Lawsuits seek to abolish country's bail bond system

By Paul Elias, AP

SAN FRANCISCO — Crystal Patterson didn't have the cash or assets to post $150,000 bail and get out of jail after her arrest for assault in October.

So Patterson, 39, promised to pay a bail bonds company $15,000 plus interest to put up the $150,000 bail for her, allowing to go home and care for her invalid grandmother.

The day after her release, the district attorney decided not to pursue charges. But Patterson still owes the bail bonds company. Criminal justice reformers and lawyers at a nonprofit Washington, D.C., legal clinic say that is unconstitutionally unfair.

The lawyers have filed a class action lawsuit on behalf of Patterson, Rianna Buffin and other jail inmates who argue that San Francisco and California's bail system unconstitutionally treats poor and wealthy suspects differently.

Wealthy suspects can put up their houses or other valuable assets — or simply write a check — to post bail and stay out of jail until their cases are resolved. Poorer suspects aren't so lucky. Many remain behind bars or pay nonrefundable fees to bail bonds companies.

San Francisco public defender Chesa Boudin says some of his clients who can't afford to post bail plead guilty to minor charges for crimes they didn't commit so they can leave jail.

Boudin represented Buffin, 19, after her arrest for grand theft in October. Buffin couldn't afford to post the $30,000 bail or pay a bond company a $3,000 fee and so contemplated pleading guilty in exchange for a quick release from jail even though she says her only crime was being with the "wrong people at the wrong place at the wrong time."

Fortunately, the district attorney declined to charge Buffin and she was released after being held for three days.

"My family was worried," said Ruffin, who lost her $10.50 an hour baggage handler job at the Oakland International Airport after her arrest.

The lawsuit filed by the Equal Justice Under Law in San Francisco federal court in October seeks to abolish the cash bail system in the city, state — and the country. It's the ninth lawsuit the center has filed in seven states.

"The bail system in most states is a two-tiered system," said center founder Phil Telfeyan. "One for the wealthy and one for everyone else."

The center has settled four lawsuits, convincing smaller jails in states in the South to do away with cash bail requirements for most charges.

Telfeyan said a win in California could add momentum to the center's goal to rid the country of the cash bail system, which the lawyers say is used by most county jails in all 50 states. The federal system usually allows non-violent suspects free without bail pending trial and denies bail to serious and violent suspects.

"The country watches what happens in California," said Telfeyan, a former Department of Justice attorney who founded the Washington organization in 2013 with a partner and the first-ever grant from the Harvard Law School Public Service Venture Fund in 2013.

Telfeyan said it's not his goal to put out of business the classic neon-advertising bail bonding industry, but conceded the business model would become obsolete if he convinces courts that the cash bail system is unconstitutional.

The industry didn’t acknowledge Telfeyan’s first lawsuits filed earlier this year.

But on Monday, lawyers for the California Bail Agents Association filed court papers seeking to formally oppose the San Francisco lawsuit. The association argues that government lawyers for San Francisco and the state are offering only “tepid” opposition to the California lawsuit.

San Francisco Sheriff Ross Mirkarimi argues that most jail inmates are awaiting resolution of minor, non-violent crimes and that letting them free while awaiting court hearings will save the city millions of dollars. Mirkarimi said non-violent suspects can be monitored electronically and with frequent visits from law enforcement officials to ensure they don’t flee the area and attend all their court hearings.

In January, Telfeyan and his colleagues from Equal Justice Under Law will ask a judge to temporarily suspend San Francisco’s cash bail system until the lawsuit is resolved. Telfeyan said a victory in San Francisco and the elimination of cash bail in the city will most likely lead to the abolition of cash bail in all of the state’s 58 counties.

Maggie Kreins, who is president of bail agents group, the says the longtime system of putting up money or an insurance-backed bail bond is better at getting people to show up in court and it saves the public costs of monitoring defendants or hunting down bail jumpers.

Kreins said that California’s “bail schedule” could be reformed to lower bail amounts for minor crimes, but that scrapping the system completely would be a mistake.

“What is the incentive to go to court if you don’t lose anything for failing to appear?” Kreins said.

