, confirming to the BSCC the County’s interest in receiving the funding, of which **\$250,000** was allocated to Contra Costa County.

Other requirements of the statute included:

“The board of supervisors, in collaboration with the county's Community Corrections Partnership, shall establish minimum requirements, funding criteria, and procedures for the counties to award grants consistent with the criteria established in this section.

A community recidivism and crime reduction service provider that receives a grant under this section shall report to the county board of supervisors or the Community Corrections Partnership on the number of individuals served and the types of services provided. The board of supervisors or the Community Corrections Partnership shall report to the Board of State and Community Corrections any information received under this subdivision from grant recipients.”

The Public Protection Committee directed the CAO’s office to develop a competitive process for distribution of the funding set at \$50,000 per region of the County (West, Central, East) for adult reentry services and \$100,000 for juvenile programs. The County Administrator’s Office, in

collaboration with the Reentry Coordinator, the Probation Department, the Reentry Network Manager, and the director of the West County Reentry Resource Center, developed the RFP and the process timeline.

RFP PROCESS FOR 2014 BUDGET ACT CRRG FUNDING

The RFP for the Community Recidivism Reduction Grant (CRRG) made available up to \$250,000 (\$50,000 per grant) to provide Community Recidivism Reduction Grants to nongovernmental entities to provide community recidivism, crime reduction and other reentry-related services to persons who have been released from state prison, a county jail, or a juvenile detention facility, who are under the supervision of a parole or probation department, or any other person at risk of becoming involved in criminal activities, in Contra Costa County, for the period July 1, 2015 through June 30, 2016.

Proposals were received from the following organizations:

Adult	Region	Responder
	West	1 Bay Area Legal Aid
	West	2 Contra Costa Crisis Center
	West	3 Reach Fellowship International
	West	4 San Pablo Economic Development Corporation
	Central	1 John F. Kennedy University School of Law
	East	1 Rubicon Programs
	Central/East	1 Counseling Options and Parent Education Support Center, Inc.
Juveniles		1 Bay Area Community Resources (BACR)
		2 Contra Costa County Service Integration Team
		3 Monument Crisis Center
		4 Renaissance Entrepreneurship Center
		5 RYSE Center
		6 The Congress of Neutrals
		7 The Youth Intervention Network

Review Panels' Recommendations

The Review Panel recommendations for contract award were issued on April 17, 2015 and included:

Adult Services*Central County, \$50,000:*

John F. Kennedy University
College of Law—*Establishment of a Probation Assistance Clinic in conjunction with the Contra Costa County Homeless Court, centered on driver's license restoration.*

West County, \$50,000:

Reach Fellowship International—*Residential and Job Training Program for women of West County.*

East County, \$50,000:

Rubicon Programs—*Rental assistance in a Sober Living Environment (SLE) with career and financial coaching.*

Juvenile Services

Bay Area Community Resources (BACR)—\$50,000: *A program to engage juveniles in east Contra Costa County in a comprehensive program utilizing employment training and leadership development.*

RYSE Center—\$50,000: *Pre-release transition planning, technical skills training, and the creation of a social media application focused on youth reentry for justice-involved youth at the RYSE Center.*

At its May 11, 2015 meeting, the PPC reviewed the results of the RFP process and concurred with the Review Panel contract award recommendations. At its June 9, 2015 meeting, the Board of Supervisors authorized contracts (C. 125) for these service providers in the amount of \$50,000 each for the period July 1, 2015 through June 30, 2016.

BUDGET ACT OF 2015 CRRG FUNDING

At their August 10, 2015 meeting, Public Protection Committee (PPC) was notified of an additional allocation from the State of **\$125,000** to Contra Costa County in Community Recidivism Reduction Grants for fiscal year 2015-16.

