

**PUBLIC SAFETY POLICY COMMITTEE  
HIGHLIGHTS**

Thursday, June 16, 2011  
Sacramento Convention Center, Sacramento

**ATTENDANCE**

Members: Grimes, Ed (Chair); Arbuckle, Jan (V. Chair); Allan, Dave; Baker, Jason; Bankhead, Don; Betta, Josh; Coe, Frank; Constant, Pete; Cooke, Keith; Davis, Jim; Derr, Mike; Dorst-Porada, Debra; Enea, Richard; Ferrara, Tony; Flores, Jose; Garbarino, Rich; Gingles, Jack; Goeken, Charles; Harden, Mike; Henke, Kurt; Hofbauer, Steven; Kiefer, Steve; King, Tom; Layba, Mina; Lotter, Scott; Marble, Bill; Matas, Scott; Norman, David; Park, Greg; Pope, Lisa; Sessions, Kelly; Simonoff, Martin; Sollecito, Frank; Thomas, Kimberly; Trisler, Jay; Vania, Neville; Wapner, Alan; Wilson, Kurt

League Staff: Dorothy Holzem

**i. Special Order of Business: State Budget and Redevelopment Update**

The Housing, Economic and Community Development, Public Safety, Community Services, and Employee Relations Policy Committees came together for a joint briefing on major issues of the budget. Chris McKenzie, the League's Executive Director, provided a summary of the actions of the Legislature, which had passed a budget package the day prior to the meeting which included a two-bill "redevelopment elimination" package. Upon passage of the package, the League and California Redevelopment Association began developing legal documents to challenge the validity of the package. He also noted that there were rumors circulating that the Governor would veto the main budget bill (which Governor Brown did in the middle of the briefing). Dan Carrigg, the League's Legislative Director, followed by providing some details on the remaining budget trailer bills. Committee members were provided with a list of all budget trailer bills as well as a document outlining some of the legal problems with the redevelopment elimination.

Dorothy Holzem, League staff, updated the committee members on public safety funding and policy issues. This included two trailer bills that both seek to increase state revenues through fee assessment. The first, ABx1 22, would increase vehicle registration fees by \$12 to backfill Department of Motor Vehicle administrative costs with approximately \$300 million going back to the 2011 Local Revenue Fund for cities and counties. While not explicit in the bill, these monies could possibly be used to fund COPS programs and booking fee subventions, along with other soon-to-expire county law enforcement grants. The second fee bill, ABx1 29, establishes an annual \$150 fee for structures for fire protection in state responsibility areas. Notably, the Governor's priority public safety issues were not included in the budget trailer bill package, including either a temporary or longer-term tax extension to fund the state-local corrections realignment plan. The realignment plan is at the center of achieving state prison inmate population reduction goals now required under the recent U.S. Supreme Court's ruling against the state.

Natasha Karl updated the group on the latest on pension reform. She indicated that with the governor's veto of the budget we'll likely see talks between republicans and the governor's office heat up on this issue. There are two League resources that can be found in the League's Pension Information Center that may be helpful to members including a comparison of the Governor's 12-Point Pension Reform Plan the Senate Republican's Demands ([http://www.cacities.org/resource\\_files/29685.PensionsGovs12pointplanvsrepublicanplan4.11.pdf](http://www.cacities.org/resource_files/29685.PensionsGovs12pointplanvsrepublicanplan4.11.pdf)) and a Background on Pension Reform ([http://www.cacities.org/resource\\_files/29843.Pension%20Reform%20Background%20Document.pdf](http://www.cacities.org/resource_files/29843.Pension%20Reform%20Background%20Document.pdf)). The Employee Relations and Revenue and Taxation Committees were also expected to discuss the City Managers' Department Pension Reform Action Plan.

Jennifer Whiting, League staff, provided an overview of what is happening on the federal level, noting that federal programs are experiencing significant cuts and encouraging cities to provide specific examples when lobbying their federal representatives.

Following the budget and policy briefing, Dan Harrison, Director of Administrative Services, provided an update on League-sponsored services including California Communities, CalTRUST, and US Communities.

**I. Welcome and Introductions**

Chair Grimes welcomed the members and self-introductions were made by members, staff and guests.

**II. Public Comment**

There was no public comment.

