



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on March 15, 2019

Title	Agenda Item Type
Criminal Law: Judicial Council Appointment to the California Council for Interstate Adult Offender Supervision	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	March 15, 2019
Recommended by	Date of Report
Executive and Planning Committee Hon. Douglas P. Miller, Chair	March 6, 2019
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Executive Summary

The Executive and Planning Committee recommends appointing Judge Brett H. Morgan, Superior Court of San Joaquin County, to the California Council for Interstate Adult Offender Supervision. The seven-member council must include a superior court judge appointed by the Judicial Council. The California Council is required by the Interstate Compact for Adult Offender Supervision, which governs state administration of the transfer across state lines of the supervision of adult parolees and probationers. The individual selected for appointment will also serve simultaneously on the California Council for Interstate Juvenile Offender Supervision.

Recommendation

The Judicial Council's Executive and Planning Committee recommends that the Judicial Council, effective March 15, 2019, appoint Judge Brett H. Morgan, Superior Court of San Joaquin County, to the California Council for Interstate Adult Offender Supervision, as provided in Penal Code section 11181(c).

Relevant Previous Council Action

On February 23, 2015, the Judicial Council appointed Judge Ana L. España, Superior Court of San Diego County, to a four-year term on the California Council. Before that appointment, Judge Ronald S. Coen, Superior Court of Los Angeles County, served as the judicial representative.

Analysis/Rationale

The California Council for Interstate Adult Offender Supervision was created by Senate Bill 2023 (Stats. 2000, ch. 658). The Judicial Council is required to appoint one superior court judge to serve on the council. (Pen. Code, § 11181(c).)

Policy implications

The California Council meets quarterly in Sacramento. Its primary responsibility is to “exercise oversight and advocacy concerning its participation” in national efforts pertaining to interstate adult offender supervision and to develop “policy concerning operations and procedures of the [interstate] compact within the state.” (Pen. Code, § 11181(b).) It consists of seven members and must include the Director of Corrections or his or her designee, three members appointed by the Governor, one member appointed by the Senate Committee on Rules, one member appointed by the Speaker of the Assembly, and one superior court judge appointed by the Judicial Council. (Pen. Code, § 11181(c).)

The primary role of the judicial member is to act as an informational and educational liaison to the judicial branch. The judicial member also helps the California Council develop administrative and procedural policy regarding California’s implementation of the interstate compact. As such, the solicitation specifically sought a judge with advisory committee or judicial education experience in addition to both criminal and juvenile experience.

With the exception of the Director of Corrections or his or her designee, who also serves as California’s representative to a national commission on this topic, each member of the California Council is to serve a term of four years. (Pen. Code, § 11181(c)–(d).) Council members are not compensated except for reasonable per diem expenses. (Pen. Code, § 11181(d).)

Comments

The Executive and Planning Committee received one nomination and supports the appointment of this candidate.

Judge Morgan has been a judicial officer for over eight years and is currently assigned to juvenile justice court. His previous judicial assignments include drug court, parole reentry court, and criminal court. Before his appointment, Judge Morgan dedicated his career to criminal justice, serving as a deputy district attorney before becoming a deputy attorney general and then chief of staff of the California Department of Corrections and Rehabilitation. Judge Morgan’s experience in juvenile justice court, along with his extensive criminal experience, makes him a good fit for this position.

Alternatives considered

Because the appointment is required by statute, the option *not* to appoint a judge was not considered.

Fiscal and Operational Impacts

The costs and operational impacts of this appointment will be negligible.

Attachments and Links

1. Link A: Penal Code section 11181,
http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=11181.&article=3.5.&highlight=true&keyword=california%20council