Per direction from the Board of State and Community Corrections (BSCC): “To afford maximum flexibility, if your county has already completed this competitive process with the FY 14-15 funding, counties may allocate FY 15-16 funding to those service providers who competed for the FY 14-15 funding, or counties may choose to initiate a new competitive process...The FY 14-15 funding as well as the FY 15-16 can be spent over four years after allocation of funding to counties. Any funds not used by a county or a service provider within four years will revert back to the state General Fund.”

At their September 14, 2015 meeting, the PPC directed staff as follows, essentially dividing the \$125,000 allocation evenly between adult (\$62,500) and juvenile (\$62,500) programs and utilizing the results of the initial RFP process to determine awards to service providers:

Approved with the following direction to staff:

Forward funding recommendations below to the Board of Supervisors for consideration:

Adult Programs: \$62,500 - Fund two proposals from the 2014 grant cycle that were unable to be funded at that time:

a. Bay Legal: \$31,250* - To fund free, expert attorney services that prevent homelessness, support family connections, ensure access to mental healthcare and alcohol and drug treatment, and public benefits programs to clients referred by the West County Reentry Success Center.

b. Contra Costa Crisis Center: \$31,250* - To fund the development and implementation of a Reentry Resource Web-based Icon Guide for reentry services in Contra Costa County.

Juvenile Programs: \$62,500 - Increase existing service provider contracts in the following denominations:

a. Bay Area Community Resources (BACR): \$31,250 - Continue program to engage juveniles in East Contra Costa County in a comprehensive program utilizing employment training and leadership development.

b. RYSE Center: \$31,250 - Continue pre-release transition planning, technical skills training, and the creation of a social media application focused on youth reentry for justice involved youth at the RYSE Center.

*Note that these amounts were added to the organization's existing AB 109 Community Programs contracts, rather than developing stand-alone contracts for the CRRG funding.

CRRG RESULTS

As required in the budget act, each county who receives Community Recidivism Reduction Grant funding must report on two specific data sets for each service provider: the types of services provided and the number of individuals served. This information is required to be reported on an annual basis on January 31 until the final reporting date of January 31, 2019 (for FY 14-15 funding) and January 31, 2020 (for FY 15-16 funding).

The reports that CAO staff have submitted in compliance with this requirement are included in Attachments A and B.

At this time, staff is seeking direction from the PPC on the utilization of the balance of funds from the \$50,000 allocation to John F. Kennedy University, School of Law. After the conclusion of the Driver's License Restoration Clinic, which was initiated in the fall of 2015 and ended after the summer session in 2016, there was a balance of **\$16,040.12** remaining on the contract.

Basically when someone goes to Homeless Court in this county, usually all of their traffic tickets obtained in this county are waived. But many people may have tickets in other counties that prevent them from getting their license. The JFK Clinic was tasked with 1) providing some education prior to Homeless Court aimed at prevention – “know your rights for next time the person gets a traffic ticket,” and 2) meeting with people as they exit Homeless Court to get their DMV print out and walk them through what tickets remain in other counties, connect them to resources in those counties and help them create a plan for addressing those tickets. Because JFK did not charge for “Administrative Support” and other nonpersonnel expenses anticipated in the contract, a balance of funds remains at the conclusion of the contract.

Staff recommends that the PPC consider allocating the balance of the funds to the Reentry Strategic Plan Update project, to increase the community engagement/outreach efforts in the development of that Plan. The Reentry Strategic Plan Update is being prepared by Resource Development Associates whose \$60,000 contract is funded by a federal Smart Reentry grant. These additional funds will allow for additional community forums under that contract.

Attachments

Attachment A – CRRG Data Reporting Spreadsheet FY 14-15

Attachment B – CRRG Data Reporting Spreadsheet FY 15-16



FY 14-15 FUNDING 2016 DATA REPORT

CONTRA COSTA COUNTY

Reporting Cycle: January 1, 2016 - December 31, 2016

Report Due Date: January 31, 2017

Instructions: Please use the example cells below to insert your county's data for each service provider, to the extent it is available, for the reporting cycle of January 1, 2016 - December 31, 2016 for FY14-15 funding. You may add additional lines as needed using the exemplified layout. If your county has not disbursed FY 14-15 funding or has used all the funding prior to this reporting cycle, please fill out the top portion of this report only. If you have any questions, please contact Adam Lwin at 916-324-2626 or adam.lwin@bscc.ca.gov.

