



CSAC 117th Annual Meeting

Administration of Justice Policy Committee

Tuesday, November 29, 2011 ■ 2:30 – 4:30 p.m.

**Imperial Ballroom A ■ Ballroom Level ■ Hilton San Francisco Union Square
333 O'Farrell Street ■ San Francisco City and County, California**

Supervisor Federal Glover, Contra Costa County, Chair Supervisor Merita Callaway, Calaveras County, Vice-Chair

- 2:30 p.m. **I. Welcome and Introductions**
*Supervisor Federal Glover, Contra Costa County
Supervisor Mike McGowan, CSAC First Vice President*
- 2:35 **II. October 1 Has Come and Gone: Report on Realignment
Implementation**
*Terri McDonald, Undersecretary of Operations, California Department of
Corrections and Rehabilitation; Pat Ryan, Executive Director, California
Mental Health Directors Association; Karen Pank, Executive Director, Chief
Probation Officers of California; Curtis Hill, Legislative Representative,
California State Sheriffs Association*
- 3:05 **III. Community Corrections Partnerships (CCP) – Roundtable Discussion
on the CCP Planning and Implementation Process**
All Administration of Justice Policy Committee Members
- 3:40 **IV. Strategies to Educate the Public on the 2011 Criminal Justice
Realignment**
*Terry Amsler, Program Director, Public Engagement and Collaborative
Governance Program, Institute for Local Government*
- 3:45 **V. Public Safety Affiliate Report: California District Attorneys Association**
Cory Salzillo, Director of Legislation, California District Attorneys Association
- 4:00 **VI. Update on Other Aspects of 2011 Realignment**
*Elizabeth Howard Espinosa and Rosemary L. McCool, CSAC Administration
of Justice Committee Staff*
- 4:15 **VII. AB 900 Phase II Local Jail Construction Funds**
*Bob Takeshta, Acting Executive Director, Corrections Standards Authority;
Leslie Heller, Field Representative, Corrections Standards Authority*
- 4:25 **VIII. End of 2011 Legislative Session Wrap-up**
*Elizabeth Howard Espinosa and Rosemary L. McCool, CSAC Administration
of Justice Committee Staff*
- 4:30 **IX. Closing Remarks and Adjournment**
Supervisor Federal Glover, Contra Costa County

ATTACHMENTS

Agenda Item II.....**October 1 Has Come and Gone: Report on Realignment Implementation**

Agenda Item IV**Strategies to Educate the Public on the 2011 Criminal Justice Realignment**

Institute for Local Government: Public Engagement and Collaborative Governance Program

Agenda Item V**Public Safety Affiliate Report: California District Attorneys Association**

Agenda Item VI**Update on Other Aspects of 2011 Realignment**

CDCR Contract Rate Proposal

Joint CSAC, CSSA and AOC Memo on Court Security in California

Criminal Justice Realignment: What Counties Need to Know to Implement September 2011 Power Point Presentation

Agenda Item VII**AB 900 Phase II Local Jail Construction Funds**

CSA AB 900 Phase II Jail Construction Program Update

AB 900 Phase II Timeline of Key Events

Agenda Item VIII**End of 2011 Legislative Session Wrap-up**

Attachment Two

October 1 Has Come and Gone: Report on Realignment
Implementation



November 15, 2011

TO: CSAC Administration of Justice Policy Committee

FROM: Elizabeth Howard Espinosa and Rosemary L. McCool
CSAC Administration of Justice Staff

RE: **October 1 Has Come and Gone: Report on Realignment
Implementation**

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916.441.5507

October 1 has come and gone and counties are quickly adjusting to having the responsibility for additional criminal offenders. While it has been a monumental effort on the part of both county and state operations to prepare for the shift in responsibility, there is still much work to be done but much has been accomplished as well. Many counties have finalized their community corrections plans to implement realignment, and for those that have not, many have opted to implement a short term plan while a long-term plan is developed. CSAC staff is currently reviewing these plans with an eye towards identifying any program trends across counties and/or regions.

CSAC staff continues to meet with a variety of stakeholders – including the Governor’s Administration – regularly to discuss the status of implementation and to identify challenges to implementation. There is an expectation that further clean-up legislation will be required to address technical issues identified during implementation. For instance, a few counties were reporting more offenders in their jails on parole holds than originally projected which is causing some challenges for local jail population management. The California Department of Corrections and Rehabilitation (CDCR) is looking into this issue and looking at historical data on parole holds. Some counties are reporting longer sentences than expected for non-violent, non-sex and non-serious offenders. Further, there continues to be some transition issues as the CDCR discharges inmates in need of mental health treatment from prison onto postrelease community supervision. These are just a sampling of some the issues being examined by public safety stakeholders in Sacramento.

At our policy committee meeting we are pleased to welcome a distinguished panel of representatives from some of the organizations CSAC is working closely with to ensure effective implementation of realignment. The representatives listed below will be present on November 29 to offer their insight on the progress of realignment implementation from the perspective of their respective organizations and/or departments. We are scheduled to hear from the following individuals:

- Terri McDonald, Undersecretary of Operations, CDCR who has been the point person at CDCR on realignment and made herself available on numerous occasions to counties by attending meetings at the local level when requested.

- Pat Ryan, Executive Director, California Mental Health Directors Association, has taken the lead on working with CDCR to develop a comprehensive transition plan that is realistic for both counties and CDCR for inmates releasing from prison onto postrelease community supervision who have serious mental health needs.
- Karen Pank, Executive Director, Chief Probation Officers of California (CPOC), who CSAC has worked very closely with to identify and resolve challenges to implementing realignment. Ms. Pank worked in collaboration with Ms. McDonald and her staff to ensure appropriate protocols – that were agreed upon by both CDCR and CPOC – were in place for the transfer of all offenders discharging from prison onto postrelease community supervision before October 1.
- Curtis Hill, Legislative Representative, California State Sheriffs Association, who has been the point person on realignment implementation for the CSSA. Most recently Mr. Hill has been working with sheriffs' departments to identify challenges in collecting data on non-violent, non-serious and non-sex offenders who are remaining at the local level as a result of realignment.

Following our panel we will hold a roundtable discussion for all policy committee members so that counties can share their experiences thus far on realignment and pose questions to the panelists.

Attachment Four

Strategies to Educate the Public on the 2011 Criminal Justice
Realignment



November 15, 2011

TO: CSAC Administration of Justice Policy Committee

FROM: Elizabeth Howard Espinosa and Rosemary L. McCool
CSAC Administration of Justice Staff

RE: **Strategies to Educate the Public on the 2011 Criminal Justice
Realignment**

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How does a county educate the public on the historic criminal justice reforms currently being implemented by the state and counties? What are some effective tools that a county can utilize to build some basic foundational knowledge amongst its constituents so that when they have a concern they know which level of government to address that concern to? These are a few of the questions that will be addressed during this brief introduction to efforts currently underway at the Institute for Local Government (ILG) as it works to develop public engagement strategies specific to the criminal justice realignment.

