



Administration of Justice Policy Committee Meeting

Conference Call* ▪ Friday, April 11, 2013

9:30 a.m. – 11:00 a.m.

Call-in number: (800) 867-2581; Access code: 7500513#

*** Limited seating available at 1100 K Street ▪ Peterson Conference Room ▪ 1st floor ▪ Sacramento**

Supervisor Federal Glover, Contra Costa County, Chair
Supervisor John Viegas, Glenn County, Vice-Chair

- 9:30 a.m. **I. Welcome and Introductions**
Supervisor Federal Glover, Contra Costa County
- 9:35 a.m. **II. Budget Overview and Justice-Related Trailer Bill Discussion**
Elizabeth Howard Espinosa, CSAC Senior Legislative Representative
London Biggs, CSAC Legislative Analyst
- 9:50 a.m. **III. Exploring State and Local Partnerships to Improve Victim Restitution Collection**
Mary Wray, Acting Deputy Executive Officer, Administration and Finance;
Victim Compensation & Government Claims Board; Jennifer Green,
Manager, Revenue Recovery Section, Victim Compensation &
Government Claims Board
- 10:10 a.m. **IV. 2014 Department of Justice Policy Priorities: Recidivism Reduction, Combatting Truancy and Human Trafficking in California**
Jill Habig, Special Assistant Deputy Attorney General, Department of Justice
- 10:30 a.m. **V. Three-Judge Panel Update / SB 105 (2013) Interim Report**
Elizabeth Howard Espinosa, CSAC Senior Legislative Representative
London Biggs, CSAC Legislative Analyst
- 10:45 a.m. **VI. 2014 Legislative Overview and Update**
Elizabeth Howard Espinosa, CSAC Senior Legislative Representative
London Biggs, CSAC Legislative Analyst
- 11:00 a.m. **VII. Adjournment**

The CSAC Administration of Justice Policy Committee will next meet in Sacramento as part of the CSAC Legislative Conference planned for May 14-15, 2014. Conference program and registration details are available [here!](#)

ITEM II
2014-15 Budget Overview and Justice-Related Trailer
Bills



April 4, 2014

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TO: CSAC Administration of Justice Policy Committee

FROM: Elizabeth Howard Espinosa, Senior Legislative Representative

RE: **2014-15 Proposed Budget and Related Trailer Bills**

This informational memo provides an update on justice-related budget issues. As the committee will recall, the Governor presented his proposed 2014-15 budget on January 10. The Legislature's review of the Governor's proposals is now underway, with each house's relevant budget subcommittees meeting to take up the key elements. As for public safety issues of interest to counties, the subcommittee review will take place later this month, with the Assembly subcommittee meeting on April 23 and the Senate subcommittee meeting the following day.

GOVERNOR'S BUDGET PROPOSALS

The Governor's 2014-15 budget proposal makes a number of additional investments in supporting counties' effort to successfully manage new criminal justice responsibilities at the local level, as described below. Note that the Legislative Analyst's Office issued a February 19 analysis on the public safety proposals — which raises skepticism about certain of the proposed budget elements — available here: <http://lao.ca.gov/reports/2014/budget/criminal-justice/criminal-justice-021914.pdf>. In addition to the local justice elements summarize below, there are additional budget proposals associated with the state's efforts to meet the court-ordered prison population level. Those items are discussed in Section V.

Additional local capacity investment – The budget includes a proposed additional \$500 million investment in state lease revenue bonds for local facility construction, modeled after the SB 1022 (2012) construction program. Priority would be given to counties that can document use of a risk assessment to make pre-trial release decisions; a 10% local match would also be required, as it was under SB 1022. CSAC views this critical investment as part of the foundation building needed to ensure counties can be successful with the AB 109 population over the long-term. Most county jails — except for the most recently constructed — were designed for short stays and do not offer space for programming, medical or behavioral health treatment, visitation, or exercise needed to safely and compassionately manage local jail populations. Counties' sustained success in AB 109 implementation is tied directly to our ability to design new and better beds that recognize the changed environment in a post-realignment world and that facilitate smooth reintegration of the offender population back into the community. Significant local needs remain in building capacity to manage new population responsibilities.

Split sentence presumption – The budget proposal would require that county felony jail sentences be “split” (meaning an offender is sentenced to a period of custody in jail followed by mandatory supervision in the community), unless the court makes a finding that a straight sentence is more appropriate. Current split sentence rates vary greatly among counties. As outlined in our 2014 legislative priorities, CSAC agrees that the use of the split sentence option can be an effective tool in managing jail population pressures and as a means to help reduce recidivism through structured supervision and appropriate programming in the community. The presumption still permits a judge

to pursue a straight sentence if that option seems to better fit the circumstances of a particular case.

Cap on long-term jail sentences – One of the broadly shared concerns about AB 109 implementation is not only the possibility but the reality of lengthy AB 109 jail sentences; some counties are managing jail terms of as long as 10, 20, even 40 or more years. As discussed earlier, the county jail system was not constructed with long-term stays in mind. Most facilities do not offer either the space or staffing for programming and supports to appropriately serve long-term offenders in county jail. We are gratified that the Governor’s budget includes a proposal to establish a “bright line” maximum jail term for 1170(h) offenders, with those sentenced to more than 10 years serving the time in state prison. We think this is a reasonable proposal that recognizes the negative implications both for counties and the inmates behind the long sentence.

Reduced fire camp rate – The proposed budget formalizes the Administration’s earlier proposal to offer a more attractive fire camp rate. Previously, the state had proposed a \$46.19 rate and, under this construct, three counties entered into a contract to send local offenders to fire camps. The budget proposal would have counties pay an \$81 daily rate for the period of time local inmates are in training, with the rate dropping to \$10 per day while the inmate serves on a fire crew. This revised rate structure should make fire camps more financially attractive and interesting for counties and offers another tool to manage local jail populations, with significant benefits to the communities in which the fire camp crews serve.

Increased SB 678 funds – Importantly, the Administration and Legislature revised in 2013 the SB 678 funding methodology in a way that recognizes the importance of these front-end efforts that are contributing to positive local probation efforts. Under the January budget proposal, counties would receive an expected \$128 million in continued community correction program funding under the SB 678 allocation methodology revised pursuant to SB 105 (2013). CSAC continues to be a strong proponent of the SB 678 model, which incentivizes solid, evidence-based programming that can help the state in reducing prison population pressures while producing improved public safety outcomes locally.

Community Reentry – The proposal to invest \$40 million from the recidivism reduction fund into community reentry initiatives also is positive. While this element of the budget remains a work in progress, we are interested in discussing with counties possible ways to construct models through which counties and the state could partner to strengthen local reentry efforts.

CCP Planning Grants – Finally, we are grateful that the budget proposes an additional one-year appropriation to fund grants that support the work of local Community Correction Partnerships (CCPs) in their AB 109 implementation efforts. As in previous years, counties would receive a fixed amount (of either \$100,000; \$150,000; or \$200,000) based on county size . This investment is vital to supporting the work of the CCPs and has given the local planning bodies the ability to engage in independent research, do gap analyses, support travel to visit other sites or gain other practical and educational experience with community correction practices.

TRAILER BILL LANGUAGE

Counties are encouraged to monitor the development of trailer bill to carry out the budget proposals. Initial drafts for most of the proposals outlined above have been posted to the

Department of Finance's (DOF) website (http://www.dof.ca.gov/budgeting/trailer_bill_language/). From that link, click through to Correctional and General Government [200-299] page to view the specific proposals. We have provided a quick summary of each of the relevant proposals below.

Item	Description
[200] – Felony disposition data for YOBG	Requires Department of Justice (DOJ) – by July 10 of each year – to provide DOF with the number of juvenile felony court dispositions for the previous calendar year. This data is used as 50% of the basis for allocating the Youthful Offender Block Grant (funds to support counties' juvenile justice system responsibilities transferred under SB 81, 2007). Current law requires DOJ to provide "most recent data compiled."
[207] – Extend Reentry Period	Revises the eligibility criteria for the population a county could – if the board of supervisors entered a contract with the California Department of Corrections and Rehabilitation – accept into its local reentry programs. Current law specifies that the inmates must be within 60 of release from state prison; this language would extend the timeframe to one year. The language is consistent with the Governor's proposed expanded community reentry program.
[208] – Alternative Reentry for County Female Population	Establishes new county authority under the sheriff or corrections director (parallel to authority granted to state under SB 1266, Liu (2010)) that permits release of specified female inmates onto an alternative custody program.
[209] – Jail Custody Credits for Electronic Monitoring and Work Furlough	Seeks to harmonize jail custody credits for populations on electronic monitoring and work furlough with other populations under county jail populations.
[210] – Delete sunset for county inmate transfers	Current law permits a county (with board of supervisors approval with concurrence of sheriff) to enter into an agreement with another county to transfer jail inmates. This authority is set to expire in 2015; this language would delete the sunset. [Note that a policy bill – SB 1512 (Stone) – is moving on a parallel track. With amendments taken, the bill would extend the sunset to 2018 and would specify that only sentenced inmates qualify for the transfer provisions.]
[211] – One-year enhancement for violation of mandatory supervision	Would require imposition of a one year enhancement for persons who are convicted of a felony while on mandatory supervision.
[212] – Presumption of a split sentence	Imposes a presumption of a split sentence (i.e., for felons sentenced to county jail under AB 109, a period of time in custody followed by a term of mandatory supervision in the community), unless a court finds in the interest of justice that such an approach is not appropriate in a particular case, as follows: <ul style="list-style-type: none"> • For sentences of less than three years: court's discretion to determine length of mandatory supervision (although total period of custody + supervision may not exceed length of total sentence)

