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Fact Sheet

Contra Costa County Community Advisory Board on Public Safety Realignment (CAB)

What is the CAB?

CAB is a 12-member body established in 2012 by the Contra Costa County Community Correction Partnership (CCP) to provide input on community needs in relation to the State's criminal justice realignment/paradigm shift. It is one of only a few such advisory boards in the State. The CAB provides citizen oversight, feedback, advice, and policy recommendations to County's agencies responsible for implementation of the major criminal justice reform policies underway in Contra Costa, particularly AB 109 as outlined in the following planning documents:

- *2011/12 Contra Costa County Public Safety Realignment Implementation Plan*
- *AB 109 Operational Plan*
- *CCC Reentry Strategic Plan*

County bodies responsible for AB 109 implementation include the CCP and its Executive Committee and the Public Protection Committee of the County Board of Supervisors. More information on CAB and the foregoing planning documents can be found on the County's website here:

- <http://www.co.contra-costa.ca.us/4165/Community-Advisory-Board/>
- <http://www.co.contra-costa.ca.us/3091/Public-Safety-Realignment>

Who are CAB's members?

The CAB includes 12-members with expertise in adult education within a correctional setting, domestic violence prevention, workforce development, behavioral health issues, post-release reentry services, services for reentering women, criminal and drug court, and law and policy related to issues of the formerly incarcerated and crime survivors. All members live or work in Contra Costa County. These are unpaid, voluntary positions.

When does CAB meet?

The Community Advisory Board meets on the second Thursday of the month from 10 to 12 pm. Most meetings are held at the Probation Department (50 Douglas Drive, Second Floor Martinez, CA) but locations vary. Notices of meeting locations are issued 5 calendar days in advance.

What is AB 109?

Largely a response to prison overcrowding in California, the Public Safety Realignment Act (Assembly Bill (AB) 109) was came into law in 2011. AB 109 transferred the responsibility of supervising specific lower-level incarcerated individuals and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties. Counties are allocated funding to accommodate this increased responsibility, and have discretion to use that funding as they see fit, although use of evidence-based programs situated in the community, instead of incarceration, are strongly encouraged.

Contra Costa County's overarching approach to AB 109 implementation has largely centered on developing formalized partnerships between different public agencies and AB 109-contracted community-based organizations (CBOs). County institutions with principal roles in AB 109 implementation include:

- Behavioral Health Services
- Detention Health Services
- District Attorney's Office
- Office of the Public Defender
- Pretrial Services
- Probation Department
- Sheriff's Office
- Workforce Development Board

CAB Highlights 2015-6

- CAB submitted a proposal for an *Office of Reentry and Justice Services* that has received preliminary approval by the CCP
- CAB's 2015 AB 109 budget and policy recommendations resulted in a \$500K increase in housing and employment services
- CAB orally presented policy recommendations at the regular CCP and PPC meetings

What is the Community Corrections Partnership (CCP)?

The CCP is the body all counties are required to establish under AB 109 to steward state funding under that law. The CCP is led by an Executive Committee comprised of the Chief Probation Officer (Chair), and representatives of the Superior Court, District Attorney, Health Services, Public Defender, Sheriff-Coroner, and, on an annual rotating basis, city police departments. The CCP is responsible for preparing the AB 109 Operational Plan, annual budgets, and policies for approval by the County Board of Supervisors. The Board of Supervisors' Public Protection Committee provides the primary interface between the Board and the CCP.

What have been the impacts of AB 109 so far?

AB 109's implementation is too recent to develop conclusive evaluation outcomes. However independent evaluations by the consulting firm, Research Development Associates, have indicated recidivism rates have declined. Property crimes have risen moderately but serious and violent crime has not increased.

If I join CAB what time commitment is required?

CAB members serve 3 year terms and must attend monthly 2 hour meetings (no more than 3 total absences are allowed). They are also expected to monthly contribute additional time and effort to advance CAB's mission. For instance, CAB provides input on community needs; assesses implementation of the realignment plan; reviews data on realignment outcomes; advises the CCP Executive Committee on community engagement strategies; offers recommendations for ongoing realignment planning; advises county agencies regarding programs for implementation in the county; and encourages outcomes that are consistent with the county's Reentry Strategic Plan. Members of the CAB and its sub-committees share responsibility for fulfilling these functions.

How can I apply to join the CAB?

The CAB typically has several vacancies at the end of each calendar year, since members are limited to 3-year terms. An annual application process allows eligible Contra Costa residents to apply to join the CAB. The annual deadline is the last week in October. Details on the application process can be found here:

<https://ca-contracostacounty2.civicplus.com/DocumentView.aspx?DID=42364>

Who can I contact with questions?

Jason Schwarz, CAB Secretary, Jschwarz22@hotmail.com; Mob. 415-686-7392



“In evaluating a family's financial ability to pay under this section, the county shall take into consideration the family's income, the necessary obligations of the family, and the number of persons dependent upon this income.”

- California Welfare and Institutions Code, Section 903(c)

Juvenile fees are not a form of restitution and may not be used for punitive purpose.

By law, juvenile fees imposed on parents or guardians may be used only to offset the county's costs of “support and maintenance of” a child who is incarcerated or on community supervision (CA W&IC, Section 902). They are not a form of restitution, and it is unlawful to use them for either punitive or rehabilitative purposes.