**III. Board of Directors Action on Committee Recommendations from April**

- AB 1087 (Brownley). Law enforcement contracts  
League Board adopted an opposed position as the committee had recommended and staff have been actively lobbying on the bill. It has been watered-down substantially but the League maintains an oppose position to protect cities in public safety contracting.
- AB 1215 (Blumenfield). Electronic vehicle registration  
League Board adopted a support if amended position, per the recommendation of the TCPW committee. This bill was referred to both the TCPW committee and public safety committee. The amendments would decrease the amount of time to drive without a license plate and increase the related fine.
- State-Local Corrections Realignment  
League Board referred this item back to the committee for action. It was submitted to the Board with an oppose position and requested fiscal analysis related to city impacts. This is an action item on the June agenda.

**IV. Disaster Response and Emergency Preparedness Panel: Local Training Opportunities and Lessons Learned from Japan (Attachment A)**

*PowerPoint presentation posted on the committee's Web page.*

Curry Mayer, Sr. Emergency Management Coordinator/Instructor, CalEMA; Jearl Strickland, Senior Manager, PG&E; and Captain William White, City of Sacramento Fire Department, CERT Coordinator spoke to the committee on different areas of emergency response and disaster training.

Ms. Mayer presented information about the role and relationship between CalEMA and local agencies. The primary role of CalEMA is to support cities in any large scale disaster. She shared information on keeping residents informed, as well as the media, because the press will make up the story if they don't have one from you. She provided a "25 questions for an emergency" guide and if you can answer all those questions you will know the key elements so that when you are in the midst of chaos you will be prepared.

The committee asked if there is a standard document for what city preparedness should look like. Ms. Mayer said they did not have one because every jurisdiction is different. However, each county should have a hazard analysis document and cities should meet with the county because every city's hazards are different. Ms. Mayer's presentation and materials are available on the Public Safety Policy Committee web page.

Mr. Strickland presented to the committee Japan's Fukushima nuclear plant management following the earthquake and tsunami in March 2011 and how California's Diablo Canyon plant has prepared

for similar disaster scenarios. Diablo Canyon and the nuclear industry have learned a lot from the Fukushima response and they are reviewing and evaluating their severe and extreme accident response procedures. In Japan, they had everything in place to respond but did not train to the guidelines and procedures they established. The Nuclear Regulatory Commission is also looking at what to do for the future.

The committee asked if PG&E is looking at expanding their 40 year license life, and Mr. Strickland said they were, and can expand for an additional 20 years. Their current license expires in 2025 and they have submitted their application but they are being required to do 2D & 3D seismic studies

The committee also asked if Southern California Edison has a gravity-fed backup system and what height tsunami are they set up for. Mr. Strickland said they do not have a gravity-fed back up and he does not know the tsunami height they are capable of handling but that Southern California Edison is reevaluating their seismic and tsunami protections and feel it is sufficient.

Captain Bill White presented information on Community Emergency Response Teams (CERT) and the benefits of creating this local staff resource. There are currently grant dollars available through state homeland security monies to create local CERT teams. In addition to their regular staff program, the Sacramento region has a teen CERT program that goes into the high schools. Captain White said even if the students don't follow up and go into the CERT program it still provides some good basic leadership and allows the teens to take their skills and information back to their families. The programs cover disaster preparedness, medical components, search & rescue components, disaster psychology, and terrorism response.

The CERT team is involved in many community events and activities, such as providing first aid services at Special Olympics events, marathons, air shows, and others. It represents a cost savings to cities and counties who have to make department cuts. The CERT volunteers become more valuable. In addition to providing advance training for interested volunteers, certain CERT teams are trained to assist with deployment of statewide or regional efforts. CERT is coordinated with DisasterCore, so if the need for volunteers arises they have access to trained volunteers with special skill sets. Captain White estimates the value of their volunteers has equaled approximately \$1.3 million in savings for the Sacramento region

The committee asked how the CERT programs get volunteers involved. Captain White said one way is to tap those already in service. In Sacramento, many of the fire captains volunteer during their time off. Volunteers can also help with fundraising to further the program if not providing the actual response services themselves.

Terry Amsler with the Institute for Local Government shared that the association published a report a few years ago, "Emergency Preparedness in Your Neighborhood" about integrating immigrant families in disaster response plans.

## **V. Marijuana Regulation Working Group Report**

Staff provided a brief overview from the Marijuana Regulation Working Group that met from mid-May to early June to provide comment and analysis on current legislation from a wide spectrum of policy perspectives, including public safety, land use, taxation, and employee/employer rights. In addition to recommending specific positions on various bills (many of which failed legislative deadlines so no action was taken), the working group developed three policy guidelines. These will be considered in January when the "Existing Policy and Guiding Principles" summary booklet will be reviewed by the policy committees. More information and background materials are available at: [www.cacities.org/marijuanaregulation](http://www.cacities.org/marijuanaregulation).