	<ul style="list-style-type: none"> • For sentences of between 3 years and 8 years, at least one year of mandatory supervision • For sentences longer than 8 years, a period not to exceed one-third of the total sentence
[213] – Technical clean-up on mandatory supervision	Reinstating previous language “chaptered out” inadvertently in 2013. Would clarify that a period of mandatory supervision begins immediately upon a person’s release from jail. [NOTE: Also advancing on separate legislative track as AB 579 (Melendez), an urgency bill CSAC is supporting.]
[214] – Statutory allocation percentages	Intent language only to convert four specified programs funded out of the 2011 Realignment subaccount known as the Enhancing Law Enforcement Activities Subaccount (ELEAS) to statutorily specified allocations. Under current law, allocations for four programs – Youthful Offender Block Grant (YOBG), Juvenile Reentry Grant, Juvenile Justice Crime Prevention Act (JJCPA), and Citizens’ Option for Public Safety – require reliance on one or more dynamic data elements that necessitate recalculation on an annual basis.
[215] – Other ELEAS clean-up	Makes other corrective, technical changes to language that allocates funds to various law enforcement local assistance programs.
[216] – Revise reporting requirements for YOBG and JJCPA	Intent language to revise reporting requirements for YOBG and JJCPA.
[217] – Supplantation references	For consistency purposes, converts previous supplantation references within specified law enforcement programs funded under 2011 Realignment (e.g., COPS, JJCPA, rural and small county sheriffs, Juvenile Reentry Fund) to language identical to that of Proposition 30.
[220] – Long-term jail inmates	Intent language for budget proposal to provide that felony sentences of more than 10 years are to be served in state prison rather than county jail.

Given the timing of subcommittee hearings and, of course, the release of the Governor’s May Revision (scheduled for May 14), we will be able to provide the committee with additional updates at our May meeting that will take place as part of the CSAC Legislative Conference.

ITEM III
**Exploring State and Local Partnerships to Improve
Victim Restitution Collection**



April 11, 2014

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TO: CSAC Administration of Justice Policy Committee

FROM: London Biggs, CSAC Legislative Analyst

RE: Exploring State and Local Partnerships to Improve Victim Restitution Collection

Agenda Item III on this committee's April agenda will give the Victim Compensation and Government Claims Board (VCGCB) an opportunity to provide committee members with an overview and update on the Board's current efforts to engage with county stakeholders – including district attorneys, chief probation officers, and other county officials – on the issue of victim restitution in a post-realignment world.

Recently, VCGCB staff reached out to CSAC explaining their desire to partner with counties to better understand current restitution collection practices at the local level and potentially identify long-term approaches that will have the highest likelihood of ensuring that funds continue to be available to provide compensation and services to victims of crime.

Background

The VCGCB governs two distinct programs: (1) the California Government Claims Program (GCP), which helps resolve claims for money or damages against a State Agency or State Employees, and (2) the California Victim Compensation Program, also known as CalVCP, which provides monetary compensation to victims of crime from the state's Restitution Fund. A primary responsibility of the VCGCB is to ensure solvency of the Restitution Fund in order to cover the costs of the CalVCP program. The Restitution Fund receives most of its revenue from restitution fines, diversion fees, orders and penalties paid by criminal offenders, as well as a small portion from federally matched grants. Counties play an important role in maintaining the integrity of the Restitution Fund given that CalVCP works directly with prosecutors, probation officers, and the courts to facilitate the imposition of restitution orders and fines against criminal offenders. CalVCP also partners with county administrative offices on the back end to promote the collection of restitution owed after fines or orders have been imposed.

Through the Ten Percent Rebate Program administered by the VCGCB under CalVCP, counties are provided with a 10% rebate on restitution fines remitted to the Fund. However, California Government Code Section 13963 restricts the use of the 10% reimbursements toward anything other than funding additional restitution collection efforts. Counties may charge an offender up to a 15% administration fee which may be returned to the county's general fund, or the Trial Court Operations Fund, if collected by the court.

Over the last 45 years, CalVCP has provided more than \$2 billion in compensation from the Restitution Fund for payments to victims across the state for crime-related expenses. Nevertheless, there has been concern over the effects of the recent recession on collection efforts and possible procedural changes brought about in response to 2011 Criminal Justice Realignment that have called into question the solvency of the fund for future victims. Last year, the VCGCB convened a Restitution Summit to discuss issues and possible responses to less than expected revenue. During the summit, stakeholders identified the need to create a uniform survey tool that could provide quantifiable comparative data that could be used to review approaches, define processes, and develop long-term strategies to address fund solvency.

April 11 Presentation

The presentation by VCGCB staff will provide the committee with a progress report on the preliminary inquiry into county collection efforts and the Board's findings, as well as outline the Board's plan to roll-out a more robust uniform survey tool designed to provide quantifiable and comparable data that can be used to identify optimal methods and partnerships that promote the collection of restitution at both the state and local level. Time has been allotted for questions and answers and related materials are attached.

Exploring State and Local Partnerships to Improve Victim Restitution Collection

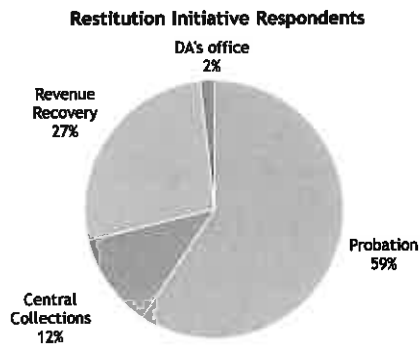
Presenters: Mary Wray, Acting Deputy Executive Officer, Administration and Finance, California Victim Compensation & Government Claims Board; Jennifer Green, Manager, Revenue Recovery Section, California Victim Compensation and Government Claims Board.

Attachments

Restitution Initiative Progress Report January 30, 2014

Methodology

- Phone interviews were conducted with representatives from all the counties and the City of San Diego



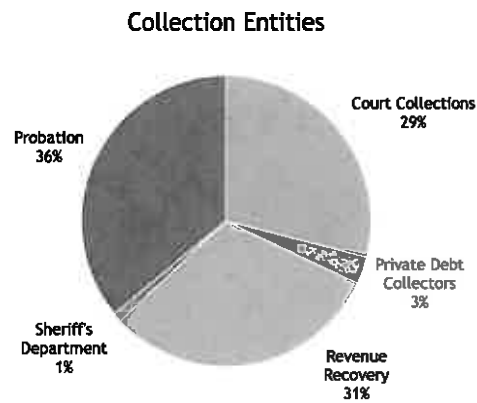
Findings - Established Collection Processes

- ▶ 38% of counties had or were working to develop a collection process for offenders in county prison
- ▶ However, 62% were not
 - ✓ Not cost effective
 - ✓ Low priority
 - ✓ Limited resources

Findings - Collecting from Offenders

- ▶ 84% are collecting from offenders on Mandatory Supervision
- ▶ 36% are collecting from offenders on Post-Release Community Supervision
- ▶ 81% are extending or revoking probation for non-payment
- ▶ 36% continue to collect from offenders once probation has ended

Findings - Collection Entities



Results

- ▶ Variety in methods and efficacy throughout the State
- ▶ Restitution is not being collected to its full potential
 - ▶ 64% of counties are not collecting restitution once probation has ended
 - ▶ “Victims can pursue collection civilly”
 - ▶ Counties feel they have little leverage
 - ▶ Resources are limited
- ▶ Initiated a dialogue with each county to discuss best practices
 - ▶ Marin identified challenges related to jurisdictional transfers
 - ▶ Monterey was prompted to develop a process
 - ▶ Calaveras began looking at ways to collect from offenders serving straight sentence

Next Steps

- ▶ **Develop a standardized survey tool that will result in quantifiable comparative data**
- ▶ **Write a letter of introduction from the Executive Officer to the County Executive of each County**
- ▶ **Use a web-based survey solution to collect, summarize and analyze responses**
- ▶ **Release the packages by mid February with responses requested in 30 days**

VCGCB Restitution Collection Survey

INTRODUCTION

***1. What county are you with?**

***2. What is your title?**

- County Administrator/Executive
- Court Executive
- Chief Probation Officer
- County Sheriff
- District Attorney
- Other (please specify)

PROBATION

***3. What agency/department collects restitution orders from probationers (felony)?**

- Probation Department
- Revenue Department
- Court Collections
- District Attorney
- Other (please specify)

***4. What agency/department collects restitution fines from probationers (felony)?**

- Probation Department
- Revenue Department
- Court Collections
- District Attorney
- Other (please specify)

VCGCB Restitution Collection Survey

*5. What agency/department collects restitution orders from probationers (misdemeanor)?

- Probation Department
- Revenue Department
- Court Collections
- District Attorney
- Other (please specify)

*6. What agency/department collects restitution fines from probationers (misdemeanor)?

- Probation Department
- Revenue Department
- Court Collections
- District Attorney
- Other (please specify)

*7. Are restitution orders distributed first?

- Yes
- No
- Other (please specify)

*8. If an offender has multiple restitution orders for one or more cases, how is restitution distributed?

