



**Contra  
Costa  
County**

To: Board of Supervisors  
From: PUBLIC PROTECTION COMMITTEE  
Date: February 26, 2019

Subject: 2018 YEAR-END REPORT ON ACCOMPLISHMENTS AND DISPOSITION OF REMAINING  
REFERRALS TO THE PUBLIC PROTECTION COMMITTEE

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**RECOMMENDATION(S):**

1. ACKNOWLEDGE that the Board of Supervisors referred ten (10) issues to the Public Protection Committee (PPC) for its review and consideration during 2018.
2. FIND that the 2018 PPC convened nine (9) meetings, worked through and provided an opportunity for public input on a number of significant Countywide issues.
3. RECOGNIZE the excellent work of the County department staff who provided the requisite information to the PPC in a timely and professional manner, and members of the Contra Costa community and other public agencies who, through their interest in improving the quality of life in Contra Costa County, provided valuable insight into our discussions, and feedback that helped us to formulate our policy recommendations.
4. ACCEPT year-end productivity report and APPROVE recommended disposition of PPC referrals described at the end of this report.

**FISCAL IMPACT:**

No fiscal impact. This is an informational report only.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

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Action of Board On: **02/26/2019** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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

ABSENT: Diane Burgis, District III  
Supervisor

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

ATTESTED: February 26, 2019

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

By: June McHuen, Deputy

Contact: Paul Reyes, (925)  
335-1096

cc:



## **BACKGROUND:**

The Public Protection Committee (PPC) was established on January 8, 2008 to study criminal justice and public protection issues and formulate recommendations for consideration by the Board of Supervisors. At the February 4, 2019 meeting, the Committee discussed all issues currently on referral and has made the following recommendations to the Board of Supervisors for the 2019 PPC work-plan:

### **1. Opportunities to Improve Coordination of Response to Disasters and Other Public Emergencies**

Approximately three weeks following the November 2007 Cosco Busan oil spill, the Sheriff's Office of Emergency Services (OES) presented to the Board of Supervisors its assessment of the emergency response efforts, including what worked well and didn't work well, and what lessons were learned through those experiences. At the conclusion of the Board discussion, Supervisor Gioia introduced five recommendations that were approved by the Board.

On February 5, 2008 the Board of Supervisors referred this matter to the PPC for continuing development and oversight. PPC received a status report from the Office of the Sheriff and Health Services Department in February 2009 and requested the Hazardous Materials Program Manager to report back to the PPC on the development of mutual aid agreements from local oil refineries. Following a second briefing to the PPC by the Office of the Sheriff, the PPC reported out to the Board of Supervisors on May 6, 2009 with recommendations for follow-up by the Sheriff and Human Resources departments. The Health Services Department made a report to the PPC on April 19, 2010 regarding the resources and connections available to respond to hazardous materials emergencies and, again, on October 18, 2010 regarding who determines which local official participates in incident command if an event is in Contra Costa County. On December 5, 2011, Health Services reported to our Committee regarding training and deployment of community volunteers.

In January 2008, the Board of Supervisors referred to the PPC the matter of improving public response to emergency instructions and protocols through broader and better education, which had previously been on referral to the IOC. The Board suggested that the PPC work with the Office of the Sheriff, the Health Services Department, and the CAER (Community Awareness & Emergency Response) Program to determine what educational efforts are being made and what additional efforts may be undertaken to improve public response and safety during an emergency. In April 2011, the PPC met with CAER (Community Awareness Emergency Response) Executive Director Tony Semenza and staff from the Office of the Sheriff and Health Services to discuss what has been done to better inform the public and what more can be done to improve public response to emergency warnings. CAER provided a thorough report on its countywide community fairs, and programs targeted at the education system and non-English speaking populations. The PPC asked CAER to provide a written outreach strategy that describes how new homeowners are

educated about emergency awareness. The Sheriff's Office of Emergency Services provided an update to the Committee at the April 13, 2015 meeting. In addition, the draft update of the Countywide Emergency Operations Plan (EOP) was reviewed and forwarded to the BOS for review and approval in 2015. Since there will be opportunities for the review of future updates to the EOP, we recommend that this issue remain on referral to the Committee.