The CSAC Administration of Justice (AOJ) Policy Committee is pleased to welcome Terry Amsler, program director of the ILG's Public Engagement and Collaborative Governance Program, to our November 29 meeting. The ILG is a nonprofit research affiliate funded through a joint partnership between the League of California Cities and CSAC. ILG has several areas on which it focuses its research efforts. They are as follows: civic engagement, climate change, healthy communities, conflict resolution, land use and environment, local government and public service ethics. ILG is a resource to cities and counties in that it creates valuable tools for local governments to utilize when addressing challenges within these issue areas.

Mr. Amsler has over 30 years of experience in dispute resolution and public involvement in community, government, philanthropic, and academic settings. He has worked for private foundations and served as director of Oregon's Dispute Resolution Commission as well as San Francisco's Community Board. In addition, he was the director of the U.S. Initiatives with Partners for Democratic Change. CSAC staff is excited to welcome Mr. Amsler to our policy committee meeting to share his breadth of knowledge regarding public engagement with our members.

Attachment: Institute for Local Government: Public Engagement and
Collaborative Governance Program



Public Engagement and Collaborative Governance Program

The Institute for Local Government's Public Engagement and Collaborative Governance program offers resources and support to help local officials and their communities design and carry out effective and inclusive public engagement activities. The benefits of public engagement include improved local agency decision making, a more informed, involved and supportive community, innovative and cost effective services, and greater trust and confidence in local government.

What We Offer:

- **Print and Web-Based Resources:** Printed materials include public engagement guides, best practice tip sheets, white papers, and more that highlight how to successfully involve residents and others in local decision-making across a range of issue areas. Resources available through our website include access to all printed materials, as well as to public engagement stories from throughout California, audio and video recordings of conference sessions, the opportunity to share local agency experiences, and access to ILG public engagement newsletters and Listservs.
- **Conference Sessions, Trainings and Webinars:** Educational opportunities include: public engagement-related presentations and workshop sessions at League of California Cities, California State Association of Counties and other conferences; regional and statewide training programs; and topic-specific webinars.
- **Consultation:** We can offer guidance on public engagement strategy, process options, and assessment.
- **Inclusive Engagement:** We maintain a growing number of resources, stories and best practices to engage communities and populations that are typically less involved in local public engagement activities.

See reverse for more information about ILG public engagement resources.



www.ca-ilg.org/engagement

The Institute for Local Government promotes good government at the local level with practical, impartial, and easy-to-use resources for California communities. The Institute is the nonprofit research and education affiliate of the League of California Cities and the California State Association of Counties.

Institute for Local Government
1400 K Street, Suite 205 Sacramento, CA 95814
916-658-8208
www.ca-ilg.org



Selected Public Engagement Resources

Guides (www.ca-ilg.org/PEpubs)

- A Local Official's Guide to Public Engagement in Budgeting
- A Local Official's Guide to Working with Clergy and Congregations
- A Local Official's Guide to Immigrant Civic Engagement
- Getting the Most Out of Public Hearings: A Guide to Improve Public Involvement
- Building Public Support for Affordable Housing: A Toolbox for Public Officials
- A Local Official's Guide to Online Public Engagement (forthcoming)
- Understanding the Basics of Public Engagement (forthcoming)

Whitepapers, Tip Sheets, and Pamphlets (www.ca-ilg.org/PEpubs)

- Principles of Local Government Public Engagement
- Why Engage the Public? • What is Public Engagement?
- Planning Public Engagement: Key Questions for Local Officials
- Beyond the Usuals: Ideas to Encourage Broader Participation in Your Community
- Ten Ideas to Encourage Immigrant Engagement
- Working Effectively with Public Engagement Consultants: Tips for Local Officials
- Assessing Public Engagement Effectiveness: Rapid Review Worksheets
- Social Media and Public Agencies: Legal Issues
- Responding to Emotions and Conflicts in Public Hearings
- How to Harness the Power of Your Community to Address Climate Change: A Local Official's Guide

Specific Sections on Our Website

- Public Engagement Basics and Best Practices www.ca-ilg.org/PEBasics
- Public Engagement and Collaboration Topic Areas www.ca-ilg.org/PECGtopic
Including Planning, Redevelopment & Housing; Budgeting; Public Works; Human Services; Health and Environment, Climate Change, SB375 & PE; Public Safety & Corrections; Day Labor Centers; Emergency Preparedness.
- Immigrant Engagement and Integration www.ca-ilg.org/immigrantengagement
- Youth Commissions and Engagement www.ca-ilg.org/youthengagement
- Working with Clergy and Congregations www.ca-ilg.org/congregations
- Online Engagement, Technology & Social Media www.ca-ilg.org/onlinepublicengagement
- Sustaining Public Engagement www.ca-ilg.org/embeddingpublicengagement
- Resident Leadership Development www.ca-ilg.org/localcivics

Rosters

- California Youth Commissions and Advisory Councils www.ca-ilg.org/youthcommissions
- California Citizen and Police Academies Roster www.ca-ilg.org/CitizenAcademiesRoster
- California Day Labor Centers Roster www.ca-ilg.org/daylaborcenterroster
- California Reentry Councils Roster www.ca-ilg.org/reentrycouncilroster

Sign Ups

- Perspectives on Public Engagement and Local Government Enews www.ca-ilg.org/newsletters
- Immigrant Engagement Listserv <http://lists.cacities.org/mailman/listinfo/immigrantengagement>
- Youth Commission Briefing Papers www.ca-ilg.org/briefingpapers
- Share Your Public Engagement Story www.ca-ilg.org/publicengagementstoryform

Visit ILG's website for more practical, impartial and easy-to-use resources in all our program areas.
www.ca-ilg.org

Attachment Five

Public Safety Affiliate Report: California District Attorneys Association



November 15, 2011

TO: CSAC Administration of Justice Policy Committee

FROM: Elizabeth Howard Espinosa and Rosemary L. McCool
CSAC Administration of Justice Staff

RE: **Public Safety Affiliate Report: California District Attorneys Association**

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The CSAC Administration of Justice (AOJ) Policy Committee is pleased to welcome the California District Attorneys Association (CDAA) to present at our November 29 meeting. CDAA has been in existence for over 90 years. The association was originally comprised of both county counsels and district attorneys but as the interests of the two groups became more diverse, the organization decided to narrow its focus and create an association specializing in issues facing prosecutors. CDAA serves as a source of continuing legal education and legislative advocacy for its membership and provides a forum for the exchange of information and innovation in the criminal justice field. CSAC staff works collaboratively with CDAA staff on a myriad of public safety issues in Sacramento. And while we may have differing views on some issues, our mutual goal is to ensure that counties – and our respective members – are equipped to provide the best services to its constituents. Most recently CDAA and CSAC have been involved in working with other public safety stakeholders and the California Department of Corrections and Rehabilitation (CDCR) on implementation of the 2011 criminal justice realignment, including a statewide training effort on the technical aspects of realignment.

Mr. Cory Salzillo from CDAA is scheduled to address the AOJ policy committee to update our members on issues of mutual interest to counties and district attorneys. Mr. Salzillo is the Director of Legislation for the CDAA and represents the association before the Legislature and various state agencies in Sacramento. He has been a great resource when questions arise on changes to the penal code as a result of the 2011 criminal justice realignment.