- Pro-rated
- Split evenly
- Largest victim order (amount) first
- Smallest victim order (amount) first
- Other (please specify)

***9. If an offender has multiple restitution fines for one or more cases, how is restitution disbursed?**

- Pro-rated
- Split evenly
- Based on crime date (oldest case collected first)
- Based on crime date (newest case collected first)
- Other (please specify)

***10. What is the biggest obstacle your county has when collecting restitution from probationers?**

- Willful non-payment
- Inability to pay
- High unemployment
- Other (please specify)

***11. What is the biggest challenge your county faces in its restitution collection efforts?**

- Limited county resources
- Collection priority
- Administration fees insufficient to cover collection costs
- Other (please specify)

***12. Does the county establish payment plans for restitution orders?**

- Yes
- No
- Other (please specify)

VCGCB Restitution Collection Survey

***13. Does the county establish payment plans for restitution fines?**

- Yes
- No
- Other (please specify)

***14. Does the county revoke probation if probationers default on a payment plan?**

- Yes
- No
- Other (please specify)

***15. What agency/department tracks outstanding restitution orders for adult probationers (felony)?**

- Probation Department
- Revenue Department
- Court Collections
- District Attorney
- Other (please specify)

***16. What agency/department tracks outstanding restitution fines for adult probationers (felony)?**

- Probation Department
- Revenue Department
- Court Collections
- District Attorney
- Other (please specify)

*** 17. What agency/department tracks outstanding restitution orders for adult probationers (misdemeanor)?**

- Probation Department
- Revenue Department
- Court Collections
- District Attorney
- Other (please specify)

*** 18. What agency/department tracks outstanding restitution fines for adult probationers (misdemeanor)?**

- Probation Department
- Revenue Department
- Court Collections
- District Attorney
- Other (please specify)

*** 19. What agency/department tracks outstanding restitution orders for juvenile probationers (felony)?**

- Probation Department
- Revenue Department
- Court Collections
- District Attorney
- Other (please specify)

***20. What agency/department tracks outstanding restitution fines for juvenile probationers (felony)?**

- Probation Department
- Revenue Department
- Court Collections
- District Attorney
- Other (please specify)

***21. What agency/department tracks outstanding restitution orders for juvenile probationers (misdemeanor)?**

- Probation Department
- Revenue Department
- Court Collections
- District Attorney
- Other (please specify)

***22. What agency/department tracks outstanding restitution fines for juvenile probationers (misdemeanor)?**

- Probation Department
- Revenue Department
- Court Collections
- District Attorney
- Other (please specify)

VCGCB Restitution Collection Survey

*23. How frequently are restitution orders distributed?

- Once a week
- Once a month
- Based on total dollar amount collected
- Immediately
- Other (please specify)

*24. How frequently are restitution fines distributed?

- Once a week
- Once a month
- Based on total dollar amount collected
- Immediately
- Other (please specify)

PUBLIC SAFETY REALIGNMENT (Assembly Bill 109)

*25. Does the county collect restitution orders from offenders on Post Release Community Supervision?

- Yes
- No
- Other (please specify)

*26. Does the county collect restitution fines from offenders on Post Release Community Supervision?

- Yes
- No
- Other (please specify)

VCGCB Restitution Collection Survey

***27. Does the county collect restitution orders from offenders on Mandatory Supervision?**

Yes

No

Other (please specify)

***28. Does the county collect restitution fines from offenders on Mandatory Supervision?**

Yes

No

Other (please specify)

***29. Has the Board of Supervisors appointed/designated an entity to collect restitution at the county jail/county prison?**

Yes

No

Other (please specify)

JURISDICTIONAL TRANSFERS (Penal Code section 1203.9)

***30. How is the county handling jurisdictional transfers as it relates to the process for collecting and distributing restitution once an offender has been transferred?**

Collect and distribute fines and orders

Collect fines and orders, but receiving county distributes

Collect and distribute fines, but receiving county collects and distributes orders

Collect and distribute orders, but receiving county collects and distributes fines

Other (please specify)

COMPLETED SENTENCES

VCGCB Restitution Collection Survey

***31. Does the county collect restitution orders from offenders once probation has been terminated?**

- Yes
- No
- Other (please specify)

***32. If yes, what agency/department collects restitution orders from offenders once probation has been terminated?**

- Probation Department
- Revenue Department
- Court Collections
- Private Collection Agency
- Other (please specify)

***33. Does the county collect restitution fines from offenders once probation has been terminated?**

- Yes
- No
- Other (please specify)

***34. If yes, what agency/department collects restitution fines from offenders once probation has been terminated?**

- Probation Department
- Revenue Department
- Court Collections
- Private Collection Agency
- Other (please specify)

VCGCB Restitution Collection Survey

***35. Does the county continue to collect restitution orders from offenders once a straight sentence has been served?**

- Yes
 No
 Other (please specify)

***36. If yes, what agency/department collects restitution orders from offenders once a straight sentence has been served?**

- Probation Department
 Revenue Department
 Court Collections
 Private Collection Agency
 Other (please specify)

***37. Does the county continue to collect restitution fines from offenders once a straight sentence has been served?**

- Yes
 No
 Other (please specify)

***38. If yes, what county agency/department collects restitution fines from offenders once a straight sentence has been served?**

- Probation Department
 Revenue Department
 Court Collections
 Private Collection Agency
 Other (please specify)

VCGCB Restitution Collection Survey

***39. Does the county provide the CR-110 Order for Restitution/CR-111 Abstract of Judgment to victims?**

- Yes
- No
- Other (please specify)

***40. If so, when is the CR-110/CR-111 provided to victims?**

- Before sentencing
- During sentencing
- After sentencing
- Other (please specify)

***41. Does the county complete the CR-110/CR-111?**

- Yes
- No
- Other (please specify)

***42. If so, when is the CR-110/CR-111 completed?**

- Before sentencing
- During sentencing
- After sentencing
- Other (please specify)

FRANCHISE TAX BOARD (FTB)

Delinquent is defined as 90 days without payment (Revenue and Taxation Code section 19280)

VCGCB Restitution Collection Survey

***43. Does the county send delinquent restitution fine debts to FTB?**

Yes

No

Other (please specify)

***44. Does the county send delinquent restitution order debts to FTB?**

Yes

No

Other (please specify)

***45. Does the county have a contract with FTB's Tax Intercept Program?**

Yes

No

Other (please specify)

***46. Does the county have a contract with FTB's Court-Ordered Debt Program?**

Yes

No

Other (please specify)

***47. If yes to #45 and/or #46, which agency/department is responsible for managing these contracts?**

Probation Department

Revenue Department

Court Collections

District Attorney

Other (please specify)

VCGCB Restitution Collection Survey

***48. Does the county use a private contractor to collect restitution fines?**

Yes

No

Other (please specify)

***49. Does the county use a private contractor to collect restitution orders?**

Yes

No

Other (please specify)

***50. Does the county use both FTB and a private contractor for the collection of restitution debts?**

Yes

No

Other (please specify)

OTHER

***51. Is the county aware of the 10% rebate program offered by the Victim Compensation and Government Claims Board (VCGCB)?**

Yes

No

Other (please specify)

***52. What other services can VCGCB provide to assist the county with improving victim restitution?**

- Technical assistance with FTB procedures
- Maintain a website of best practices
- Clearinghouse of authorities/regulations/statutes regarding restitution
- Host/administer a restitution blog
- Provide more restitution training
- Other (please specify)

ITEM IV
**2014 Department of Justice Policy Priorities:
Recidivism Reduction; Combatting Truancy and
Human Trafficking**



April 11, 2014

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TO: CSAC Administration of Justice Policy Committee

FROM: London Biggs, Legislative Analyst

RE: 2014 Department of Justice Policy Priorities: Combatting Truancy, Human Trafficking and Recidivism in California

As committee members are aware, the CSAC 2014 legislative priorities identify as one of two cross-cutting issues the need for counties to be more active and involved in prevention and intervention strategies that make our communities healthier and safer.

In keeping with this initiative and the underlying need for targeted upstream investments to avoid more expensive downstream system interaction, we have invited senior staff from the California Department of Justice (DOJ) to speak to the committee about the Department's top prevention and intervention efforts for 2014 in the following Administration of Justice related areas:

- Human Trafficking
- Truancy and Chronic Absenteeism
- Recidivism Reduction

Given the broad array of public safety programs under DOJ's jurisdiction in multiple areas of interest to committee members, we felt it both timely and appropriate to focus the committee on a discussion of statewide efforts currently underway as a precursor to our next discussion during the legislative conference that will explore several successful local programs in similar areas.

During this presentation to the committee, DOJ staff will:

- Provide an overview and discussion of key findings from the 2012 report, the State of Human Trafficking in California;
- Discuss recently enacted legislation designed to expand human trafficking investigations and increase criminal convictions;
- Discuss key findings and solutions resulting from DOJ research related to the In School and On Track initiative;
- Review the Attorney General's 2014 package of legislative bills designed to combat Truancy; and
- Update the committee on DOJ's Division of Recidivism Reduction and Reentry, which is currently partnering with California's police chiefs and district attorneys to develop a statewide definition of recidivism and advance innovative, evidence-based approaches to recidivism reduction in California.

Time will be allotted for question and answers from committee members. Please see related attachments associated with each topic area for more detail.

We have also attached for your information a flier announcing an April 24 training offered by the California Institute for Mental Health (CIMH): *School to Prison Pipeline – Stop the Cycle*.

2014 Department of Justice Policy Priorities: Combatting Truancy, Human Trafficking and Recidivism in California

Presenter: Jill Habig, Special Assistant Deputy Attorney General, Department of Justice

Attachments

State of California ~ Department of Justice
OFFICE of the ATTORNEY GENERAL
KAMALA D. HARRIS

Attorney General Harris Unveils Report Detailing Human Trafficking Trends in California and Law Enforcement Responses

Friday, November 16, 2012
Contact: (415) 703-5837

LOS ANGELES – Attorney General Kamala D. Harris today released *The State of Human Trafficking in California 2012*. The report outlines the growing prevalence of the crime of human trafficking in the state, the increasing involvement of sophisticated transnational gangs in perpetrating the crime and the modern technologies that traffickers use to facilitate it.

