



# Monterey County

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## Board Report

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Authorize the Chief Probation Officer and Public Defender to stop assessing and collecting specified administrative fees charged to the families of youth in the juvenile justice system, effective December 5, 2017 in order to implement SB 190.

### RECOMMENDATION:

It is recommended that the Board of Supervisors authorize the Chief Probation Officer and Public Defender to stop assessing and collecting specified administrative fees charged to the families of youth in the juvenile justice system, effective December 5, 2017 in order to implement SB 190.

### SUMMARY:

Under existing law, Monterey County is authorized to assess a variety of fees against the families of minors in the juvenile delinquency system, including fees to recoup the County's costs of detention, legal representation, electronic monitoring, probation or home supervision, and drug testing, subject to evaluation of the youth's parents or legal guardian's ability to pay.

Effective January 1, 2018, SB 190 repeals the County's authority to assess these fees. To further the public policy choice made by the California Legislature, the Chief Probation Officer and the Public Defender recommend that the County stop assessing and collecting juvenile administrative fees effective December 5, 2017.

Current state law allows counties to charge administrative fees to families of youth involved in the juvenile justice system to recoup court and probation-related expenses. Counties are authorized to assess administrative fees for pre-investigation, supervision, out-of-home placement, electronic monitoring, drug testing and representation by public defenders, among other things. As required by law, Monterey County charges these fees only after evaluation and determination of the client's ability to pay; in actuality, a large portion of families do not actually pay these fees, and they are frequently uncollectible.

SB 190-Mitchell repeals the counties' authority to assess administrative fees for youth in the delinquency system, beginning January 1, 2018, and therefore stops the charging of fees on a prospective basis. These fees include, but are not limited to the following:

- a) Detention (Welfare and Institutions Code Section 903)
- b) Legal representation (Welfare and Institutions Code Sections 903.1, 903.15)
- c) Electronic Monitoring (Welfare and Institutions Code Section 903.2)
- d) Probation or home supervision (Welfare and Institutions Code Section 903.2)
- e) Drug testing (Welfare and Institutions Code Section 729.9)

The Probation Department receives fee revenue to defray detention and electronic monitoring costs, estimated at \$144,285 per year. The Monterey County Public Defender receives negligible juvenile fee revenue of approximately \$500 per year for the costs of juvenile legal representation.

In preparation for implementing the new legislative mandates, the Chief Probation Officer and the Public Defender recommend that Monterey County cease assessment of these fees immediately, on December 5, 2017. Similarly, they also recommend stopping the collection of previously assessed, unpaid fees on December 5, 2017. Other counties in the State have also taken action to stop assessment and collection of these fees.

OTHER AGENCY INVOLVEMENT:

The Treasurer's-Tax Collector Revenue Division is responsible for collecting unpaid debts to Monterey County and acts as an agent for Probation and the Public Defender. The Treasurer's-Tax Collector Revenue Division has agreed to comply with the recommended action.

FINANCING:

The recommended action to stop assessment and collection of juvenile fees on December 5, 2017, will produce an estimated shortfall of about \$83,475 in Probation's Budget for the remainder of FY 17-18 (this amount includes the few weeks of potential lost fees from the remainder of December 2017 and the remainder of the 2018 fiscal year, a little over 6 months). Probation will work with CAO-Budget Division to assess impacts and manage the FY 17-18 shortfall at the time of mid-year projections. For FY 2018-2019 and beyond, the annual shortfall for Probation is estimated at \$144,285. Future annual impacts of this revenue loss will be addressed and mitigated during the budget process for future fiscal years. The impact on the Public Defender's Budget is negligible.

BOARD OF SUPERVISORS' STRATEGIC INITIATIVES:

This recommendation supports the Board of Supervisor Strategic Initiatives of: a) Administration, through the prompt implementation of state law; b) Health and Human Services by eliminating the financial impact of these fees on families of youth in the juvenile justice system; and c) Public Safety by maintaining levels of supervision and legal defense services to juvenile clients.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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