Please note : When identifying the number of individuals served by service, please count a single person one time only. If you're unable to distinguish between the number of individuals served by service, you may provide the total number served. Data should be provided over the entire life of the grant funding (4 years).

County Disbursement Questions	Yes	No
Has your county disbursed FY 14-15 funding?	X	
If no, do you anticipate disbursing the funding in the next year?		
Did your county use all the FY 14-15 funding during a previous reporting cycle?		X

Service Provider **REACH FELLOWSHIP INTERNATIONAL - (\$50,000)**

Type of Service Provided	No. of Individuals Served	Total No. Served
Housing	9	36
Job Training (construction and landscaping)	34	
Court Support Services	42	
GED Tutoring	20	

Service Provider RUBICON PROGRAMS INC. - (\$50,000)

Type of Service Provided	No. of Individuals Served	Total No. Served
Sober Living Environment (SLE) Rental Assistance	13	13
Employment Assistance	13	

Service Provider J.F. Kennedy University, College of Law - (\$50,000)

Type of Service Provided	No. of Individuals Served	Total No. Served
Driver's License Restoration Clinic	582	582

Service Provider Bay Area Community Resources - (\$50,000)

Type of Service Provided	No. of Individuals Served	Total No. Served
Assessment and Case Plan Development	26	27
Case Manager Meetings and Coaching Sessions	22	
Life Skills and Employment Related Training	22	
Subsidized Employment Placement	6	
Unsubsidized Employment Placement	5	

Service Provider RYSE Center - (\$50,000)

Type of Service Provided	No. of Individuals Served	Total No. Served
Assessment and Case Plan Development	29	29
Case Manager Meetings and Coaching Sessions	27	
Technology Career Training	5	



FY 15-16 FUNDING 2016 DATA REPORT

CONTRA COSTA COUNTY

Reporting Cycle: January 1, 2016 - December 31, 2016

Report Due Date: January 31, 2017

Instructions: Please use the example cells below to insert your county's data for each service provider, to the extent it is available, for the reporting cycle of January 1, 2016 - December 31, 2016 for FY15-16 funding. You may add additional lines as needed using the exemplified layout. If your county has not disbursed FY 15-16 funding, please fill out the top portion of this report only. If you have any questions, please contact Adam Lwin at 916-324-2626 or adam.lwin@bscc.ca.gov.

Please note : When identifying the number of individuals served by service, please count a single person one time only. If you're unable to distinguish between the number of individuals served by service, you may provide the total number served. Data should be provided over the entire life of the grant funding (4 years).

County Disbursement Questions	Yes	No
Has your county disbursed FY 15-16 funding?	X*	
If no, do you anticipate disbursing the funding in the next year?		

**Not all funding disbursed by 12/31/16. The funding for Bay Area Legal Aid was combined with AB 109 for FY 16-17 contract.*

Service Provider **CONTRA COSTA CRISIS CENTER - (\$31,250)**

Type of Service Provided	No. of Individuals Served	Total No. Served
Development of an icon-based Reentry Web Site	1106 visits to website	1583
Development of a Reentry mobile App of CCC reentry service providers	477 visits on mobile app	

Service Provider BAY AREA LEGAL AID- (\$31,250)

Type of Service Provided	No. of Individuals Served	Total No. Served
Civil legal services	52	52

Service Provider Bay Area Community Resources - (\$31,250)

Type of Service Provided	No. of Individuals Served	Total No. Served
Assessment and Case Plan Development	37	40
Case Manager Meetings and Coaching Sessions	37	
Life Skills and Employment Related Training	29	
Subsidized Employment Placement	13	
Unsubsidized Employment Placement	15	

Service Provider RYSE Center - (\$31,250)

Type of Service Provided	No. of Individuals Served	Total No. Served
Assessment and Case Plan Development	27	31
Case Manager Meetings and Coaching Sessions	24	
Technology Career Training	4	



Contra Costa County Board of Supervisors

Subcommittee Report

PUBLIC PROTECTION COMMITTEE

5.