Attorney General Harris released the report at the Human Trafficking Leadership Symposium, hosted by the University of Southern California in partnership with Humanity United. Leaders from law enforcement, victim service groups, non-government organizations and other groups convened to discuss the report and consider best practices in the fight against forced labor and sex trafficking. U.S. Secretary of Labor Hilda L. Soils and Mexico Attorney General Marisela Morales Ibáñez provided keynote remarks at the symposium.

"Human trafficking is a growing threat because criminal organizations have determined it is a low-risk, high-reward crime. We are here to change that calculus," said Attorney General Kamala D. Harris. "We must counter the ruthlessness of human traffickers with our resolve, innovation and collaboration. Law enforcement must continue to get trained, gather data and work to shut down the human trafficking operations in our state."

California law enforcement and service providers have committed to cracking down on this rapidly-evolving crime. The report finds that from mid-2010 to mid-2012, California's nine regional anti-human trafficking task forces provided training to 25,591 law enforcement personnel, prosecutors, victim service providers and other first responders. During the same period, the task forces identified 1,277 victims, initiated 2,552 investigations, and arrested 1,798 individuals for the crime. California – the nation's most populous and diverse state and the world's ninth largest economy – is one of the nation's top four destination states for trafficking human beings. Despite public perception, 72 percent of trafficked human beings in the state cite the United States as their country of origin, with the remainder coming from foreign countries.

The report also describes the evolving challenges California faces in addressing this crime, which has become a \$32 billion-a-year global industry. Among the key findings in the report, organized criminal networks and street gangs are increasingly responsible for trafficking persons into and throughout the state. The prevailing wisdom among these criminals is that human trafficking is more profitable and has a lower risk of being detected than drug trafficking. In addition, new innovations in technology make it possible for traffickers to recruit victims and perpetrate their crimes online. However, technology is also key to successful enforcement as the Internet, social media and mobile devices provide new avenues for identifying perpetrators, reaching out to victims and raising public awareness about human trafficking.

Attorney General Harris earlier this year convened a Human Trafficking Work Group to update the first Human Trafficking in California report, released in 2007 by the California Alliance to Combat Trafficking and Slavery Task Force, as a result of the state's first anti-trafficking law (AB 22, Lieber). Attorney General Harris was a co-sponsor of AB22 and participated in the 2007 Task Force as San Francisco's District Attorney and the representative of the

California District Attorney's Association. The 2012 Work Group Included more than 100 representatives of state, local and federal law enforcement, state government agencies, victim service providers, nonprofit groups, technology companies and educational institutions. The State of Human Trafficking in California 2012 reflects the Work Group discussions held during three day-long meetings in Sacramento, San Francisco and Los Angeles, as well as supplemental research and investigation by the California Department of Justice.

Releasing the report on the current state of human trafficking is one of the steps Attorney General Harris has taken to combat the crime. In October, Attorney General Harris and Mexico Attorney General Mariela Morales Ibáñez signed an accord to help expand prosecutions and secure convictions of criminals who engage in the trafficking of human beings. In June, Attorney General Harris partnered with the Polaris Project and Yahoo! to help get human trafficking victims access to resources via sponsored search results displayed to potential victims of the crime. In 2011, Attorney General Harris joined the National Association of Attorneys General in calling on Backpage.com to shut down its adult services section, which had been used to facilitate sex trafficking.

Attorney General Harris also sponsored two new anti-trafficking laws, Assembly Bill 2466, by Bob Blumenfeld (D-San Fernando Valley), which ensures that criminal defendants involved in human trafficking will not dispose of assets that would otherwise be provided as restitution to victims; and Senate Bill 1133, by Mark Leno (D-San Francisco), which expands the list of assets that a human trafficker must forfeit and provides a formula for using those resources to help victims of human trafficking. Both laws will take effect on January 1, 2013.

Key Highlights from The State of Human Trafficking in California 2012

From mid-2010 to mid-2012, California's nine regional human trafficking task forces identified 1,277 victims, initiated 2,552 investigations, and arrested 1,798 individuals.

In the same two-year period, California's task forces provided training to 25,591 law enforcement personnel, prosecutors, victim service providers, and other first responders. Several non-governmental organizations have also trained judicial officers, airport personnel, social service providers, pro bono attorneys, and retail businesses, among others. The variety of individuals who have been trained underscores the pervasiveness of human trafficking and the important role that governmental and non-governmental actors play in detecting trafficking and assisting victims.

72 percent of human trafficking victims whose country of origin was identified by California's task forces are American. The public perception is that human trafficking victims are from other countries, but data from California's task forces indicate that the vast majority are Americans.

Labor trafficking is under-reported and under-investigated as compared to sex trafficking. 56 percent of victims who received services through California's task forces were sex trafficking victims. Yet, data from other sources indicate that labor trafficking is 3.5 times as prevalent as sex trafficking worldwide.

Local and transnational gangs are increasingly trafficking in human beings because it is a low-risk and high, renewable profit crime. It is critical for federal, state, and local law enforcement and labor regulators to collaborate across jurisdictions to disrupt and dismantle these increasingly sophisticated, organized criminal networks.

A vertical prosecution model run outside routine vice operations can help law enforcement better protect victims and improve prosecutions. Fostering expertise about human trafficking within a law enforcement agency and handling these cases outside routine vice operations can prevent erroneously viewing trafficking victims as perpetrators.

Early and frequent collaboration between law enforcement and victim service providers helps victims and prosecutors. Victims who receive immediate and comprehensive assistance are more likely to help bring their traffickers to justice.

Traffickers are reaching more victims and customers by recruiting and advertising online. Traffickers use online advertising and Internet-enabled cell phones to access a larger client base and create a greater sense of anonymity. Law enforcement needs the training and tools to investigate trafficking online.

Technology is available to better identify, reach, and serve victims. Tools like search-term-triggered messages, website widgets, and text short codes enable groups to find victims online, connect them with services, and encourage the general public to report human trafficking.

Alert consumers need more tools to leverage their purchasing power to reduce the demand for trafficking. Public and private organizations are just beginning to create web-based and mobile tools to increase public awareness and educate consumers about how to help combat human trafficking.

Human trafficking involves the recruitment, smuggling, transporting, harboring, buying, or selling of a person for purposes of exploitation, prostitution, domestic servitude, sweatshop labor, migrant work, agricultural labor, peonage, bondage or involuntary servitude. While human trafficking often involves the smuggling of human beings across international borders, numerous Americans are trafficked around the United States every year. Human trafficking strips people, especially women and children, of their freedom and violates our nation's promise that every person in the United States is guaranteed basic human rights.

For more information on the trafficking of human beings and to view the report online, go to www.oag.ca.gov/human-trafficking.

###



A Juvenile Justice Roundtable

School to Prison Pipeline: Stop the Cycle

Date:

**Thursday, April 24, 2014
9:30 AM – 3:00 PM
Registration at 8:30 AM**

Click [HERE](#) to register

Location:

**CSAC Conference Center
1100 K Street, Suite 101
Sacramento, California 95814**

Event Description:

The school-to-prison pipeline is an epidemic that is plaguing schools across the nation. Far too often, students are suspended, expelled or even arrested for minor offenses. Such policies as Zero Tolerance disproportionately target students of color and those with a history of abuse, neglect, poverty or learning disabilities.

This event will address the call to action to end the “School to Prison Pipeline”. There will be three segmented roundtable discussions that look at the challenges, research and solutions to ending the cycle. There will be personal testimony, examples of alternative programs and discussion regarding current legislation targeted to fund local community programs.

Who Should Attend:

Anyone working with youth, youth & families, transition age youth, the school system, law enforcement, corrections, judicial branch, mental health and substance use services, persons with lived experience, policy makers and researchers.

Registration Fee:

**\$75.00 on or before Thursday, April 17, 2014
\$85 after Thursday, April 17, 2014
\$10.00 (Youth price up to age 25)**

Payment may be made by

Visa®/MasterCard®/Discover/ check, or purchase order. Registration will be confirmed by email. CIMH TAX ID # 68-0314970.

Continuing Education: Psychologists - APA: CIMH is approved by the American Psychological Association to sponsor continuing education for psychologists. CIMH maintains responsibility for this program and its content.

For more information, please contact:

Sheron Wright at swright@cimh.org or
Karen Kurasaki, PhD at kkurasaki@cimh.org

State of California ~ Department of Justice
OFFICE of the ATTORNEY GENERAL
KAMALA D. HARRIS

Attorney General Kamala D. Harris and Legislative Leaders Unveil Truancy Legislation

Monday, March 10, 2014

Contact: (415) 703-5837

SACRAMENTO – Attorney General Kamala D. Harris today announced a package of legislation to help local school districts and communities address California’s elementary school truancy crisis. Each year, an estimated one million elementary school students are truant and 250,000 elementary school students miss 18 or more school days at a cost of \$1.4 billion in lost funds to California school districts.

Joined by State Superintendent of Public Instruction Tom Torlakson, State Senator Bill Monning and Assemblymembers Raul Bocanegra, Rob Bonta, Joan Buchanan, Isadore Hall and Chris Holden, Attorney General Harris announced her sponsorship of five bills that will help schools, parents and government effectively intervene when children are chronically absent, and improve local school districts’ and counties’ ability to track attendance patterns.