We are pleased to have Mr. Salzillo discuss CDAA's 2012 goals and present our committee members with his perspective on the many challenging issues facing district attorneys as realignment unfolds. We also wish to thank him – and his association – for his collaboration and assistance throughout implementation of realignment.

Attachment Six

Update on Other Aspects of 2011 Realignment



November 16, 2011

TO: CSAC Administration of Justice Policy Committee

FROM: Elizabeth Howard Espinosa and Rosemary L. McCool
CSAC Administration of Justice Staff

RE: **Update on Other Aspects of 2011 Realignment**

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Counties are well into their second month of realignment implementation and much work remains to be done to clarify policy and develop contracts between the state and counties should a county wish to send a county inmate to a fire camp or to a state prison facility to serve his or her sentence. Further, it is anticipated that other challenges will arise that will require clarification in statute. Thus, it is expected that clean-up legislation will be pursued in the coming 2012 legislative session. Until information is available as to what may be included in any technical realignment clean-up measure, we highlight for you some of the issues – and resources available– that CSAC staff will continue to work on as counties implement realignment locally.

Contracting Back to the California Department of Corrections and Rehabilitation (CDCR). CSAC – along with the California State Sheriffs Association (CSSA), Urban Counties Caucus (UCC) and the Regional Council of Rural Counties (RCRC) – has been in discussions with CDCR regarding counties exercising their ability to contract with CDCR to send a local inmate to a fire camp. A working group has been established to review and comment on a memorandum of understanding (MOU) that a county will enter into with the state, if and when the county determines that a local inmate is eligible to be placed in a fire camp, and the county wants to exercise that option. CSAC has been consulting with county counsel as well on the elements of the MOU. The MOU is a work in progress and more meetings are to be scheduled. The MOU also will provide details on what types of offenders are eligible for placement in a fire camp. CSAC has clarified with CDCR that the final agreed MOU – whenever complete – would be a template but that individual counties may wish to amend the MOU before agreeing to the contract.

CSAC, CSSA, UCC and RCRC will begin working on a MOU for healthy level II and III inmates soon. This MOU/contract is for instances when counties would like to send locally sentenced offenders to state prison to serve their time rather than have the offenders serve their time in local custody. This arrangement is being offered as a placement option for counties who have local offenders with longer sentences and no capacity to detain them in their local jail. It is anticipated that meetings on healthy II and III inmates will begin sometime in December.

Details on proposed contracting rates provided by the California Department of Corrections and Rehabilitation are attached.

Court Security. CSAC continues to work with CSSA and the Administrative Office of the Courts (AOC) to work out a number of transitional issues as they relate to the realignment of court security funding. The three entities recognize that clarification will be required in the next legislative session to rectify some errors that were made in the implementing budget language which attempted to realign only sheriff-provided security services. All parties are in agreement to continue to work towards mutually agreed upon solutions to any and all issues that arise in the first year of implementation. For further information on court security realignment please see the attached joint CSAC, CSSA and AOC memo dated September 8, 2011.

Training on Criminal Justice Realignment. As counties will recall each of the foundations of CSAC, CSSA and the Chief Probation Officers of California (CPOC) received funds to provide training to counties on the implementation of realignment. CSAC, CSSA and CPOC have opted to pool their funds in order to maximize resources. Several trainings have been offered in the last two months. These training efforts have primarily focused on the technical aspects of the 2011 criminal justice realignment in order to assist counties as they prepared to assume responsibility for the realigned population. The trainings occurred in a variety of forums and reached various audiences at the county level including but not limited to county supervisors, probation chiefs, sheriffs, district attorneys, judges, public defenders, police chiefs and staff from various offices throughout county government. Further, CSAC, CSSA and CPOC partnered with the California District Attorneys Association (CDAA), California Public Defenders Association (CPDA) and the AOC to develop a training video and accompanying power point presentation on the 2011 criminal justice realignment. This video was made available on September 9, 2011 to members of each county's Community Corrections Partnership (CCP) and followed by five regional conference calls with CCP members. A copy of the power point is attached. More training will be offered in 2012.

2011 Criminal Justice Realignment Webpage. CSAC has developed – and is updating regularly – a [2011 criminal justice realignment webpage](http://www.csac.counties.org/default.asp?id=3202). Our goal is to upload all pertinent information related to realignment that might assist counties during implementation. We encourage counties to periodically check this site for helpful information. Additionally, we provide links to other websites that have realignment information. The realignment video and power point presentation referenced above can also be found on this realignment webpage. If the above link does not work the webpage address is as follows: <http://www.csac.counties.org/default.asp?id=3202>.

Attachments: CDCR Contract Rate Proposal
Joint CSAC, CSSA and AOC Memo on Court Security in California
Criminal Justice Realignment: What Counties Need to Know to
Implement September 2011 Power Point Presentation

California Department of Corrections and Rehabilitation Contract Rate Proposal

Fire Camps

- Average Annual Cost Per Inmate/Per Year, including Admin Support Staff , training camp costs, and transportation costs from designated locations:

\$46.19

- As compared to the Daily Jail Rate of \$77.17 per day, fire camp beds are a cost effective alternative to housing offenders when compared to county jail cells.
- CalFire training costs for new training centers is not included in the contract rate amount.
- The start-up cost for a third training center is not included in the contract rate amount.
- Fire camp offenders earn 2 days credit for every 1 day served in a fire camp, which incentivizes participation and commitment to the program while also freeing up local and state capacity for more serious offenders.
- Benefits to the state/local community from the operation of fire camps include:
 - Fire crews put in millions of hours every year working on fire reduction and conservation projects and providing forest, range and watershed enhancement on public lands.
 - Fire crews provide maintenance at state parks, forests, beaches and veterans' homes; restore trails; and build signs, picnic benches and tables at state and local parks.
 - Fire crews conduct community service work at local and volunteer fire departments, local schools, cemetery districts, and fish hatcheries and clean up highways, parks, beaches and campgrounds.
 - Offenders assigned to the camps participate in vocational education programs and participate in other rehabilitative programs, including substance abuse treatment, pre-release, and religious programs.
 - Many camps raise funds to help feed the hungry, deter kids from crime and support local non-profit organizations.
- Counties are responsible for screening inmates consistent with CDCR's fire camp eligibility criteria.

California Department of Corrections and Rehabilitation Contract Rate Proposal

Base Rates—Healthy Level II/III Offender

- Average Annual Cost Per Inmate/Per Year with Admin Support Staff:

\$77.00

- This rate is only for healthy offenders with no underlying medical or mental health concerns.

Minimum Grant Counties (Alpine, Modoc, Mono, and Sierra)

- For each offender sent to CDCR, the minimum grant county shall pay the per day contract rate (Fire Camp or Healthy Level II/III Base Rate) until they have spent 50% of their grant amount for that fiscal year.
- For example, Sierra is receiving \$76,883 in 2011-12. Sierra shall not pay more than \$38,442 towards incarceration costs at CDCR should they choose to contract back with CDCR for inmate housing.
- There is no restriction on the type of offenders that a minimum grant county can send to CDCR.