Meeting Date: 10/02/2017

Subject: APPOINTMENTS TO THE CY2018 COMMUNITY CORRECTIONS
PARTNERSHIP & EXECUTIVE COMMITTEE

Submitted For: PUBLIC PROTECTION COMMITTEE,

Department: County Administrator

Referral No.: N/A

Referral Name: APPOINTMENTS TO THE CY2018 COMMUNITY CORRECTIONS
PARTNERSHIP & EXECUTIVE COMMITTEE

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

Referral History:

The California Legislature passed Assembly Bill 109 (Chapter 15, Statutes of 2011), which transferred responsibility for supervising certain lower-level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties. Assembly Bill 109 (AB109) took effect on October 1, 2011 and realigned three major areas of the criminal justice system. On a prospective basis, the legislation:

- Transferred the location of incarceration for lower-level offenders (specified nonviolent, non-serious, non-sex offenders) from state prison to local county jail and provides for an expanded role for post-release supervision for these offenders;
- Transferred responsibility for post-release supervision of lower-level offenders (those released from prison after having served a sentence for a non-violent, non-serious, and non-sex offense) from the state to the county level by creating a new category of supervision called Post-Release Community Supervision (PRCS);
- Transferred the custody responsibility for parole and PRCS revocations to local jail, administered by county sheriffs

AB109 also created an Executive Committee of the local Community Corrections Partnership (CCP) and tasked it with recommending a Realignment Plan (Plan) to the county Board of Supervisors for implementation of the criminal justice realignment. The Community Corrections Partnership is identified in statute as the following:

Community Corrections Partnership

1. Chief Probation Officer (Chair)
2. Presiding Judge (or designee)
3. County supervisor, CAO, or a designee of the BOS

4. District Attorney
5. Public Defender
6. Sheriff
7. Chief of Police
8. Head of the County department of social services
9. Head of the County department of mental health
10. Head of the County department of employment
11. Head of the County alcohol and substance abuse programs
12. Head of the County Office of Education
13. CBO representative with experience in rehabilitative services for criminal offenders
14. Victims' representative

Later in 2011, the Governor signed Assembly Bill 117 (Chapter 39, Statutes of 2011), which served as “clean up” legislation to AB109. Assembly Bill 117 (AB117) changed, among other things, the composition of the local CCP-Executive Committee. The CCP-Executive Committee is currently identified in statute as the following:

Community Corrections Partnership-Executive Committee

1. Chief Probation Officer (Chair)
2. Presiding Judge (or designee)
3. District Attorney
4. Public Defender
5. Sheriff
6. A Chief of Police
7. The head of either the County department of social services, mental health, or alcohol and drug services (as designated by the board of supervisors)

Although AB109 and AB117 collectively place the majority of initial planning activities for Realignment on the local CCP, it is important to note that neither piece of legislation cedes powers vested in a county Board of Supervisors' oversight of and purview over how AB109 funding is spent. Once the Plan is adopted, the Board of Supervisors may choose to implement that Plan in any manner it may wish.

Referral Update:

Each year, the PPC reviews the membership of the Community Corrections Partnership and makes recommendations for appointment to non *ex-officio* seats to the Board of Supervisors. The Board has made these appointments on a calendar year basis. Today's action is seeking direction from the Public Protection Committee to either:

1. Forward nominees to the Board of Supervisors following a determination and vote of the Committee today, or
2. Direct staff to conduct a recruitment process for all or a portion of the Board appointment members of the CCP and CCP Executive Committee.