“California’s Constitution guarantees our children the right to an education, yet our elementary schools face a truancy crisis,” Attorney General Harris said. “When children in kindergarten through sixth grade miss school, they fall behind and too many never catch up. The consequences for California’s economy and public safety are very serious. These bills modernize attendance monitoring and build the support schools, parents and communities need to get California’s children to class.”

The legislation will:

- Assist schools and counties as they work with parents to address the core reasons behind truancy and chronic absence.
- Provide local school districts and counties tools to comply with attendance tracking requirements in the Local Control Funding Formula (LCFF), state truancy mandates and state and federal reporting requirements.
- Modernize state and local systems to track and prevent truancy and chronic absence.
- Ensure that schools, districts, counties and the state can evaluate the success of interventions to combat truancy and chronic absence.

“It is an honor to be able to partner with Attorney General Harris on SB 1107. We have long known the importance of early childhood education, and that full attendance of elementary school students is one of the keys to later academic success. By mandating the annual tracking and reporting by the Attorney General, we will be able to offer local school districts additional tools in tackling this very complex issue,” Senator Monning said.

“I’m proud to stand with Attorney General Harris to unveil this package of legislation that will help to address the truancy crisis here in California. AB 1866 will allow educators and stakeholders to identify students at risk of becoming truants earlier in the process, which will allow preventative steps to be taken to ensure these students get back to school and back on track. Hundreds of thousands of our young men and women are truant from school each

and every year. That is simply unacceptable and I applaud Attorney General Harris for helping to shine a spotlight on this critical issue," Assemblymember Bocanegra said.

"Putting our children on the right path starts with making sure they are in school, and requires that we all work together to ensure that happens. That means developing the lines of communication between schools, parents and law enforcement to address the issue—which is what AB 2141 does. Additionally, this package of bills being put forward by the Attorney General will help stakeholders intervene early when students are not in class," Assemblymember Bonta said.

"With the right individuals at the table, such as mental health or social service agencies, we can work with students and families to find a positive solution to attendance challenges. By requiring every county to have a SARB, we guarantee that this important tool is available across the state," said Assemblymember Buchanan.

"A student's chronic truancy is a symptom of larger problems in a young person's life. Our efforts to reduce student truancy mean very little when we don't know which programs work and which ones don't. My AB 2141 is an important tool in helping to identify successful outcomes which will help us to better coordinate state and local efforts needed to keep students on track and in the classroom," Assemblymember Hall said.

"I am proud to author a bill that will help more students stay in the classroom and out of the courtroom. If schools aren't tracking what students are missing you won't be able to effectively fix the problem. Second graders are missing school and arriving late for very different reasons than 11th graders. Requiring County Offices of Education to forward the complete reports to the Department of Education will allow the State to identify trends and find best practices to address this crisis," Assemblymember Holden said.

In School +On Track also made the point that elementary school truancy is at the root of the state's chronic criminal justice problems. Missing large amounts of school is one of the strongest predictors of falling behind academically and dropping out, even in early grades. According to one study, students who missed 10% of their kindergarten and first grade years scored, on average, 80 points below similar students with good attendance on third-grade reading tests. And, students who don't read proficiently by the third grade are four times more likely not to receive a high school diploma than proficient readers, which puts them at risk of becoming a victim or perpetrator of crime. An increase of graduation rates by just 10% would result in a 20% drop in violent crime, and prevent 500 murders and more than 20,000 aggravated assaults per year in California.

Annually, dropouts cost California taxpayers an estimated \$46.4 billion in incarceration, lost productivity and lost taxes.

As the District Attorney of San Francisco, Attorney General Harris started a citywide truancy initiative in 2006. Over a two-year period, then-District Attorney Harris' initiative reduced truancy among elementary students in San Francisco by 23%, according to the San Francisco Unified School District. The initiative also served as a model for SB 1317 (Leno), which defined "chronic truancy" for the first time under state law and established the initiative's model of combining meaningful services with smart sanctions in the California Penal Code. The bill was sponsored by then-District Attorney Harris and was enacted into law in 2010.

Attorney General Harris' Truancy Legislation Package

SENATE BILL 1107 - Mandated Annual Report Legislation

Author: Senator Bill Morring

Mandate that the California Attorney General issue an annual report on elementary school truancy and chronic absenteeism similar to 2013's In School + On Track report. This will help track truancy and chronic absence rates and highlight effective programs to improve attendance across the state.

ASSEMBLY BILL 1866 - Statewide Attendance Data System

Author: Assemblymember Raul Bocanegra

Enhance the state Department of Education's student record system to include fields on truancy and absenteeism. California is one of only four states in the country that does not collect student attendance data. This will allow local school districts to monitor and analyze attendance patterns, as required under the LCFF.

ASSEMBLY BILL 1672 - Enhanced SARB (Student Attendance Review Board) Reports

Author: Assemblymember Chris Holden

Require that local SARBs (School Attendance Review Boards) report annually on referral rates to county offices of education and expand these reports to include information on student enrollment, absence and truancy rates, district attorney referrals and SARB intervention outcomes. Current annual SARB reports provide minimal information about intervention outcomes, so it is difficult to get the full picture of SARB efforts around the state. This bill ensures schools, districts and counties can evaluate the success of truancy intervention efforts.

ASSEMBLY BILL 1643 - Mandatory SARBs

Author: Assemblymember Joan Buchanan

Require that every county create a SARB. Forty years ago, the legislature created SARBs in order to divert students who were having school attendance issues from the juvenile justice system. County SARBs are a great local tool to provide training, guidance and oversight to local SARBs within a county to ensure consistency and achievement of the SARB's core mission: improved attendance.

ASSEMBLY BILL 2141 - District Attorney Referral Outcome Reports

Authors: Assemblymember Isadore Hall, Assemblymember Rob Bonta

Require that when a parent or student is referred to district attorney's office or any other agency engaged in prosecution or charges are considered to enforce state school attendance laws, the prosecuting agency must provide a report on the outcome of the referral. This helps school officials determine which outcomes are effective and guarantees baseline information sharing between referring agencies and prosecutors.

**Additional statements of support for this legislation and graphics from the press conference are available at:
<https://oag.ca.gov/news>**

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Attachment	Size
 Truancy Posters.pdf	4.4 MB
 Statements of Support .pdf	61.3 KB

State of California Department of Justice
OFFICE of the ATTORNEY GENERAL
KAMALA D. HARRIS

Attorney General Kamala D. Harris Launches Initiative to Reduce Recidivism in California

Wednesday, November 20, 2013
Contact: (415) 703-5837

LOS ANGELES — Attorney General Kamala D. Harris today launched a new initiative designed to curb recidivism in California through partnerships between the California Department of Justice's new Division of Recidivism Reduction and Re-Entry and the state's counties and District Attorneys.

The Division will support counties and District Attorneys by partnering on best practices and policy initiatives, such as the development of a statewide definition of recidivism, identifying grants to fund the creation and expansion of innovative anti-recidivism programs and using technology to facilitate more effective data analysis and recidivism metrics.

"California's District Attorneys bring vital experience to the challenge of reducing recidivism, and it is important their perspective is incorporated," said Attorney General Harris. "This new division will support innovative, evidence-based approaches to recidivism solutions in California."

"San Diego County has been a statewide leader in working to reduce recidivism through innovative prisoner re-entry programs," said San Diego County District Attorney Bonnie Dumanis. "We welcome the Attorney General's leadership and commitment of resources in this area as our County continues to protect public safety while dealing with the ongoing challenges brought on by prisoner realignment."

"The Attorney General's initiative will provide local prosecutors with the accurate data we need to determine realignment's real impact on public safety," Los Angeles County District Attorney Jackie Lacey said. "I look forward to working with other prosecutors in developing effective diversion programs for nonviolent offenders and seeking funds to expand alternative sentencing courts."

"Any successful crime reduction effort must include a strategic and well planned approach to combatting recidivism," said Alameda County District Attorney Nancy E. O'Malley. "Both low level criminals as well violent offenders will eventually return to our communities when released from jail or prison, and I welcome the opportunity to work closely with Attorney General Harris' office on putting into place the best possible strategies to reduce crime and recidivism rates."

"The decision to implement a new strategic plan that would ultimately help reduce crime and recidivism in our state is a powerful step forward, and I commend Attorney General Harris for her leadership in this area," San Bernardino County District Attorney Michael Ramos said. "It is a data-driven methodology that will not only better equip local DAs with resources and technical assistance, but one that will make our streets safer. As we continue to address the ever changing needs brought about by prison reform, this initiative is a much-needed, collaborative approach to tackling crime more effectively at the state and local levels."

"I appreciate the leadership of Attorney General Harris in focusing our collective attention to best practices to reduce recidivism and crime in our communities," Los Angeles County Sheriff Lee Baca said. "The Los Angeles County Sheriff's Department has been a national leader in rehabilitating jail inmates while incarcerated, and those efforts will

only be enhanced with proven re-entry strategies focusing on helping offenders be successful upon release from jails and prisons."

"As the California Criminal Justice System continues to recalibrate itself with the implementation of Realignment, the California Police Chiefs Association is encouraged by the Attorney General's announcement that the Department of Justice will partner with counties to identify and implement successful reentry programs," California Police Chiefs Association President Kim Raney said. "Ensuring public safety in our communities is the primary mission for Police Chiefs, and we welcome the Attorney General's commitment to work with counties to ensure the safety of cities statewide."

The Division of Recidivism Reduction and Re-Entry will consist of three subdivisions focused on program development, evaluation and grants. It will be funded through existing California Department of Justice resources.