General Contract Information

- All contract rates are subject to an annual administrative review by CDCR.
- To the extent possible, and for the ease of implementation and contract management, two standardized MOUs will be drafted by CDCR: one for fire camp beds and another for all other beds.



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1231 I Street ♦ Suite 200
Sacramento, CA ♦ 95814
916/375-8000

Judicial Council of California
Administrative Office of the Courts ♦
Finance Division
455 Golden Gate Avenue
San Francisco, CA ♦ 94102-3688
415/865-7960

*California State Association of
Counties*
1100 K Street ♦ Suite 101
Sacramento, CA ♦ 95814
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September 8, 2011

To: California Sheriffs
Presiding Judges and Court Executive Officers of the Superior Courts
County Supervisors and Administrative Officers

Re: Court Security in California

The realignment of court security funding — while not intended to fundamentally affect the provision of services — presents a number of transitional issues as courts and counties adjust to a new funding structure. This memo is intended to express the joint commitment of the courts, counties, and sheriffs to work collaboratively to identify and resolve both short- and long-term issues associated with the change in funding.

During this first year of transition, we anticipate the need to deal with jurisdiction-specific issues as they arise. For example, we are aware that despite efforts to realign funds only associated with sheriff-provided security services, some errors were made. In a few instances, the amount reduced from a court's budget and allocated to the county included court funding dedicated to court attendants, marshals, or private security contracts — funding that should have remained with the court. We believe there could be other allocation issues that may arise.

To correct future allocations, courts and sheriffs will receive surveys to allow us to better capture the amount of funding that should have been allocated to each county for court security, and the extent to which that amount differs from the allocation made as a result of the realignment.

We also recognize that longer-term implementation issues exist that must be analyzed and addressed. This effort will include a review of relevant statutes to determine where and how current law conflicts with realignment and an exploration of ways to resolve those areas of conflict. In the meantime, courts and sheriffs have a continuing responsibility to enter into an annual or multiyear memorandum of understanding (MOU). The MOUs in the new funding context may be different than in past years, as they are likely to focus more on the services to be provided, the deployment of resources, and similar topics, as opposed to payment for services provided.

Finally, while realignment clearly changed the source of funding for court security, it is not intended nor should it result in reduced court security service delivery, increased obligations on sheriffs or counties, or other significant programmatic changes that would not otherwise have occurred absent realignment. As we work through transitional issues, we ask courts and counties

alike to keep CSSA, the Administrative Office of the Courts, and CSAC informed of questions as they arise so that we may assist you as necessary in resolving them. This information exchange also will be helpful in developing FAQs on a timely basis to apprise other jurisdictions of issues and potentially effective solutions.

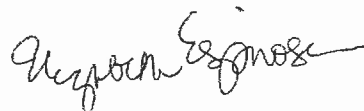
Sincerely,



Curtis Hill
Legislative Advocate
California State Sheriffs
Association




Zlatko Theodorovic
Chief Financial Officer
Administrative Office of the
Courts



Elizabeth Howard Espinosa,
Legislative Representative
California State Association of
Counties

Criminal Justice Realignment:
What Counties Need to Know to Implement

Jointly Presented by:
CSAC, CPOC, CSSA, CDAA, CPDA and AOC
September 2011



What is Criminal Justice Realignment?

- Shifts custody of felons sentenced for non-violent, non-serious, non-sex offenses to county control unless excluded by statute
- Establishes Postrelease Community Supervision (PRCS)
- Changes state parole revocation process
- Tasks Community Corrections Partnerships (CCPs) with planning for the change and implementing local plans
- Funded by diverted state sales tax, specified vehicle license fee proceeds, and some state General Fund dollars

2

Recent History

- Costs of State Prison System Growing
- Funds for Correctional Activities Diminishing
- Several Class Action Suits Filed Against California
- Recidivism Rates at 70%
- Three-Judge Panel Order to Reduce Prison Population

3

Prior Criminal Justice Reform Proposals

- Eliminate Parole
- Eliminate Parole and Shift to Probation
- Establish State Contract for Local Jail Beds
- Shift Felons with Sentences of Three Years or Less to County Jail
- Create a Sentencing Commission

When Does Criminal Justice Realignment Take Effect?

- Eligible felonies sentenced to county jail: applies to any person **sentenced** on or after October 1, 2011.
- Changes in custody credits: applies to custody for any **offense committed** on or after October 1, 2011.
- Postrelease community supervision: applies to any eligible person released from state prison on or after October 1, 2011.
- Revocation of postrelease community supervision by superior court: on petition by supervising agency (probation department) on or after October 1, 2011.
- Revocation of parole by superior court: on petition by state parole on or after July 1, 2013.

How is Criminal Justice Realignment Funded?

- Counties
 - Redirection of existing resources
 - Dedication of 1.0625% existing state sales tax
 - Redirection of VLF administrative funds and portion of 0.65 rate
 - Separate allocation for programmatic aspects (\$354.3 million) and for DA/PA revocation responsibilities (\$12.7 million)
 - One-time planning (\$7.9 million) and start-up grants (\$25 million)
- Allocation formula applicable only for 2011-2012

How is Criminal Justice Realignment Funded?

- Courts
 - State-funded entity, not part of realignment funding
 - Separately funded from state General Fund as augmentation of judicial branch budget
 - \$17.7 million for estimated revocation petition caseload
 - \$1.1 million for added court security (to be permanently transferred from judicial branch budget to counties)
 - Judicial Council to allocate to each court based on percentage of estimated caseload
 - Allocation basis is for 2011-2012 only

7

SENTENCING AND CUSTODY
or Who Goes Where and For How Long?

8

Who is Sentenced to County Jail?

- Non-non-nons (N³) without disqualifying offenses (current or *prior*)
 - Non-violent felons
 - Non-serious felons
 - Non-sex offenders
- Revises the definition of felony to include certain crimes that are punishable in jail
- Time served in jail, probation, or alternative custody instead of prison

9

Who is State Prison Eligible?

The following sentences must be served in state prison:

- Current or prior serious or violent felonies as described in PC 1192.7(c) or 667.5(c)
- Defendant is required to register as a sex offender pursuant to PC 290
- PC 186.11 (white collar crime) sentence enhancement
- Excludes certain other specified crimes, including felony domestic violence, felony stalking, and solicitation of murder

→ NB: List of excluded (prison-eligible) crimes, aside from serious and/or violent felonies, can be found at: <http://www.cdcr.ca.gov/realignment/AB-109-final-crime-exclusion-list.html>

We provide this link for your convenience, but have not independently reviewed its accuracy.

10

MYTH

- **Prison inmates will be released early to counties on October 1, 2011.**

↓

- No. In reality, no inmates in prison on October 1, 2011 will be transferred to local jurisdiction prior to their release date as a result of realignment.

11

MYTH

- **Only persons sentenced to three years or less for felonies go to county jail.**

↓

- No. All qualifying persons sentenced pursuant to PC 1170(h), regardless of sentence length, go to county jail.