Recommendation(s)/Next Step(s):

1. RECOMMEND nominees for appointment to seats on the CY2018 Community Corrections Partnership & Executive Committee (see attachments);
2. PROVIDE direction to staff on an alternative recruitment process for membership on the CCP and the CCP Executive Committee

Fiscal Impact (if any):

No fiscal impact.

Attachments

CY2017 CCP Membership

CY2017 CCP Executive Committee Membership

CSAC Informational Letter

EXHIBIT A - 2017 COMMUNITY CORRECTIONS PARTNERSHIP

<u>Seat</u>	<u>Appointee</u>	<u>Term Expiration</u>
Chief Probation Officer (<i>Chair</i>)	Todd Billeci	<i>ex-officio</i>
Presiding Judge (<i>or designee</i>)	Stephen Nash (<i>designee of Presiding Judge</i>)	<i>ex-officio</i>
County supervisor, CAO, or a designee of the BOS	David J. Twa, County Administrator	December 31, 2017
District Attorney	Diana Becton	<i>ex-officio</i>
Public Defender	Robin Lipetzky	<i>ex-officio</i>
Sheriff	David O. Livingston	<i>ex-officio</i>
Chief of Police	Allwyn Brown, City of Richmond	December 31, 2017
Head of the County department of social services	Kathy Gallagher, Employment and Human Services Director	<i>ex-officio</i>
Head of the County department of mental health	Cynthia Belon, Director of Behavioral Health Services	<i>ex-officio</i>
Head of the County department of employment	Donna Van Wert, Executive Director-Workforce Development Board	<i>ex-officio</i>
Head of the County alcohol and substance abuse programs	Fatima Matal Sol, Director of Alcohol and Other Drugs	<i>ex-officio</i>
Head of the County Office of Education	Karen Sakata, County Superintendent of Schools	<i>ex-officio</i>
CBO representative with experience in rehabilitative services for criminal offenders	Roosevelt Terry	December 31, 2017
Victim's Representative	Devorah Levine, Zero Tolerance Program Manager	December 31, 2017

EXHIBIT B - 2017 COMMUNITY CORRECTIONS PARTNERSHIP EXECUTIVE COMMITTEE

<u>Seat</u>	<u>Appointee</u>	<u>Term Expiration</u>
Chief Probation Officer (<i>Chair</i>)	Todd Billeci	<i>ex-officio</i>
Presiding Judge (<i>or designee</i>)	Stephen Nash (<i>designee of Presiding Judge</i>)	<i>ex-officio</i>
District Attorney	Diana Becton	<i>ex-officio</i>
Public Defender	Robin Lipetzky	<i>ex-officio</i>
Sheriff	David O. Livingston	<i>ex-officio</i>
Chief of Police	Allwyn Brown, City of Richmond	December 31, 2017
Representative approved by BOS from the following CCP members:	Kathy Gallagher, Employment and Human Services Director	December 31, 2017
*Head of County department of Social Services		
*Head of County department of mental health		
*Head of County department of alcohol and substance abuse programs		



MEMORANDUM

July 12, 2011

1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327-7500

Facsimile
916.441.5507

To: Members, Board of Supervisors
County Administrative Officers

From: Paul McIntosh
Executive Director

Re: AB 117 and the Community Corrections Partnership (CCP)

There continues to be a great deal of confusion and misunderstanding regarding the changes in the Community Corrections Partnership (CCP) encompassed in Assembly Bill 117 (Chapter 39, Statutes of 2011), passed as part of the 2011-12 budget. AB 117 did not change the make-up of the CCP, first formed in SB 678 in 2009, but does provide for revisions to the makeup of the CCP's Executive Committee, which originally was established in AB 109 (Chapter 15, Statutes of 2011).

