



**Contra
Costa
County**

To: Board of Supervisors
From: PUBLIC PROTECTION COMMITTEE
Date: December 12, 2017

Subject: OVERPAYMENTS TO THE JUVENILE COST OF CARE FEE AND DISCHARGE OF
ACCOUNTABILITY FOR COLLECTION OF JUVENILE FEES

RECOMMENDATION(S):

1. DISCHARGE the Probation Department from accountability of collections for accounts with outstanding balances related to the Juvenile Cost of Care and the Juvenile Electronic Monitoring fees formerly collected by the Office of Revenue Collections and the Probation Collections Unit totaling \$8,793,588 which have been deemed uncollectible; and
2. AUTHORIZE the County Probation Officer, or designee, to notify the Superior Court of the discharge of accountability as required by Government Code section 25259 and REQUEST that the Superior Court take actions to expunge the outstanding balances of all accounts; and
3. AUTHORIZE refunding of overpayments made for the Juvenile Cost of Care fee for certain minors in custody at the Juvenile Hall, specifically for minors without a sustained petition, including minors charged as adults and convicted of the adult charges; and
4. DETERMINE the date range applicable to the overpayment refunds; and
5. AUTHORIZE the County Probation Officer, or designee, to notify affected parties of

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/12/2017** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

ATTESTED: December 12, 2017

Contact: Timothy M.
Ewell, (925) 335-1036

David Twa, County Administrator and Clerk of the Board of
Supervisors

By: , Deputy

overpayments for accounts assessed the Juvenile Cost of Care fee as described above; and

6 AUTHORIZE the

RECOMMENDATION(S): (CONT'D)

Auditor-Controller to write-off the uncollected amount discharged by this action; and

7. DIRECT the County Probation Officer, or designee, to coordinate with the Office of the Auditor-Controller to process the overpayment refunds as described above.

FISCAL IMPACT:

Approximately \$136,000 depending on the timeframe determined by the Board. The principal amount of the overpayments identified represent \$133,361. 100% General Fund.

BACKGROUND:

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.

On September 26, 2016, the Public Protection Committee accepted an introductory report on the issue and voted unanimously to refer the issue to the full Board of Supervisors with two separate options: 1) to adopt a temporary moratorium on the Juvenile Cost of Care and Cost of Electronic Surveillance of Minors fees and/or 2) refer the issue to the newly formed Racial Justice Task Force for review.

On October 25, 2016 the Board adopted Resolution No. 2016/606, which established a moratorium on the assessment and collection of the Juvenile Cost of Care and Cost of Electronic Surveillance of Minors 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 the Juvenile Cost of Care and Cost of Electronic Surveillance of Minors 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 fees charged by the County. The Committee reconvened on July 10, 2017.

On July 10, 2017, the Committee received an update from the County Probation Officer with a proposal on how to refund certain juvenile justice fees. Following the discussion, the Committee directed staff to bring a recommendation to repeal the Juvenile Cost of Care and Cost of Electronic Surveillance of Minors fees to the full Board for consideration. In addition, the Committee directed staff to return at the October 2, 2017 Committee meeting to further discuss a possible refund process.

On September 19 and 26, 2017, the Board repealed the Juvenile Cost of Care and Cost of

Electronic Surveillance of Minors fees. On October 2, 2017 the Committee directed staff to forward a recommendation to the Board to refund certain overpayments made for the Juvenile Cost of Care fee related to minors held in the Juvenile Hall without a sustained petition, including minors that were charged as adults and convicted of those charges. In addition, the Committee directed staff to include a request to the Superior Court to extinguish the balances of all cost of care fees ordered by the Court.

CONSEQUENCE OF NEGATIVE ACTION:

Overpayments identified by County staff to the Juvenile Cost of Care fee would ultimately not be refunded to parties that previously remitted payment for those fees.

CLERK'S ADDENDUM

Speakers: Albert Ponce, resident of Martinez; Alyssa, California Nurses Association, Contra Costa County Racial Justice Coalition; Mavrana Cuevas, resident of Antioch; Diana Diaz, resident of San Pablo; Francisco Torres, ACCE; Harry Baker, resident of Pleasant Hill; Melvin Willis, resident of Richmond; Wesley Saver, policy Advocacy Clinic, UC Berkely School of Law; Cheryl Sudouth, CCC Racial Justice Coalition; Rebecca Brown. APPROVED the recommendations presented with the following additional requests and direction:

- 1. The notification letters to be sent out will be modified to use less technical jargon, for greater understanding, and will be produced two-sided, English and Spanish;*
- 2. The information in the letters will be available on the Probation website, with links or phone numbers to call to receive assistance in additional languages;*
- 3. The notification letters will be sent to those persons in the database back to September 1, 2010 to afford them an opportunity to file a claim if they believe they were improperly assessed;*
- 4. AUTHORIZED the Public Protection Committee to develop a claim process for those who may have improperly assessed prior to September 1, 2010, to include the matter of fees assessed for electronic monitoring, and DIRECTED the Committee to report back to the Board on that;*
- 5. DIRECTED the Public Protection Committee to report back to the Board on the implementation of the notification process*

Supervisor Gioia also expressed that the Board would like to see community advocates work with the Committee, to better assist the public in this process

ATTACHMENTS

DRAFT Overpayment Notification Letter

DRAFT Client Outreach Notification Letter

Discharge of Accountability - Listing of Collections Accounts