U.S. gives meat producers a pass on climate change emissions

By Nathan Halverson, Reveal

If the Paris climate pact is going to succeed at staving off climate change disaster, the 195 participating countries will need to achieve a difficult feat – trust.

Yet the U.S. government already is failing to implement its own rules on tracking emissions. It is not collecting emission reports from one of the country's largest sources of greenhouse gases: meat production.

In its latest appropriations bill passed earlier this month, Congress renewed a provision that prevents the Environmental Protection Agency from requiring emission reports from livestock producers. The move came only days after U.S. officials stressed to other governments the importance of accurate reporting at the Paris climate negotiations.

The U.S. government collects the reports from 41 other sectors, making the meat industry the only major source of greenhouse gases in the country excluded from filing annual reports.

Livestock producers, which include meat and dairy farming, account for about 15 percent of greenhouse gas emissions around the world. That's more than all the world's exhaust-belching cars, buses, boats and trains combined.

The EPA has called the emission reports "essential in guiding the steps we take to address the problem of climate change.”

As a result of having inadequate information on livestock producers, the U.S. government is vastly underreporting its true greenhouse gas emissions, according to a growing consensus of American scientists.

In 2013, a team of researchers from Harvard University, Stanford University, the U.S. National Oceanic and Atmospheric Administration, Lawrence Berkeley National Laboratory and elsewhere worked together to collect air samples and analyze actual emissions near large livestock operations such as cattle feeding lots in California, Nebraska and Iowa. They found that greenhouse gas emissions from livestock were twice as bad as what the EPA estimated. Subsequent studies have found similar results.

The United States is underreporting its total greenhouse gas emissions to the United Nations by about 4 percent per year as a result of bad livestock data – nearly equivalent to the entire emissions of Spain, according to the 2013 study.

The EPA’s ban on collecting reports from the U.S. livestock industry, which is the second-largest in the world behind only China, goes back several years.

In 2008, Congress instructed the EPA to draft regulation requiring the country’s largest greenhouse gas emitters to file annual reports. The following year, the EPA finalized those regulations, requiring dozens of industries – including large-scale livestock producers – to report their emissions.

But the EPA never received a single report from meat producers. In 2010, when the first reports were to be collected, Congress attached a provision to the EPA’s budget. It prohibited the agency from spending money to collect emission reports on livestock producers – specifically the greenhouse gases emitted from some of the 335 million tons of manure produced each year.

Monitoring and curbing greenhouse gases from livestock is considered vital to stopping global warming, according to scientists.

A recent report published in the Environmental Law Reporter cited several studies showing that forecasted growth in worldwide agricultural emissions alone – unless curbed – will push global temperatures past the tipping point.

“Global demand for livestock products is projected to grow 70 percent, if not double, by 2050,” wrote Debra Donahue, law professor at the University of Wyoming College of Law. “Plainly, neither the United States nor the earth can continue on this track, yet this is precisely our course.”

Decomposing manure is one source of livestock emissions. Technology exists to capture the methane and turn it into electricity, although it is rarely used in the United States. The other major source of emissions are the cows themselves, which belch and fart methane. Scientists also have developed methods for reducing methane emissions from the cows, such as changing their diets. But there is little incentive for large-scale farms to adopt these practices in the U.S.

Under current regulation, there are even disincentives. If a livestock operator were to capture the methane, turning it into electricity or another form of energy, it would then fall under climate change regulations. By doing nothing and simply allowing the methane pollution to escape into the atmosphere, livestock operators do not have to deal with the EPA greenhouse gas rules.

Methane is 72 times more potent than carbon dioxide when it comes to trapping heat and increasing global temperatures. But it stays in the air for a far shorter period of time – it mostly disperses within 12 years.

Scientists say changing our food system will have a quicker impact on stopping climate change than altering our fossil fuel habits.

But politicians and even environmental groups are afraid to talk about it because they fear a backlash from the meat-loving public, according to a 2014 report by Chatham House, a London-based think tank. The report found governments such as the United States were doing little about the problem and that "recognition of the livestock sector as a significant contributor to climate change is markedly low."