The Division will use innovative technology, such as the Department's recently created California SmartJustice system, to analyze offender populations and recidivism risk factors. SmartJustice, a new database and analytical tool created by the California Department of Justice, can track repeat offenders and offense trends to provide counties with more effective options in developing anti-recidivism initiatives.

In 2005, then San Francisco District Attorney Harris created a reentry initiative called Back on Track, which aimed to reduce recidivism among certain low-level, non-violent drug offenders. Over a two-year period, the program reduced recidivism among its graduates to less than 10 percent. Back on Track was designated as a model for law enforcement by the US Department of Justice.

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ITEM V
Three-Judge Panel Update / SB 105 (2013) Interim Report



April 4, 2014

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TO: CSAC Administration of Justice Policy Committee
FROM: Elizabeth Howard Espinosa, CSAC Senior Legislative Representative
RE: **Three-Judge Panel Update / SB 105 (2013) Interim Report**

Since this committee's last meeting, the state received final and formal direction from the federal three-judge court with jurisdiction over the decades-long litigation over state prison overcrowding. On February 10, the court issued what presumably will be the final order in the joint *Coleman* (over issues of mental health service delivery) and *Plata* (over medical service delivery) class action suits that found that overcrowding in the state's prisons was the primary cause of the unconstitutional level of care being provided to prison inmates. That ruling granted the state's request for an additional two-year extension to meet the court's August 2009 order to bring the prison population down to 137.5% of design capacity – to about 110,000 inmates.

The specific elements of the February 10 order are as follows:

- Extends the timeframe for the state to come in compliance with the 137.5% benchmark to **February 28, 2016**, with the three interim benchmarks.
- Maintains the court's jurisdiction during the extension period and caps the current number of prison inmates housed in out-of-state facilities at approximately 8,900;
- Implements elements of the state's previously outlined plan to achieve compliance:
 - Grants *prospective* credit earning enhancements for non-violent second strike offenders and minimum custody inmates;
 - Establishes a *new* parole suitability screening process through the Board of Parole Hearings for non-violent second strikers who have served at least half their sentence;
 - Expands medical parole and implement an elderly parole program for specified inmates;
 - Activates new reentry hubs and expand community reentry programs; and
 - Expands alternative custody for female inmates.
- Requires monthly reports from the state on measures being taken.
- Appoints a compliance officer with specified duties specifically tied to identifying and ordering release of lower-risk inmates only if the state were to miss a benchmark during the next two years. The compliance officer – who must be jointly recommended to the court by the plaintiffs and defendants – shall retain his or her powers until it is "firmly established" that the state's achievement of the 137.5% population benchmark is durable.
- Directs the state to identify categories of prisoners least likely to reoffend or who might otherwise be candidates for early release. The list will not be reviewed by the court or the compliance officer unless the state fails to make progress toward meeting the population reduction benchmark, as specified in the order.

The order also assumes the defendants (the state) will abide by its previous commitment not to appeal the order or any subsequent order necessary to carry out implementation of the state's compliance plan. Further, it reaffirms the expectation that the state will fulfill its commitment to develop comprehensive, sustainable, and long-term population reduction reforms, which could include the establishment of a

sentencing commission. The court action effectively sanctions both the state's plans as previously outlined to the court as well as the assumptions upon which the Governor's 2014-15 budget proposal were built. (See summary at the end of this document.) The opinion gives insight into the court's rationale, making clear that the final conclusion likely was more about rejecting the plaintiff's recommendation to force immediate compliance – which would have led the state continuing to rely on out-of-state capacity – than it was a ringing endorsement of the state's request. The court clearly is looking for a durable, long-term solution that can keep the state in compliance with the 137.5% benchmark into the future, and that path – the court concluded – is the better choice to ensure the state can pursue the steps necessary to reduce the prison population.

SB 105 (2013) – INTERIM REPORT

As counties will recall, SB 105 (Steinberg, 2012) enacted the compromise approach to the state's long-term management of issues associated with state prison overcrowding and the related federal court orders. Among other provisions in the bill, SB 105 directed the Administration to work with stakeholders and others to “assess the state prison system, including capacity needs, prison population levels, recidivism rates, and factors affecting crime levels, and to develop recommendations on balanced solutions that are cost effective and protect public safety.” An interim report on these efforts was submitted, as required in statute, on April 1. A final report is due in January 2015.

The interim report contains four main sections:

1. A discussion of the prison population that focuses on how the characteristics of state prison inmates have changed prior to and after 2011 realignment;
2. An examination of the prison capacity needs now and into the future;
3. Examination of factors affecting crime; and
4. A review of input from stakeholder groups and recidivism reduction efforts.

The bulk of the narrative is focused on the first section regarding how the state prison population has changed since realignment. The report acknowledges that because it is an interim accounting of the state's efforts to examine the system and continue discussions with stakeholders, no formal recommendations are made at this time. The report can be found on the Department of Finance website (http://www.dof.ca.gov/budget/historical/2014-15/documents/SB-105_Report-Final.pdf).

Governor's 2014-15 Budget Proposal: Corrections Elements

The Governor's budget notes that both adult prison and state juvenile populations are projected to increase in the budget year when compared to previous projections. The bulk of the corrections section is devoted to a detailed discussion of the state's efforts to comply with the federal court's order to reduce the state's prison population to 137.5% of design capacity. The 2014-15 budget assumes the federal court will grant the state an additional two years – beyond the current April 2014 deadline – to bring the prison population under the mandated cap. If no such extension is granted, the state will commit its entire \$315 million expenditure authority granted in SB 105 (2013) through contracting for bed space. Assuming the extension is granted, the state estimates it will have approximately \$81.1 million in 2014-15 to commit through the Recidivism Reduction Fund (established pursuant to SB 105) and would make the following investments:

- Increase state prison substance use disorder treatment – \$11.8 million for 10 non-reentry hub institutions, with an additional investment to extend to the remaining 11 non-reentry hub institutions, and an additional \$9.7 million for in-state contract facilities;
- Expand Integrated Services for Mentally Ill Program – \$11.3 million to increase program capacity from 600 to 900. This model offers comprehensive treatment with varied levels of care with a goal of stability and self-sufficiency;
- Establish state reentry hub – \$8.3 million to renovate 600-bed facility in Stockton over the next two years; and
- Establish state reentry in the community – \$40 million for a variety of reentry approaches with inmates who are within one year of prison release. Proposal would accommodate an array of models, including jail-based reentry programs or residential reentry services in facilities within the community.

Additionally, the budget describes immediate steps to be taken as well as ongoing implementation efforts that will contribute toward meeting the 137.5% design capacity threshold:

- **Expanded Medical Parole** — Chapter 405, Statutes of 2010 (SB 1399), authorized the state's existing Medical Parole Program. The court has ordered a program expansion to cover more inmates with severe physical or cognitive conditions. Since January 2011, the Board of Parole Hearings has heard 63 requests for medical parole and issued 56 grants.
- **Elderly Parole** — A process will be established to assess state prison inmates who are 60 years or older and have served at least 25 years of their sentence for parole suitability. Certain categories of inmates will be excluded, and those evaluated would only be granted parole if the parole board finds the person poses no unreasonable risk to public safety.
- **Prospective Credit Enhancements** — Non-violent second-strike inmates will be prospectively eligible for increased credit earning (good-time credits will be earned 33.3 percent rather than 20 percent, as permitted under existing law). In addition, milestone credits will be granted for completing rehabilitative programs. Offenders released under these provisions will be on state parole supervision until such time as they would otherwise have been released to county jurisdiction under Post Release Community Supervision. Any parole revocations would be served in state prison.
- **Ongoing implementation efforts** – The budget acknowledges additional anticipated population reductions as a result of ongoing implementation on Three Strikes reform authorized by Proposition 36 (2012) and by Senator Loni Hancock's SB 260 (2013), which requires parole reviews for certain juvenile offenders sentenced to state prison. In addition, the Board of Parole Hearings will reduce their suitability hearing timeline for inmates sentenced to life in prison from 180 days to 120 days by streamlining the hearing preparation process.

ITEM VI
2014 Legislative Overview and Update



April 7, 2014

1100 K Street
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TO: CSAC Administration of Justice Policy Committee
FROM: Elizabeth Howard Espinosa, CSAC Senior Legislative Representative
London Biggs, CSAC Legislative Analyst
RE: 2014 Legislative Overview and Update

As committee members will recall, the Legislature is in the second year of a two-year legislative session. The spring months are especially heavy as policy committees in both houses face deadlines for bills to pass out of their house of origin. For bills that have a fiscal impact, those measures must also clear a fiscal committee by late May, so we are headed into legislative “crunch time” in the weeks ahead.

Your AOJ policy team continues to work our way through the hundreds of bills in our policy area. Attached is a chart we have prepared, which groups legislative measures in four main categories: “hot bills” – measures on which CSAC has taken an active position, followed by three key subject matters that we are tracking closely either because they are emergent issues or because they are highlighted in our 2014 legislative priorities. We look forward to discussing key measures of interest with you on April 11.