## **VI. Next Generation 9-1-1 & Public Safety Technology Projects**

*PowerPoint presentation is posted on the committee's Web page.*

Karen Wong, Deputy Director, Public Safety Communications Office, California Technology Agency, gave a presentation on "Next Generation 9-1-1," (NG911) the next evolution of the emergency call network.

The new system will be an IP based network that can route calls seamlessly and between other sites. For example if a southern California earthquake takes out a 9-1-1 center, they can route to northern California. NG911 will change everything in our current 9-1-1 environment, including governance, planning, data applications, and security. The Federal Communications Commission has hosted webinars on NG911 and will have a full report later this year with a rough idea of cost as well as a report on legislative and regulatory requirements. Most of the nation is doing NG911 planning and California is roughly in the middle of where other states are.

NG911 means collaboration and local official engagement is needed so that problems can be identified and shared, along with potential solutions. The California Technology Agency will be meeting this fall with police chiefs, fire chiefs, and other local officials and they are trying to get out to as many groups as they can. City officials interested in notices about reports or meetings can be placed on the list serve.

The committee asked about concerns related to security breach issues such as hacking and asked how this particular system can be protected against those threats. Ms. Wong answered that this is a problem that she recognizes also and stated that it is what keeps her up at night because these possible threats present problems that do not currently exist. She assured the members that the agency is currently working closely at information security and will have someone who will be able to secure an open IP network.

At the end of the session, Ms. Wong thanked the committee members for attending and emphasized that her team is working hard to help get the information out as much as possible in order to let others know when and where meetings are taking place. Ms. Wong voiced that although the technology and networks are available, another vital communication part is the vendor community that provides their systems. The involvements of these communities are vital because data will be transferring with calls from areas and only active involvement of these communities will help grant success to the system.

## **VII. State Legislative Update**

### **1) SB 530 (Wright). Direct Broadcast Satellite Television Service Tax**

This bill institutes additional fees on satellite providers that can potentially generate \$200 million in revenues dedicated to law enforcement services grants, including COPS programs and booking fee remediation.

Staff acknowledged concerns with the bill as currently drafted. First, while the bill promises to generate revenue, the appropriation of \$200 million is less than half of the current annual appropriation and there is no guarantee that this will remain a local revenue source. Second, there is no "poison pill" that deletes the fee if the money is used for other purposes. Third, there is the question of whether a strong nexus exists between satellite service and law enforcement or should the revenue be considered local and use of the revenue be up to the discretion of the locals.

The committee noted these concerns and also shared that this fee is not appropriate because satellite companies do not use city rights or local infrastructure nor does it include any requirement that this will go towards public safety.

The committee also asked if a precedent exists for this bill elsewhere and whether this is handled in any specific way in other states. A precedent does exist in the state of Ohio where the courts ruled that such a fee was constitutional and permitted under commerce laws when Direct TV filed a law suit against a similar legislation.

The committee noted possible bigger picture considerations given that Senator Rod Wright authored the bill, and he has been a champion of the League on redevelopment issues. Staff acknowledged the good work by Senator Wright and the value of our amicable relationship, but emphasized that support should be conditional on several factors. First, the League would only take a position after the budget was signed to know if there was in fact law enforcement funding. The League should also require a “poison pill” or kill switch that prevents the state from taking these funds from cities. Finally, additional discussions will be needed to determine how the new revenue, if any is realized, should be shared in discussion. Then potential League support for this bill will be contingent on the conditions that a kill switch exists to avoid dipping back into the State General Fund and that a guide for how the revenue funds will be equitably shared will be included.

The committee discussion concluded with remarks that the League should not be supporting a special tax on a business segment and promote a “tax them but don’t tax me” approach. There were further concerns about the League taking this step on behalf of the cable companies, who support the bill, in light of all the conflict over franchise fees in recent years.

A motion was made to oppose the measure. The motion was seconded and the committee voted to OPPOSE SB 530, regardless of potential amendments, with only one nay vote.

2) SB 676 (Leno). Industrial Hemp.

This bill would establish a five county program for cultivation of industrial hemp and includes reporting and testing requirements. League staff recommended an “oppose unless amended” position to ensure that cultivation could not preempt city land use decisions. League staff also reviewed several additional amendments with the committee members to strengthen the restrictions on the cultivation pilot program and associated penalties for illegal conduct related to the production of industrial hemp.