Sometimes, it's even hostile. In 2013, the head of the EPA, Gina McCarthy, testified to the U.S. House Committee on Science, Space and Technology. Rep. Thomas Massie, R-Kent., wanted assurances that regulators would not monitor livestock.

> **Massie**: *There is one other issue that affects rural America that just has us scratching our heads. I hope it is an urban legend. Is anybody in the EPA really looking at regulating cow flatulence?*
>
> **McCarthy:** *Not that I am aware of.*
>
> **Massie:** *(He then asks more broadly about methane emissions from cattle.) Can you assure us today that you are not investigating that?*
>
> **McCarthy**: *I am not looking at that.*
>
> **Massie:** *Nobody in the EPA is?*
>
> **McCarthy**: *Not that I am aware of.*

U.S. politicians seem concerned about voter backlash if they appear critical of U.S. eating preferences. Americans eat more meat per capita than any other nation.

However, for meat producers, the cost to better monitor emissions appears to be insignificant, at least according to the country's largest pork producer. WH Group, a Hong Kong-based company that owns about 1 in 4 American pigs, wrote an

1,100-page prospectus to investors that included a tidbit about how it has never filed a greenhouse gas report to the EPA because of the annual intervention by U.S. lawmakers.

Yet the company’s report said the cost to disclose emissions to the EPA likely would be negligible to the company’s bottom line.

It is not expected that such costs would have a material adverse effect on our hog production operations in the U.S.
Big companies like Smithfield Foods, which is owned by WH Group, could implement monitoring technology, and it would cover much of the emissions from U.S. livestock. The largest 2 percent of all livestock farms now produce more than 40 percent of all animals, according to the U.S. Department of Agriculture.

But for now, as a result of congressional action, the world is left guessing about American cow farts, even as U.S. officials demand accuracy from other nations. If the 194 other participants to the Paris climate pact think that stinks, who can blame them?

2015: A good year for the average human being

By Charles Kenny, Atlantic

From Paris to Syria through San Bernardino to Afghanistan, the world witnessed obscene and unsufferable tragedy in 2015. That was on top of the ongoing misery of hundreds of millions who are literally stunted by poverty, living lives shortened by preventable disease and malnutrition. But for all of that, 2015 also saw continued progress toward better quality of life for the considerable majority of the planet, alongside technological breakthroughs and political agreements that suggest the good news might continue next year and beyond.

Tragedy and misery are rarer than they were before 2015—and there is every reason to hope they will be even less prevalent in 2016.

To start with acts of violence in America, despite its epidemic of mass-shooting events, the country is still far safer than it was in the past. The latest FBI statistics, reported this September, suggested that the trend toward lower rates of violent crime in the United States that began in the early 1990s continued at least through 2014: There were nearly 3,000 fewer violent crimes that year than the year before and more than 600,000 fewer than in 1995—that's a 35 percent decline over the period.

The latest data from the UN suggests that this is part of a global trend—to take one category of violent crime, homicide rates have dropped by an estimated 6 percent in the countries for which data was available between 2000 and 2012.

Read the whole story

Boutique hotel group acquires Park 968 in SLT

San Francisco-based hotel chain Joie de Vivre has taken over Park 968 in South Lake Tahoe.

With the addition of Park 968 and Monterey Tides, Joie de

Vivre now operates 22 hotels in California. The boutique hotel chain also has properties in Chicago, Miami, Scottsdale and Washington, D.C., and soon will be in New Orleans and New York City.

Park 968 started as a Days Inn in the 1970s. In 2007, brothers Solomon and David Aflalo along with five silent partners bought the aging hotel for nearly $5 million. It took almost a year to renovate the 58-room hotel. It became the first eco-friendly hotel on the South Shore.

In summer 2016 there will be 164 rooms available because the Park Tahoe Inn, which is next door, is being combined with Park 968 to be one hotel. Those rooms will be completely renovated. A clerk at Park 968 said they will look different, but could not say how.

The décor at 968 Park is modern and rustic at the same time.

A new restaurant will service the combined property. There will also be an expansive outdoor terrace.

– Lake Tahoe News staff report

Gun deaths as common as traffic deaths in U.S.