12

Sentencing Decisions for N³

- **What changes?**
 - Jail, not prison
 - Rules of sentencing and sentence length do not change
 - Split sentence – imposed sentence of combined jail time with the remainder on local supervision
 - Prison prior attaches to imposed sentences (everything but felony probation)
 - Split sentences cannot be longer than the original sentence when combining custody and supervision time.

13

Sentencing Decisions for N³

- **What does not change?**
 - Felony probation
 - Existing alternatives (pretrial diversion, Deferred Entry of Judgment)
 - Rules of sentencing and sentence length

14

MYTH

- **When N³ get released from county jail, they go on local parole or probation.**

↓

- No. There is **NO** automatic term of supervision imposed on N³ when they are released from county jail.
 - Exceptions: traditional felony probation and split sentences

15

Custody Decisions/Population Management for N³

- Enhanced local custody and supervision tools:
 - Alternative custody tools for county jails
 - Home detention for low-level offenders
- Counties may contract for beds:
 - With CDCR (costs still to be set)
 - With other counties
 - With public Community Correctional Facilities (CCFs)
 - With Fire Camps (costs and process still to be set)
- Counties **MAY NOT** contract back parole revocations

16

POSTRELEASE COMMUNITY SUPERVISION

It's Not Parole and It's Not Probation

17

Postrelease Community Supervision (PRCS)

- Who will be released from state prison to local supervision?
 - Current non-violent, non-serious offenders (can have serious or violent offenses in history)
 - Some sex offenders
 - Persons who, prior to October 1, 2011, would have been non-revocable parolees (NRPs)
- CDCR must notify counties who is being released at least 30 days prior

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PRCS Supervision

- Supervision levels and case plans not mandated by statute but determined by supervising agency (probation department)
 - CDCR will send PRCS packets at least 30 days prior to release
 - General statutory conditions to be agreed to by offender prior to release from prison
 - Supervising agency (probation department) may send special conditions to CDCR prior to release – must have a nexus to the offender
 - Supervising agency (probation department) has authority to handle all intermediate sanctions without court involvement, up to and including flash incarceration (up to 10 consecutive days)

19

PRCS Revocation Process

- Only supervising agency (probation department) can petition for revocation
- Each supervising agency (probation department) must establish an assessment process to review applicability of intermediate sanctions authorized by law prior to filing a petition
- Revocations capped at 180 days
 - Jail only, no return to prison, custody credits apply
- At completion of revocation time, offenders return to PRCS (if they were revoked and reinstated) if there is available time left on the three-year tail

20

The Judiciary's Role in PRCS

- Judicial Council is to adopt rules of court and forms to handle final revocation process
- Courts' involvement starts with filing of a petition for final revocation of supervision
- Prior to filing petition, supervising agency (probation department) must assess and determine that intermediate sanctions are inappropriate
- Courts will be authorized to appoint hearing officers for these cases
- Hearing officers may modify conditions, revoke to jail (not prison) for up to 180 days, or refer to an evidence-based program such as a reentry court

www.courts.ca.gov

21

MYTH

- **The sanction for a revocation of traditional adult probation is now capped at 180 days in jail.**

↓

- No. Realignment does not affect felony probation sanctions. Persons on felony probation for an offense that is ineligible for prison cannot be revoked to state prison, but will serve their revocation in county jail.

22

PRCS Discharge Process

- Discharges by operation of law at the end of 3 years
- Supervising agency (probation department) may discharge after 6 consecutive months of no violations
- Must discharge after a continuous year served with no violations within 30 days
- Courts **WILL NOT** be involved in the discharge process for either PRCS or parolees

23

STATE PAROLE

Yes, it still exists ...

24

State Parole

- Who remains on state parole?
 - Third strikers
 - Individuals with a current serious and/or violent commitment felony
 - High-risk sex offenders, as defined by CDCR
 - Mentally Disordered Offenders (MDOs)
 - Anyone on parole prior to October 1, 2011

25

MYTH

- State parolees are transferred to local supervision on October 1, 2011.

↓

- No. Parole supervision changes are prospective; no person on parole prior to October 1, 2011 is transferred to local supervision by virtue of realignment.

26

Parole Violations

- Board of Parole Hearings (BPH) retains authority over parole revocations until July 1, 2013
- Same sanctions available as PRCS, including flash incarceration in county jail for up to 10 days
- Violations will be served in jail starting October 1, 2011
- Only persons sentenced to a term of life can be revoked back to state prison
- Revocations capped at 180 days in jail (except for lifers)
- After July 1, 2013, the final revocation process will work the same for parolees as it does for PRCS (handled by the courts)

27

MYTH

- **Will any state parole revocation petitions be filed with the courts between October 1, 2011, and July 1, 2013?**

↓

- No. Until July 1, 2013, all state parole revocation proceedings will be carried out as they are under current law, under the jurisdiction of the Board of Parole Hearings. Petitions for parole revocation will not be eligible to be filed with a court until July 1, 2013.

28

LOCAL PLANNING PROCESS

29

Community Corrections Partnerships (CCP): Membership

- 14-member statutorily created CCP predates criminal justice realignment
- Realignment defines CCP Executive Committee:
 - Chief Probation Officer (chair)
 - Sheriff
 - Police Chief
 - District Attorney
 - Public Defender
 - Presiding Judge (or designee)
 - One appointment by Board of Supervisors from among head of DSS, MH, or ADP
- Brown Act applicability: consult with county counsel

30

CCP Implementation Plan

- In realignment context, CCP is charged with preparing a plan to present to the Board of Supervisors to implement 2011 Public Safety Realignment consistent with local needs and resources
- Plan development involves the entire CCP
- CCP Executive Committee votes to send plan to BOS
- Plan deemed accepted unless rejected by Board by a 4/5 vote

31

MYTH

- **The CCP plan must be submitted by October 1, 2011.**

↓

- There is no deadline for the plan to be presented, and statute does not prescribe a particular format. However, once the BOS adopts a plan, the county must furnish a copy to the Corrections Standards Authority within 60 days.

