

Kate Bieker  
Court Executive Officer

# Superior Court of California

COUNTY OF CONTRA COSTA  
725 COURT STREET  
P.O. BOX 911  
MARTINEZ, CA 94553-0091



October 21, 2019

Paul Reyes  
Senior Deputy County Administrator  
Contra Costa County  
County Administrator's Office  
651 Pine Street, 10th Floor  
Martinez, California 94553

Dear Mr. Reyes:

Attached please find an analysis and cost estimation the Court has completed for the identification, separation and programming necessary to complete the 2019/522 approved Board of Supervisors' moratorium on the assessment and collection of certain County fees.

Again, we stress the importance of communicating, once these fees are waived or suspended, they cannot later be re-imposed if the temporary moratorium is lifted.

The Court will await written approval of County to move forward on further work on the current collection cases for the necessary programming.

Sincerely,

A handwritten signature in blue ink, appearing to be "Kate Bieker", written over a circular stamp or seal.

Kate Bieker  
Court Executive Officer  
Contra Costa Superior Court

Attachment

cc: Hon. Barry Baskin, Presiding Judge  
David Twa, County Administrator  
Timothy M. Ewell, Chief Assistant County Administrator  
Lisa Driscoll, County Finance Director  
Julie Enea, Senior Deputy County Administrator

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## Memorandum

**DATE:** October 21, 2019

**TO:** Paul Reyes, Senior Deputy County Administrator

**FROM:** Kate Bieker, Court Executive Officer 

**RE:** Board of Supervisor Resolution 2019/522 Analysis

The purpose of this analysis is to assess the impact to the Contra Costa Superior Court resulting from the Contra Costa County Board of Supervisor's Resolution No. 2019/522 to authorize a moratorium on certain fees and assessments that are distributed to the County.

The resolution authorized a moratorium on the imposition and collection of the following fees and assessments:

Name of Fee/ Assessment	Statutory Authority	County Authority	Case Type(s) Affected	Court Imposed	Court Collected
10% Fee	PC 1203.1(l)	BOS Res 7/21/94	Criminal	Y	Y
Ca Fingerprint ID Penalty	GC 76102	BOS Res 88/565	Criminal & Traffic	Y	Y
Booking Fee	GC 29550	Ord 2011-13	Criminal	Y	Y
Drug Diversion Fee	PC 1211	BOS Res 7/21/94	Criminal	Y	Y
Alcohol Test Fee	PC 1463.14(b)	BOS Res 88/28	Criminal (DUI & Reckless)	N	N
CAP Fee	PC 1463.16(c)	BOS Res 88/28	Criminal (DUI & Reckless)	N	N
Prob Drug Diversion Fee	PC 1001.15	BOS Res 9/14/95	Criminal	N	N
Cost of Probation	PC 1203.1b	BOS Res 2010/262	Criminal	N	Y
Probation Drug Test Fee	PC 1203.1ab			N	Y
Probation Report Fee	PC 1203.1b / PC 1203.7	Ord 2009-28	Criminal	N	Y
Alcohol and Drug Assessment Fee	PC 1463.13(d)	BOS Res 99/347	Criminal	N	N
Public Defender Fee	PC 987.81		Criminal	N	Y
Sheriff Custody Alt Program	PC 4024.2 / PC 1203.016	BOS Res 2008/303	Criminal	N	N

The Court currently collects and distributes 8 of the 13 fees and assessments identified above. As the Court relies on legacy case management systems to collect and distribute criminal fines and fees, significant resources and time will be needed to update its legacy systems and procedures to fully implement the County's moratorium. Refer to the attached Estimated Costs to Implement County Fees Moratorium for a list of activities needed to implement the moratorium and associated costs. These costs are estimates only; actual costs may vary.

The following is an analysis of each fee or assessment affected by the moratorium, in order of difficulty to implement, from most difficult to least:

**California Fingerprint ID Penalty:**

The California Fingerprint ID Penalty is automatically imposed on all criminal and traffic offenses where a base fine is imposed. This penalty is calculated as \$0.50 per every \$10, or part of \$10, of base fine imposed on the violation. Since the penalty is not a standalone flat fee, it is part of the total fine amount imposed on the violation. Although the intent of the moratorium is to reduce the court-ordered fines and fees for criminal convictions, elimination of this penalty would not actually reduce the total fine imposed.