By Christopher Ingraham and Carolyn Y. Johnson, Washington Post

For the first time on record, Americans are as likely to die by a gunshot as in a traffic accident, according to federal data.

Gun deaths now outnumber vehicle deaths in 21 states and the District of Columbia. That was true in just two states a decade ago, Alaska and Maryland.

The trend was driven largely by the sharp drop in the rate of traffic fatalities, a result of a series of laws and safety measures aimed at making driving safer. Gun homicide rates also have fallen in recent years, but have been offset by the rising prevalence of suicides.

Today, suicides account for roughly two out of every three gun deaths.

Read the whole story

Expect cable bills to increase in 2016

By Gerry Smith, BloombergNews

While facing a growing number of consumers who drop pay-TV for cheaper online alternatives, Time Warner Cable Inc., Comcast Corp., Dish Network Corp. and AT&T Inc. are all planning to increase their prices early next year — at the risk of turning off more subscribers fed up with the rising cost of television.

It's part of the vicious circle at the heart of the U.S. media industry's current troubles. To attract viewers who are migrating to Netflix Inc. and Amazon.com Inc., programmers are spending billions of dollars on developing scripted shows and on the rights to air sporting events — one of the last things that people still watch live. They are passing on those costs to cable- and satellite-TV providers by charging higher fees to carry their channels. Those providers, in turn, are passing on some of those costs to consumers.

In the coming weeks, Time Warner Cable is raising its sports programming fee by $2.25 to $5 per month and its broadcast programming fee by $1 to $3.75. Comcast, the biggest U.S. cable company, will increase its broadcast fee by $1.75 to $5 and its regional sports fee by $2 to $3. Phone and satellite companies are planning similar increases, which vary depending on the package. All say the moves are because of the rising cost of carrying broadcast and sports networks.

Read the whole story

TTD maps out transportation plan for basin

The Tahoe Transportation District board of directors approved an eight-year vision to complete a transportation system connecting communities around the lake as well as with Truckee.

Goals include completing the Fanny Bridge project in Tahoe City, the loop road on the South Shore and a ferry that would take people between the south and north shores. The only one of these projects that is approved and has funding is Fanny Bridge, which calls for the realignment of Highway 89.

“Providing dependable, safe, affordable, environmentally friendly and easy to use transportation that connects communities throughout the basin is essential to the economic health of the Lake Tahoe region,” said Carl Hasty, TTD district manager, said in a statement.

The district is also on course to take over BlueGo, the South Shore bus system, starting Nov. 1.

— Lake Tahoe News staff report

Calif. Senate raises employee pay 1 year after layoffs

By Don Thompson, AP

The California state Senate is giving all its employees pay raises just one year after laying off several dozen employees due to financial problems, according to a memo obtained by the Associated Press.

The raises for about 1,000 employees are possible because of last year's "prudent and necessary cuts," according to the memo to employees from Senate Secretary Daniel Alvarez.

They include a 4 percent cost-of-living increase for employees who are paid less than about $150,000 a year. Those paid up to $178,000 get 2 percent raises, while those paid more than that get 1 percent increases.

They are the first raises in nearly eight years, according to the memo, which is dated Dec. 21.

It does not project the total cost to taxpayers, and Senate officials declined to immediately provide that information. Officials told the AP to file a request under the Legislative Open Records Act for that and other details about the increases.

The Assembly is not giving across-the-board raises this year and hasn't since 2007, said spokesman John Casey.

However, Assembly members can give their employees merit raises if they have money in their individual office budgets and if the employee has not received a raise in at least two years. Members' annual budgets were increased to $292,000 earlier this month, restoring them to their pre-recession level after they were cut by nearly $30,000 six years ago.

Senate President Pro Tem Kevin de Leon, D-Los Angeles, announced a year ago that he was cutting 39 out of nearly 1,000 staff positions.

Alvarez said then that the layoffs were necessary due to a projected financial shortfall caused because the Senate declined annual budget increases during the recession without making any layoffs, and because of smaller budget increases under limits set by a voter-approved ballot measure. The announcement came a month after de Leon became the chamber's new leader and officials have not disclosed how much was saved through the layoffs.

There were no layoffs in the Assembly at that time.

