



**Contra  
Costa  
County**

To: Board of Supervisors  
From: PUBLIC PROTECTION COMMITTEE  
Date: December 17, 2019  
Subject: Criminal Justice Fees

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**RECOMMENDATION(S):**

1. CONSIDER accepting an Update Summary Report on the moratorium on the assessment and collection of certain criminal justice fees;
2. CONSIDER authorizing the County Administrator, or designee, to request the Superior Court of California of the County of Contra Costa to incur the necessary expenditures to fully implement the moratorium; and
3. CONSIDER approving and authorizing the Auditor-Controller, or designee, to pay Superior Court of California of the County of Contra Costa for the actual costs incurred by the Court to implement the moratorium.

**FISCAL IMPACT:**

The net budgetary impact of fully implementing the moratorium is approximately \$400,000 in unrealized revenue (see Attachment E). Additionally, the Court's estimated cost to implement the moratorium is approximately \$64,000, which would be billed to the County.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **12/17/2019** ☒ APPROVED AS RECOMMENDED ☒ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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

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

ATTESTED: December 17, 2019

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

By: June McHuen, Deputy

Contact: Paul Reyes, 335-1096

cc: Robert Campbell, Auditor-Controller

## BACKGROUND:

On February 26, 2019, the Board of Supervisors referred to the Public Protection Committee the issue of criminal justice system fees charged to individuals. Existing law allows the County to impose various criminal justice fees for the cost of administering the criminal justice system. The referral requested a review of the current programs, policies and practices related to criminal justice fees.

On April 1, 2019, the Public Protection Committee accepted an introductory report on the issue of criminal justice fees assessed in the County. The report provided during this meeting focused on criminal justice fees that had been positively identified as being local and discretionary fees (ones not mandated by California law): Probation Fees, Public Defender Fees, and Sheriff Custody Alternative Facility Fees.

On July 1, 2019, the Public Protection Committee accepted an a follow-up report on this issue which included a review of a wider range of criminal justice fees, including those that are mandated by state legislation. The Public Protection Committee voted unanimously to refer to the full Board of Supervisors a temporary moratorium on the assessment and collection of criminal justice fees currently authorized by the Contra Costa County Board of Supervisors.

On September 17, 2019, the Board of Supervisors adopted Resolution No. 2019/522 (see Attachment B) to place a moratorium on the assessment and collection of certain criminal justice fees. The Board of Supervisors directed the Public Protection Committee to gather additional data about criminal justice fees in Contra Costa County and to return to the Board of Supervisors before the end of the calendar year.

On September 30, 2019, the Public Protection Committee accepted an update on the implementation of the moratorium on the collection of adult criminal justice fee. The Committee directed staff to assemble a small work group to identify and provide to the Committee any additional available and relevant data.

In November and December 2019, the Committee was updated on the information the workgroup had compiled. This update has been summarized in the Summary Update Report (see Attachment A) and included information on the San Francisco Financial Justice Project, the ability-to-pay process of Probation and the Sheriff's Office, local data on race/income, ad hoc data collection efforts, and an update on the Superior Court implementation of the moratorium. The Committee also discussed a letter from the Contra Costa Superior Court with outlined the Court's analysis and cost estimation for the identification, separation, and programming necessary to complete the moratorium on the assessment and collection of certain County fees (see Attachment C). The Courts letter also identified four fees (CA Fingerprint ID Penalty, Alcohol Test Fee, CAP Fee, and Alcohol and Drug Assessment Fee) that were included in the moratorium, but are state mandated. Additionally, Reentry Solutions Group provided the Public Protection Committee a Report on Criminal Justice Fees in Contra Costa which provides additional

information on the San Francisco Financial Justice Project, the local research process, and local/national research (see Attachment D).

The Committee has directed staff to bring this issue to the Board of Supervisors to present the Summary Report (Attachment A) and to request authorization to request the Court to incur the necessary costs to implement the moratorium on behalf of the County.

CONSEQUENCE OF NEGATIVE ACTION:

The moratorium on the assessment and collection of certain criminal justice fees would not be fully implemented.

CLERK'S ADDENDUM

**Speaker: Rebecca Brown, resident of Richmond.**

ADOPTED the recommendations; and DIRECTED the County Administrator to report back to the Board in 90 days for an update.

ATTACHMENTS

Attachment A - CJ Fee Update Summary

Attachment B - Resolution 2019/522

Attachment C - Court Letter on Resolution 2019/522

Attachment D - RSG Report on CJ Fees

Attachment E - Budgetary Impact