**Recommendation: REFER to the 2019 PPC**

## **2. Welfare Fraud Investigation and Prosecution**

In September 2006, the Employment and Human Services (EHS) Department updated the Internal Operations Committee (IOC) on its efforts to improve internal security and loss prevention activities. The IOC had requested the department to report back in nine months on any tools and procedures that have been developed and implemented to detect changes in income eligibility for welfare benefits. The EHS Director made follow-up reports to IOC in May and October 2007, describing what policies, procedures, and practices are employed by the Department to ensure that public benefits are provided only to those who continue to meet income eligibility requirements, explaining the complaint and follow-through process, and providing statistical data for 2005/06, 2006/07, and for the first quarter of 2007/08. Upon creation of the PPC in January 2008, this matter was reassigned from the IOC to the PPC. PPC has received status reports on this referral in October 2008, June and October 2010, November 2011, November 2012 and, most recently, in December 2013. The Committee has reviewed the transition of welfare fraud collections from the former Office of Revenue Collection to the Employment and Human Services Department; the fraud caseload and percentage of fraud findings; fraud prosecutions and the number of convictions; and the amounts recovered.

The Committee received an annual report on this subject from the District Attorney and Employment and Human Services Director on September 26, 2016. The Committee wishes to continue monitoring the performance of the welfare fraud program annually. It is recommended that this matter be retained on referral. The Committee did not receive an update on this topic in 2018, but would like the issue to remain on referral to the Committee for future oversight.

**Recommendation: REFER to the 2019 PPC**

## **3. Multi-Language Capability of the Telephone Emergency Notification System (TENS)/Community Warning System (CWS) Contracts.**

This matter had been on referral to the IOC since 2000 and was reassigned to the PPC in January 2008. The PPC met with Sheriff and Health Services Department staff in March 2008 to receive an update on the County's efforts to implement multilingual emergency telephone messaging. The Committee learned that the Federal Communications Commission had before it two rulemaking proceedings that may directly affect practices and

technology for multilingual alerting and public notification. Additionally, the federally-funded Bay Area “Super Urban Area Safety Initiative” (SUASI) has selected a contractor undertake an assessment and develop a five-year strategic plan on notification of public emergencies, with an emphasis on special needs populations. The Sheriff’s Office of Emergency Services reported to the PPC in April 2009 that little has changed since the March 2008 report.

On October 18, 2010, the PPC received a report from the Sheriff’s Office of Emergency Services on the Community Warning and Telephone Emergency Notification systems, and on developments at the federal level that impact those systems and related technology. Sheriff staff concluded that multi-lingual public emergency messaging is too complex to be implemented at the local level and should be initiated at the state and federal levels. New federal protocols are now being established to provide the framework within which the technological industries and local agencies can work to develop these capabilities.

In 2011, the Office of the Sheriff has advised staff that a recent conference on emergency notification systems unveiled nothing extraordinary in terms of language translation. The SUASI project had just commenced and Sheriff staff have been on the contact list for a workgroup that will be developing a gap analysis, needs assessment, and five-year strategic plan. At this point, this matter had been on committee referral for more than ten years and technology had yet to provide a feasible solution for multilingual public emergency messaging.

On September 18, 2012, following the Richmond Chevron refinery fire, the Board of Supervisors established an ad hoc committee to discuss the Community Warning System and Industrial Safety Ordinance. Since that committee is ad hoc in nature, the PPC recommended that this issue remain on referral to the PPC.

The PPC received two updates on this issue in CY 2015; one on April 13, 2015 and one on November 9, 2015. Following the November 2015 discussion, the Committee requested the Sheriff’s Office to return in six months for an update.

On May 23, 2016, the Committee received an update from the Sheriff’s Office on the status of the TEN system and directed staff to provide a summary of the CWS/Emergency services protocols for future review of the Committee and prepare a handout in both English and Spanish that summarizes emergency services protocols.

On October 18, 2016, the Board of Supervisors referred a review of the AtHoc, Inc. contract to the Committee for additional review and discussion and on October 24, 2016, the Committee met to discuss this item. AtHoc Inc., is a full-service alert and warning company specializing in fixed siren systems and emergency notification systems. Alerting Solutions, Inc., provides support for the Contra Costa County Community Warning System. The Contra Costa County Community Warning System consists of 25 separate and linked control centers, monitoring systems, and communication systems between emergency responders, sirens (40), and other alerting devices (700+), and automated links to radio and

television stations serving the community. Representatives from the Sheriff's Office were present to discuss the item and its importance to the County's Community Warning System (CWS) operations. Following that discussion, the Committee recommended that the contract be rescheduled on the Board of Supervisors' agenda for approval, but directed staff to continue reporting on CWS operating contracts on a periodic basis. Since the Committee has an existing referral on the CWS telephone electronic notification system (TENS), this referral was combined with the TENS referral with the expectation that the Committee would receive coordinated updates on both issues in the beginning in 2017.