The committee moved to oppose the bill and it was seconded. During the discussion, the committee noted the concerns addressed by current opposition about land use as well as challenges of enforcement by a local police or sheriffs’ department. The motion to OPPOSE carried unanimously.

3) State-Local Corrections Realignment Proposal (Attachment B)

Following introductions of the speakers and housekeeping notes from Chair Grimes, Mr. John Lovell, Legislative Representative, California Police Chiefs Association, and Chief Pat Williams, Desert Hot Springs Police Department, presented their arguments to the committee.

Mr. Lovell spoke in support in concept with respect to realignment, advocating that if the realignment proposal and VLF extension are both fully funded, then this is a strategy that can produce better outcomes than what we currently have. Our current system is not working. With a current recidivism rate of 70%, Mr. Lovell states that our current system is not something to aspire to and we have no option of keeping it. The US Supreme Court has ruled that California must reduce its prison population by 33,500 within the next two years. He argued that by embracing realignment that contemplates full funding and a level of local control, this proposal can set in place some pre-planning strategies to absorb the population rather than to simply let 33,500 prisoners be released. Moreover, the realignment proposal provides prospective structure

for sentencing and parole, setting aside real resources to absorb the population. The California Police Chiefs Association believes that if realignment is properly funded and law enforcement gets its proper state funding (including booking fees), then this is a more preferable course of action compared to just the release. While it is fraught with potential risks, the current system has demonstrated problematic inefficiencies. Mr. Lovell believes that a fully funded realignment proposal that has police chiefs of each county involved in deciding what realignment looks like in their counties can produce much better results than just letting the court decision move forward with prisoner population reductions on their own terms.

In oppose, Chief Pat Williams represents in addition to Desert Hot Springs the numerous cities in Riverside County and several police chiefs throughout the state that are opposed to this proposal. He believes that this bill is the Governor's attempt to pass on a broken system to the cities and counties since under the new law released prisoners cannot go back to state prisons without the county footing the bill. Chief Williams also stressed his concern that there is no guarantee of a funding stream and instead the responsibility of the state is being pushed to the local level. He argues that although full funding would be a great idea, there is currently no funding. Instead there is just a lot of conversation and the possibility of incurring another \$2 billion hit, in addition to the redevelopment hit. With the failed attempt of Proposition 5 (NORA Act, 2010) and more prisoners being released, it is expected that realignment would include 68,000 criminals (with low-level inmates held at county jails) by 2014. Furthermore, Chief Williams shared his concerns for cities and counties that there is no formula or plan as to how local governments will handle realignment and counties are left on their own. He emphasized that more planning for realignment and the securing of a full \$2 billion dollars in funding is integral to the success of realignment, but also cautiously warns that this will still most likely result in an increase in crime level within cities.

The committee raised their concerns during the question and answer portion and asked Mr. Lovell why anyone should even believe that there will be full funding. Mr. Lovell explained that in the signing message the Governor says AB 109 will not go into effect without full funding since he wants to extend VLF dedicated to law enforcement and extend sales tax increase. In fact, all groups are clear that support is contingent on full funding and without full funding they would oppose. Mr. Lovell believes that the Governor's track record of vetoing bills that did not have funding for realignment is an indication that the Governor considers realignment as only worthy of support if it is fully funded and all the front-line law enforcement agencies are also funded.

The committee also proceeded to ask what fully funded really means in this case. Mr. Lovell answered that the idea of "fully funded" is that the legislation would not go into effect without adequate funding under the Governor's message.

Members of committee who expressed opposition to the realignment proposal asked if there are alternatives for prison population reductions if realignment does not go through. Chief Williams answered that collaboration can be increased between state and local officials on parolees to support more coordination. A collaborative process between the agencies can be started in order to smooth the transition and pilot programs can be initiated to help accommodate the changes. Chief Williams suggests that there are other alternatives, but the concern remains around the availability of funding.

Members of the committee asked the speakers about how prisoners when released are returned to their last county of residence. Chief Williams addressed this confusion and stated that inmates are in fact released to the county of their offense and that many of the services needed for realignment are county based but many of those released will be living in cities.