State statute requires that Counties conduct a meaningful “ability to pay” process, along with a formal process to appeal that determination. Yet Contra Costa's “Application for Financial Evaluation” form neglects to consider several “necessary obligations of the family” (CA W&IC, Section 903), thus overestimating the family's ability to pay. And the County's forms fail to inform recipients of the legally protected right to a formal appeal. (CA W&IC, Section 903.45)

The “ability to pay” form that CoCo uses to calculate how much a family has to pay in daily detention and GPS fees does not include the following family expenses:

- Health care and medical costs
- Public transportation
- Educational expenses
- Restitution orders
- Child support costs
- Clothing
- Auto repair or maintenance
- Emergencies
- The family's efforts to save for the future

Contra Costa youth are typically ordered to serve “indefinite” probation terms: With orders for “indefinite” supervision, young people can spend years on probation, constantly under surveillance. As a result, parents may be billed for hundreds of days on GPS or in juvenile incarceration, without ever knowing how long this expense might go on.

In CoCo, juvenile fees have disproportionate impact on low-income families of color.

Black and Latino youth in CoCo are disproportionately suspended, arrested, “referred” to court, found delinquent by the Court, placed on probation, and sentenced to custody than White youth.

In CoCo, 41% of children under probation supervision or custody are African American, 30% are Latino, 18% are White, and 11% are other.

(Demographic statistics: Probation Chief, direct communication, May 2016)



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Making Parents Pay: What the Research Tells Us about Juvenile Fees

As a matter of law, juvenile fees may not be used as punishment or restitution: The only legally permissible purpose or use of juvenile fees is to offset the county's costs of "support and maintenance of" a child who is incarcerated or on community supervision. (CA W&IC, Section 902).

Juvenile administrative fees are not the same as restitution and may not legally be used as a tool of either punishment or rehabilitation. (UC Berkeley School of Law, 2016, p. 3)

Juvenile fees make poor families poorer: "Fines and fees are regressive payments that disproportionately impact the poor." (Council of Economic Advisers, 12/2015, p. 3)

"High fines and fee payments may force the indigent...to make difficult trade-offs between paying court debt and other necessary purchases." (Council of Economic Advisers, 12/2015, p. 4)

"Sociological studies show that debt is both a cause and a consequence of poverty but have not previously recognized that penal institutions are an important source of a particularly deleterious form of debt." (Harris, Evans, & Beckett, p. 1762)

They are contrary to rehabilitation: "Burdening a minor's mother with debts to be paid following his detention...hardly serves the future welfare of the child and hardly enhances the Probation Department's attempt to transform him into a productive member of society. Most disturbing, however, is that the County's actions undermine the very domestic 'support' for which it is ostensibly seeking reimbursement. In relentlessly pursuing the debt's collection and opposing its discharge, the County raises yet another obstacle to Rivera's efforts to provide her son with the support about which the County claims to be so deeply concerned. That 'betray[s] a misguided sense of values.' Jerald C., 36 Cal. 3d at 10." (In re Maria G. Rivera (9th Circuit), 2016)

They cause long-term and cumulative harm to families: "Legal debt is substantial relative to expected earnings and usually long term.... [T]his indebtedness contributes to the accumulation of disadvantage in three ways: by reducing family income; by limiting access to opportunities such as housing, credit, transportation, and employment; and by increasing the likelihood of ongoing criminal justice involvement." (Harris, Evans, & Beckett, p. 1756)

"[M]onetary sanctions, like incarceration and felony conviction, are a critical component of the process by which disadvantage accumulates over the life course among many of the urban poor." (Harris, Evans, & Beckett, p. 1792)

They intensify income inequality: "[I]f the imposition of monetary sanctions is...considered...the mechanisms by which poverty and inequality are reproduced are even more numerous." (Harris, Evans, & Beckett, p. 1761)

"For a single-parent family making federal minimum wage, even the average payment constitutes approximately two months' salary." (Feierman, Goldstein, Haney-Caron, & Columbo, p. 6)

"My grandson has been through a world of hurt and I was not going to just leave him on his own. But I was told that if my grandson didn't have a guardian and was purely a ward of the court, then the state would have to pay for all the fees. So I've been thinking that this is how we were going to have to do it." – Grandmother of an adjudicated youth

They are racially inequitable: “African American families are doubly harmed by current practices—their children are overrepresented within the system, and they are liable for higher fees because of longer probation conditions [imposed on children of color].” (UC Berkeley School of Law, 2016, p. 6)

They’re ineffective: “Given the high administrative costs and low or negative rates of return for fee collection programs, some localities have opted to abolish fee payments altogether.” (Council of Economic Advisers, 12/2015, p. 6)

“If the policy goal is to improve the lives of victims, recoup state expenditures, and reduce crime, our findings suggest that the imposition of monetary sanctions is very likely a policy failure.” (Harris, Evans, & Beckett, p. 1792)

They increase the risk of recidivism: “[The] total amount of fines, fees, and/or restitution imposed at disposition significantly increase[s] the odds of a youth recidivating...even after controlling for relevant youth demographics and case characteristics variables.” (Piquero & Jennings, 2016, p. 26)

They impose costs on everybody else: “These findings are of obvious relevance to scholars...seeking to reduce the costs associated with entrenched urban poverty and crime—costs that are borne by all of us.” (Harris, Evans, & Beckett, p. 1793)

They’re inhumane: “The specific ways that [monetary] policies are implemented in the United States...raise important humanitarian concerns, particularly that they unfairly disadvantage low-income [people].” (Council of Economic Advisers, 4/2016, p. 38)

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