



County of Monterey

Item No.72

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: 24-722

November 12, 2024

Introduced: 11/1/2024

Current Status: General Government -
Consent

Version: 1

Matter Type: General Agenda Item

Approve and authorize the County Administrative Officer (“CAO”) to sign and send a letter from the County of Monterey to the Department of the Army Corps of Engineers, for the retrocession of exclusive jurisdiction to concurrent criminal/civil jurisdiction over juvenile matters over approximately 165,000 acres of land at Fort Hunter Liggett.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Approve and authorize the County Administrative Officer (“CAO”) to sign and send a letter from the County of Monterey to the Department of the Army Corps of Engineers, for the retrocession of exclusive jurisdiction to concurrent criminal/civil jurisdiction over juvenile matters over approximately 165,000 acres of land at Fort Hunter Liggett.

SUMMARY/DISCUSSION:

Fort Hunter Liggett is requesting the CAO, upon the Board of Supervisors’ approval, execute a letter to the Department of the Army Corps of Engineers, for the retrocession of 165,000 acres of land at Fort Hunter Liggett. The draft letter is attached hereto. This would allow concurrent jurisdiction only for juvenile matters as Fort Hunter Liggett is not able to handle juvenile civil and criminal cases. Although juveniles do live on base, typically there has not been many cases involving juveniles from Fort Hunter Liggett. Thus, the establishment of concurrent jurisdiction is not expected to cause much, if any, additional work by the Sheriff, District Attorney, etc. Fort Hunter Liggett would maintain sole jurisdiction on other matters unless there are appropriate memorandums of understanding.

Retrocessions of jurisdiction occur when the United States returns all or part of the legislative jurisdiction previously ceded to it by California. In doing so, concurrent or proprietary jurisdiction can be established. Retrocessions occur at the discretion of the United States and generally take place when there can be an enhancement of law enforcement or state services and benefits can be made available to persons living or working on a federal property.

When the state cedes concurrent jurisdiction, the United States and California exercise the same degree of civil and criminal legislative authority over the federal lands in question. Between 1961 and 1976, California ceded its legislative authority to establish concurrent jurisdiction with the United States.

The reason for this retrocession is because there is not a federal system equivalent to the State systems for juvenile misconduct. The Army directed its installations to ensure that juvenile misconduct that

occurs on installation can be adjudicated, preferably in those State systems.

OTHER AGENCY INVOLVEMENT:

County Counsel has approved this letter as to form. Additionally, the District Attorney, Sheriff, DSS Director and Chief Probation Officer have been informed and do not have any objections to the establishment of concurrent jurisdiction over juvenile matters at Fort Hunter Liggett.

FINANCING:

There is no impact to the General Fund contribution with this Action.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Mark a check to the related Board of Supervisors Strategic Initiatives

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

Prepared and Approved by: Susan K. Blich, County Counsel, x 5161

Attachments:

- 1: Draft Letter to Establish Concurrent Jurisdiction