

ORDINANCE NO. 2018-67

AN ORDINANCE AMENDING SECTION 2.42.190 OF THE ADMINISTRATIVE CODE TO ELIMINATE PROBATION FEES; REPEALING RESOLUTION 2011-142 REGARDING PUBLIC DEFENDER/CONFLICT COUNSEL FEES FOR REPRESENTATION OF INDIGENT ADULTS; AND ELIMINATING SHERIFF'S WORK ALTERNATIVE PROGRAM ADMINISTRATIVE AND ATTENDANCE FEES.

WHEREAS, criminal justice financial obligations like probation supervision and investigation fees, indigent defense fees, and fees associated with work release programs, can have long-term effects that can undermine successful societal reentry goals of the formerly-incarcerated, such as attaining stable housing, transportation, and employment; and

WHEREAS, this Board of Supervisors recognizes that criminal justice debt levied against low-income or indigent adults compromises key principles of fairness in the administration of justice in a democratic society and engenders deep distrust of the criminal justice system among those overburdened by such debt; and

WHEREAS, California Penal Code section 1203.1b authorizes but does not require a county to recover the actual costs for probation services in lieu of incarceration; and

WHEREAS, County of Alameda Administrative Code section 2.42.190 establishes probation department fees; and

WHEREAS, California Penal Code sections 987.5 and 987.8 authorizes but does not require the assessment of fees to cover the costs of appointed counsel; and

WHEREAS, the Board of Supervisors most recently authorized Indigent Defense Fees in Resolution 2011-142; and

WHEREAS, California Penal Code section 4024.2 authorizes but does not require a board of supervisors to assess an administrative fee on inmates of the county jail for costs associated with a county's work release program; and

WHEREAS, the Board of Supervisors has approved the Alameda County Sheriff's Office Sheriff Work Alternative Program (SWAP) and set administrative and attendance fees for participation in that Program; and

WHEREAS, the Board of Supervisors finds that it is in the best interest of the County, justice-involved adults, and the larger community to repeal the above-named adult fees; and

WHEREAS, it is also in the best interests of the County and the community that the Auditor-Controller be authorized to write-off all accounts receivable balances and close the associated fee accounts;

NOW, THEREFORE, the Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

Section 2.42.190 of the County of Alameda Administrative Code is hereby amended to read as follows:

2.42.190 Probation Department fees.

Notwithstanding any prior County ordinance or resolution of the Board of Supervisors to permit assessment of probation fees and costs under California Penal Code section 1203.1b, neither the Probation Department nor any other County agency shall assess fees for probation services, or any other fees or costs authorized by Penal Code section 1203.1b.

SECTION II

The Public Defender schedule of fees authorized by this Board in Resolution No. 2011-142 on May 10, 2011 is hereby repealed.

SECTION III

The Sheriff's Office Alternative Work Program (SWAP) administrative fee and attendance fee, authorized by this Board by resolution as permitted by Penal Code section 4024.2 is repealed. Neither the Sheriff's Office or any other County agency shall assess SWAP administration or attendance fees.

SECTION IV


This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on the 4th day of December, 2018, by the following called vote:

AYES: Supervisors Carson, Haggerty, Miley & President Chan

NOES: None

EXCUSED: Supervisor Valle



President of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors,

By: R. Bailey
Deputy Clerk

APPROVED AS TO FORM:

DONNA R. ZIEGLER, COUNTY COUNSEL

By: K. Scott Dickey
Assistant County Counsel