Attachment

Bill no. / author	Description	Status / Votes
<p>NOT BILLS</p> <p>AB 579 (Melendez) Mandatory supervision SUPPORT</p>	<p>This bill is a clean-up legislation that seeks to clarify in state law that the period of mandatory supervision period begins immediately upon release from custody for individuals who have been given a split sentence under Penal Code Section 1170 (h) as a result of 2011 Realignment.</p> <p>CSAC supports this measure as it will ensure that county probation departments are able to initiate their mandatory supervision duties as originally intended by statute.</p> <p>AB 579 is co-sponsored by the California State Sheriffs' Association and the Chief Probation Officers of California</p>	<ul style="list-style-type: none"> • Asm Public Safety (7-0) • Asm Floor (75-0) • Sen Public Safety (7-0) <p>Currently awaiting a vote on the Senate Floor</p>
<p>AB 1512 (Stone) Corrections: inmate transfers SUPPORT</p>	<p>This bill would allow the Board of Supervisors of a county to enter into a transfer agreement with another county to house local jail inmates when it is deemed in the opinion of the Sheriff of the transferring county that the current facilities for housing inmates are inadequate to serve the population.</p> <p>CSAC believes this legislation will maintain county flexibility and preserve a clear population management tool for local law enforcement.</p>	<ul style="list-style-type: none"> • Asm Public Safety (7-0) • Asm Floor (76-0) <p>Currently pending referral to the Senate Public Safety Committee</p>
<p>AB 2085 (Fox) Misdemeanor Violations/ Amnesty Program Concerns</p>	<p>This bill authorizes an amnesty program for delinquent court fines for a year-long period from January 1 to December 31, 2016.</p> <p>While CSAC acknowledges and appreciates recent amendments to clarify that the execution of the amnesty program would be permitted only when both the local court and county agree, from a statewide perspective, we question the efficacy of jurisdiction-by-jurisdiction decisions and wonder if a more appropriate model would be one undertaken statewide.</p> <p>Further, CSAC believes it would be not be sound fiscal policy to enact a measure now authorizing a program beginning in 2016 effectively signals to the public the notion that it "pays" to ignore court-ordered obligations, because an opportunity to settle the debt at 50 cents on the dollar is just two years away. CSAC believes this timing aspect will further diminish already declining collection receipts and continues to raise the concerns with the author.</p>	<ul style="list-style-type: none"> • Asm Public Safety (5-0) <p>Currently awaiting a hearing in Assembly Transportation Committee</p>

Bill no. / author	Description	Status / Votes
AB 2199 (Muratsuchi) Mandatory supervision: costs SUPPORT	<p>This bill would expand existing law that authorizes the court to direct specified defendants to pay all or a portion of the reasonable cost of probation-related services.</p> <p>CSAC supports AB 2199 as a reasonable statutory correction allowing the court to order a defendant to contribute to their own supervision services.</p>	<ul style="list-style-type: none"> Asm Public Safety (7-0) <p>Currently recommended for consent on the Assembly Floor</p>
AB 2314 (Hall) Peace officers: firearms OPPOSE	<p>This bill would require that the Chief Probation Officer of a county train and arm all probation officers and deputy officers that have caseloads that may include offenders who are deemed to be high-risk.</p> <p>If AB 2314 were to become law, the bill would effectively impose a blanket arming requirement and do away with local discretion. Counties currently have the authority and discretion to determine when arming is appropriate and therefor this bill is overly restrictive and unnecessary.</p> <p>CSAC has joined with the Urban Counties Caucus (UCC), the Rural County Representatives of California (RCRC), as well as the County of Los Angeles in opposition to the bill.</p>	<p>The bill was referred to Asm Public Safety Committee and then withdrawn from consideration by the Author. The bill will likely be set for another hearing in the same committee later this month.</p>
AB 2373 (Hernandez) Probation officers: funding OPPOSE	<p>The bill restricts local budgeting authority by requiring a county to provide probation departments with available discretionary resources or carry out a burdensome process to illustrate why funds cannot be provided.</p> <p>CSAC believes AB 2373 is an affront to the core responsibility of county boards of supervisors whose primary responsibility is to responsibly identify budget priorities across dozens of county departments and hundreds of vital programs and services. For these reasons, CSAC strongly opposes this measure.</p>	<p>This bill is set for hearing in Asm Local Government Cmte (4/9) and is double referred to Assembly Public Safety Committee.</p>
AB 2526 (Gonzalez) Composition of Community Corrections Partnerships OPPOSE	<p>This bill is yet another attempt to change the membership composition of the Community Corrections Partnerships (CCPs).</p> <p>Under the bill, the structure of local CCPs and their executive committee would be forced to expand to accommodate two additional members: a rank-and-file deputy sheriff or police officer and a rank-and-file probation officer.</p> <p>Both CSAC and the Urban Counties Caucus (UCC) oppose this measure on the grounds that successful implementation of realignment requires that these bodies do not become too large or unwieldy given their enormous public safety</p>	<p>The bill is currently awaiting its first policy hearing in Assembly Public Safety Committee.</p>

Bill no. / author	Description	Status / Votes
AB 2727 (Frazier) Local employees: court witnesses SUPPORT	This bill amends existing law that requires a party who subpoenas an employee of a local agency to attend a civil action or proceeding as a witness in a matter regarding an event or transaction that the employee perceived or investigated. Specifically, the bill increases the amount to be tendered with the subpoena for each day the employee is required to be in attendance at the proceeding.	<ul style="list-style-type: none"> Asm Judiciary (9-0) Recommended for the consent calendar on the Assembly Floor
SB 16 (Gaines) County costs: nonhomicide criminal trials SUPPORT	This bill would create a cost assistance program largely modeled after the homicide reimbursement program in which state financial assistance may be available when costs greatly exceed a county's financial capacity. CSAC supports this measure as a narrowly crafted response from issues arising from only the most complex and costly cases that threaten to overwhelm a county's ability to provide an appropriate defense.	<ul style="list-style-type: none"> Sen Gov & Finance (7-0) Sen Appropriations (6-0) Senate Floor (34-0) The bill is currently awaiting referral to a policy committee in the Assembly.
SB 419 (Block) Restitution: collection of fines and Fees SUPPORT	This bill would authorize the agency designated by the county board of supervisors, or, a local collection program to collect restitution fines and fees from people on post-release community supervision, mandatory supervision, and county jail inmates who have completed their sentence and to deduct and retain administrative fees for those collections.	This bill was recently amended and now awaits a hearing date in the Senate Public Safety Committee.
SB 1054 (Steinberg) Mentally Ill Offender Crime Reduction Grants SUPPORT	This legislation would renew the Mentally Ill Offender Crime Reduction (MIOCR) grant program for California counties through a \$50 million appropriation of the General Fund. CSAC strongly supports this measure given that local governments continue to struggle to provide necessary services to a growing number of offenders with significant mental illness.	The bill had been referred to the Senate Public Safety Committee and well as Senate Banking and Finance.
HUMAN TRAFFICKING		
AB 1585 (Alejo) Human Trafficking: petition for relief	This bill provides that a defendant who has been convicted of solicitation or prostitution may petition the court to set aside the conviction if the defendant can establish by clear and convincing evidence that the conviction was the result of his or her status as a victim of human trafficking.	<ul style="list-style-type: none"> Asm Public Safety (7-0) Currently awaiting a hearing in Assembly Appropriations Committee
AB 1610 (Bonta) Material witnesses: human trafficking	This bill aims to expand the ability for witnesses who are victims or material witnesses in serious felony cases involving human trafficking to provide their testimony on a conditional status ahead of the trial. Under existing law, this ability to be examined conditionally prior to trial only exists for specified criminal trial cases, including when a person is about to leave the state or is so sick or infirm that he or she will be unable to attend the trial.	<ul style="list-style-type: none"> Asm Public Safety (7-0) Currently awaiting a hearing in Assembly Appropriations Committee

Bill no. / author	Description	Status / Votes
<p>AB 1623 (Atkins) Family Justice Centers</p>	<p>This bill would authorize any city, county, or community-based nonprofit organization to establish a multiagency, multidisciplinary family justice center to assist victims of domestic violence, sexual assault, elder abuse, and human trafficking, as specified beginning January 1st of 2015. The bill would also specify additional confidentiality provisions relating to information disclosed by a victim in a family justice center and would require each family justice center to provide mandatory training for all staff members, volunteers, and agency professionals.</p> <p>Under existing law, only the cities of Anaheim and San Diego, as well as the counties of Alameda and Sonoma have been authorized to establish a family justice center as part of a 2-year pilot program which ended as of January 1, 2014.</p>	<ul style="list-style-type: none"> • Asm Public Safety (7-0) <p>Currently awaiting a hearing in Assembly Judiciary Committee</p>
<p>AB 1791 (Maienschein) Human trafficking: sex offender registration</p>	<p>This bill would expand the Sex Offender Registration Act to apply to a person who recruits, harbors, transports, provides, sells, purchases, or obtains, or attempts to recruit, harbor, transport, provide, sell, purchase, or obtain, a person who is a minor at the time of the commission of certain commercial sex acts.</p> <p>In addition, the bill would expand that list of certain sex offenses such as disorderly conduct relating to soliciting prostitution, which are currently punishable as misdemeanor offenses and make them punishable as felonies instead.</p>	<p>This bill is currently awaiting a hearing in Assembly Public Safety Committee.</p>
<p>AB 1887 (Campos) Human Trafficking: sealing and destruction of arrest records</p>	<p>This bill would authorize a person to petition a court to set aside a conviction for an offense relating to solicitation or prostitution based on a finding that the person is factually innocent of the charge if the person is a victim of human trafficking and the offense is a result of the petitioner's status as a victim of that crime. If the court finds that the petitioner is factually innocent, the bill would further require the court to order the records of the arrest to be sealed and destroyed.</p> <p>The bill would also provide that a finding that the petitioner is factually innocent pursuant to this provision shall be admissible as evidence in a civil action brought by the petitioner, or his or her estate or representative, against an individual or entity for damages arising from the individual's or entity's alleged involvement in human trafficking.</p>	<p>This bill is currently awaiting a hearing in Assembly Public Safety Committee.</p>
<p>SB 955 (Mitchell)</p>	<p>This bill would add human trafficking to the list of offenses for which interception</p>	<p>This bill is currently awaiting a hearing in</p>