32

FOLLOW-UP AND RESOURCES

33

Conference Call Follow-Up

- Staff from the six organizations will be available to answer questions about this presentation during five conference calls scheduled in September
- To the greatest extent possible, please participate in the call designated for your county
- Conference call capacity limited; please coordinate with others in county to dial in to call as a group
- Additional call-in details to follow
- Please email questions in advance to Rosemary McCool of CSAC: rmccool@counties.org

Date for Call	County Call
Wed, Sep 7 @ 9:30	Alameda, Contra Costa, Colusa, Glenn, Nevada, Plumas, Sutter, Yuba
Wed, Sep 14 @ 10:30	Butte, Colusa, Glenn, Nevada, Plumas, Sutter, Yuba
Wed, Sep 21 @ 10:30	Butte, Colusa, Glenn, Nevada, Plumas, Sutter, Yuba
Wed, Sep 28 @ 10:30	Butte, Colusa, Glenn, Nevada, Plumas, Sutter, Yuba
Wed, Oct 5 @ 10:30	Butte, Colusa, Glenn, Nevada, Plumas, Sutter, Yuba

Miscellany/Public Safety Realignment Resources

- AOC: www.courts.ca.gov/partners/realignment.htm
- CDA: www.cdca.org/
- CPDA: www.claraweb.us/
- CPOC: www.cproc.org/php/realign/abl09home.php
- CSAC: www.csac.counties.org/default.asp?id=3202
- CSSA: www.calsheriffs.org/
- CDCR: www.cdcr.ca.gov/realignment/index.html

Staff Contacts

Organization	Contact Information
Administrative Office of the Courts	JUNE CLARK june.clark@jud.ca.gov ; 916-323-3121
California District Attorneys Association	SCOTT THORPE sthorpe@cdaa.org ; 916-443-2017 CORY SALZILLO csalzilla@cdaa.org ; 916-443-2017
California Public Defenders Association	LIBERTY SANCHEZ sanchez@wocacy@gmail.com ; 916-213-1440
California State Association of Counties	ELIZABETH HOWARD ESPINOSA espinosa@counties.org ; 916-650-8131 ROSEMARY MCCOOL rmccool@counties.org ; 916-650-8116
California State Sheriffs Association	CURTIS HALL curtis@wamerandpank.com ; 916-443-7318 CATHY COYNE ccoyne@calsheriffs.org ; 916-375-8000
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Attachment Seven

AB 900 Phase II Local Jail Construction Funds



November 15, 2011

TO: CSAC Administration of Justice Policy Committee

FROM: Elizabeth Howard Espinosa and Rosemary L. McCool
CSAC Administration of Justice Staff

RE: **AB 900 Phase II Local Jail Construction Funds**

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The Corrections Standards Authority (CSA) released the Request for Applications (RFA) for the second phase of AB 900 on October 7. While only 25 counties received a formal invitation to apply for funds, it is important to note that all 58 counties are allowed to apply for consideration of a Phase II AB 900 local jail construction award. Phase II of AB 900 offers \$602.88 million for counties to construct or expand jails to increase the number of jail beds. Applications are due to CSA on January 11, 2012. The AB 900 Phase II Executive Steering Committee¹ is expected to provide its recommended awards to the CSA board on March 8, 2012.

Counties must provide a minimum of ten percent matching funds; counties with populations under 200,000 may petition for a lower match, although the match will be no less than five percent. Matching funds can include but are not limited to site acquisition, environmental mitigation measures and design.

The \$603 million in AB 900 Phase II funds is split into three categories as described in the table below. The funds were split into these categories to ensure that counties of all sizes will have an opportunity to compete for funding. The amounts below do not limit the size of any given project, only the state's financial involvement.

PHASE II AB900 FUNDS		
County Categories	Total Award for Category	Cap for Individual County Awards
Large Counties (pop. over 700,001)	\$300 million	\$100 million
Medium Counties (pop. between 200,001 – 700,000)	\$200 million	\$80 million
Small Counties (pop. 200,000 and below)	\$102.88 million	\$33 million

¹ CSAC is represented on the ESC by Supervisor Kathy Long, Ventura County; Supervisor Gary Wyatt, Imperial County and Terri Daly, CAO, El Dorado County.

Funding preferences will be given to counties that committed the most inmates to state custody in 2010 and to counties that relinquish their Phase 1 conditional awards, provided that they agree to continue to assist the state in siting reentry facilities. This second preference applies only to seven counties, and they may choose to relinquish this preference.

Attached you will find a timeline of events for the AB 900 Phase II process as well as a briefing memo and table developed by CSA staff to update CSA board members at their November 10 board meeting.

The CSAC Administration of Justice Policy Committee is pleased to welcome back to our committee Mr. Bob Takeshta and Ms. Leslie Heller of the Corrections Standards Authority. Mr. Takeshta and Ms. Heller will be providing our policy committee with an update on the AB 900 Phase II process. Mr. Takeshta is currently the Acting Executive Director of CSA and Ms. Heller is a Field Representative for CSA specializing on AB 900.

Attachments: CSA AB 900 Phase II Jail Construction Program Update
AB 900 Phase II Timeline of Key Events

TO: Chairman and Members

DATE: November 10, 2011

**SUBJECT: AB 900 Jail Construction – Phase II
Program Update**

AGENDA ITEM: J

**ACTION:
INFORMATION: X**

RESOURCE PERSON: Leslie Heller

Summary:

This informational agenda item provides the Corrections Standards Authority (CSA) Board with an update on the second phase of the Assembly Bill (AB) 900 Jail Construction Financing Program.

Background:

This informational update follows the Board's approval on October 6, 2011 to release the AB 900 Phase II, Construction or Expansion of County Jails, Request for Applications. The document was released to the field on October 7, 2011 to solicit interested counties desiring to receive a portion of the \$602,881,000 available in State lease-revenue bond financing authority for jail construction projects.

On October 19, 2011 CSA staff hosted a bidders' conference in West Sacramento for counties and other interested parties. This was a question and answer session opportunity, and included a panel of State stakeholders from CSA, Department of Corrections and Rehabilitation, Department of General Services and Department of Finance. Over 80 persons attended representing 25 counties as well as industry consultants.

October 21, 2011 represented the close of the first step in the process in which all eligible counties (56 total) interested in participating in the Phase II funding process were required to submit an Interest Statement to CSA. A total of 35 counties submitted Interest Statements – 11 from large counties, 8 from medium counties and 16 from small counties. This first step provided staff the opportunity to work with the Chair of the Executive Steering Committee (ESC) for this process – Kern County Sheriff Donny Youngblood, to determine an appropriate number of applications to invite from the interested counties. On October 26, 2011 notice was sent to 25 counties inviting their application for consideration of project funding (see Attachment A). The invited counties advance to the second step in the process by making application to CSA for their specific projects.

Key future steps in the Phase II funding process:

January 11, 2012 Applications from the specified counties are due to CSA

January 25, 2012 Applications are provided to the ESC for assessment

March 8, 2012 Funding recommendations from the ESC are presented to the CSA Board

Recommendation/Action Needed:

Information only.