The fourteen-member CCP in each county remains essentially unchanged and is comprised of the following (Penal Code Section 1230.1):

- Chief Probation Officer (Chair)
- Presiding Judge (or designee)
- County supervisor, CAO, or a designee of the BOS
- District Attorney
- Public Defender
- Sheriff
- Chief of Police
- Head of the County department of social services
- Head of the County department of mental health
- Head of the County department of employment
- Head of the County alcohol and substance abuse programs
- Head of the County Office of Education
- CBO representative with experience in rehabilitative services for criminal offenders
- Victims' representative

AB 117 requires the CCP to prepare an implementation plan that will enable the county to meet the goals of the public safety realignment. AB 117 is silent as to what those goals may be and provides counties with flexibility in how to address realignment. AB 117 does not abdicate the board of supervisor's authority over appropriations and does not enable the CCP to direct how realignment funds will be spent.

The seven-member CCP Executive Committee, as provided in AB 117, is comprised of the following:

Chief Probation Officer (Chair)

Presiding Judge (or designee)

District Attorney

Public Defender

Sheriff

A Chief of Police

The head of either the County department of social services, mental health, or alcohol and drug services (as designated by the board of supervisors)

Under AB 117, the CCP would develop an implementation plan and the Executive Committee would vote to approve the plan and submit it to the board of supervisors. The plan would be deemed accepted unless the board of supervisors voted via a 4/5 vote to reject the plan and send it back to the CCP. Concerns have been raised regarding why the CAO or board member is not part of the Executive Committee and why a 4/5 vote is required to reject the plan.

CSAC's role in the drafting of this component of AB 117 was as one of several stakeholders involved in the public safety realignment. While most of the county stakeholders maintained general agreement on realignment issues during each phase of negotiations in general, there were disparate opinions in how the planning process should unfold. CSAC felt strongly that the only way realignment will be successful is if the planning effort results in a significant shift away from a predominantly incarceration model and movement to alternatives to incarceration. Therefore, it was critical that the planning process be structured to encourage compromise in the CCP to reach the goals of the community in a manner acceptable to the board of supervisors.

The CAO, as you know, must be in a position to remain objective and provide the board of supervisors with unvarnished recommendations on matters that come before them. Having the CAO or a board member as part of the Executive Committee, and therefore casting a vote on the plan to be presented to the board of supervisors, would represent a conflict of interest to the CAO or board member and place them in a position that could compromise their independence. Rather, this approach seemed to capture the best of both worlds – the CAO is part of the planning process and can bring that global vision to that process but is also free to make contrary recommendations to the board of supervisors should they disagree with the ultimate plan adopted. Likewise with a member of the board of supervisors being part of the executive committee.

Some have commented that the 4/5 vote requirement to reject the plan submitted by the CCP limits local flexibility and discretion of the board of supervisors. While the dynamics of the planning process will differ from county to county, the goal was to force consensus within the CCP and the planning process and not

provide an avenue for a participant to try to push their opinion outside of the CCP with the board of supervisors. A super majority makes an “end run” difficult, but still enables the board to reject the plan if the board disagrees with it. A 4/5 vote requirement is not unusual, but does place a higher level of focus on the planning process. It should be noted, as well, that counsel has opined that meetings of the CCP and the Executive Committee will be subject to the Brown Act and all discussions will be required to be conducted in a public meeting.

AB 117 is not a perfect solution but it represents a negotiated agreement that will enable California’s counties to move forward with the dramatic changes necessary to make realignment successful. Clearly the successful implementation of realignment will require a significant paradigm shift in our public safety communities. The successful model will not be an incarceration model, but one that seeks to divert and rehabilitate citizens, returning them to be productive members of our community. Hopefully, the construct of the CCP – that is intended to drive the local public safety community to a consensus about a “different way of doing business” - will ultimately lead to that approach.



Contra Costa County Board of Supervisors

Subcommittee Report

PUBLIC PROTECTION COMMITTEE

6.