GC 76000(a)(1) establishes an additional penalty in each county in the amount of \$7 for every \$10, or part of \$10, upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code. GC 76000(e) reduces this penalty to \$5 in Contra Costa County when the money in the local courthouse construction fund established by Section 76100 as of January 1, 1998 is transferred to the state under Section 70402. GC 76106 further specifies that, with respect to any fund established pursuant to this chapter, the penalty amounts to be deposited in the fund shall be specified by resolution adopted by the Board of Supervisors. The Contra Costa County Board of Supervisors has established the following county funds and corresponding local penalty assessments:

GC 76100 – Courthouse Construction Fund: \$2 per \$10  
 GC 75101 – Criminal Justice Facilities Construction Fund: \$2.5 per \$10  
 GC 76102 – Automated Fingerprint ID Fund: \$0.50 per \$10  
GC 76104 – Emergency Medical Services Fund: \$2 per \$10  
 Total local penalties: \$7 per \$10

GC 76102 authorizes the Board of Supervisors to establish by resolution an Automated Fingerprint Identification and Digital Image Photographic Suspect Booking Identification System Fund (Automated Fingerprint ID Fund), and the County passed Resolution 88/565 to approve the \$0.50 California Fingerprint ID Penalty. Although the moratorium eliminates the Automated Fingerprint ID Fund and associated \$0.50 per \$10 California Fingerprint ID Penalty, GC 76000 requires the Court to continue to impose a \$7 per \$10 additional penalty pursuant to GC 76000(a).

There are two options to implement the moratorium on the California Fingerprint ID Penalty. The first option is for the Court to continue imposing, collecting, and distributing the \$0.50 per \$10 additional penalty to the same County-designated account, and the County may deposit the funds in this account into another local fund authorized under GC 76000(a). The Court would not incur any implementation costs with this option.

The second option is for the County to designate a new local fund for the \$0.50 per \$10 additional penalty to be deposited to. To implement the second option, the Court will need to update 27 traffic violation fee schedules in its traffic case management system, C-Track, as well as all criminal violation distribution tables. The Court is unable to discontinue the distribution of the

California Fingerprint ID Penalty for existing traffic cases through configuration changes in C-Track. As a work-around, the Court may manually adjust the monthly distribution reports to redistribute the Automated Fingerprint ID Fund to the new County-specified fund going forward.

### **Probation Fees**

The Court may impose and collect the following fees for cases where the defendant is sentenced to probation:

- Cost of probation fee in the amount of \$75 per month pursuant to PC 1203.1b
- Probation drug test fee in the amount of \$10 per month pursuant to PC 1203.1ab
- Probation report fee in the amount of \$176 pursuant to PC 1203.1b

The Court only imposes these probation fees if charged by the County Probation Department. Since County Probation suspended performing ability to pay evaluations and setting up new accounts to charge these fees earlier this year, the Court has not imposed these fees since then. The Court still has a number of existing accounts with probation fees ordered, but these accounts also include other Court-ordered fines and fees, so the Court cannot easily separate out and waive just the balance owed on probation fees ordered. The Court has requested its CUBS vendor to programmatically identify and waive only the probation fees portion of the account balance for all existing criminal accounts. Furthermore, to prevent future probation fees from being set up, the Court will require programming by its LJIS programmer to discontinue the integration between LJIS and CUBS for fee set up.

### **Drug Diversion Fee**

The Court imposes a drug diversion fee of \$200 for cases where the defendant is sentenced to a drug diversion program. Since the case may have other Court-ordered fines and fees, the Court cannot separate out and waive just the balance owed on drug diversion fees. The Court has requested its CUBS vendor to programmatically identify and waive only the diversion admin fees portion of the account balance for all existing criminal accounts with drug diversion sentences. Furthermore, to prevent future drug diversion fees from being set up, the Court will require programming by its LJIS programmer to discontinue the integration between LJIS and CUBS for fee set up. The Court has also requested its judges to stop imposing drug diversion fees.

### **10% Fee**

The County Board of Supervisors authorized an administrative fee equal to 10% of the victim's restitution ordered pursuant to PC 1203.1 and by resolution in 1994. This fee was increased to 15% in 2010. The Court currently imposes the 15% fee on any restitution ordered but not yet paid at the time of account set-up. Since the 15% fee is added to the same account as the restitution order and other court-ordered fines and fees, the Court cannot easily separate out and waive just the 15% fee owed. The Court has requested its CUBS vendor to programmatically identify and waive only the 15% fee portion of the account balance for all existing criminal accounts. The Court has suspended adding 15% fees on new accounts with restitution orders.

### **Public Defender Fee**

The Court may impose a public defender fee for cases where the defendant had a court-appointed public defender, and the defendant either waived the right to an ability to pay evaluation or were determined to have the ability to pay the fee. The amount of the fee ranges from \$200 to \$500 and depends on the complexity of the trial. The Court took over the collection of public defender fees from the County Probation Collections Unit (PCU) in 2017. Of the accounts transferred from PCU, the Court has identified 25,240 accounts with a balance of approximately \$5.54 million currently with Linebarger. The Court has notified Linebarger to immediately suspend collections of these accounts.

Any public defender fees imposed after the PCU transition, however, have been added to the same account set up for the defendant's other court-ordered fines and fees, so the Court cannot easily separate out and waive just the public defender fee owed. The Court has requested its CUBS vendor to programmatically identify and waive only the public defender fees portion of the account balance for all existing criminal accounts. Furthermore, to prevent future public defender fees from being set up, the Court will require programming by its LJIS programmer to discontinue the integration between LJIS and CUBS for fee set up. The Court has also discontinued ability to pay evaluations for public defender fees and has requested its judges to stop imposing public defender fees.