Spokesmen for de Leon would not comment or provide additional details.

Alvarez's staff memo cites several legislative accomplishments this year and notes that most other branches of state government have had raises in the last eight years.

"We implemented painful but prudent and necessary cuts to put our own house in fiscal order and achieve greater efficiencies in our delivery of services," his memo says. "As a result, we can responsibly consider long-overdue cost-of-living adjustments."

The increases will be included in the paychecks employees receive Dec. 31.

The Senate also has spent $1.17 million on 1,300 new desktop computers and monitors since October, according to a separate response to an inquiry by the AP.

The old computers "had reached their useful end-of-life and … repairs were no longer feasible," Alvarez said in the written response.

Nevada resurrecting charcoal production

By JoAnn Kittrell

Early Nevada miners historically used charcoal as a fuel source to smelt less valuable ore to extract silver and gold.

Located near mining districts throughout the state, charcoal ovens were utilized to optimize the charcoal conversion process.

With the Ward charcoal ovens just south of Ely, 35 cords of wood were loaded in each oven and cooked more than 10 days to create 1,750 bushels of charcoal. The ovens allowed operators the ability to manipulate the flow of oxygen needed for conversion of wood to charcoal.

Charcoal is produced when organic matter is heated in low levels of oxygen. If too much air (oxygen) enters and the fire burns hot, the result is ash, so the careful manipulation of air flow is essential for the efficient production of charcoal. To control air flow at the Ward charcoal ovens (also called kilns), brick vents were opened and closed to adjust the amount of oxygen and the resultant heat of the fire.

Ward ovens are being used to make charcoal. Photo/Provided

At Ward, pinion-juniper (PJ) wood was used to make charcoal for the smelting process. PJ woodlands were plentiful and located near most state mining districts.

The Nevada Division of Forestry is now making charcoal, but for a very difference purpose.

NDF has helped to resurrect this historic production process in order to amend poor Nevada soils. When charcoal is used as a soil amendment, it is called biochar. Biochar has been shown to increase soil moisture and nutrient retention capacity, improve habitat for soil microbes and even reduce the effects of soil pollutants. When PJ wood is converted to long lasting biochar, much of the carbon otherwise lost by the cut and scatter methods is preserved in the soil. As such, biochar production reduces atmospheric levels of carbon dioxide, a significant contributor to climate change.

While state agency began experimenting on a small scale with biochar production in the western region with one working kiln about four years ago, it has recently and dramatically increased their ability to make biochar throughout the state. With funding from the Eastern Nevada Landscape Coalition and the USDA Forest Service, NDF now has 10 kilns dedicated to biochar production.

To help increase moisture on burned areas, replace expensive potting mix ingredients in the state's tree nurseries and improve survival of restoration plant material and urban trees, NDF is now making biochar on an unprecedented scale. Each of the NDF kilns converts about 1,200 pounds of wood to about 600 pounds of biochar in a three-day operation. The first day, crews load and ignite the wood inside the kilns. Kilns burn for one to two hours and then most of the vents are closed and sealed with dirt. The cooking process takes about 24 hours. After 24 hours, all the vents are closed, the fire is extinguished and a cool down phase takes another 24 hours. Then, the fresh biochar is harvested and processed for use.

In November and December, Ely camp crews made about 70 yards of biochar for urban and rural use. Making biochar gives land managers working on PJ removal an option other than the usual cut and scatter.

JoAnn Kittrell works for the Nevada Department of Conservation & Natural Resources.

Nev. may expand education savings accounts

By Neal Morton, Las Vegas Review-Journal

The state's top education and political leaders soon will start exploring ways to expand Nevada's new education savings accounts, which many already consider to be the most aggressive school choice program in the country.

At a hearing Monday, the state treasurer’s office adopted regulations that extend early eligibility for the program, which allows parents to use per-pupil state funds on private school tuition and other education services, to children 5 to 7 years old, and active-duty military families.

Lawyers for the Nevada Legislature objected to the extension, prompting Republicans on Saturday to pass a nonbinding resolution in support of waiving a rule that all students must attend a public or charter school for 100 consecutive days before they can enroll in an education savings account.

Read the whole story