The Committee did not receive an update on this topic in 2018. However, the Committee continues to have interest in monitoring the implementation of a multi-lingual telephone ring down system and CWS issues. For this reason, this issue should remain on referral to the Committee in 2019.

**Recommendation: REFER to the 2019 PPC**

**4. County support and coordination of non-profit organization resources to provide prisoner re-entry services, implementation of AB 109 Public Safety Realignment, and appointment recommendations to the Community Corrections Partnership**

On August 25, 2009, the Board of Supervisors referred to the PPC a presentation by the Urban Strategies Council on how the County might support and coordinate County and local non-profit organization resources to create a network of re-entry services for individuals who are leaving jail or prison and are re-integrating in local communities. On September 14, 2009, the PPC invited the Sheriff-Coroner, County Probation Officer, District Attorney, Public Defender, Health Services Director, and Employment and Human Services Director to hear a presentation by the Urban Strategies Council. The PPC encouraged County departments to participate convene a task force to work develop a network for prisoner re-entry services, which has been meeting independently from the PPC. The PPC received a status report from County departments in April 2010. The Employment and Human Services department reported on its efforts to weave together a network of services, utilizing ARRA funding for the New Start Program and on the role of One-Stop Centers in finding jobs for state parolees. Probation reported on the impacts of the anticipated flood of state parolees into the county. The Sheriff reported on the costs for expanding local jail capacity and possible expanded use of GPS (global positioning systems) use in monitoring state parolees released back to our county. The Health Services Department reported on its Healthcare for the Homeless Program as a means to get parolees into the healthcare system and on its development of cross-divisional teams on anti-violence.

Supervisors Glover and Gioia indicated that their staff would continue to coordinate this local initiative when the Urban Strategies Council exhausts its grant funding from the California Endowment. The PPC continued to monitor progress on the initiative and, on February 7, 2011, received a presentation of the completed strategic plan and recommendations. In response to public testimony at the PPC meeting regarding concerns over the "Ban the Box" element of the plan, the plan recommendations were modified to

exclude from the "Ban the Box" requirement certain identified sensitive positions in public safety and children's services or as determined by the agency.

On March 22, 2011, representatives from the Urban Strategies Council presented the completed Contra Costa County Re-entry Strategic Plan (100 pages), an Executive Summary (6 pages) of the plan, and a slide show to the Board of Supervisors, which approved the strategic plan and implementation recommendations with one modification: rather than adopt a 'Ban the Box' policy as recommended, which would have removed the question about criminal records from county employment applications during the initial application, the Board agreed to consider adopting such a policy at a future date. The Board directed the County Administrator to work with the offices of Supervisors Glover and Gioia to identify the resources needed to implement the strategic plan and to report back to the Board with his findings and recommendations.

Later in 2011, the California Legislature passed the Public Safety Realignment Act (Assembly Bills 109), which transfers responsibility for supervising specific low-level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties. Assembly Bill 109 (AB 109) takes effect October 1, 2011 and realigns three major areas of the criminal justice system. On a prospective basis, the legislation:

- Transfers the location of incarceration for lower-level offenders (specified non-violent, 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;
- Transfers 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);
- Transfers the housing responsibility for parole and PRCS revocations to local jail custody

AB 109 also tasked the local Community Corrections Partnership (CCP) with recommending to the County Board of Supervisors a plan for implementing the criminal justice realignment, which shall be deemed accepted by the Board unless rejected by a 4/5th vote. The Executive Committee of the CCP is composed of the County Probation Officer (Chair), Sheriff-Coroner, a Chief of Police (represented by the Concord Police Chief in 2014), District Attorney, Public Defender, Presiding Judge of the Superior Court or designee, and the Behavioral Health Director.

