

ALAMEDA COUNTY BOARD OF SUPERVISORS' PUBLIC PROTECTION COMMITTEE

Thursday, September 13, 2018
10:00 a.m.

Supervisor Richard Valle, Chair,
Supervisor Scott Haggerty

Location: County Administration Building Room 255 –2nd fl
1221 Oak Street, Oakland, CA 94612

Summary/Action Minutes

I. California State Association of Counties (CSAC) Results First Initiative

[Attachment](#)

Darby Kernan, Deputy Executive Director for Legislative Affairs, California State Association of Counties Amalia Mejia, Results First Program Coordinator, California State Association of Counties and Kevin O'Connell, Consultant, presented a PowerPoint presentation on the Results First Initiative.

The California State Association of Counties (CSAC) has launched the Results First Initiative, in partnership with the Pew Charitable Trust and the MacArthur Foundation.

The purpose of the Results First Initiative is to examine the efficacy of government policies and programs to implement an innovative cost-benefit analysis approach that helps them invest in policies and programs that are proven to work. Using innovative and customizable methods, Results First partners build internal capacity to:

- Create an inventory of currently funded programs;
- Review which programs work;
- Conduct benefit-cost analysis to compare programs' likely return on investment; and
- Use evidence to inform spending and policy decisions.

The services provided by CSAC at no cost include building the capacity of Alameda County staff to use the Results First approach, program inventory, county-specific benefit-cost analysis, ongoing technical assistance in developing the inventory and cost benefit analysis, help in interpreting results for departments and policymakers and compile and share lessons learned with other participating jurisdictions in California and nationally.

To move forward with the Results First Initiative for Alameda County, CSAC would need:

1. Letter of intent from the County
2. County establishes a policy work group to provide leadership
3. County establishes a staff-level work group with a project manager

Collaborate with CSAC-Results First

Speaker

Leo Mercer asked CSAC representatives how will their findings be reported.

Amalia Mejia, CSAC, stated that CSAC will not do any reporting, however they will provide technical assistance to counties, and counties will decide how they will report out findings.

Purpose:

- Report progress
- Advocacy or Education
- Request Public Protection Committee Recommendation or Position**

Other:

Recommendation from Public Protection Committee: The Results First Initiative will be presented to the full Board of Supervisors to get their input on the program.

II. Consideration of a Repeal of Certain Adult Probation and Other Administrative Fines and Fees – *Action Item*

a. Probation fines and Fees

[Attachment](#)

Wendy Still, Chief Probation Officer, Alameda County Probation Department, presented a PowerPoint presentation on the Consideration of a Repeal of Certain Adult Probation Fines and Fees.

In FY 2017/18, Alameda County charged 2,840 individuals \$1.7 million in Adult Probation Supervision and Investigation fees for new cases opened during the year. Other fees charged to probation clients include Drug Test/Drug Lab fees and Diversion Fees, however new assessments of these fees are rare. In FY 2017/18, \$600 in Diversion and Drug Lab/Drug Test Fees were assessed on new cases opened during the year.

Outstanding Fees – As of August 2018, there were 34,415 current or former adult probationers with outstanding charges for adult probation fees totaling \$21.3 million. A total of 6,767 individuals have outstanding Supervision Fees totaling \$16.1 million; and 14,053 have outstanding Investigation Fees totaling \$4.9 million.

As of August 2018, there were 34,415 current or former adult probationers with outstanding charges for adult probation fees totaling \$21.3 million. A total of 6,767 individuals have outstanding Supervision Fees totaling \$16.1 million; and 14,053 have outstanding Investigation Fees totaling \$4.9 million.

The Probation Department recommends removal of fees for Probation clients and forgiveness of outstanding fee balances to current and former clients.

If the Board of Supervisors supports repealing the fees, the Probation Department recommends that the fund gap be filled with AB 109 growth fund.

b. Public Defender Fees

[Attachment](#)

Brendon Woods, Public Defender, Alameda County Public Defender's Office, presented a PowerPoint presentation on the Public Defender's Office fees.

The Public Defender's Office does not collect fines and fees.

