

MINUTE ITEM

This Calendar Item No. C102 was approved as Minute Item No. 102 by the California State Lands Commission by a vote of 3 to 0 at its 6-19-98 meeting.

**CALENDAR ITEM
C102**

A 78

06/19/98

S 39

W 25453

J. Frey

**RETROCESSION OF EXCLUSIVE CRIMINAL JURISDICTION
AND ESTABLISHMENT OF CONCURRENT CRIMINAL JURISDICTION AT
SAN DIEGO JOB CORPS CENTER, IMPERIAL BEACH, SAN DIEGO COUNTY**

PARTIES:

California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, California 95825-8202

San Diego Job Corps Center
1325 Iris Avenue
Imperial Beach, California 91932

This item involves acceptance of a retrocession of jurisdiction from the Federal Government whereby the state and local authorities and the Federal Government will exercise concurrent criminal jurisdiction over the San Diego Job Corps Center, Imperial Beach, San Diego County. The retrocession would allow state and local authorities to prosecute crimes occurring at the Center.

BACKGROUND:

Currently, the United States exercises exclusive criminal jurisdiction over Ream Field in San Diego County. A 27 acre parcel of land at Ream Field is leased by the Navy to the United States Department of Labor for operation of the San Diego Job Corps Center.

In Title 29 of the United States Code, section 1705(d), Congress has provided for the exercise of concurrent criminal jurisdiction over Job Corps Centers by federal, state, and local law enforcement authorities. Section 1705(d) provides as follows:

"All property which would otherwise be under exclusive Federal legislative jurisdiction shall be under concurrent jurisdiction with the appropriate State and locality with respect to criminal law enforcement as long as a Job Corps center is operated on such property.

A Superior Court judge in San Diego County has vacated several convictions obtained

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by the San Diego County District Attorney, ruling that section 1705(d) is not effective, without action by the State, to permit prosecutions by local law enforcement authorities.

California Government Code Section 113 authorizes the State Lands Commission to accept a retrocession of exclusive criminal jurisdiction and to establish concurrent criminal jurisdiction if the following conditions, are met:

1. The United States has requested that the State accept a retrocession of jurisdiction through an act of Congress; and
2. The State Lands Commission has held a public hearing to determine whether it is in the State's best interests to accept the retrocession.

Local law enforcement authorities have indicated that they are ready, willing, and able to assume law enforcement and prosecutorial functions at the San Diego Job Corps Center. The local district attorney has no objection to prosecuting crimes once his jurisdiction to do so is established, and the San Diego County Sheriff's Office is prepared to provide police services at the Job Corps Center. Staff, therefore, recommends that the retrocession of exclusive criminal jurisdiction and the establishment of concurrent criminal jurisdiction be accepted for the Job Corps Center.

The noticed hearing was held on May 18, 1998. No members of the public or representatives of the United States appeared. No written comments were received prior to the hearing.

The United States Attorney for the Southern District of California takes a different view, and has advised staff that he does not believe that acceptance of the retrocession by the State is necessary and that section 1705(d), without further state action, authorizes exercise of criminal jurisdiction over the facility by state and local authorities. Staff makes its recommendation here without prejudice to the position of the United States Attorney.

The Commission's staff has met with representatives of the Office of the Attorney General and the Office of the United States Attorney to discuss the differing legal positions, and, as a result of that meeting, the staff makes its recommendation without prejudice to the position of the United States Attorney regarding the effect of

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29 U.S.C. Section 1705(d), and has represented to the Office of the United States Attorney that the Commission's action on this recommendation will be without prejudice to the United States Attorney's position.

The California Code of Regulations requires the applicant to pay the costs of the retrocession. Because of the controversy surrounding this action, Commission staff recommend that the fees required by the California Administrative Code be waived.

PERMIT STREAMLINING ACT DEADLINE:

N/A

OTHER PERTINENT INFORMATION:

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because this activity is not a "project" as defined by the State CEQA Guidelines.

Authority: Public Resources Code Section 21065 and 14 California Code of Regulations Section 15378.

EXHIBITS:

- A. Land Exhibit
- B. Form of Retrocession Certificate

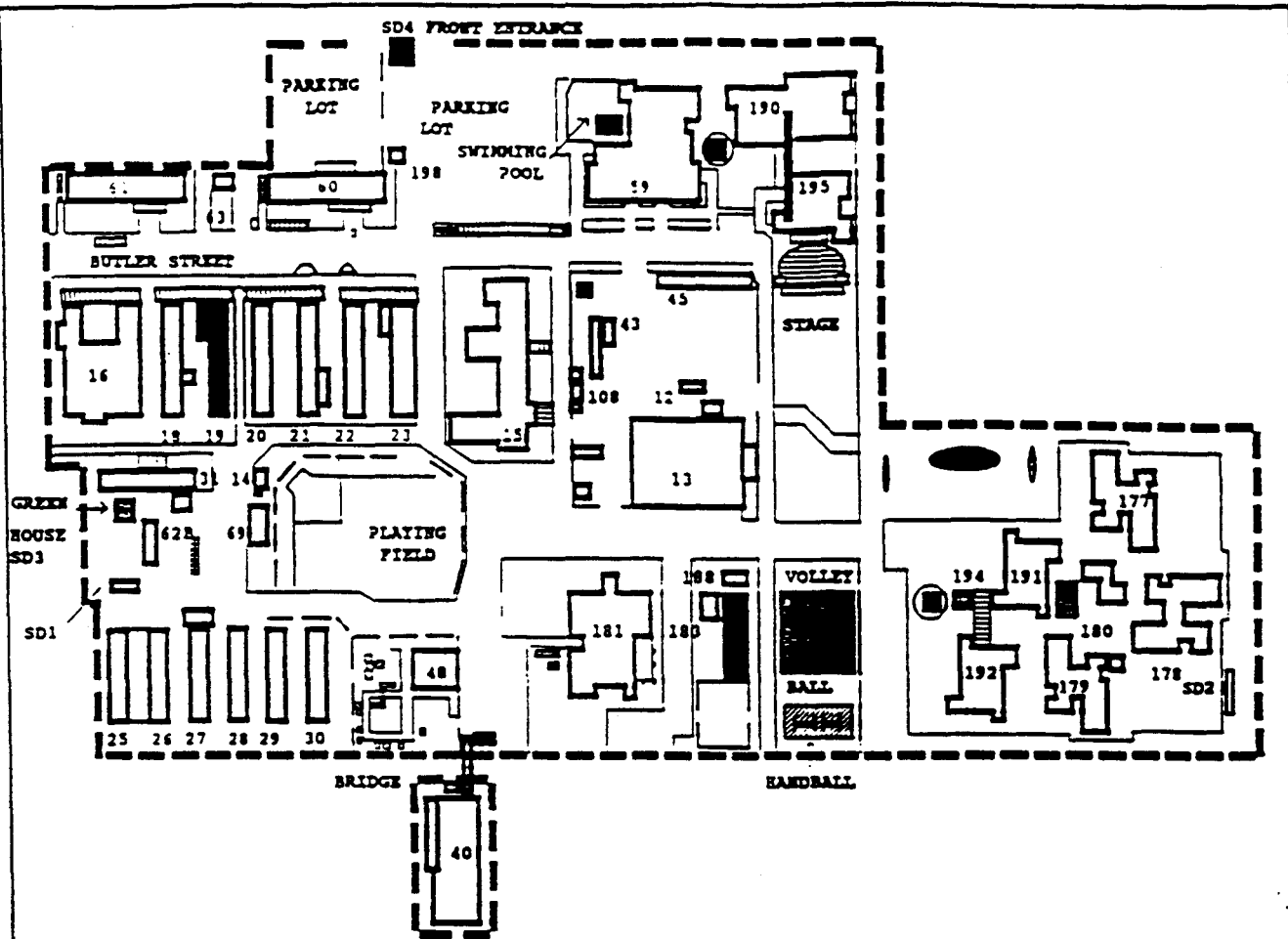
IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND 14 CAL. CODE REGS. 15378.
2. FIND, AS SPECIFIED IN GOVERNMENT CODE SECTION 113, THAT THE UNITED STATES THROUGH AN ACT OF CONGRESS HAS REQUESTED THE STATE ACCEPT A RETROCESSION OF EXCLUSIVE CRIMINAL JURISDICTION AND ESTABLISH CONCURRENT CRIMINAL JURISDICTION OVER APPROXIMATELY 27 ACRES OF LANDS COMPRISING THE SAN DIEGO JOB CORPS CENTER, IMPERIAL BEACH, SAN DIEGO COUNTY AS SHOWN ON EXHIBIT "A" ATTACHED HERETO.

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3. FIND THAT THE STATUTORY PUBLIC HEARING WAS HELD AS REQUIRED AND THAT THE FEES REQUIRED BY THE CALIFORNIA CODE OF REGULATIONS ARE WAIVED.
4. FIND THAT IT IS IN THE BEST INTERESTS OF THE STATE OF CALIFORNIA TO ACCEPT THE RETROCESSION OF EXCLUSIVE CRIMINAL JURISDICTION AND TO ESTABLISH CONCURRENT CRIMINAL JURISDICTION AS REQUESTED BECAUSE SUCH ACTIONS WILL MAKE LAW ENFORCEMENT SERVICES FROM THE LOCAL COMMUNITY AVAILABLE TO THE JOB CORPS CENTER.
5. ACCEPT THE RETROCESSION OF EXCLUSIVE CRIMINAL JURISDICTION AND ESTABLISH CONCURRENT CRIMINAL JURISDICTION OVER THE SAN DIEGO JOB CORPS CENTER, IMPERIAL BEACH, SAN DIEGO COUNTY AS SHOWN ON EXHIBIT A HERETO FOR SO LONG AS THE JOB CORPS CENTER IS OPERATED ON SUCH PROPERTY. UPON TERMINATION OF THE JOB CORPS CENTER ON SUCH PROPERTY, EXCLUSIVE CRIMINAL JURISDICTION SHALL BE RESTORED. FIND THAT THIS ACTION SHALL BE WITHOUT PREJUDICE TO THE POSITION OF THE OFFICE OF THE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF CALIFORNIA REGARDING THE INTERPRETATION OF 29 U.S.C. 1705(d).
6. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE AN ACCEPTANCE OF RETROCESSION IN SUBSTANTIALLY THE SAME FORM AS FOUND IN EXHIBIT "B" ATTACHED HERETO.
7. AUTHORIZE THE FILING OF THE RETROCESSION OF EXCLUSIVE CRIMINAL JURISDICTION AND THE ESTABLISHMENT OF CONCURRENT CRIMINAL JURISDICTION WITH THE CALIFORNIA SECRETARY OF STATE AND ITS RECORDATION WITH THE RECORDER FOR THE COUNTY OF SAN DIEGO.