On October 4, 2011, the Board of Supervisors approved the CCP Realignment Implementation Plan, including budget recommendations for fiscal year 2011/12. Throughout 2012, the PPC received regular status updates from county staff on the implementation of public safety realignment, including recommendations from the CCP-Executive Committee for 2012/13 budget planning. On January 15, 2013 the Board of Supervisors approved a 2012/13 budget for continuing implementation of public safety realignment programming.

The Committee received several reentry/AB 109 related presentations and updates throughout 2014, including program updates, review of the proposed fiscal year 2014/15 AB 109 Public Safety Realignment budget and made appointment recommendations to the Board of Supervisors for the CY 2015 Community Corrections Partnership. In addition, the Committee evaluated the feasibility of submitting a grant proposal for the 2014 Byrne Justice Assistance Grant (JAG) released by the California Board of State and Community Corrections.

In 2016, the Committee reviewed the FY 2016/17 AB 109 budget proposed by the CCP, made appointment recommendations for the CY2017 CCP and CCP-Executive Committee to the Board of Supervisors and advised on grant programs that tie into AB 109 programming infrastructure. In addition, the Committee reviewed the process for allocating the Community Programs portion of the AB109 budget, which was composed of four separate RFPs for: (1) Employment and Placement services, (2) Short and Long-Term Housing services, (3) Monitoring and Family Reunification services and (4) Legal services. In addition, the Committee reviewed the first AB109 Annual Report assembled by Resource Development Associates on behalf of the Community Corrections Partnership and a recommendation to establish an Office of Reentry and Justice in the County Administrator's Office.

In 2017, the Committee reviewed the proposed FY 2017/18 AB109 budget assembled by the CCP, the FY 2015/16 AB 109 Annual Report and received staff reports regarding plans to update the Countywide Reentry Strategic Plan and AB109 Operational Plan. The FY 2015/16 AB109 Annual Report was forwarded to the Board on March 14, 2017. At the October and November 2017 meetings, the Committee had discussion regarding appointments to the CCP and the CCP-Executive Committees for CY2018. At the November meeting, the Committee recommended the reappointment of all members with the exception of the CBO-representative seat. The Committee requested the CCP-Community Advisory Board to make a recommendation regarding appointment to that seat, which will be proposed to the Committee in early 2018. Ultimately, the Board approved the CY2018 appointments as recommended by the Committee on November 14, 2017.

In 2018, the Committee continued its oversight responsibilities related to the implementation of AB109. On February 5, 2018 the PPC reviewed and approved the proposed FY 2018/19 AB 109 budget approved by the CCP - Executive Committee. On May 23, 2018, the PPC reviewed and approved the FY 2018/19 AB 109 Community Program funding allocations, approved the CY 2018 appointment of the CBO-representative seat, and received the AB 109 Annual Report for FY 2016/17. On June 25, 2016, the PPC accepted the Contra Costa County Reentry System Strategic Plan for 2018-2023. At the November 5th meeting, the Committee recommended the reappointment of all members with the exception Chief of Police seat which the PPC recommended the Antioch Police Chief.

**Recommendation: REFER to the 2019 PPC**



## **5. Inmate Welfare Fund/Telecommunications/Visitation Issues.**

On July 16, 2013, the Board of Supervisors referred a review of the Inmate Welfare Fund (IWF) and inmate visitation policies to the Public Protection Committee for review. The Inmate Welfare Fund is authorized by Penal Code § 4025 for the "...benefit, education, and welfare of the inmates confined within the jail." The statute also mandates that an itemized accounting of IWF expenditures must be submitted annually to the County Board of Supervisors.

The Sheriff's Office has made several reports to the Committee throughout 2013 and 2014 regarding funding of IWF programs, visitation/communication policies and an upcoming RFP for inmate telecommunications services. The referral was placed on hold pending further discussion and outcomes of state and federal level changes to statute or rulemaking that could curtail the collection of telephone commissions individuals contacting inmates and wards housed in county adult and juvenile detention facilities normally pay. Such changes could potentially impact programming provided within the County's detention facilities.

In late 2015, the Federal Communications Commission (FCC) issued new regulations significantly curtailing the costs charged to inmates or the families of inmates for use of a jail or prison telecommunications system. During 2016, a final rulemaking process was anticipated by the FCC. Ultimately, the FCC passed updated regulations related to telecommunications in detention facilities.