Corrections Standards Authority
AB 900 Phase II Jail Construction – Request for Applications Process
Interest Statements Submitted (Step 1 of process)
Applications Requested from Counties (Step 2 of process)

	RANK WITHIN COUNTY SIZE CATEGORY*	COUNTIES THAT SUBMITTED INTEREST STATEMENTS (STEP 1)	DESIGNATION OF COUNTY STATUS WITH APPLICATION PROCESS (STEP 2)
LARGE COUNTIES – POPULATION 700,001+	1	Los Angeles	1
	2	San Diego	2
	3	Riverside	1
	4	Orange	1
	5	Kern	3
	6	Sacramento	1
	7	Santa Clara	1
	8	Fresno	1
	9	San Mateo	4
	10	San Francisco	4
	11	Contra Costa	4
MEDIUM COUNTIES – POPULATION 200,001 TO 700,000	1	San Joaquin	3
	2	Stanislaus	1
	3	Tulare	1
	4	Santa Barbara	3
	5	Monterey	1
	6	Yolo	1
	7	Sonoma	1
	8	Placer	1
SMALL COUNTIES – POPULATION UP TO 200,000	1	Kings	1
	2	Shasta	1
	3	Sutter	1
	4	Madera	1
	5	Imperial	1
	6	Napa	1
	7	Amador	3
	8	San Benito	3
	9	Siskiyou	1
	10	Tuolumne	1
	11	Nevada	4
	12	Colusa	4
	13	Del Norte	4
	14	Plumas	4
	15	Trinity	4
	16	Mono	4
TOTAL SUBMITTED	35		

*Rank Within County Size Category is based on admissions to CDCR in 2010.
1 – County is invited to apply by January 11, 2012 under admissions preference.
2 – County is not eligible in Phase II at this time.
3 – County is eligible to relinquish a Phase I award; invited to apply by January 11, 2012 under admissions and/or relinquishing preference.
4 – County is not invited to apply at this time, based on number of Interest Statements submitted.

**CORRECTIONS STANDARDS AUTHORITY
CONSTRUCTION FINANCING PROGRAM**

**TIMELINE OF KEY EVENTS
AB 900 PHASE II REQUEST FOR APPLICATIONS PROCESS
JAIL CONSTRUCTION FINANCING**

July 14, 2011	CSA Board approves convening an Executive Steering Committee (ESC), ESC member composition and draft timeline.
August 1, 2011	ESC meeting to develop elements of application process and timeline.
October 6, 2011	CSA Board meeting in special session to approve the Request for Applications.
October 7, 2011	CSA issues Request for Applications.
October 19, 2011	Bidders' conference in Sacramento.
October 21, 2011	Interest Statements due to CSA office by 5:00 PM.
October 26, 2011	Specified counties are invited to submit applications.
January 11, 2012	Applications due to CSA office by 5:00 PM.
January 12 – 24, 2012	Staff completes technical requirements review of applications. Counties are given opportunity to correct technical deficiencies.
January 25 – February 14, 2012	ESC reviews the applications.
February 15 – 16, 2012	Scheduled county interviews with ESC on applications (Sacramento or teleconference). ESC makes final funding recommendations.
February 17 – 22, 2012	Staff finalizes ESC recommendation package.
February 23, 2012	ESC recommendations mailed to counties and CSA.
March 8, 2012	CSA Board convenes in regularly scheduled session. ESC recommendations presented to the CSA Board for funding action/conditional awards.
March 2012	Briefings for counties who have received notice of conditional award to review State of California requirements (Sacramento).

Attachment Eight

End of 2011 Legislative Session Wrap-up



November 15, 2011

TO: CSAC Administration of Justice Policy Committee

FROM: Elizabeth Howard Espinosa and Rosemary L. McCool
CSAC Administration of Justice Staff

RE: **End of 2011 Legislative Session Wrap-Up**

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While realignment took center stage during the 2011 Legislative Session, there were many other legislative issues, some critical, that required attention from CSAC AOJ staff. We are pleased to inform our policy committee that our sponsored bill, AB 1053, by Assembly Member Rich Gordon, which increases two local fees beginning January 1, 2012, was signed by the Governor on October 2, 2011. Below you will find a summary of legislative outcomes on measures, including AB 1053, that CSAC advocated for or against throughout the 2011 legislative session.

Local Fees

AB 1053 (Gordon) – Sponsor/Support Chapter No. 402, Statutes of 2011

AB 1053, by Assembly Member Rich Gordon, authorizes counties to increase fees for two county-provided services related to juvenile public defender representation and vital records requests.

Specifically, AB 1053 increases from \$6 to \$12 the base fee for certified copies of either birth or death records. The measure applies the \$6 increase incrementally over a three-year period (\$2 increase every year beginning in 2012) and clarifies the distribution of funds between the state and counties. Further, AB 1053 contains a \$25 increase – from \$25 to \$50 – to the juvenile public defender registration fee.

The last amendment to the measure reinstated a code section reference that was inadvertently struck from AB 1053 when it initially was introduced; this technical change is specific to the state Department of Public Health and does not affect the local fees we are seeking to increase to reflect current costs.

AB 1053 was signed by the Governor on October 2, 2011.

Vehicle Registration Fees

AB 674 (Bonilla) – Support Chapter No. 205, Statutes of 2011

AB 674, by Assembly Member Susan Bonilla, removes the sunset date for a one-dollar service fee on vehicle registrations and a two-dollar service fee on commercial vehicle registrations to fund fingerprint identification of individuals involved in specified vehicular crimes by local law enforcement.

Specifically, AB 674 amends Vehicle Code Section 9250.19 by removing the January 1, 2012 sunset date to collect the additional service fees on car and commercial vehicle registrations. Funds collected through these additional fees provide local law enforcement additional revenues to combat specified vehicular crimes, including driving under the influence. It is important to note that counties will continue to be required to submit an annual report to the Controller specifying how much revenue was collected as a result of the fees, what was purchased using that revenue, and how the funds benefited the motoring public.

AB 674 was signed by the Governor on September 1, 2011.

State Criminal Alien Assistance Program

AJR 17 (Solorio) – Support Resolution Chapter No. 124, Statutes of 2011

AJR 17, by Assembly Member Jose Solorio, urges Congress and the President of the United States to increase funding for specified law enforcement and crime prevention programs and to pay the full costs of incarcerating undocumented criminals. As counties are well aware, the State Criminal Alien Assistance Program (SCAAP) historically has been underfunded by significant margins.

CSAC jointly supported AJR 17 with the California State Sheriffs' Association.

The resolution was signed by the Governor on September 28, 2011.

Inmate Release Notification

AB 44 (Logue) – Support Chapter No. 355, Statutes of 2011

AB 44, by Assembly Members Dan Logue and Cathleen Galgiani, extends the notification timeframes that the California Department of Corrections and Rehabilitation (CDCR) must abide by when notifying local law enforcement agencies regarding upcoming inmate releases.

Current law requires CDCR to notify local law enforcement in advance when it is preparing to release specified felony inmates. At present, CDCR must notify local law enforcement 45 days prior to an inmate's pending release date. AB 44 requires a 60-day advance notice by CDCR.

AB 44 was signed by the Governor on September 29, 2011.

Juvenile Justice: Medical Care

SB 913 (Pavley) – Support Chapter No. 256, Statutes of 2011

SB 913, by Senator Fran Pavley, allows a county probation officer to authorize – during the period in which the juvenile is in probation’s custody but before the juvenile’s court detention hearing – a juvenile’s medical treatment when either his or her parent(s) are unable to be located or the parent(s) do not respond to requests for consent.

Current juvenile Title 15 regulations, promulgated by the Corrections Standards Authority, require county probation departments to provide a routine medical exam to juveniles within the first 96 hours of their detainment. Present law allows probation officers to authorize medical treatment for juveniles only in cases of emergency or after a probation officer has received consent from the court if a parent has not, or refuses to, provide consent. SB 913 enables probation departments to comply with existing regulations in that it provides a framework whereby a probation officer may provide consent for medical treatment as long as the probation officer has made reasonable efforts to contact the juvenile’s parent(s) and/or guardian.