Meeting Date: 10/02/2017

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 in 2010 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 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.

Prior Public Protection Committee Actions

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.

On March 6, 2017, the Committee received an update from the County Probation Officer on the status of juvenile fees and the current moratorium. At that time the Committee recommended that the juvenile fees subject to the temporary moratorium be permanently repealed and directed staff to return to the Committee with a recommendation as to how to refund certain juvenile justice fees that were erroneously charged by the County.

On July 10, 2017, the Committee received an update from the Probation Department. Specifically, the Probation Department reviewed four years (11/1/12-11/1/16) of information and examined 5,497 Juvenile Hall administrative fee accounts. Of the 5,497 accounts, the department received full or partial payments on 1,652 accounts, which is a 30% collection rate. The Probation Department reviewed all 1,652 accounts to determine if there were any overpayments for minors in custody at Juvenile Hall where payments were made even though there was not a sustained petition. This included minors who were charged as adults but were housed in Juvenile Hall, regardless of the final disposition. Of the 1,652 accounts, Probation determined there were 224 accounts, which is 14% of the accounts, where an overpayment was made for a total of \$58,172. It should be noted that of the 224 accounts, 17 accounts involved minors who were charged as adults. 15 of the 17 adult file matters resulted in convictions, while the other 2 matters were eventually referred to juvenile court and the petitions were sustained. The total dollar amount for the 17 adult file accounts is \$33,033. The 3 largest overpayments, one for \$6,000 and two for \$8,000, totaling roughly \$22,000, were adult file matters, which eventually resulted in convictions.

Following discussion, the Committee directed staff to forward a recommendation to the Board of Supervisors to permanently repeal the Juvenile Cost of Care and Electronic Surveillance of Minors fees. Subsequently, the Board of Supervisors considered the Committee's recommendation on Tuesday, September 19, 2017. The Board approved the immediate repeal of the Juvenile Cost of Care fee and introduced an ordinance to effectuate the repeal of the Electronic Surveillance of Minors fee and scheduled adoption for the September 26, 2017 Board meeting. The ordinance was adopted by the Board, as scheduled, on September 26th and takes effect 30 days following passage.

Referral Update:

The Probation Department has begun reviewing two additional years (9/1/10-11/1/12) of Juvenile Hall administrative fee accounts. Those two additional years include 2,660 Juvenile Hall administrative fee accounts.

Of the 2,660 Juvenile Hall accounts, the department received full or partial payments on 1,641 accounts, which is a 62% collection rate.

To date the Probation Department has reviewed 1,585 accounts and determined there are 243 accounts (15%) where an overpayment was made for a total of \$68,675.

It should be noted that of the 243 accounts, 21 accounts involved minors who were charged as adults. All of the adult file matters resulted in convictions. The total dollar amount for the 21

adult file accounts is \$40,209.

This is in addition to the 1,641 accounts Probation previously reviewed where 230 accounts, had overpayments was for a total of \$64,686. To date from 9/1/10-11/1/16, there are 473 Juvenile Hall administrative fee accounts out of a total of 3,226 (15%) where an overpayment was made for a total of \$133,361.

The Probation Department was also asked to review Juvenile Electronic Monitoring accounts from 9/1/10-11/1/16. Of the 2,614 Juvenile Electronic Monitoring accounts, the department received full or partial payments on 1,309 accounts, which is a 50% collection rate.

The Probation Department has not yet begun the review of these accounts but anticipates that it will begin in the next few weeks once the Juvenile Hall accounts are complete.

Recommendation(s)/Next Step(s):

1. ACCEPT a report on the refunding of certain fees assessed in the juvenile justice system;
2. FORWARD a recommendation to the Board of Supervisors;
3. PROVIDE any additional direction to staff.

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.

