



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

*Item No.: 21-128*

For business meeting on: July 9, 2021

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**Title**

Criminal Law: Judicial Council Appointment to the California Council for Interstate Adult Offender Supervision

**Agenda Item Type**

Action Required

**Effective Date**

July 9, 2021

**Rules, Forms, Standards, or Statutes Affected**

None

**Date of Report**

June 21, 2021

**Recommended by**

Executive and Planning Committee  
Hon. Marsh G. Slough, Chair

**Contact**

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### Executive Summary

The Executive and Planning Committee recommends appointing Judge R. Glenn Yabuno, Superior Court of San Bernardino 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 July 9, 2021, appoint Judge R. Glenn Yabuno, Superior Court of San Bernardino County, to the California Council for Interstate Adult Offender Supervision, as provided in Penal Code section 11181(c).

## **Relevant Previous Council Action**

In 2019, Judge Brent H. Morgan was appointed to a four-year term on the California Council for Interstate Adult Offender Supervision, but he unfortunately passed away in September 2020, leaving the position vacant. In 2015, Judge Ana L. España of the Superior Court of San Diego County was appointed to serve on the California Council for Interstate Adult Offender Supervision. Prior to that appointment, Judge Ronald S. Coen of the Superior Court of Los Angeles County served as the judicial representative on the California Council for Interstate Adult Offender Supervision.

## **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 (1) the Director of Corrections or his or her designee, (2) three members appointed by the Governor, (3) one member appointed by the Senate Committee on Rules, (4) one member appointed by the Speaker of the Assembly, and (5) 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 no initial nominations, but staff reached out to all the judges who applied to the Criminal Law Advisory Committee and the Family and Juvenile Law Advisory Committee to determine if any were also interested in being considered for this appointment and generated a list of nominees. The committee supports the appointment of Judge Yabuno.

Judge Yabuno was appointed to the Superior Court of San Bernardino County in 2010. He is currently the assistant presiding judge. His previous judicial assignments include criminal, civil, family law, juvenile, guardianships, and traffic, and he served as supervising criminal judge in

several courthouses. Prior to his appointment, Judge Yabuno was a deputy district attorney, where his duties included leading a special prosecution group responsible for criminal and civil prosecution of environmental consumer protection and Cal/OSHA cases. He was also an adjunct professor at San Bernardino Valley College, teaching paralegal classes, and an instructor for the California District Attorneys Association. Judge Yabuno's judicial experience in juvenile justice court along with extensive criminal justice experience make him an excellent 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,  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=11181&lawCode=PEN](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=11181&lawCode=PEN)