The Committee did not receive an update on this topic in 2018. The Sheriff's Office is in the final stages of contract review with the inmate telephone service provider which will have an impact on this issue. For this reason, this topic should remain on referral to the Committee in 2019.

**Recommendation: REFER to the 2019 PPC (to be scheduled at the request of the Sheriff-Coroner)**

## **6. Racial Justice Task Force Project**

On April 7, 2015, the Board of Supervisors received a letter from the Contra Costa County Racial Justice Coalition requesting review of topics within the local criminal justice system. The Public Protection Committee (the "Committee") generally hears all matters related to public safety within the County.

On July 6, 2015, the Committee initiated discussion regarding this referral and directed staff to research certain items identified in the Coalition's letter to the Board of Supervisors and return to the Committee in September 2015.

On September 14, 2015, the Committee received a comprehensive report from staff on

current data related to race in the Contra Costa County criminal justice system, information regarding the County's Workplace Diversity Training and information regarding diversity and implicit bias trainings and presentations from across the country.

On December 14, 2015, the Committee received an update from the Public Defender, District Attorney and Probation Department on how best to proceed with an update to the Disproportionate Minority Contact (DMC) report completed in 2008. At that time, the concept of establishing a new task force was discussed. The Committee directed the three departments above to provide a written project scope and task force composition to the Committee for final review.

At the November 9, 2015 meeting, the Committee received a brief presentation reintroducing the referral and providing an update on how the DMC report compares with the statistical data presented at the September meeting. Following discussion, the Committee directed staff to return in December 2015 following discussions between the County Probation Officer, District Attorney and Public Defender with thoughts about how to approach a new DMC initiative in the County.

On April 12, 2016, the Board of Supervisors accepted a report and related recommendations from the Committee resulting in the formation of a 17-member Disproportionate Minority Contact Task Force composed of the following:

- County Probation Officer
- Public Defender
- District Attorney
- Sheriff-Coroner
- Health Services Director
- Superior Court representative
- County Police Chief's Association representative
- Mount Diablo Unified School District representative
- Antioch Unified School District representative
- West Contra Costa Unified School District representative
- (5) Community-based organization (CBO) representatives (at least 1 representative from each region of the County and at least one representative from the faith and family community)
- Mental Health representative (not a County employee)
- Public Member – At Large

Subsequently, a seven-week recruitment process was initiated to fill the (5) five CBO representative seats, the (1) one Mental Health representative seat and the (1) one Public Member - At Large seat. The deadline for submissions was June 15, 2016 and the County received a total of 28 applications.

On June 27, 2016, the PPC met to consider making appointments to the (5) five CBO representative seats, the (1) one Mental Health representative seat and the (1) one Public

Member - At Large seat. The PPC nominated the following individuals to be considered by the full Board of Supervisors:

- 1.CBO seat 1: Stephanie Medley (RYSE, AB109 CAB) (District I)
- 2.CBO seat 2: Donnell Jones (CCISCO) (District I)
- 3.CBO seat 3: Edith Fajardo (ACCE Institute) (District IV)
- 4.CBO seat 4: My Christian (CCISCO) (District V, but works in District III)
- 5.CBO seat 5: Dennisha Marsh (First Five CCC; City of Pittsburgh Community Advisory Council) (District V)
- 6.Mental Health: Christine Gerchow, PhD. (Psychologist, Juvenile Hall-Martinez) (District IV)
- 7.Public (At-Large): Harlan Grossman (Past Chair AB 109 CAB, GARE participant) (District II)

During the meeting, it was noted that Ms. Christine Gerchow had an exceptional background in mental health that would be very beneficial to the Task Force discussions. Ms. Gerchow is a County employee in the Health Services department working in the juvenile hall. In light of Ms. Gerchow's qualifications, the Committee voted to recommend her for appointment to the Mental Health representative seat and request that the full Board remove the requirement that the Mental Health representative not be a County employee. At the conclusion of the meeting, the Committee directed staff to set a special meeting for early August to consider the final composition of the entire 17-member Task Force once all names were received from county departments, school districts, etc. In addition, the Committee recommended changing the title of the Task Force to the "Racial Justice Task Force", which was determined to be more reflective of the current efforts to evaluate racial disparities in the local criminal justice system.