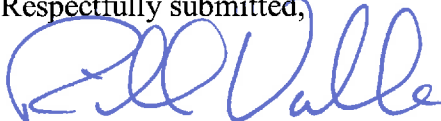
There is little financial gain for the County from these fees. Staff within the Probation Department and the Auditor-Controller's Office, in collaboration with the Policy Advocacy Clinic at Berkeley Law, have gathered data, identified information gaps, and performed an initial review of juvenile fees in Alameda County. For example, in fiscal year 2014-15, Alameda County referred juvenile probation fees 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.

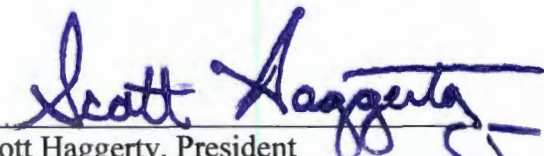
Section 4. That the moratorium imposed by Section 1 of this Resolution shall be effective as soon as it is reasonably possible for the County Auditor-Controller to stop collecting the fees.

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

C O U N T Y A D M I N I S T R A T O R



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,



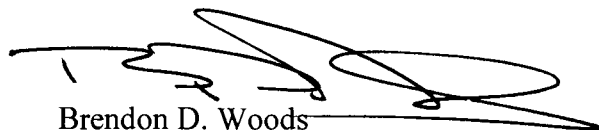
Susan S. Muranishi
County Administrator



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

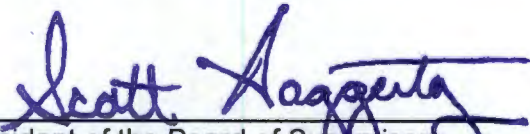
This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published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

Deputy Clerk

APPROVED AS TO FORM:

DONNA R. ZIEGLER, COUNTY COUNSEL

By: Andrea L. Weddle

Andrea L. Weddle
Assistant County Counsel

PROBATION COLLECTIONS UNIT

as of June 30, 2016

CLIENT# (FEE TYPE)	DATE ASSIGNED	BALANCE REMAINING
22005 Public Defender - Probation	2010	86,408
	2011	306,104
	2012	482,550
	2013	325,120
	2014	269,911
	2015	316,778
	2016	148,480
	TOTAL	\$ 1,935,351

30310 & 30310a Juvenile Electronic Monitoring - Probation	2009	16,914
	2010	697
	2011	91,223
	2012	102,513
	2013	107,228
	2014	86,587
	2015	192,691
	2016	113,138
	TOTAL	\$ 710,991

30355 & 30355a Juvenile Hall - Probation	2010	229,117
	2011	560,683
	2012	377,524
	2013	467,078
	2014	486,320
	2015	615,274
	2016	301,178
	TOTAL	\$ 3,037,175

30356 Ranch - Probation	2010	183,485
	2011	253,115
	2012	276,178
	2013	284,910
	2014	251,175
	2015	294,444
	2016	152,238
	TOTAL	\$ 1,695,546

CLIENT# (FEE TYPE)	DATE ASSIGNED	BALANCE REMAINING
20005 & 21005 Public Defender - Office of Revenue Collections	1995	765
	1996	2,125
	1997	5,207
	1998	12,805
	1999	163,701
	2000	513,914
	2001	696,337
	2002	649,684
	2003	638,625
	2004	624,632
	2005	567,033
	2006	516,570
	2007	640,562
	2008	568,781
	2009	453,979
	2010	350,384
	TOTAL	\$ 6,405,105

30305 Juvenile Hall/Ranch - Office of Revenue Collections	1990	733
	1996	305
	1997	1,668
	1998	3,344
	1999	220,336
	2000	232,546
	2001	393,006
	2002	148,942
	2003	135,039
	2004	120,437
	2005	129,124
	2006	246,830
	2007	459,391
	2008	419,579
	2009	311,241
	2010	282,108
	2013	626
	TOTAL	\$ 3,105,256

GRAND TOTAL	\$ 16,889,424
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