Bill no. / author	Description	Status / Votes
Human trafficking: interception of electronic communication	of electronic communications may be ordered if a judge finds, among other things, that there is probable cause to believe that an individual is committing, has committed, or is about to commit, one of several offenses, including possession for sale of certain controlled substances, murder, and certain felonies involving destructive devices.	Senate Public Safety Committee.
SB 1084 (Walters) Human trafficking: serious felony	This bill would add human trafficking to the definition of a serious felony and make that felony punishable under California's Three Strikes Law.	This bill is currently awaiting a hearing in Senate Public Safety Committee.
SB 1085 (Walters) Human trafficking: Probation	This bill would prohibit the granting of probation to, or the suspension of a sentence for, a person who is convicted of human trafficking.	This bill is currently awaiting a hearing in Senate Public Safety Committee.
SB 1001 (Morrell) Actions for damages – Felony Offenses	SB 1001, as amended, Knight Morrell This bill would include a human trafficking offense as a serious felony for which an action for damages against a defendant may be brought within 10 years from the date on which the defendant is discharged from parole, and would make other corrective changes.	This bill is awaiting a committee referral in the Senate.
SB 1388 (Lieu) Commercial Sexual Exploitation of Children Services Fund	This bill would establish a fund based on fine revenue that will support child sexual abuse victim counseling centers and programs that fund services for child victims of human trafficking. Specifically, under the bill, a person who seeks to purchase or purchases a commercial sex act will be guilty of a misdemeanor, punishable by imprisonment in the county jail for at least 48 hours, but not more than 6 months, and by a fine of at least \$1,000. If probation is granted, the fine will be at least \$1,000, but not more than \$50,000, and will be deposited in the Victim-Witness Assistance Fund to fund grants to local programs. The bill would also authorize the court to order a defendant who is convicted of purchasing a commercial sex act involving any person who was a minor at the time of the offense, to pay an additional fine of not less than \$1,000 and not more than \$10,000. These fines would be collected and deposited into the Commercial Sexual Exploitation of Children Services Fund, which would be created in the State Treasury and available upon appropriation from the Legislature.	This bill is currently awaiting a hearing in Senate Public Safety Committee.
INCOMPETENT TO STAND TRIAL (IST)		
AB 2625 (Achadjian) Defendants: Competence	This bill contains three provisions designed to streamline the process for returning IST defendants to their county of commitment after exhausting treatment at a State Hospital.	This bill is currently awaiting a hearing in Assembly Public Safety Committee.

Bill no. / author	Description	Status / Votes
	<ol style="list-style-type: none"> 1. Counties must receive IST defendants whom they've committed to a state hospital no later than 10 days after the superior court has received notification from the hospital that there is no substantial likelihood that the defendant will regain competency. 2. The Department of State Hospitals must notify the patient's defense counsel and the district attorney of the Department's determination that the defendant is unlikely to regain competency. Additionally, the Department must notify the Sheriff of the committing county so that transportation can be arranged. 3. IST defendants who do not restore to competency at a State Hospital within a three-year period must be returned to their county of commitment 90 days prior to the statutory three-year length of stay cap. <p>DSH believes these changes, if implemented, will increase the number of beds available for waitlisted IST patients and reserve space for those who are most likely to benefit from treatment at a State Hospital. However, by imposing additional responsibilities on medical directors at local facilities, the bill would undoubtedly impose a state-mandated local program.</p>	
<p>AB 2186 (Lowenthal) Defendants: involuntary medication</p>	<p>This bill aims to make a number of changes relating to the administration of involuntary medication (IM) orders for defendants who have been deemed incompetent to stand trial (IST) and have been committed to a State Hospital. Specifically, this bill has four main provisions:</p> <ol style="list-style-type: none"> 1. The bill would allow an IM order issued by a superior court to follow a patient between jurisdictions. Under current law, an IM order is only valid for a State Hospital facility. As such, the Department of State Hospitals (DSH) believes that IST patients that have restored to competency may unnecessarily decompensate in county jail while awaiting a new IM order authorizing continued medication at the local level. 2. The bill would allow a superior court to extend an IM order by 14 days 	<p>This bill is currently awaiting a hearing in Assembly Public Safety Committee.</p>

Bill no. / author	Description	Status / Votes
	<p>when approved by an Administrative Law Judge (ALJ) upon a finding of good cause.</p> <p>3. The bill would allow a superior court to issue a one year extension on a previously issued IM order upon a finding of good cause.</p> <p>4. The bill would make minor adjustments to the timing of competency progress reports and IM reports. Specifically, the bill would synchronize due dates to reduce staff workload and ensure more coordinated delivery to the courts.</p> <p>While DSH believes that these changes will prevent unnecessary interruption in essential treatment for IST individuals, it is important to note that by imposing additional duties on local prosecuting agencies, the bill would impose a state-mandated local program.</p>	
<p>AB 1960 (Perea) State Hospitals: patient criminal history</p>	<p>This bill aims to provide state hospital clinicians with additional information on the criminal history of their patients so that they are better equipped to develop clinically appropriate treatment plans that take into account undisclosed criminal behavior that may put other patients and staff at risk.</p> <p>Under the bill, the Attorney General would be authorized to provide state summary criminal history information to the director of a state hospital for patients committed to that facility for treatment. Law enforcement officers at state hospitals would also be able to access the California Law Enforcement Telecommunication System. The state hospital would be prohibited from using the information for any other purpose than determining appropriate treatment and security options. The hospital would be further required to destroy the criminal history information from the patient's file within 30 days of discharge.</p>	<ul style="list-style-type: none"> • Asm Public Safety (7-0) <p>The bill is currently awaiting a hearing in the Assembly Appropriations Committee.</p>
2011 REALIGNMENT		
<p>AB 1449 (Perez, VM) Realignment Omnibus Act of 2014</p>	<p>This bill would make three major changes in the way criminal justice realignment is implemented in California:</p> <ol style="list-style-type: none"> 1. The bill requires a sentence to be served in state prison when a defendant is convicted of a felony or felonies otherwise punishable in a county jail and is sentenced to an aggregate term of more than 3 years. 2. The bill would also require any person who is released from prison who 	<p>This bill was set for a hearing in the Assembly Public Safety Committee on March 25, 2014, but the measure was pulled from the calendar by the author.</p> <p>It is possible that this bill will be heard later in April.</p>

Bill no. / author	Description	Status / Votes
	<p>has a prior conviction for any specified crimes to be subject to parole supervision by the CDCR and the jurisdiction of the court in the county in which the parolee is released, resides, or in which an alleged violation of supervision has occurred.</p> <p>3. This bill would, if the person has been found to have violated the conditions of postrelease community supervision on 2 or more prior occasions, allow the revocation hearing officer to revoke and terminate postrelease community supervision and order the person to confinement in the state prison for a period of one year.</p>	
AB 1919 (Perez, VM) Inmates: Assessments	This bill uses permissive statutory language to encourage all actors in the criminal justice system to use an evidence-based risk and needs assessment. CSAC staff is watching this bill closely to ensure that it does not get amended to include mandatory language resulting in a state mandate on counties.	This bill is currently awaiting a hearing in the Assembly Public Safety Committee.
AB 2499 (Bonilla) Information sharing: electronic monitoring	This bill amends Penal Code sections 1203.016 and 1203.018 to allow, at the discretion of the program administrator, any electronic monitoring information to be shared with local law enforcement. This proposal would also amend law to allow good-time credit for electronic monitoring.	This bill is currently awaiting a hearing in Assembly Public Safety Committee.
AB 2397 (Frazier) Video Appearance	This bill amends current law to for increased use of video for court appearances for inmates. The bill is co-sponsored by the California State Sheriffs' Association and the Chief Probation Officers of California.	This bill is currently awaiting a hearing in Assembly Public Safety Committee
AB 1633 (Ammiano) Board of State and Community Corrections	This bill requires the Board of State and Community Corrections (BSCC) to develop consistent data collection processes and perform analysis with regard to sentencing. The bill requires the BSCC to establish a database for any sentencing-related data that is compiled by the Board and requires the BSCC to recommend changes to the Governor and Legislature. The BSCC must also consult with stakeholders and experts.	This bill is currently awaiting a hearing in Assembly Public Safety Committee
AB 1901 (Muratsuchi) Corrections and Parole	This bill authorizes a court to order a person who will serve a term in a state prison for a crime that is not a serious felony, violent felony, a Three Strikes offense, classified as a High Risk Sex Offender, or a crime where the person is required to undergo treatment by the State Department of State Hospitals because the person has a severe mental disorder, to be released on parole rather than post-release community supervision after serving his or her term in prison.	This bill is currently awaiting a hearing in Assembly Public Safety Committee

Bill no. / author	Description	Status / Votes
<p>SB 1097 (Nielsen) Board of State Community Corrections: Grant Program</p>	<p>This bill would authorize the BSCC to award grants to assist counties with the creation or expansion of infrastructure that allows each county to consistently collect and report specified criminal justice information.</p> <p>The bill would require each local community corrections partnership, on or before June 1, 2014, to report to the board on the county's capacity to collect and report the data required. The bill also requires the board to review each assessment and to prioritize and award grants to the counties.</p> <p>By imposing data collection and reporting duties on local governments, this bill would impose a state-mandated local program.</p>	<p>The bill had been referred to the Senate Public Safety Committee.</p>