On August 15, 2016, the Committee approved nominations for appointment to the Task Force for consideration by the Board of Supervisors, including a recommendation that the Superior Court designee seat be a non-voting member of the Task Force at the request of the Superior Court.

On September 13, 2016, the Board of Supervisors approved the Task Force. The Task Force will make reports to the Public Protection Committee, as needed, over the course of its work. For this reason, the referral should be continued to the 2019 PPC.

On February 5, 2018, the PPC received an update from the Office of Reentry and Justice on the Racial Justice Task Force.

On June 25, 2018, the PPC received the report "Racial Justice Task Force - Final Report and Recommendations" and recommended it to be adopted by the Board of Supervisors.

On July 24, 2018, the Board of Supervisors adopted the "Racial Justice Task Force--Final Report and Recommendations," with the exclusion of recommendations 18 and 19: (18) Establish an independent grievance process for individuals in custody in County adult

detention facilities to report concerns related to conditions of confinement based on gender, race, religion, and national origin. This process shall not operate via the Sheriff's Office or require any review by Sheriff's Office staff, (19) Establish an independent monitoring body to oversee conditions of confinement in County adult detention facilities based on gender, race, religion, and national origin and report back to the Board of Supervisors. The Board also referred to the Public Protection Committee the matter of an Implementation Plan for FY 2018-19 and the structure of an Implementation Oversight body and to take input from the Racial Justice Task Force and the Sheriff's Department on the recommendations regarding the establishment of an independent grievance process and independent monitoring body, to report back to the full Board.

On August 6, 2018, the PPC considered the implementation of recommendations from the Task Force and directed staff to develop a process to identify nominees for appointment to the Racial Justice Oversight Body. During this meeting the PPC also accepted input from the Office of the Sheriff and members of the Task Force regarding the 2 recommendations of the Racial Justice Task Force's Final Report. The Committee directed the Racial Justice Task Force to reconvene to discuss solutions to the conflicts raised by the Sheriff's Office in regards to these two recommendations.

On September 10, 2018, the PPC received an update on the Racial Justice Task Force which summarized the Task Force meeting on September 5, 2018 to consider the 2 recommendations noted above.

The Task Force had discussed information regarding other oversight bodies at the County level that were in existence across the state and had compiled a handout that was shared with the Task Force. The Task Force Members felt that there was more information to be considered by the Task Force, and that there would be value in including the Sheriff, or detention facility staff, in future discussions and information sharing prior to this being reconsidered by the Board of Supervisors. The Committee directed the Task Force to continue to review these recommendations, including meeting with the Sheriff's Office.

On November 5, 2018, the PPC received an update on the on the Racial Justice Task Force's review of the 2 recommendations opposed by the Sheriff's Office. During its October 2018 meeting, the Racial Justice Task Force was given a presentation that provided members of the Task Force with key oversight/monitoring terms, a list of the different forms of monitoring/oversight that occur in detention facilities, descriptions of various law enforcement monitoring/oversight models, and a selection of reasons jurisdictions consider having independent oversight/monitoring.

The Task Force then discussed the creation of the small working group with Sheriff staff, and through this discussion determined they wanted to invite Assistant Sheriff Matthew Schuler to speak with the entire Task Force prior to forming the smaller working group. Because Assistant Sheriff Schuler is the executive administrator assigned to the County's jail, the Task Force believed that this initial discussion with him would help inform the smaller working group's conversation, and how it might approach further consideration of Task Force Recommendations #18 and #19.

On November 13, 2018, PPC interviewed applicants for seven seats for community based representatives on the Racial Justice Oversight Body and recommended appointment to the Board of Supervisors

On December 4, 2018, BOS appointed members to the Racial Justice Oversight Body and accepted an update from the Task Force on recommendations #18 and #19 which stated that the Racial Justice Task Force voted 10-1 at its meeting on November 14, 2018 to withdraw recommendations #18 and #19 from the Final Report, recognizing that there is no legal means by which to establish an independent grievance process for adults in custody in Contra Costa County or to establish an independent monitoring body to oversee conditions of confinement in County adult detention facilities without the cooperation of the Sheriff's Office.

An Implementation Plan for the Racial Justice Oversight body has yet to be developed. For this reason, this topic should remain on referral to the Committee in 2019.

**Recommendation: REFER to the 2019 PPC**

## **7. Review of Juvenile Fees assessed by the Probation Department**

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 referral follows 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.