EXHIBIT A



BUILDING LEGEND

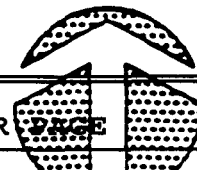
NUMBER	USAGE	NUMBER	USAGE
12	PAINT VOCATION STORAGE	63	STUDENT COMPON. STATION
13	VOCATIONAL SKILLS TRAINING	69	LANDSCAPING
14	AUTO PAINT SEED	108	STORAGE
15	HEALTH SERVICES BUILDING	177	ORIENTATION, OEP, OFFICE SKILLS, DORMITORY (3RD FLOOR)
16	GED, KEP, WORD PROCESSING, BOOKKEEPING, CHILD DEVELOP	178	GROUP LIFE, CSO, COUNSELING, RES LIVING, DORMITORY (2ND & 3RD FLOORS)
18	RETAIL SALES	179	DORMITORY
19	VST REMODEL	180	STUDENT STORE & POWER PLANT
20	ESL & VOC COORDINATOR OFFICE	181	CAFETERIA / DINING HALL
21	MATH	183	CEMENT MASONRY STORAGE
22	TARE TESTING & ELECTRONICS	188	SOLAR PROJECT
23	BOWLING ALLEY & KEP/CPR	190	DORMITORY
25	STORAGE	191	DORMITORY
26	BUILDING MAINTENANCE	192	DORMITORY
27	AUTO MECHANICS	194	HEATING PLANT
28	WELDING	195	CULINARY ARTS
29	LOGISTICS & TRANSPORTATION	198	SECURITY GATEHOUSE
30	CENTER MAINTENANCE	SD1	HAZARD MATERIAL STORAGE
31	RECEIVING & PROPERTY CONTROL	SD2	GROUP LIFE STORAGE
40	GYMNASIUM	SD3	GREEN HOUSE
43	CARPENTRY STORAGE	SD4	FRONT ENTRANCE GATEHOUSE
45	CARPENTRY STORAGE	●	HIGH VOLTAGE TRANSFORMERS
48	CHILD CARE (HEAD START)	■	UNDER CONSTRUCTION
59	RECREATION		
60	CO. ADMIN, SECURITY, FINANCE, ED & TRAINING, HUMAN RESOURCES		
61	GR READ, DR ED, READING LAB, EAM, RECORDS, RECRUIT, PLACEMENT		
62B	AUTO MECHANICS		

SAN DIEGO JOB CORPS CENTER
 1325 IRIS AVENUE
 IMPERIAL BEACH, CA 91932

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RECORDED AT THE REQUEST OF
AND WHEN RECORDED MAIL TO AS
SPECIFIED IN GOVERNMENT CODE
SECTION 113

EXHIBIT B

STATE OF CALIFORNIA
STATE LANDS COMMISSION
100 HOWE AVE., SUITE 100 SOUTH
SACRAMENTO, CA 95825

TELEPHONE: (916) 574-1829

FOR RECORDER'S USE ONLY

STATE OF CALIFORNIA IS ENTITLED TO
FREE RECORDATION PURSUANT TO
GOVERNMENT CODE SECTION 27383

ACCEPTANCE OF RETROCESSION OF LEGISLATIVE JURISDICTION

California Government Code Section 113

Whereas the United States acting by and through the United States Congress has requested that the State of California accept a retrocession of exclusive criminal jurisdiction and establish concurrent criminal jurisdiction over lands comprising the San Diego Job Corps Center, Imperial Beach, San Diego County for so long as the Job Corps Center is operated; and

Whereas the California State Lands Commission, pursuant to California Government Code Section 113, has been authorized by the California State Legislature to accept such a retrocession and establish concurrent criminal jurisdiction; and

Whereas the Executive Officer of the California State Lands Commission has been authorized to execute this instrument;

NOW, THEREFORE, I, Robert C. Hight, Executive Officer of the California State Lands Commission hereby certify that the Commissioners for the California State Lands Commission met on June _____ and accepted a retrocession of exclusive criminal jurisdiction and established concurrent criminal jurisdiction over certain lands comprising the San Diego Job Corps Center, Imperial Beach, California as more particularly shown on Exhibit "A" hereto for so long as the Job Corps Center is operated on such property. A copy of the Commission's Calendar Item No. ____ is attached hereto as Exhibit "B".

ROBERT C. HIGHT, EXECUTIVE OFFICER
CALIFORNIA STATE LANDS COMMISSION

Date: _____

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