### **Booking Fee**

The Court may order an arrestee to pay a booking fee in the amount of \$564 as requested by the arresting agency. The Court collects and distributes these booking fees on behalf of the County and several city arresting agencies. We interpret this County moratorium affects the booking fee imposed for Contra Costa County Sheriff, but not booking fees imposed for local arresting agencies.

The Court sets up unique accounts for collection and distribution of booking fees. The Court has identified 3,684 accounts with a balance of \$901,092 set up to collect booking fees for the Contra Costa Sheriff and has notified Linebarger to immediately suspend collections on these accounts. The Court will need to automate the cancellation of these accounts in CUBS and with Linebarger. Furthermore, to prevent future County booking fees accounts from being set up, the Court will require programming by its LJIS programmer to discontinue the integration between LJIS and CUBS for account set up. Lastly, the Court has also requested its judges to stop imposing booking fees.

### **Fees neither Imposed nor Collected by Court**

The following fees and assessments identified in the moratorium are neither imposed nor collected by the Court:

- **Alcohol Test Fee:** PC 1463.14(b) authorizes an additional penalty of up to \$50 to be imposed for convictions of VC 23152 or 23153 (DUI violations). The Board of Supervisors passed resolution 88/28 authorizing the \$50 assessment. Although the Court distributes \$50 of each fine collected for DUI and Reckless Driving violations to the special County account used for alcohol testing pursuant to PC 1463.14(a), the Court does not impose an additional \$50 penalty pursuant to PC 1464.14(b) and resolution 88/28.
- **CAP Fee:** PC 1463.16(c) authorizes Contra Costa to impose a \$50 assessment to be imposed for convictions of VC 23152 or 23153 (DUI violations). The Board of Supervisors passed resolution 88/28 authorizing the \$50 assessment. Although the Court distributes \$50 of each fine collections for each DUI and Reckless Driving violations to the County Alcohol Program pursuant to PC 1463.16(a), the Court does not impose an additional \$50 assessment pursuant to PC 1463.16(c) and resolution 88/28.
- **Alcohol and Drug Assessment Fee:** PC 1463.13(d) requires the Court to impose an assessment of no more than \$150 upon court order to participate in the County's alcohol and drug problem assessment program, if the Board of Supervisors passes a resolution to subject the County to this section and the Court has determined that the defendant has the ability to pay this assessment. The County passed resolution 99/347 authorizing the Alcohol and Drug Assessment Fee for DUI convictions. Although the Court imposes an Alcohol Drug Problem Assessment Fee of \$100 for DUI violations pursuant to VC 23649,

the Court does not impose an Alcohol and Drug Assessment Fee of up to \$150 for DUI violations pursuant to PC 1463.13(d).

- Custody Alternative Program Fee: Resolution 2008/303 and PC 4024.2 and 1203.016 authorizes the Contra Costa Sheriff to charge fees to participate in the Custody Alternative Program to recover the cost of administering the program. This fee is neither imposed nor collected by the Court.

**Contra Costa Superior Court  
Estimated Costs to Implement County Fees Moratorium**

Description of Activity	Resource	Cost of Hourly Rate	Estimated Number of Hours	Total Estimated Cost
Update 27 traffic violation fee schedules in C-Track and criminal distribution tables to replace the California Fingerprint ID Penalty with a new County-specified fund.	Court Finance Director	\$108.52	80	\$8,681.60
Programmatically waive balances owed on Probation Fees, Diversion Admin Fees in Drug Diversion accounts, 15% Fee, and Public Defender Fee for all existing criminal accounts.	Columbia Ultimate Vendor (CUBS) Collections System Programming	\$170.00	70	\$11,900.00
First year of annual maintenance associated with above CUBS enhancements.	Columbia Ultimate Vendor Collections System Programming			\$1,428.00
Testing to validate fee balances owed were correctly waived.	Court Financial Services Analyst	\$73.97	80	\$5,917.60
Programming in Law & Justice to discontinue the integration between LJIS and CUBS for the account set up of the following fees: Probation Fees, Diversion Admin Fees in Drug Diversion accounts, Public Defender Fee, and Booking Fee.	Criminal Case Management System - Mainframe Programming  Department of Information Technology (DoIT) Programmer (Cost to the Court)	\$136.50	80	\$10,920.00
Testing to validate Law & Justice to CUBS integration has been successfully discontinued for the fees identified above.	Court Financial Services Analyst	\$73.97	80	\$5,917.60
Automate the cancellation of existing County Sheriff Booking Fee Accounts.	Court Business Analyst	\$63.45	80	\$5,076.00
Review and validate cancellations were correctly performed.	Court Financial Services Analyst	\$73.97	80	\$5,917.60

<b>Total Direct Costs</b>	<b>\$55,758.40</b>
<b>Indirect Costs (24.82% of Salaries and Benefits)</b>	<b>\$7,820.88</b>
<b>TOTAL COSTS</b>	<b>\$63,579.28</b>
	<b>**Estimate**</b>

**\*\*This is an estimated amount only. The Court will submit monthly invoices to the CAO's Office until project is complete.\*\***