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 fees and/or 2) refer the issue to the newly formed Racial Justice Task Force for review.

On, October 25, 2016, the Board of Supervisors approved a moratorium on certain juvenile fees and directed staff to further review the assessment of juvenile fees and report back to the Public Protection Committee. Ultimately, the Board directed staff and the Committee to return back to the full Board no later than May 2017 with a recommendation as to whether or not juvenile fees should be permanently repealed.

In 2017, the Committee received several updates related to the repeal of certain juvenile fees assessed by the County via the Probation Department. Ultimately, the Committee recommended and the Board approved the full repeal of juvenile cost of care fees at the Juvenile Hall and the Orin Allen Youth Rehabilitation Facility. The Juvenile Electronic Monitoring (JEM) fee was also repealed. The Committee also discussed a process by which

to refund overpayments made by the guardians of juveniles previously in the custody of the Probation Department and forwarded the issue to the Board on December 12, 2017. On December 12, 2017, the Board of Supervisors authorized a refund process to be commenced by the Probation Department, including the notification of impacted individuals and those that may have been impacted. On April 12, 2018, the Committee received an update on Juvenile Electronic Monitoring fees and the refunding of Juvenile Cost of Care Fees.

**Recommendation: REFER to the 2019 PPC**

## **8. County Law Enforcement Participation and Interaction with Federal Immigration Authorities**

On February 7, 2017, the Board of Supervisors referred this issue to the Committee for review. Specifically, there has been growing public concern around the county, especially among immigrant communities, about the nature of local law enforcement interaction with federal immigration authorities. This concern has been increasing due to the current political environment and has impacted the willingness of residents of immigrant communities to access certain health and social services provided by community-based organizations. For example, the Executive Director of Early Childhood Mental Health has reported that a number of Latino families have canceled mental health appointments for their children due to concerns over being deported.

The Committee introduced this item at the March 6, 2017 meeting and provided direction to staff, including to continue monitoring Senate Bill 54 (De Leon), which was ultimately passed by the Legislature and signed into law by Governor Brown, tracking relevant court cases involving the current federal immigration policies and practices and to return with information regarding the Sheriff's contract to house federal detainees in County detention facilities, including Immigration and Customs Enforcement (ICE) detainees.

At the November 2017 meeting, the Committee received an update on this issue, including the status of current litigation across the country regarding immigration policy and a briefing on the final version of SB 54 (De Leon). County Counsel provided an analysis of policies of the Sheriff's Office and Probation Department showing against the future requirements of SB 54 to become effective January 1, 2018. The Committee directed staff to schedule a special meeting for December 2017 to continue this discussion in advance of the effective date of SB 54 to ensure that the County is in compliance by that time. On February 5, 2018, staff updated the Committee on various litigation related to immigration across the nation and reported on the County's compliance with SB 54 following the January 1, 2018 effective date. In addition, staff reported that the U.S. Department of Justice appears to be satisfied with the County's revised immigration policy in the Sheriff's Office, which strikes a balance with complying with both federal and state law. Also, the Public Defender's Office provided an update on efforts to launch the County's Stand Together Contra Costa program, which provide various services to undocumented residents in the County seeking assistance. Following discussion, the Committee directed staff to return to the next meeting with information related to the public forum required under the TRUTH Act and a litigation

update.

On April 12, 2018, staff provided an update regarding the TRUTH Act community forum determination process. In addition, the Committee directed County Counsel to review a letter submitted by the Asian Law Caucus to Sheriff David Livingston on the evening prior to the meeting regarding the Sheriff's Immigration Status Policy.

On May 23, 2018, staff provided an update regarding the due diligence process undertaken to determine whether or not the County was required to hold a TRUTH Act community forum. Staff informed the Committee that, based on responses from County department heads, it is necessary to hold a community forum and the forum had been scheduled for Tuesday, July 24, 2018 at 2:00PM.

On June 25, 2018, staff provided an update on the TRUTH Act community forum, specifically with regard to the format. In addition, County Counsel updated the Committee on the various litigation items still outstanding throughout the country related to immigration.

On August 6, 2018, staff provided a follow up on the TRUTH Act community forum, including the request of the Sheriff's Office to provide further details on the 63 individuals that the U.S. Immigration and Customs Enforcement (ICE) was provided information about. Staff also provided additional detail about the types of exempt offenses that would allow local law enforcement to provide information about an individual to ICE. County Counsel updated the Committee on the various litigation items still outstanding throughout the country related to immigration.