SB 913 was sponsored by Los Angeles County.

The measure was signed into law by the Governor on September 6, 2011.

Indemnity

SB 474 (Evans) – Oppose Chapter No. 707, Statutes of 2011

SB 474, by Senator Noreen Evans, makes changes to indemnification contracts for public agencies. Over the course of the legislative session, CSAC worked with a broad coalition of public agencies to attempt to reach a compromise on both the approach and the scope of the measure. Although CSAC, the Regional Council of Rural Counties, and Urban Counties Caucus reached a point where we were able to remove opposition to the measure, late amendments to the bill introduced sufficient uncertainty that resulted in our restating our opposition to SB 474.

Specifically, CSAC, RCRC and UCC could not overcome concerns about the inclusion of (m) and (n) in Section 2782.05 of the Civil Code. We viewed these provisions as having the potential to erode a county’s ability to obtain a duty to defend from a general contractor when allegations are made of a public agency’s active negligence. We were unsuccessful in our request that these provisions be

struck from the bill and in our efforts to suggest amendments to clarify these provisions.

SB 474 was signed by the Governor on October 9, 2011.

Civil Grand Juries

AB 622 (Dickinson) – Watch Chapter No. 679, Statutes of 2011

AB 622, by Assembly Member Roger Dickinson, amends the civil grand jury process by permitting witnesses called to provide testimony to have counsel present.

As introduced, the measure sought more expansive reform and initially contained three components: (1) to require the civil grand jury to meet with the affected chief executive or department head of the agency at least 45 days prior to the issuance of a final report to discuss and receive input on the matters under investigation; (2) to make civil grand jury sessions in which testimony under oath is heard open to the public, but permits written requests to the court to consider ordering a session closed based on a need for confidentiality; and (3) to permit any witness who is called to provide testimony under oath to have counsel present. Based primarily on the first aspect of the bill regarding the required meeting with affected county management, which had been a central feature of a 1997 CSAC-sponsored bill by then Assembly Member Helen Thomson, CSAC took a support position on AB 622.

However, as the bill made its way through the legislative process, it was substantially amended. The timeline for the required meeting with the affected agency was reduced to 21 days and ultimately was dropped, and the second “sunshine” provision was eliminated primarily for fiscal reasons. As presented to the Governor, the bill contained only the provision authorizing counsel to accompany a witness in grand jury proceedings. CSAC effectively went silent on the measure once amended in the Senate, because the key provision that had been the basis of our support had been eliminated.

AB 622 was signed by the Governor on October 9, 2011.

Amnesty Program

AB 1358 (Fuentes) – Watch Chapter No. 662, Statutes of 2011

AB 1358, by Assembly Member Felipe Fuentes, permits – with the mutual approval of the county and court – the expansion of the one-time amnesty program enacted in the 2010 judiciary trailer bill (SB 857) to include additional misdemeanor Vehicle Code violations.

As counties may recall, CSAC and the courts jointly advanced in 2010 a package of collection strategies and improvements to enhance the recovery of court-ordered debt. These provisions were enacted as part of the 2010 judiciary trailer bill and included a one-time amnesty program. As conceived by the counties and courts, the amnesty program runs for a six-month period (from 1/1/2012 to 7/1/2012), with participation limited to:

1. specified individuals convicted of an infraction who have delinquent court-ordered debt;
2. debt due on or before 1/1/2009 is eligible for amnesty program; and
3. defendants who owe no victim restitution in the county and have no outstanding misdemeanor or felony warrants.

The California Public Defenders Association sponsored AB 1358 to allow – but not require – the local court and county to determine whether to expand the one-time amnesty program to extend to misdemeanor Vehicle Code violations. All the other aspects of the amnesty program authorized in Vehicle Code Section 42008.7 remain unchanged. The program guidelines approved by the Judicial Council anticipated the potential expansion of the amnesty program to include the optional misdemeanor violations.

Brown Act

The Legislature considered several bills that would have changed aspects of the Brown Act earlier this year. Two such bills in which CSAC took an active role are described below; none made it to the Governor's desk, but brief descriptions are provided below as a reference to counties.

AB 392 (Alejo) – Oppose As Amended on April 14, 2011

AB 392, by Assembly Member Luis Alejo, would have amended Government Code Sections 54954.2 and 54957.5 of the Brown Act. Specifically, the measure sought to require a local entity that develops or receives any staff-generated reports related to a posted agenda item in the time period following the 72-hour notice deadline to post that information on its website. Further, it would have prohibited the local legislative body from acting on any matter for which staff-generated reports were received by the local legislative body after the 72-hour notice, unless that material was disclosed as specified in the measure. It also set similarly intended conditions for those jurisdictions that do not currently maintain a website.

CSAC, along with RCRC and UCC, and a number of other local government stakeholders opposed AB 392 on both fiscal and operational grounds. The measure was held in the Assembly Appropriations Committee during its Suspense File hearing of May 27.

AB 582 (Pan) - Concerns Held in Senate Appropriations Committee

AB 582, by Assembly Member Richard Pan, would have amended Government Code Section 54957.6 of the Brown Act. Specifically, the measure would have required a local board of supervisors to follow specified notice requirements when a compensation increase above five percent for specified unrepresented employees – including a county’s chief administrative officer and his/her deputy – were to come before the board for consideration.

CSAC, along with a number of local government stakeholders including RCRC and UCC, raised operational and practical concerns with the author’s office. The measure was held in the Assembly Appropriations Committee during its Suspense File hearing of May 27.

Financial Interest

Similarly, the Legislature considered a measure that would have modified financial interest provisions. A summary of that bill, which also stalled in the Legislature, is provided as a reference.

AB 527 (Hernandez) – Oppose Unless Amended Held in Senate Governmental Organization Committee

AB 527, by Assembly Member Roger Hernandez, would have added Government Code Section 1090.5 and amended Section 1091, which governs how members of public entities must conduct business when a financial interest of an official has been identified within a contract under consideration by the entity.

Specifically, the newly added section 1090.5 stated that a public official is deemed to be financially interested in a contract if an independent contracting relationship exists between a member of the body or an employee of the public entity and the individual or business that is seeking to enter into a contract with the public body. In counties’ view, this language would have created numerous ambiguities in this section of law that clearly is governed by existing Government Code Section 1090 and 1091 as well as the Political Reform Act. It was our assessment that the language was overly broad and did not clearly define an independent contracting relationship. The new section of law stood to prohibit boards of supervisors and any other public bodies from taking action on any item where a remote interest is identified. In counties’ view existing law provides a clear framework to guide public officials’ behavior and ethics; it requires an official who has a remote financial interest to disclose that interest at a public meeting of the body and recuse him or herself from taking action on the contract in question.

While the author's office worked diligently to address our concerns, CSAC jointly registered an oppose unless amended position with the Regional Council of Rural Counties on AB 527. The measure was heard in the Senate Governmental Organization Committee on July 6, but failed to secure enough votes to pass out of committee.