Current fines/fees for misdemeanor charges

\$150 for 3 or fewer appearances

\$300 for 4+ appearances

\$450 for motions, trials or other evidentiary proceedings + \$75 each additional session

Current fines/fees for felony charges

\$300 for 3 or fewer appearances

\$500 for 4+ appearances

\$500 for motions, trials or other evidentiary proceedings + \$175 each additional session

The average amount of fees collected per year is approximately \$270,000. The Public Defender's Office requests the Board of Supervisors to repeal these fines and fees.

c. Sheriff's Work Alternative Program

[Attachment](#)

Tom Madigan, Commander, Alameda County Sheriff's Office, presented a PowerPoint presentation on the Sheriff's Work Alternative Program.

The Sheriff's Work Alternative Program (SWAP) is a community based, light manual labor program offered to low-risk offenders in-lieu of incarceration. Participants must be referred to SWAP by the sentencing court.

SWAP has 28 contracted sites located within Alameda County. Participants are referred by the sentencing court and are interviewed by SWAP personnel and assigned to a work site. Work days are 8-10 hours per day, depending on the specific site.

Sliding scale based on the ability to pay

The SWAP personnel make every effort to match individuals with the best work site to meet their individual needs, such as participant's available workdays, consideration of participant's transportation needs or resources and proximity of work site to individual's home.

Participants Financial Responsibility

During the initial interview SWAP personnel calculates the fees based on the individual's sentence. For sentences over 30 days, participants are allowed to make payments in 30 sentence day increments:

- Participants are given 30 days to make payment
- If an individual is unable to pay the fee by the due date, SWAP staff may authorize an extension (case by case basis)

If the individual is unable to make payment, SWAP refers the individual back to the sentencing court.

The actual cost to run the program is just under \$1 million per year, and the Sheriff's Office collects approximately \$300,000 per year.

If the Board of Supervisors repeals the fees, the Sheriff's Office would like to back-fill the fees with AB 109 funds.

Speakers

Jidan Terry Koon, Joseph Billingsley, Andrea Lynn, Carson Whitelemons, Leo Mercer, Jean Moses, Brandon Greene, Theresa Zhen, Nadia Kale, Eric Henderson, Anne Stuldreher, Christa Brown, Lewis Brown, Jr., Debbie Leggio, Yejide Ankobia and Andrea Zambrana all spoke in support of repealing the fines and fees for the Probation Department, Public Defender's Office and the Sheriff's SWAP program.

Purpose:

- Report progress
- Advocacy or Education
- Request Public Protection Committee Recommendation or Position**
- Other:

Recommendation from Public Protection Committee: Support. Move to the full Board of Supervisors. The Sheriff's Office will return to the Public Protection Committee with a sliding scale for the SWAP program based on participants ability to pay.

III. Probation Restorative Justice Programs- *continued to a future meeting*

[Attachment](#)

Presenter: Wendy Still, Chief Probation Officer, Alameda County Probation Department

IV. Youth Restorative Justice

[Attachment](#)

Father Ron Coleman, Pastor, St. Clare's Episcopal Church, Genesis of the Tri-Valley
Garry Malachi Scott, Yejide Ankobia, Tyreese Sharell, Jason Toro,

Restorative practice is a philosophy and theory of justice rooted in indigenous traditions that emphasizes bringing together everyone affected by wrongdoing to address needs and responsibilities, heal relationships and prevent further harm.

This alternative model asks: 1) Who was harmed? 2) What are the needs of those affected? 3) Whose obligation is it to meet those needs?

Restorative Community Conferences (RCC) involve an organized, facilitated dialogue in which young people, with the support of family, community, and law enforcement, meet with their crime victims to create a plan to repair the harm done.

The presenters requested that the Public Protection Committee: ask that this presentation be presented before the Board of Supervisors within six months and that Supervisor Valle participate in roundtable discussions on restorative justice practices.

Esa Ehmen-Krause, Assistant Chief, Probation Department state that the Department has made over \$1 million dollars in commitments to restorative justice practices.

Purpose:

- Report progress
- Advocacy or Education**
- Request Public Protection Committee Recommendation or Position**
- Other:

Recommendation from Public Protection Committee: Supervisor Valle will report back to the Board of Supervisors on this Youth Restorative Justice presentation. He would also like to hear from the Probation Department about their restorative justice programs before moving forward with any action.

PUBLIC COMMENT

None.