At the September and November meetings, County Counsel provided updates on various litigation items still outstanding throughout the county related to immigration.

**Recommendation: REFER to the 2019 PPC**

## **9. Juvenile Justice Coordinating Council**

On February 13, 2018, the Board of Supervisors referred to the Committee a review of the production of the County's Multi-Agency Juvenile Justice Plan. The plan is due to the state on May 1 of each year, as a condition of Contra Costa's annual funding through the Juvenile Justice Crime Prevention Act (JJCPA) and Youthful Offender Block Grant (YOBG). For Contra Costa County, this amounts to over \$8 million in annual funding specifically for juvenile justice activities.

In 2018, the Committee accepted an introductory report on the County's Multi-Agency Juvenile Justice Plan and the Juvenile Justice Coordinating Council and a summary of the Juvenile Justice Commission (JJC), the Delinquency Prevention Commission (DPC) and the Juvenile Justice Coordinating Council (JJCC). During the October 2018 meeting, the Committee noted that the County has two advisory bodies that are charged with similar



duties, specifically, the Delinquency Prevention Commission and the Juvenile Justice Coordinating Council, and directed staff to return to the Board of Supervisors to combine the functions of the DPC and JJCC. Also during the October 2018 meeting, the committee reviewed the composition of the JJCC and recommended that the JJCC consist of the following:

- Chief Probation Officer,
- District Attorney's Office representative,
- Public Defender's Office representative,
- Sheriff's Office representative,
- Board of Supervisors representative,
- Employment and Human Services Department representative,
- Behavior Health representative,
- County Alcohol and Drugs representative,
- City Police Department Representative,
- County Office of Education or a school district representative,
- County Public Health representative, and
- Eight community-based seats, including a minimum of two representing youth-serving community-based organizations and two youth-aged community representatives (14-21 years old).

On December 4, 2018, the Board of Supervisors introduced Ordinance 2018-30 to dissolve the Delinquency Prevention Commission, adopted Resolution 2018/597 to add seats and duties to Juvenile Justice Coordinating Council, and terminated the referral to the Committee on this topic. On December 18, 2018, Ordinance 2018-30 was adopted.

**Recommendation: REFER to the 2019 PPC**

### **10. Review of Banning Gun Shows at the County Fairgrounds**

On October 9, 2018, the Board of Supervisors referred to the Public Protection Committee the topic of banning gun shows at the Contra Costa County Fairgrounds and a review of regulations governing the purchase and sale of guns at gun shows.

On November 5, 2018, the Committee received an introduction to the referral and directed staff to forward to the full Board of Supervisors a letter to the Board of the Contra Costa County Fairgrounds outlining the County's concerns of hosting gun shows at the fairgrounds, including a request to ban gun shows at the fairgrounds.

On December 4, 2018, the Board of Supervisors authorized Chair of the Board of Supervisors to sign a letter to the 23rd Agricultural Association to convey the Contra Costa County Board of Supervisors' support of a policy prohibiting the possession and sale of firearms on the Contra Costa County Fairgrounds.

The Board of the Fairgrounds has not responded. For this reason, this topic should remain



on referral to the Committee in 2019.

**Recommendation: REFER to the 2019 PPC**

**LIST OF ITEMS TO BE REFERRED TO THE  
2019 PUBLIC PROTECTION COMMITTEE**

- Welfare fraud investigation and prosecution
- Multilingual capabilities of the telephone emergency notification system/Community Warning System Contracts
- County support and coordination of non-profit organization resources to provide prisoner re-entry services and implementation of AB109 public safety realignment
  - Inmate Welfare Fund/Telecommunications/Visitation Issues
- Opportunities to improve coordination of response to disasters and other public emergencies
  - Racial Justice Oversight Body Implementation
- Review of juvenile fees assessed by the Probation Department
- County Law Enforcement Participation and Interaction with Federal Immigration Authorities
  - Update on the Juvenile Justice Coordinating Council
  - Review of Banning Gun Shows at the County Fairgrounds

**CONSEQUENCE OF NEGATIVE ACTION:**

The Board of Supervisors will not receive the annual report from the 2018 Public Protection Committee.