Members of the committee participated in an active discussion on proposed actions of this item. The members debated whether if they should vote to take an “oppose unless amended” or a “support if amended” position. A motion was made to OPPOSE the realignment proposal UNLESS AMENDED to include standardization of jail and post-release programs between counties and provide funding that is not only sufficient but locked-in for public safety purposes. A substitute motion was made to OPPOSE the realignment proposal with no exceptions. While discussing the substitute motion, the committee noted the importance of being at the table and part of the discussion. Should the League simply oppose the proposal, they would remove themselves from the conversation. The substitute motion was taken up first and failed passage, via voice vote. The first motion was clarified for the committee to ensure the amendments to be requested included standardized programming between counties, secured funding, and increased city or police presence on the Community Corrections Partnerships that are charged with planning how post-release supervision will be handled by each county. The motion carried via voice vote.

### **VIII. U.S. Supreme Court Decision on State Prison Overcrowding**

Clark Kelso, Receiver, California Prison Health Care Receivership, spoke to the committee on two observations related to the U.S. Supreme Court decision on the state prison overcrowding case.

First, the decision has nothing to do with current realignment. Lawsuits about prison conditions took off 30 years ago. The result was the federal Prison Reform Act, which was intended to limit when and how much a federal court could intervene with jails and prisons. The decision against California is the first decision the Supreme Court ever rendered under the Prison Reform Act. Many advocates had hoped that the Supreme Court would issue a decision limiting federal court power. However, this case interpreted the federal reform act to say that if the conditions get so bad that they violate the 8<sup>th</sup> amendment and it cannot be resolved short of reducing population ( a whole bunch of things must be tried first) federal courts do have authority and power to order reduction in prison population. This has ramifications in all states, not just California. This decision will encourage prisoners and their lawyers to come back and take a look at all the prisons that have previously been subject to federal orders.

The Supreme Court’s second message, as Mr. Kelso shared, is that there is urgency for California to address the problem now. The courts quite clearly did not accept the state’s argument that they couldn’t address overcrowding quickly enough. While the state can ask for more time (currently has two years to reduce population) the Supreme Court decision did not say it had to be granted.

Mr. Kelso said the problem is that we have a philosophy that emphasizes retribution without regard to cost. We want long punishments but we don’t want to pay for it and there comes a time when you have to pay for the level of sentencing.

There is urgency to come to a plan fairly quickly that will reduce the population. Without action by the state, it could be taken out of our control and done for us without our input or contributions. The first benchmark comes up in November for the first 10,000 inmate reductions. The Department of Corrections and Rehabilitation has said that it would be irresponsible at this time to ask for an extension without trying to make any progress.

### **IX. California Sex Offender Management Board Report (Attachment C)**

Greg Larson, CASOMB League Appointee, City Manager, City of Los Gatos, gave an update on the work of the Board and future policy areas they will be looking into.

Following the sex offender incident in San Diego in 2010, there has been a heightened focus on this board and scrutiny of the board members and meeting activity. Two areas the board is studying is

what should constitute a “sex offender” and the impact of residency restrictions on this population. The board just produced a report that finds these restrictions are making sex offender management more difficult because it is moving sex offenders into the transient population where they can’t be tracked or monitored. (This report is available on the committee’s web page). The board will be looking at restrictions based on location, rather than a straight “this many feet” from a location. There is no intention to reduce local control in this area but rather suggest alternatives that may be more effective.

They also reviewed the issue of GPS monitoring. This is a challenge because GPS monitoring does not prevent a crime but rather it helps with prosecution. That will be a debate and a discussion over the next year and the public safety committee will be involved in that discussion.

Mr. Larson is also a League appointee to the Court Ordered Debt Task Force, made up of largely judges looking at court financing on fines, forfeitures or tickets and tries to make sure that none of those are a taking from local government – no discussion of realigning those add on costs but there is discussion about making those more effective

In response to a comment about creating different standards for polygraphers testing sex offenders, the committee asked why different standards were needed. Mr. Larson replied that polygraphers for a sex offender needs to have behavioral & psychology skills because of increased evidence and standards. The board considers this as a positive because it means more standardized protocols for sex offenders.

**X. NLC Public Safety and Crime Prevention Committee Report**

Pete Constant, Committee Vice Chair and Council Member, City of San Jose, reported on the National League’s committee. They met in Waco, Texas, a few weeks ago and worked on several issues including human trafficking, cyber security in a national picture, and immigration all in relation to local impacts.

**XI. Federal Issues Update**

This agenda item was covered during the special morning session and presented by League staff Jennifer Whiting

**XII. Next Meeting: Annual Conference, San Francisco, Wednesday, September 21, 9:00 -10:30 a.m.**